



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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**C. MICHAEL KILBURN
PAT ARNOLD SOUTH
DAVID G. YOUNG**

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – August 2, 2007

The Board met in regular session pursuant to adjournment of the July 31, 2007, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - present

Tina Davis, Clerk – present

- 07-1165 A resolution was adopted to accept Resignation of Johnie Adams, Mobile Data System Technician, within the Warren County Telecommunications Department, effective July 30, 2007. Vote: Unanimous
- 07-1166 A resolution was adopted to authorize the posting of the “Mobile Data Systems Technician” position within the Telecommunications Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (a).
Vote: Unanimous
- 07-1167 A resolution was adopted to authorize the posting of the “Eligibility Referral Specialist II” position within the Warren County Department of Job and Family Services, Human Services Division, in accordance with Warren County Personnel Policy Manual, Section 2.02 (a). Vote: Unanimous
- 07-1168 A resolution was adopted to authorize the posting of the “Eligibility Referral Specialist I” position within the Department of Job and Family Services, Human Services Division, in accordance with Warren County Personnel Policy Manual, Section 2.02 (a). Vote: Unanimous
- 07-1169 A resolution was adopted to release to Western Water Company two parcels along Mounts Road in Hamilton Township for Water Service. Vote: Unanimous

- 07-1170 A resolution was adopted to enter into an Exclusive and Permanent Drainage Easement and a Temporary Construction Easement with Raymond Bourne (Grantor) for the Bunnell Hill Road and Patton Drive Intersection Improvement Project. Vote: Unanimous
- 07-1171 A resolution was adopted to approve Change Order No. 1 of the Contract with John R. Jurgenson Company for the Grandin Road Water Improvements Fund No. 583-3215. Vote: Unanimous
- 07-1172 A resolution was adopted to Advertise for Bids for the Common Pleas Court Building Re-Roofing Project. Vote: Unanimous
- 07-1173 A resolution was adopted to Award the Bids for the purchase of 5000 tons of Bulk Ice Control Salt, with the option to purchase up to additional 4000 tons. Vote: Unanimous
- 07-1174 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 07-1175 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Stoneridge Development, Ltd. for completion of improvements in Country Brook North, Section Four, situated in Clearcreek Township. Vote: Unanimous
- 07-1176 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Stoneridge Development, Ltd. for completion of improvements in Country Brook North, Section Five, situated in Clearcreek Township. Vote: Unanimous
- 07-1177 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Shawhan Associates, LLC for completion of improvements in Shawhan Trails, Phase II, situated in Union Township. Vote: Unanimous
- 07-1178 A resolution was adopted to approve a Street and Appurtenances Bond Reduction for Shawhan Associates, LLC for completion of improvements in Shawhan Trails Subdivision, Phase III & IV situated in Union Township. Vote: Unanimous
- 07-1179 A resolution was adopted to approve Appropriation Adjustments within Human Services Fund #203-5310 and Engineer's Office Fund #202. Vote: Unanimous
- 07-1180 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 07-1181 A resolution was adopted to Deny Rezoning Application of Chawla Real Estate, Inc. (Case #07-01) to rezone 5.5 acres in Turtlecreek Township from Rural Residence "R-1" to General Business "B-2" but Amended to request a Planned Unit Development Overlay. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the board accepted and approved the consent agenda.

PUBLIC HEARING

CONTINUATION OF THE REZONING APPLICATION OF CHAWLA REAL ESTATE, INC. TO REZONE 5.5 ACRES IN TURTLECREEK TOWNSHIP FROM RURAL RESIDENCE "R-1" TO GENERAL BUSINESS "B-2" BUT AMENDED TO REQUEST A PLANNED UNIT DEVELOPMENT OVERLAY

The continuation of the public hearing to consider the rezoning application of Chawla Real Estate, Inc. was convened this 2nd day of August 2007, in the Commissioners' Meeting Room.

Commissioner Young questioned if the applicant was ready to proceed with today's public hearing.

Dr. Singh, property owner, stated affirmatively.

Robert Craig, Regional Planning Commission, reviewed the events of the RPC Executive Committee meeting and stated their recommendation to deny the application based on the speculative nature of the request.

Barry Sullivan, Zoning Inspector, reviewed the events of the Rural Zoning Commission meetings and stated their decision to approve the rezoning application subject to conditions and also stated the allowed usage within the planned unit development to be office, store and lock, wholesale business and a veterinary hospital.

Dr. Singh, property owner and applicant presented the following witness and testimony in favor of the rezoning application:

Kenneth Hawley, attorney for applicant, stated that the RPC met in April and specifically discussed this property and voted in favor of the zone change.

There was discussion relative to the approval of the land use plan for Turtlecreek Township being different than the recommendation of approval of the land use plan. It was clarified that a land use plan is a plan for the future development of property (future being 20-30 years) verses an immediate change of use.

Amritpal Singh, Chawla Real Estates, Inc., stated the following:

- 75% of the boundary/perimeter of the property is contiguous/adjacent to industrial and commercial properties
- The zone change would have no adverse effect on residential use of the properties east of the applicants property
- 100% of the usage of Cornett Road presently is for commercial usage
- Extension of Lebanon Road to the north generates much more additional traffic in front of the property
- The zone change will have no adverse effect on residential usage of the properties east of the applicant's property
- The opposition to the zone change by some residents is unreasonable and without any merit
- The zone change is in harmony with the City of Lebanon's comprehensive land use plan dated January 2004
- Warren County Rural Zoning Commission, on April 3, 2006, unanimously voted in favor of the zone change
- Warren County Regional Planning Commission on April 10, 2007, with overwhelming majority, voted in favor of commercial usage of the property
- Prior decision by the Board of Commissioners, in a similarly situated zoning change request was favorable to the applications
- During a Regional Planning Commission meeting, Mr. Daniel Jones, President of Turtlecreek Township, made/initiated a motion to delete the parcel from residential use to commercial use. Fred Seeger, representing Turtlecreek Township on the RPC, concurred with Mr. Jones
- Adjoining neighbors are supportive of the request for zone change

Mr. Hawley stated that the RPC full Board voted to approve this property as commercial in the updated Land Use Plan. He then discussed the letter from the Turtlecreek Township Trustees that recommended denial of this rezoning application stated that during the RPC meeting. Mr. Jones stated he wanted compromise and would vote to change the future use in the land use plan. He then restated that Mr. Jones has turned around and sent a letter recommending denial.

Commissioner Kilburn stated that this Board does not make zoning decision on recommendations, but on all evidence presented and how they personally feel the property should be zoned.

Commissioner Young stated he has viewed the property in questions in order to ascertain if this property has a commercial or residential feel. He stated that the Board has the ability to make a decision on the evidence presented and not solely on recommendations. He then stated that this property has a very residential feel.

Amritpal Singh stated it is not fair that their property is desired to be used as a buffer for the adjacent commercial property in the City of Lebanon.

Dr. Singh stated that if the Board were to view the property in the winter, it would have an industrial feel.

Nancy Fields, Turtlecreek Township resident, stated the Board has a very difficult job when it comes to rezoning and stated the need to consider property owner rights as well as surrounding neighbors' property rights.

Andrea Morwood, adjacent property owner, stated her opposition to the rezoning application. She stated that it is a gorgeous, residential area and requested the Board to not let Mr. Singh ruin it.

Michael Daugherty, adjacent property owner, stated there are enough vacant store fronts in the immediate vicinity and Dr. Singh does not need to take residential land to add to the already vacant commercial land.

Fred Grimm, Turtlecreek Township resident and alternate on the Rural Zoning Commission, stated that zoning is for use today and land use plans are for proposed future use. He stated they are two different points of view. He stated that, in his opinion, one reasons to rezone a parcel would be for economic development. In this particular instance, there is enough vacant commercial land in the area and the need exists to recycle the available land before developing new. He stated his desire for the Board to encourage leasing the vacant supply. He then stated that nice homes are an encouraging asset and the need to send a message that no zoning will be changed easily unless there is a strong reason for it such a economic development. He then stated his desire for the Board to not rezoning the property until such time as a specific use with a compelling reason is presented. He stated the need to send a message throughout Warren County that this Board does not approve speculative zoning.

Ray Benza, adjacent property owner, requested the Board to please vote against the rezoning.

Commission Young stated that he appreciates Mr. Grimm's perspective. He then stated he is concerned that there is not compelling evidence to change the zoning of this property. He then stated he does not see any macro-economic development reason to rezone the property and stated that it has a very residential feel.

Commissioner South stated she is not compelled to rezone the property and would like to see it remain residential. She stated that the request is too vague and the need for a specific use. She added that it is not good business to add more "B-2" zoned property to the current supply in the area.

Commissioner Kilburn stated his opinion that the property should not be rezoning right now. He then stated that of all the uses proposed by the application, he feels that perhaps a veterinary

office would not be so bad and cautioned the adjacent property owners of the ability of Dr. Singh to annex to the City of Lebanon.

Mr. Benza stated that the adjacent property owners are willing to take that change.

Upon further discussion, the Board resolved (Resolution #07-1181) to deny the rezoning application.

Upon motion the meeting was adjourned.

David G. Young, President

Pat Arnold South

C. Michael Kilburn

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on August 2, 2007, in compliance with Section 121.22 O.R.C.

Tina Davis, Clerk
Board of County Commissioners
Warren County, Ohio