



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

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***TOM GROSSMANN  
SHANNON JONES  
DAVID G. YOUNG***

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

**MINUTES: Regular Session – October 12, 2023**

*This is a summary of actions and discussions of the meeting. You may view this meeting through our YouTube Channel at <https://www.youtube.com/channel/UC1ELh0jGpXd4VV2DTgsuqPA> or by contacting our office.*

The Board met in regular session pursuant to adjournment of the October 10, 2023, meeting.

Shannon Jones – present

Tom Grossmann – absent

David G. Young – present

Tina Osborne, Clerk – present

- 23-1322      A resolution was adopted to hire Marquita Hoskins as an Assessment Investigative Caseworker II, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 23-1323      A resolution was adopted to hire Jamie Nickell as an Assessment Investigative Caseworker II, with the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 23-1324      A resolution was adopted to approve and enter an agreement between the Warren County Commissioners and the City of Lebanon, Ohio relative to reimbursement for public defender expenditures for 2023/2024. Vote: Unanimous
- 23-1325      A resolution was adopted to approve and enter into contract with Fishel Downey Albrecht & Riepenhoff LLP on behalf of Warren County Emergency Services and the Warren County Sheriff's Office. Vote: Unanimous
- 23-1326      A resolution was adopted to enter into final Legislation with the Ohio Department of Transportation to repair Culvert War-71-0358E and pay for the portion of the Culvert in Warren County at a cost of approximately \$118,950.00.  
Vote: Unanimous

- 23-1327 A resolution was adopted to enter into a classroom training agreement on behalf of OhioMeansJobs Warren County. Vote: Unanimous
- 23-1328 A resolution was adopted to authorize acceptance of quote from Buckeye Power Sales Co., Inc. for renewal of planned maintenance agreement for Gentracker yearly monitoring on behalf of Warren County Telecommunications. Vote: Unanimous
- 23-1329 A resolution was adopted to transfer a desk no longer being utilized by Warren County Telecommunications to Massie Twp. Vote: Unanimous
- 23-1330 A resolution was adopted to acknowledge approval of financial transactions. Vote: Unanimous
- 23-1331 A resolution was adopted to approve a subdivision public improvement performance and maintenance security release with D.R. Horton- Indiana, LLC, for Village of Hopewell Valley, Section Six situated in Hamilton Township. Vote: Unanimous
- 23-1332 A resolution was adopted to approve operational transfer from Commissioners Fund #11011112 into Human Services Fund #2203. Vote: Unanimous
- 23-1333 A resolution was adopted to approve supplemental appropriation into Airport Fund #4479. Vote: Unanimous
- 23-1334 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Fund #11011223. Vote: Unanimous
- 23-1335 A resolution was adopted to approve appropriation adjustment within Juvenile Court Fund #10112500. Vote: Unanimous
- 23-1336 A resolution was adopted to approve appropriation adjustment within Juvenile Detention Fund #11012600. Vote: Unanimous
- 23-1337 A resolution was adopted to approve appropriation adjustment within Telecommunications Department Fund #11012810. Vote: Unanimous
- 23-1338 A resolution was adopted to approve appropriation adjustment within Juvenile Court Fund #2243. Vote: Unanimous
- 23-1339 A resolution was adopted to approve appropriation adjustment within Juvenile Court Fund #2247. Vote: Unanimous
- 23-1340 A resolution was adopted to approve appropriation adjustments within Clerk of Courts Title Fund #2250 and Clerk County Court Fund #11011282. Vote: Unanimous

- 23-1341 A resolution was adopted to approve appropriation adjustment within Mary Haven Fund #2270. Vote: Unanimous
- 23-1342 A resolution was adopted to approve appropriation adjustment within Mary Haven Fund #2270. Vote: Unanimous
- 23-1343 A resolution was adopted to approve appropriation adjustment within Children Services Fund #2273. Vote: Unanimous
- 23-1344 A resolution was adopted to approve appropriation within the Water Revenue Fund No.5510. Vote: Unanimous
- 23-1345 A resolution was adopted to approve appropriation adjustment within Water Project Fund #5583. Vote: Unanimous
- 23-1346 A resolution was adopted to approve requisitions and authorize the County Administrator to sign documents relative thereto. Vote: Unanimous
- 23-1347 A resolution was adopted to approve the site plan review application of N & G Takhar Oil LLC in Turtlecreek Township subject to conditions. Vote: Unanimous

#### DISCUSSIONS

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

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#### ADMINISTRATIVE HEARING

#### CONTINUATION OF THE SITE PLAN REVIEW APPLICATION OF N & G TAKHAR OIL LLC IN TURTLECREEK TOWNSHIP

The Board met this 12<sup>th</sup> day of October 2023, in the Commissioners' Meeting Room, for the continuation of the administrative hearing to consider the site plan review application of N & G Takhar, Oil LLC in Turtlecreek Township.

Michelle Tegtmeier, Building and Zoning Director, reviewed the attached PowerPoint providing a staff summary of the project and comments from the Turtle Creek Township Trustees.

Ryan Cook, Regional Planning Commission, reviewed the recommendations from the Regional Planning Commission to approve the site plan review subject to 12 conditions.

Commissioner Jones administered the oath to those present desiring to give testimony in today's hearing.

Jason Caldwell, Cerra Builders, developer, and representative of the property owner stated this is a basic 4500 square foot convenience store. He stated it is located in a good spot with SR 63 in proximity but is more for local residents' convenience. He then stated he agrees with the proposed conditions and will meet or exceed all conditions.

There was discussion related to stormwater problems within the area.

Jeff Weiland, N. Union Road resident and owner of the property surrounding this development, questioned if the Gateway Plan that was adopted as part of the Land Use Plan was considered when recommending approval of this site plan. He then questioned what the plans for Greentree Road and Union Road are as it relates to infrastructure.

Stan Williams, Regional Planning Commission, stated that the Gateway Plan was considered as a portion was identified as industrial development (the Racino, Core 5 Development) and the surrounding zoning is in compliance with that plan. He then stated that the plan allows gas stations within the zoning classification.

Mr. Weiland questioned if the architectural design and landscape plan match the character of the area and requested the Board to restrict overnight parking for semi-trucks.

Commissioner Young stated concerns with high density housing and the need for balanced growth.

Tammy Boggs, Turtlecreek Township Administrator, stated the Township's concern with the hours of operation. She requested the Board restrict the hours to 6:00 a.m. – 11:00 p.m. rather than the 24-hour operation they propose.

Mr. Caldwell stated the owner is requesting to remain open until midnight vs. the 11:00 p.m.

Christine Pudvan, Ironwood Drive resident, stated that the area does not need another gas station. She stated that there are already two within a 1-mile radius. She then stated concerns with the widening of Greentree Road destroying the trees.

There was discussion related to the Greentree Road widening.

Mr. Cook stated that the City of Middletown was lobbying for a full interchange for I-75 but he has had no recent contact relative to that subject.

Thomas Mikula, 6025 and 6039 Greentree Road, discussed the water runoff and flooding on this property due to the downsized culvert pipe. He stated the need for a water study to prevent the continued flooding in the area.

Mr. Campbell stated that they have detention ponds planned for the control of water and they are requested to build for "worst case scenario". He stated he will work with the County Engineer to construct what is needed for water control.

Mr. Mikula stated that the Warren County Engineer failed on stormwater management when the roundabout was constructed.

Doug Gescuk, 5789 Greentree Road, questioned the timing of the construction and stated concerns relative to the decrease in his property values.

Cory Smith, Trails of Shaker Run resident, stated her concern with traffic from SR 63 to Union Road. She then stated that she does not want a convenience store in her neighborhood.

Don Adams, 5861 Greentree Road, stated he lives next door to this property and is opposed to the development. He stated traffic concerns as well as light nuisance in his 2<sup>nd</sup> story bedroom and concerns with the contamination of the aquifer. He then questioned the condition in the zoning code that states the orientation of the building be required to be towards the street. He stated that this building is orientated towards his home.

There was additional discussion on stormwater management as it relates to drainage problems in the area and the buffer required for the development.

Bruce McGary, Assistant Prosecutor, stated that the concern with the orientation of the building is a requirement of the zoning code and is already addressed in the proposed conditions. He stated that if it doesn't meet the zoning code, it cannot be approved.

There was discussion relative to the desire for no outside speaker announcements and no large trucks being permitted.

Mr. Campbell stated that they are not proposing any speaker announcements and the only trucks that should be onsite are the fuel trucks that refill the pumps.

Patty Theiss, 1898 Meadowsweet Drive, stated water concerns as she has seen the flooding in this area. She then stated concerns relative to the traffic study, not taking into consideration the church traffic as well as the orientation of the building not being towards the street.

Ms. Pudvan requested clarification on access to the development.

Mr. Mikula further discussed his concern relative to the aquifer.

The Board discussed their options regarding a decision on this project.

There being no more testimony, Commissioner Jones confirmed with Mr. Campbell that he has had an opportunity to present all desired testimony and evidence and has nothing more to present.

Upon discussion, upon unanimous call of the roll, the administrative hearing was closed.

Commissioner Young stated that there is not much discretion under the law as this development is permitted within the current zoning classification.

There was discussion relative to the desire to deliberate in public or private on a decision. The Board stated their desire to deliberate in public.

Commissioner Young stated he would like to add restrictions of hours of operation to comply with Turtlecreek Township's request. He then stated that he accepts the RPC recommended conditions but desires to ensure compliance with the building orientation and stormwater management.

Mr. McGary stated that the Board would need to add an additional condition for hours of operation but all others are addressed in the recommended conditions.

Upon further discussion, the Board resolved (Resolution #23-1347) to approve the site plan review application of N & K Takhar Oil LLC in Turtlecreek Township subject to 13 conditions.

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Upon motion the meeting was adjourned.

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Shannon Jones, President



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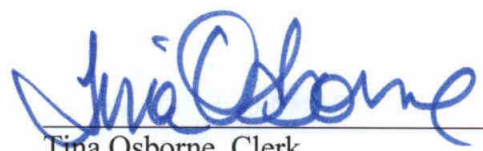
David G. Young



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Tom Grossmann

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 October 12, 2023, in compliance with Section 121.22 O.R.C.



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

**CASE # 102-2023**

**Site Plan Review- N & G Takhar Oil LLC**

**APPLICANT/OWNER/AGENT**

N & G Takhar Oil LLC

**TOWNSHIP**

Turtlecreek

**PROPERTY LOCATION**

ADDRESS

Greentree Road

PIN

08-31-300-012

**PROPERTY SIZE**

13.0465 +/- Acres, 1,518' of frontage

<b>CURRENT ZONING DISTRICT</b>	MXU-C
<b>FUTURE LAND USE MAP (FLUM) DESIGNATION</b>	Turtlecreek- Commercial
<b>EXISTING LAND USE</b>	Agricultural
<b>SITE PLAN REQUESTED</b>	Convenience Store
<b>ISSUE FOR CONSIDERATION</b>	Convenience Store and Fueling canopies



# Review Process

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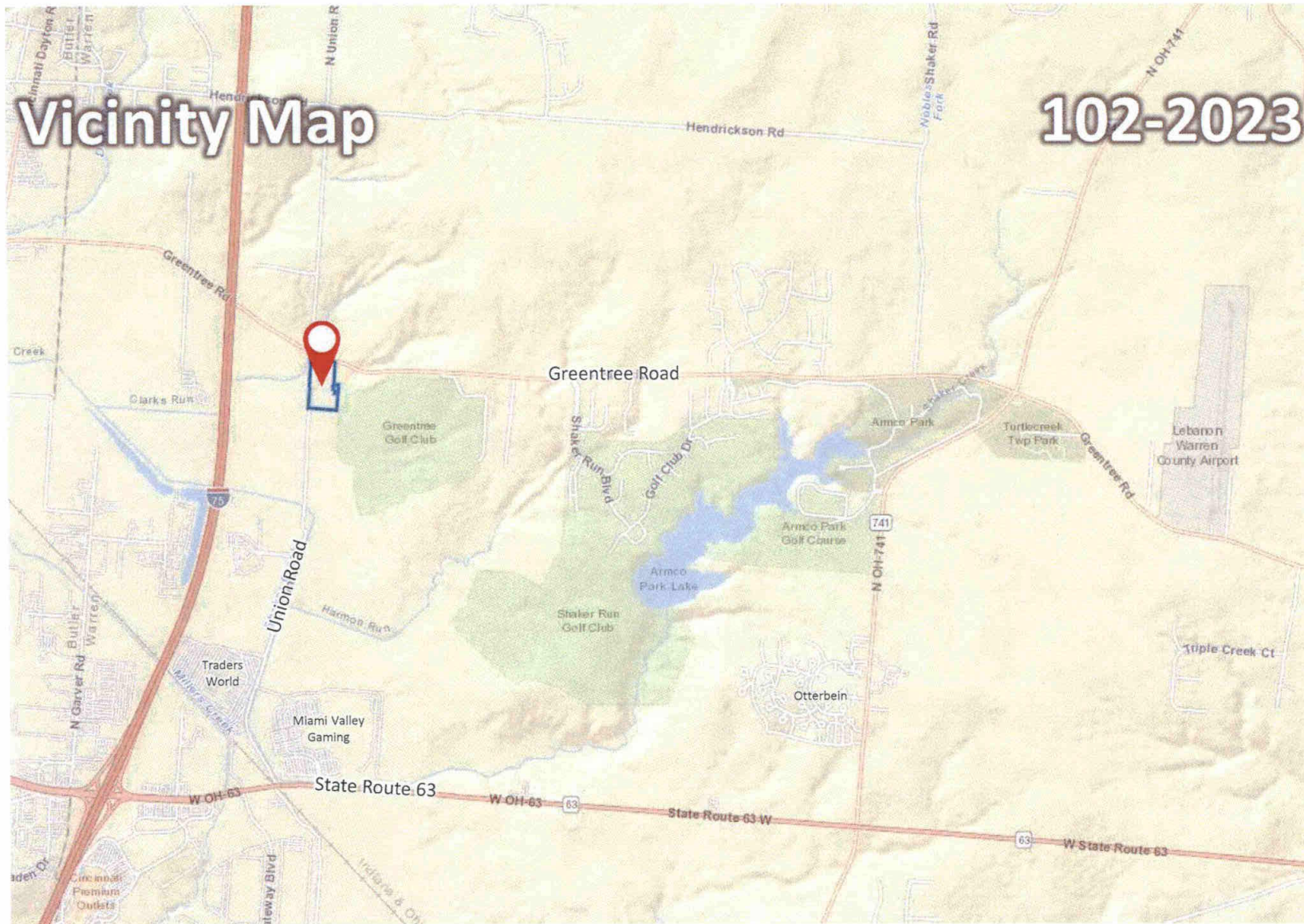
## Site Plan

### **Board of County Commissioners**

September 12, 2023 (Continued)  
October 12, 2023

# Vicinity Map

102-2023



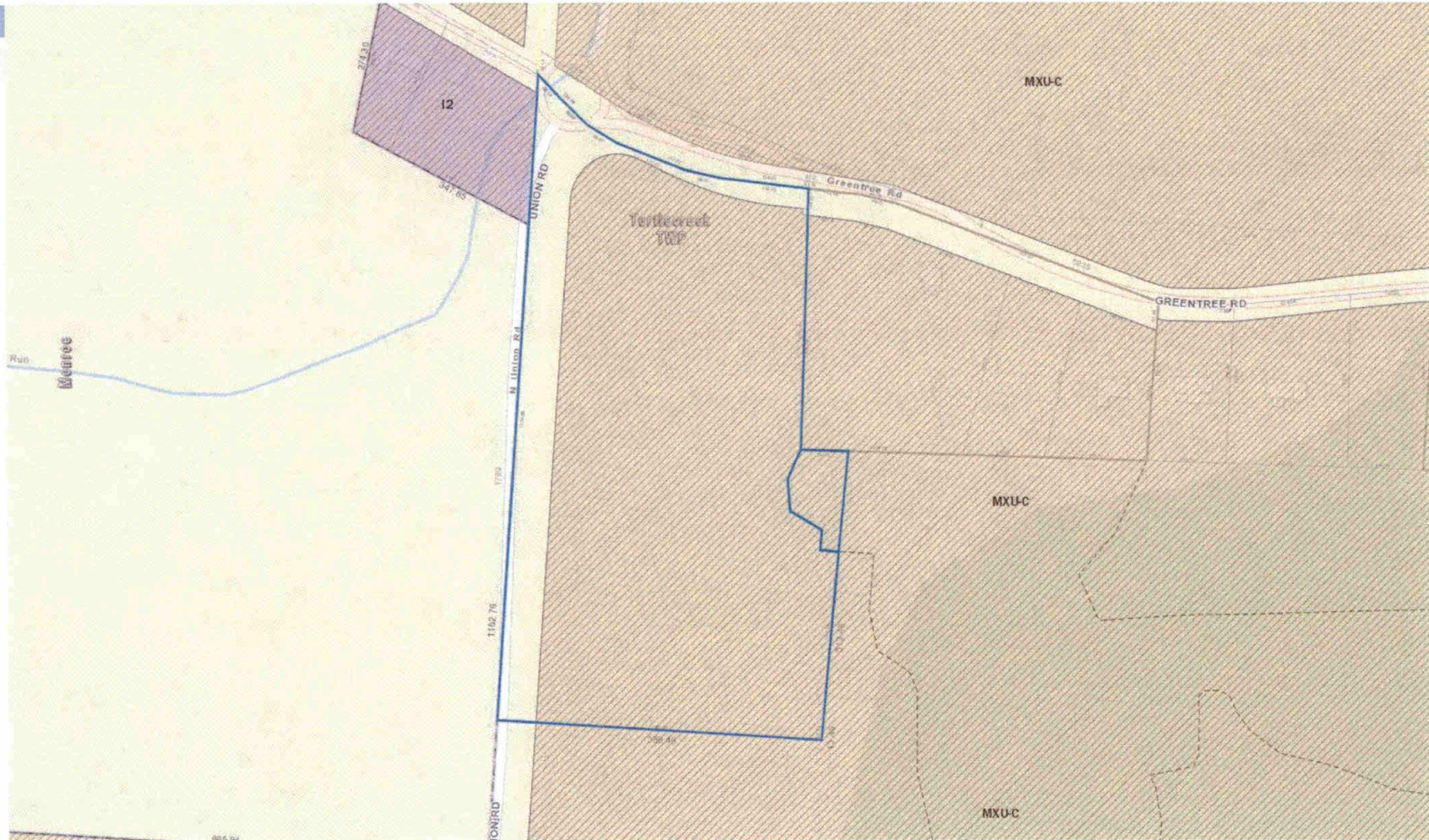
# Aerial Map

102-2023



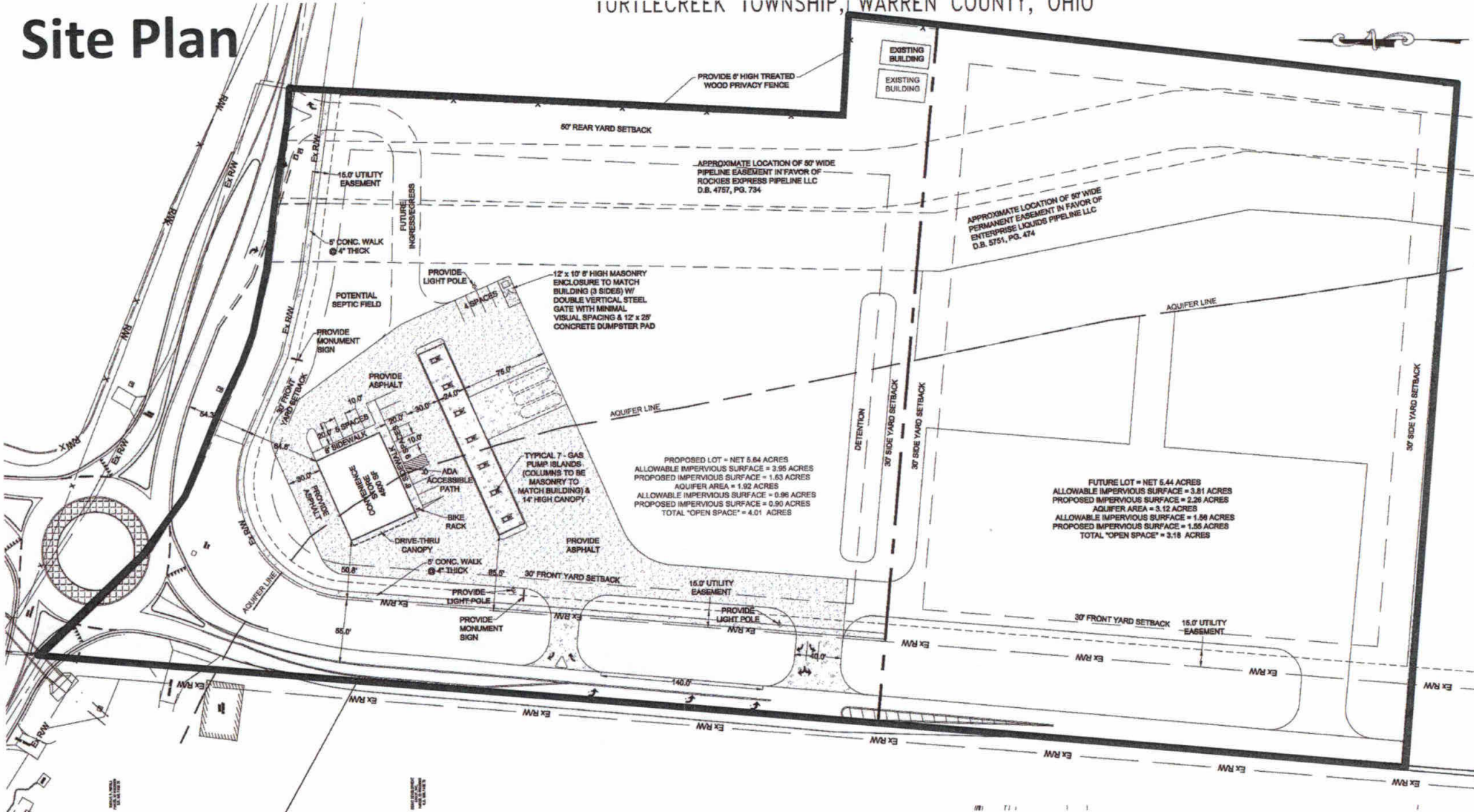
# Zoning Map

102-2023



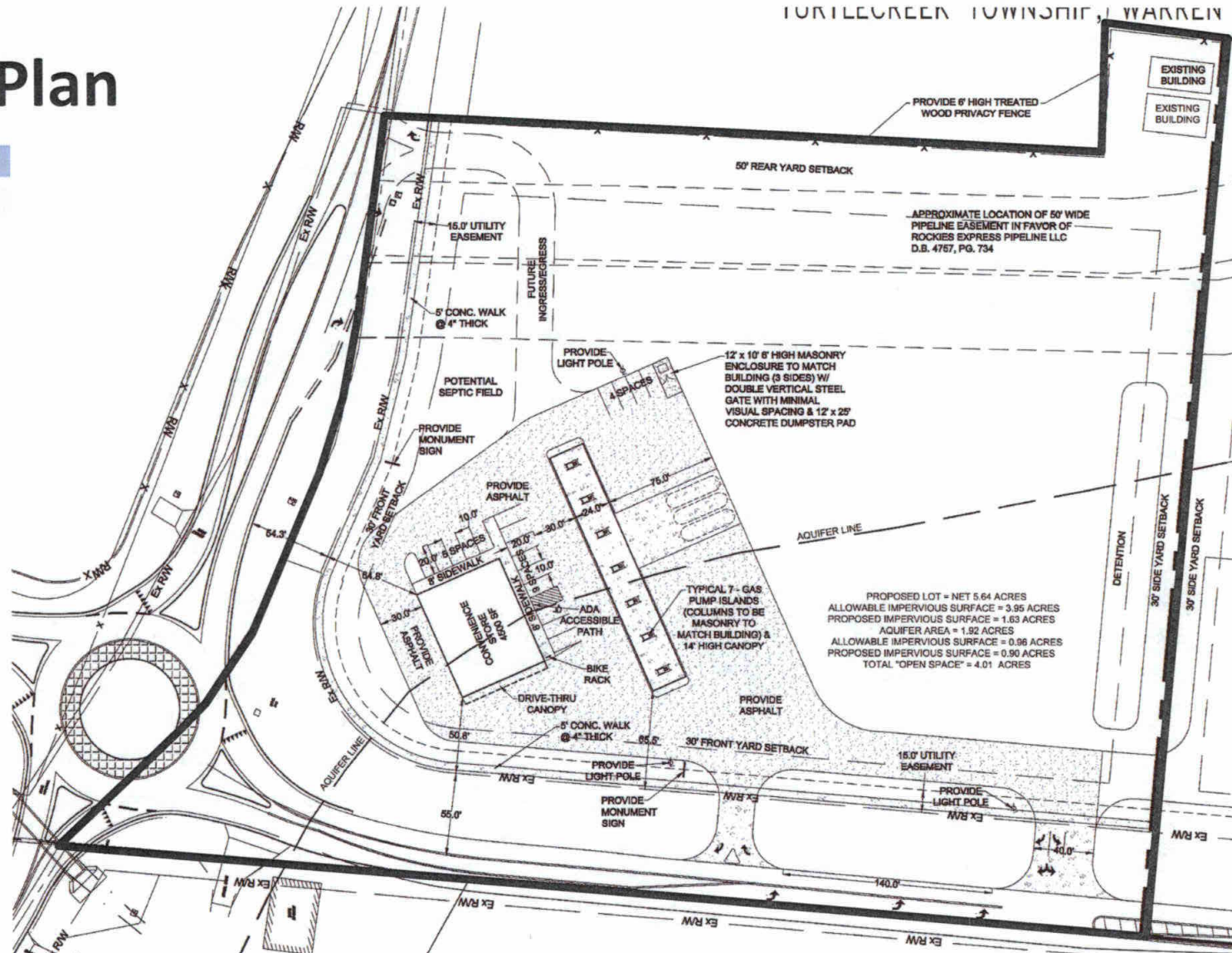
# Site Plan

TURTLECREEK TOWNSHIP, WARREN COUNTY, OHIO

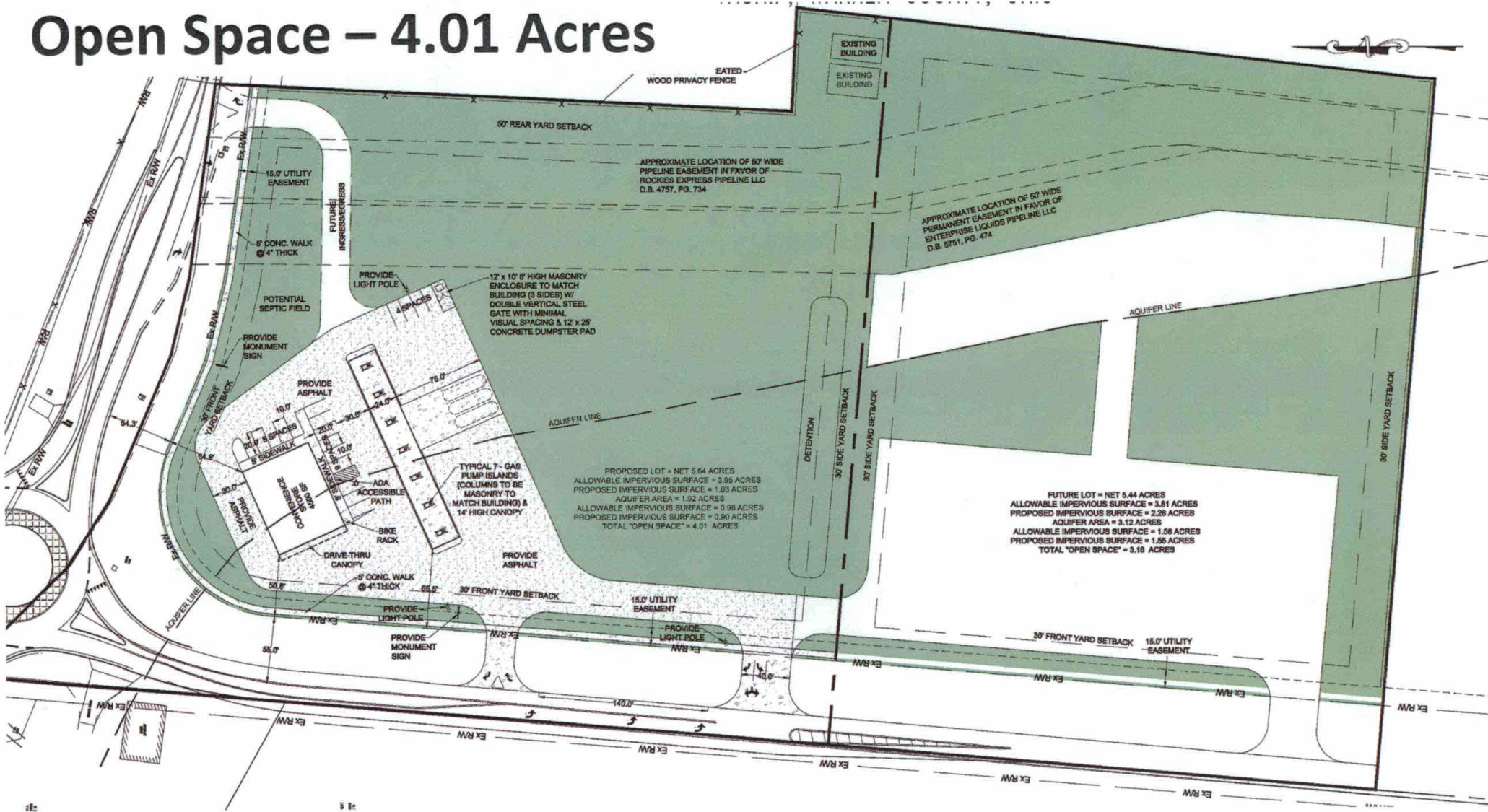


# Site Plan

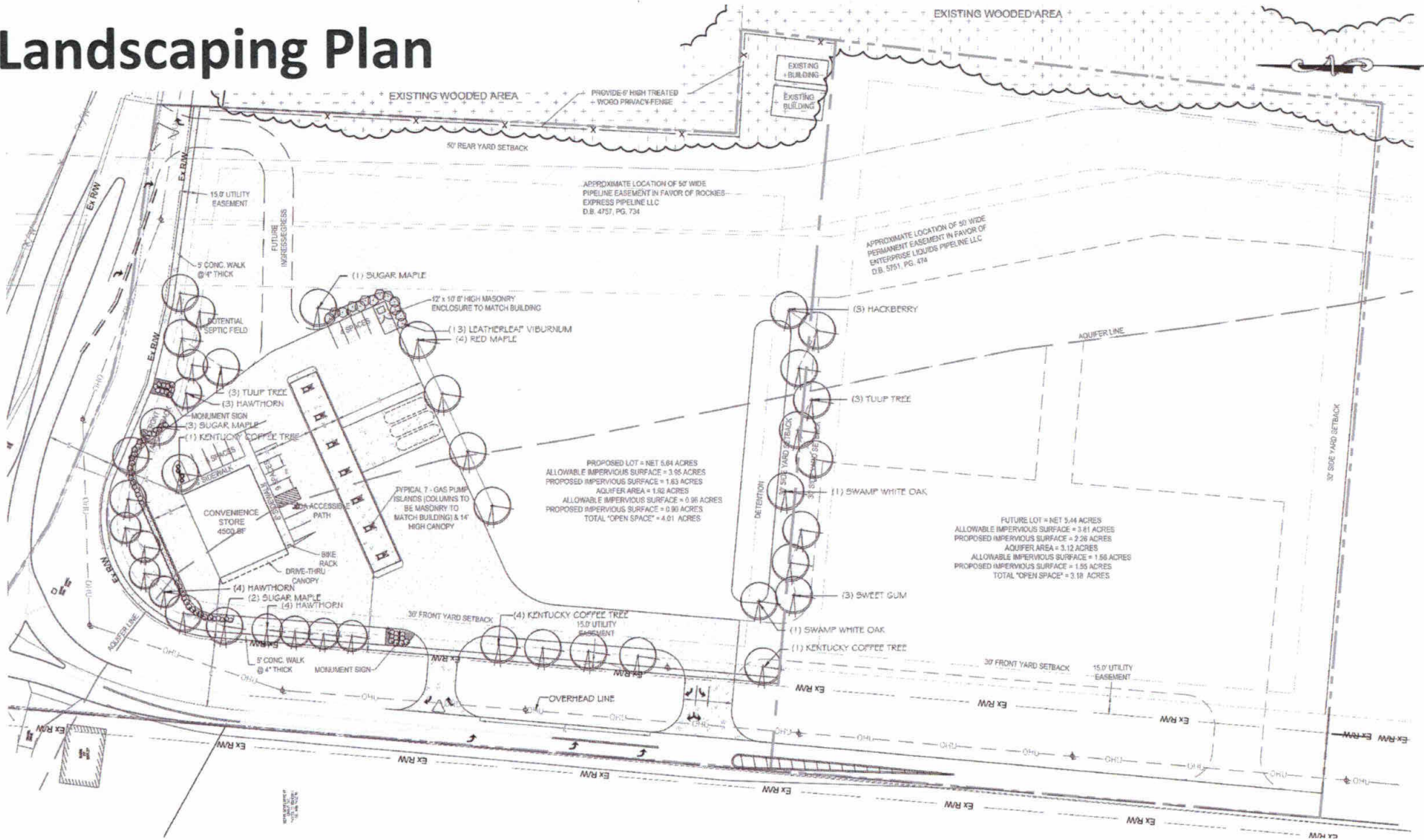
TURTLECREEK TOWNSHIP, WARREN



# Open Space – 4.01 Acres



# Landscaping Plan

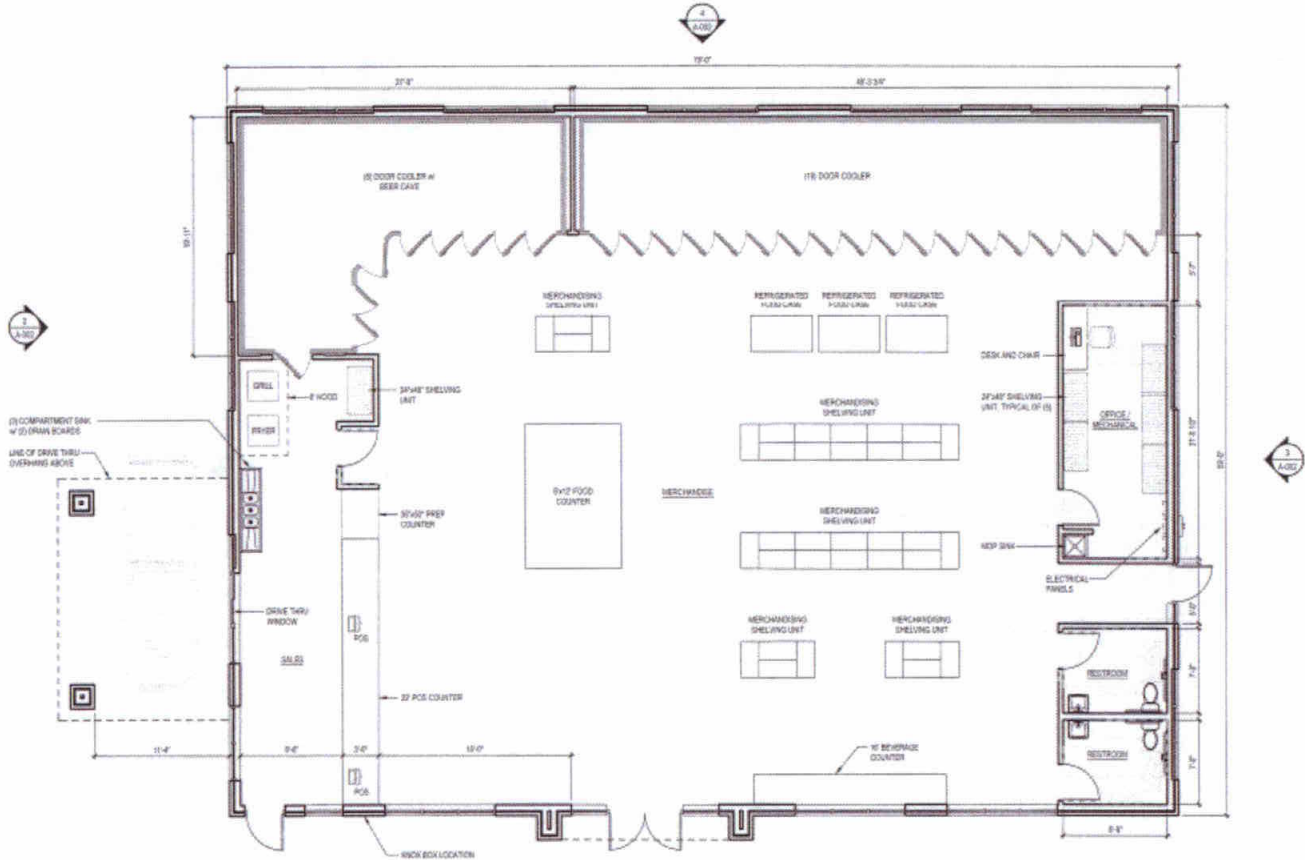




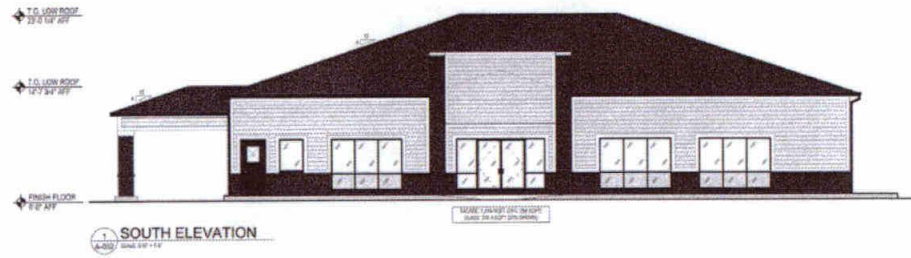
# LIGHTING



# PRELIM LAYOUT

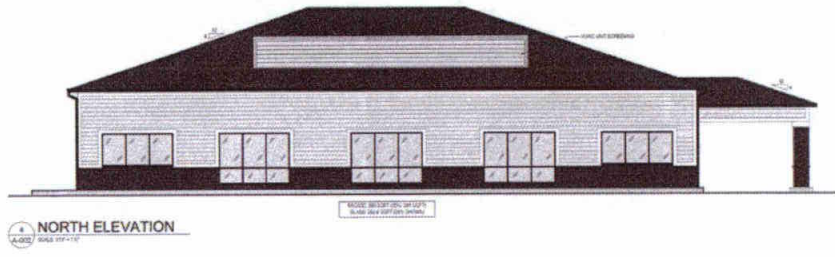
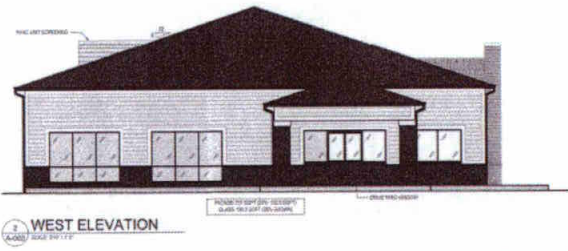


# ELEVATION



**MATERIAL PALETTE**

- BEIGE HARDIE PLANK  
COLOR PER OWNER
- BRICK  
COLOR PER OWNER
- WHITE TRIM
- SHINGLE ROOF  
COLOR PER OWNER
- BLACK ANODIZED  
METAL FINISH
- CLEAR GLAZING
- SPANDREL GLAZING



**MATERIAL PALETTE**

- BEIGE HARDIE PLANK  
COLOR PER OWNER
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# Staff Summary

<b>Location</b>	Roundabout at Union and Greentree Road.
<b>Parking</b>	Required 1 space per 300 sq ft. = 15 spaces. ( may increase by 20% per code) 18 spaces shown.
<b>Landscaping</b>	Landscaping Plan complies with the requirements for street trees and around all signage. Buffer Type D is required along the eastern boundary.
<b>Signage</b>	The sign height, setback and square feet meets the requirements of the code.
<b>Lighting</b>	Lighting meets the cutoff required by code. Maximum pole height 25'.
<b>Service Structures</b>	Required construction and buffering is met on 2 sides.

# Site Plan Review Criteria – Section 1.303.6

The site plan review is conducted to determine anticipated impacts on the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable. The factors to be considered and weighed by the Approving Authority include but are not limited to the following, but no single factor controls in making a decision, nor must all of the factors support the decision:

<b>(A) Adequacy of Information and Compliance with Zoning Code</b>	<b>(I) Exterior Lighting</b>
<b>(B) Design Layout Sufficiency and Sensitivity</b>	<b>(J) Signage</b>
<b>(C) Design Character, Operational Compatibility, and Coordination</b>	<b>(K) Public Service Impact</b>
<b>(D) Preservation of Significant Features</b>	<b>(L) Stormwater Drainage Stormwater Management Plan</b>
<b>(E) Pedestrian Access and Circulation</b>	<b>(M) Soil Erosion and Sediment Control</b>
<b>(F) Vehicular Access and Circulation Streets</b>	<b>(N) Emergency Access and Service Facilities and Public Safety</b>
<b>(G) Parking and Loading</b>	<b>(O) Building Design</b>
<b>(H) Landscaping and Screening</b>	<b>(P) Compliance with Public Health and Safety</b>

# Reviewing Departments

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- Warren County Engineer
- Warren County Water and Sewer Department
- Warren County Soil and Water Conservation
- Warren County Regional Planning Commission
- Turtlecreek Township Trustees
- Turtlecreek Township Fire Department
- Warren County Combined Health District
- Warren County Building Department
- Warren County Sheriff

# Department Comments – Turtlecreek Township

The Board of Trustees of Turtlecreek Township and the Fire Chief would request that **additional landscape buffers** be required on the residential side of the property, **down lighting** be implemented to eliminate a nuisance to the residential property owners, the **truck fueling stations be eliminated** as well as **truck parking**, the **hours of operation be limited to 6:00 a.m. to 11:00 p.m. daily**, **brick exterior** be used on the building and that a **fire hydrant be located on the east side of Union Road**.



MR. JAMES VANDEGRIFT  
MR. DANIEL JONES  
MR. JONATHAN SAMS  
MS. AMANDA CHILDERS

TRUSTEE  
TRUSTEE  
TRUSTEE  
FISCAL OFFICER

September 11, 2023

Warren County Rural Zoning Inspection  
Attn: Michelle Tegtmeier  
406 Justice Drive  
Lebanon, Ohio 45036

Re: N&G Takhar Oil LLC

Dear Ms. Tegtmeier;

The Board of Trustees of Turtlecreek Township and the Fire Chief have reviewed N&G Takhar Oil LLC Site Plan.

The Board of Trustees of Turtlecreek Township and the Fire Chief would request that additional landscape buffers be required on the residential side of the property, down lighting be implemented to eliminate a nuisance to the residential property owners, the truck fueling stations be eliminated as well as truck parking, the hours of operation be limited to 6:00 a.m. to 11:00 p.m. daily, brick exterior be used on the building and that a fire hydrant be located on the east side of Union Road.

The Board of Trustees of Turtlecreek Township and Fire Chief would like to thank you for submitting the N&G Takhar Oil LLC Site Plan for the township's review.

Sincerely,

Daniel F. Jones  
Board of Trustees Turtlecreek Township  
Chairperson

DfJ/tb  
Cc: file



670 North State Route 123  
Lebanon, OH 45036



513.932.4902



info@turtlecreektownship.org

# Department Comments (RPC)

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**Approve** the site plan subject to the following conditions:

1. Compliance with the standards of the Warren County Rural Zoning Code; Section 1.303.3.
2. Compliance with the Warren County Engineer's Office standards. A traffic impact analysis shall be done before Zoning Permit approval. All access points shall be reviewed and approved by the Engineer's Office. The timing of the "future ingress/ egress" to Greentree Road shall be determined by the Warren County Engineer's Office and if that access point will provide full or limited access.
3. Dedicate the right-of-way along Union Road and Greentree Road in compliance with the Warren County Thoroughfare Plan.



## Department Comments (RPC)

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4. The stormwater management plan shall be reviewed and approved by the Warren County Engineer's Office.
5. Sidewalks shall be installed along the frontages of Union Road and Greentree Road and be located outside the right-of-way. A pedestrian connection shall be constructed from the building to the sidewalk (Section 3.303 C Warren County Rural Zoning Code).
6. Compliance with the Ohio Environmental Protection Agency (OEPA) requirements and standards. The OEPA shall review and approve the septic system.

## Department Comments (RPC)

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7. Compliance with the Warren County Health Department regarding food safety, and plumbing.
8. Building materials and design shall be consistent with the application submittal on Exhibit A-002.
9. The dumpster enclosure shall be similar materials as the primary structure and screened with landscaping in compliance with Article 3, Chapter 4 of the Warren County Rural Zoning Code.
10. LED signage is prohibited on the fueling pump canopy, standalone signs are limited to monument signs.

# Department Comments (RPC)

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11. Compliance with the requirements and standards of the existing oil and gas pipelines.

# Department Comments (RPC)

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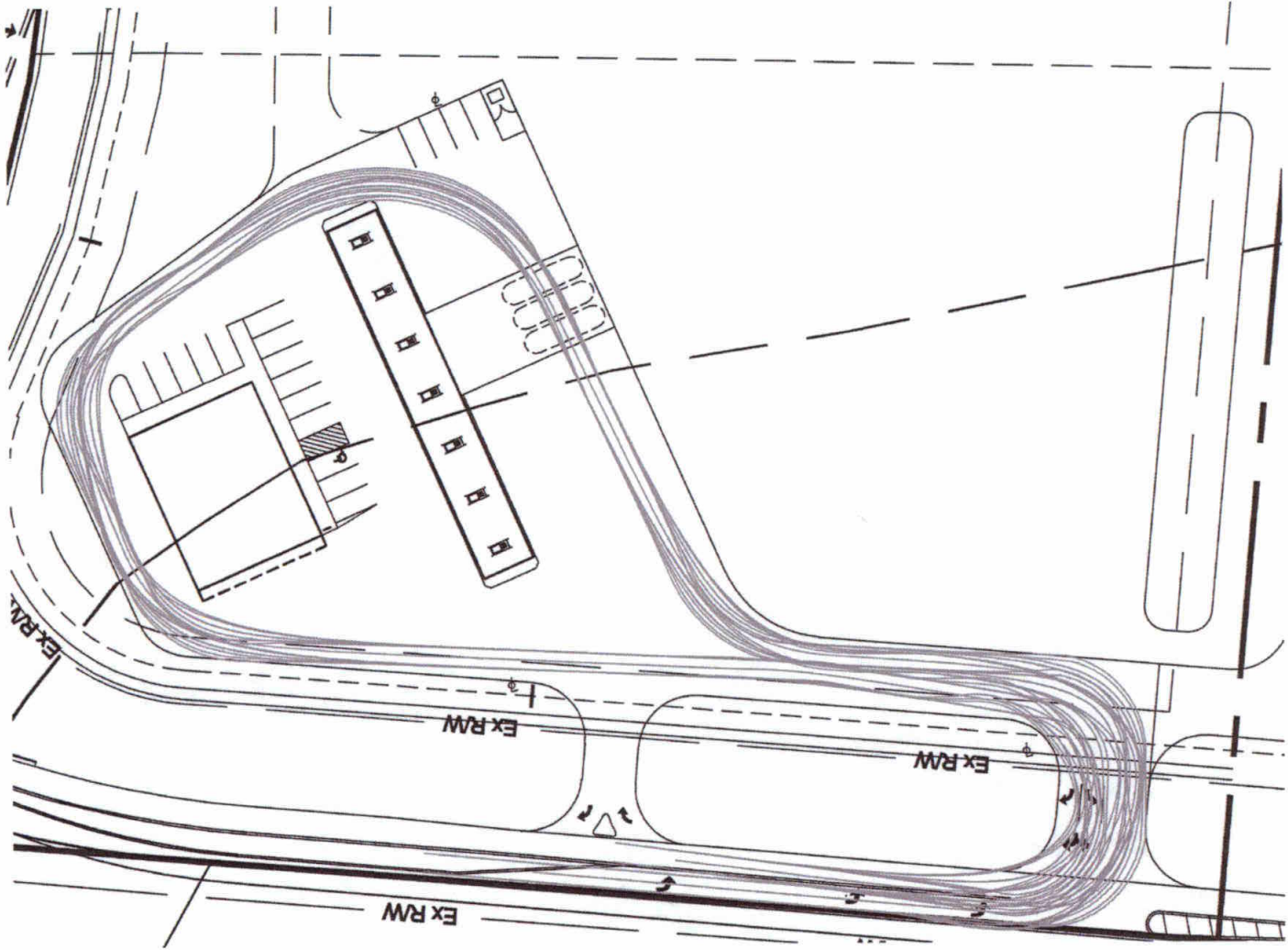
12. The applicant submits an updated site plan illustrating the following:

- a. Add the open space calculation and quantity in a summary table.
- b. Landscaping along the eastern and southern property line (Table 3.405-1 Lot Perimeter Buffer Type D). A tree study may be done along the east boundary to be reviewed by the Zoning Inspector to determine if the existing trees meet or exceed the Buffer Type D requirements. Landscaping to be located outside the Public Utility Easement.
- c. Fire hydrant locations in compliance with the requirements of the Turtlecreek Township Fire Department.
- d. Details of the lighting poles, and privacy fence.

ANY  
QUESTIONS?



**BACKUP SLIDES**



TRUCK NAVIGATION PLAN