



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

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

Telephone (513) 695-1250

Facsimile (513) 695-2054

TOM GROSSMANN

SHANNON JONES

DAVID G. YOUNG

GENERAL SESSION AGENDA

November 28, 2023

- #1 *Clerk — General*
- #2 9:15 *ADMINISTRATIVE HEARING— Re-open Site Plan Review
Application of Shaker Woods in Turtlecreek Township*
- #3 9:30 *Executive Session—Pending Litigation with Legal
Counsel Present Pursuant to ORC 121.22(G)(3)*
- #4 10:00 *Work Session—2024 Budget*

The Board of Commissioners' public meetings can now be streamed live at [Warren County Board of Commissioners - YouTube](#)

APPROVE REQUISITIONS AND AUTHORIZE DEPUTY COUNTY ADMINISTRATOR TO SIGN DOCUMENTS RELATIVE THERETO

BE IT RESOLVED, to approve requisitions as listed in the attached document and authorize Martin Russell, Deputy County Administrator, to sign on behalf of this Board of County Commissioners.

M moved for adoption of the foregoing resolution being seconded by M. Upon call of the roll, the following vote resulted:

M
M
M

Resolution adopted this 24th day of October 2023.

BOARD OF COUNTY COMMISSIONERS

Tina Osborne, Clerk

/tao

cc: Commissioners' file

REQUISITIONS

Department	Vendor Name	Description	Amount	
WAT	LARRY SMITH INC	WAT PEKIN RD AT 123 WATERMAIN	\$ 106,390.00	*bid project
FAC	TRITON SERVICES INC	FAC HVAC REPLACEMENT	\$ 261,400.00	*lower price than state contract
FAC	RJE BUSINESS INTERIORS CINCINNATI OH INC	FAC FURNITURE REPLACEMENT	\$ 30,776.06	*state contract

11/28/2023 APPROVED

Martin Russell, Deputy County Administrator

CONSENT AGENDA*

November 28, 2023

Approve the minutes of the November 21, 2023, Commissioners' Meeting.

PERSONNEL

- 1. Approve promotion of Arlis Shane Ammons to Sewer Collections Worker III within W/S*
- 2. Accept resignation of Abbie Downey within Children Services and Alex Hobbs within W/S*

GENERAL

- 3. Appoint James Lyons as Warren County Apiary Inspector*
- 4. Authorize W/S Department to initiate contract negotiations with Wessler Engineering relative to the Middletown Junction Wellfield Development Project*
- 5. Enter into contract with Larry Smith Incorporated for the Pekin Road at State Route 123 Watermain Replacement Project on behalf of W/S*
- 6. Approve home placement agreement with Just Like Us Enrichment Agency on behalf of Children Services*
- 7. Enter classroom training agreement on behalf of OhioMeansJobs Warren County*
- 8. Enter into agreement with eGroup Holding Company, LLC on behalf of Telecommunications*
- 9. Acknowledge approval of financial transactions*
- 10. Acknowledge payment of bills*
- 11. Approve final plats*

FINANCIAL

- 12. Approve supplemental appropriation into General Fund 11011110*
- 13. Approve appropriation adjustment from Commissioners' 11011110 into Emergency Services 11012850 for payout*
- 14. Approve appropriation adjustments within Sheriff, Telecommunications, Law Library, and Children Services*

**Please contact the Commissioners' Office at (513) 695-1250 for additional information or questions on any of the items listed on the Consent Agenda*



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

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

Telephone (513) 695-1250
Facsimile (513) 695-2054

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

BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO

MINUTES: Regular Session – November 21, 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 November 14, 2023, meeting.

Shannon Jones – present

Tom Grossmann – present

David G. Young – present

Tina Osborne, Clerk – present

Minutes of the November 9, 2023 and November 14, 2023 meetings were read and approved.

- 23-1545 A resolution was adopted to approve wage increase for Michael Gladwell Residential Building Official within the Building and Zoning Department. Vote: Unanimous
- 23-1546 A resolution was adopted to hire Ashlin Benne as an Assessment Investigative Caseworker I, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 23-1547 A resolution was adopted to approve reclassification of Annaliese Poweleit from Protective Services Caseworker I to Protective Services Caseworker II within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 23-1548 A resolution was adopted to approve reclassification of Joshua Moyer to the Public Safety Systems Manager position within the Warren County Telecommunications Department. Vote: Unanimous
- 23-1549 A resolution was adopted to approve leave donation for Alex Mokrycki, Communications Systems Supervisor, within the Warren County Telecommunications Department. Vote: Unanimous

- 23-1550 A resolution was adopted to approve leave donation for Rebecca Bradley, Eligibility Referral Specialist III, within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 23-1551 A resolution was adopted to appoint David G. Young to the Ohio-Kentucky-Indiana Regional Council of Governments Board of Trustees and Martin Russell as alternate. Vote: Unanimous
- 23-1552 A resolution was adopted to approve appointment of Josh Hisle, Deputy Director of OhioMeansJobs Warren County to the Warren County Transit Advisory Committee to fill the term of Matt Fetty due to resignation. Vote: Unanimous
- 23-1553 A resolution was adopted to approve appointment of Josh Hisle, Deputy Director of OhioMeansJobs Warren County to the Warren County Metropolitan Housing Authority to fill the unexpired term of Matt Fetty due to resignation.
Vote: Unanimous
- 23-1554 A resolution was adopted to set public hearing for rezoning application of Francis W. Logan, (Case 2023-07) to rezone approximately 3.63 acres from "RU" Rural Residential to "B2" Community Commercial Business in Harlan Township.
Vote: Unanimous
- 23-1555 A resolution was adopted to set public hearing to consider the road name change of portion of North Wood Creek Drive to Winding Creek Boulevard in Clearcreek Township. Vote: Unanimous
- 23-1556 A resolution was adopted to approve Notice of Intent to Award Bid to Ford Development Corporation for the Mason Morrow Millgrove Road (Pike Street) Bridge #38-3.73 Rehabilitation Project. Vote: Unanimous
- 23-1557 A resolution was adopted to approve Notice of Intent to Award Bid to KT Holden Construction LLC for the Socialville Transmission Water Main- Contract 3 Project. Vote: Unanimous
- 23-1558 A resolution was adopted to amend Resolution #23-1510, adopted November 9, 2023, to enter into an agreement with Breech Acres, on behalf of Children Services. Vote: Unanimous
- 23-1559 A resolution was adopted to approve agreements and addendums with various providers relative to home placement and related services on behalf of Warren County Children Services. Vote: Unanimous
- 23-1560 A resolution was adopted to enter into an exclusive permanent easement and temporary easement with Paul A. Jasper for the Township Line Road Bridge #134-3.76 Replacement Project. Vote: Unanimous

MINUTES

NOVEMBER 21, 2023

PAGE 3

- 23-1561 A resolution was adopted to approve and authorize the President of this Board to enter into a Cooperation Agreement with Family Promise of Warren County relative to the FY 2023 Community Development Block Grant Entitlement Program. Vote: Unanimous
- 23-1562 A resolution was adopted to accept quote from Filtronic Wireless Inc. on behalf of Warren County Telecommunications. Vote: Unanimous
- 23-1563 A resolution was adopted to approve amendment no. 1 to the contract with MaintStar Inc., increasing purchase order numbers 23001422 & 23001423 for the Asset and Work Order Software System. Vote: Unanimous
- 23-1565 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 23-1566 A resolution was adopted to approve a subdivision public improvement performance and maintenance security release with Grand Communities, LLC. for the Majors at Shaker Run Subdivision, Section One, situated in Turtlecreek Township. Vote: Unanimous
- 23-1567 A resolution was adopted to approve various record plats. Vote: Unanimous
- 23-1568 A resolution was adopted to accept amended certificate for the Board of Elections Security Grant Fund 2209 and approve a supplemental appropriation into 2209. Vote: Unanimous
- 23-1569 A resolution was adopted to accept an amended certificate and approve supplemental appropriation into Workforce Investment Fund #2238. Vote: Unanimous
- 23-1570 A resolution was adopted to approve an operational transfer from the Motor Vehicle Fund #2202 into the King Avenue Bridge Fund #4437 and approve repayment of cash advance from the King Avenue Bridge Fund #4437 into Motor Vehicle Fund #2202. Vote: Unanimous
- 23-1571 A resolution was adopted to approve an operational transfer from the Motor Vehicle Fund #2202 into the fields Ertel Road Project Fund #4454, approve repayment of a cash advance from Fields Ertel Road Project Fund #4454 into the Motor Vehicle Fund #2202 and approve a cash advanced from Engineer's Fund #2202 into the Fields Ertel Road Project Fund #4454. Vote: Unanimous
- 23-1572 A resolution was adopted to approve supplemental appropriation into Treasurer's Office Fund 2248. Vote: Unanimous
- 23-1573 A resolution was adopted to approve a supplemental appropriation into Health Insurance Fund #6632 Vote: Unanimous
- 23-1574 A resolution was adopted to approve appropriation adjustment from Commissioners General Fund #11011110 into Common Pleas Court Fund #11011223. Vote: Unanimous

- 23-1575 A resolution was adopted to approve appropriation adjustment from Commissioners General Fund #11011110 into Sheriff's Office – Corrections Fund #11012210. Vote: Unanimous
- 23-1576 A resolution was adopted to approve appropriation adjustment within Children Services Fund #2273. Vote: Unanimous
- 23-1577 A resolution was adopted to approve appropriation adjustment within Commissioners Fund #11011110. Vote: Unanimous
- 23-1578 A resolution was adopted to approve appropriation adjustments within Prosecutors Fund 11011150. Vote: Unanimous
- 23-1579 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Services Fund #11011223. Vote: Unanimous
- 23-1580 A resolution was adopted to approve appropriation adjustment within County Court Fund #11011280. Vote: Unanimous
- 23-1581 A resolution was adopted to approve appropriation adjustment within Board of Elections Fund #11011300 and from #11011301 into #11011300. Vote: Unanimous
- 23-1582 A resolution was adopted to approve appropriation adjustment within Juvenile Court Fund #10112500. Vote: Unanimous
- 23-1583 A resolution was adopted to approve appropriation adjustments within the OhioMeansJobs Warren County Fund #2258. Vote: Unanimous
- 23-1584 A resolution was adopted to approve appropriation adjustments within Clerk of Courts Common Pleas Computerization Fund #2282. Vote: Unanimous
- 23-1585 A resolution was adopted to approve appropriation adjustments within Health Insurance Fund #6632. Vote: Unanimous
- 23-1586 A resolution was adopted to approve appropriation adjustment within Workers Compensation Fund #6636. Vote: Unanimous
- 23-1587 A resolution was adopted to approve requisitions and authorize County Administrator to sign documents relative thereto. Vote: Unanimous

DISCUSSIONS

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

On motion, upon unanimous call of the roll, the Board entered into executive session at 9:02 a.m. to discuss pending litigation with legal counsel present pursuant to Ohio Revised Code Section 121.22 (G)(3) and exited at 10:05 a.m.

Upon motion the meeting was adjourned.

Shannon Jones, President

David G. Young

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 November 21, 2023, in compliance with Section 121.22 O.R.C.

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





REQUEST FOR AUTHORIZATION TO ATTEND ASSOCIATION MEETING, CONVENTION OR TRAINING SEMINAR/SESSION

This form is to be completed by Department Head/Elected Official requesting authorization to attend an Association Meeting or Convention or Training Seminar/Session sponsored by an Association as required by O.R.C. Section 325.20. Additionally, authorization is required for any training seminar/session held more than 250 miles from county campus;

*NAME OF ATTENDEE: GARY ~~LOXLEY~~ **LOXLEY** DEPARTMENT: COUNTY COURT

*POSITION: JUDGE DATE: 11/21/23

REQUEST FOR AUTHORIZATION FOR THE ABOVE-NAMED EMPLOYEE/ELECTED OFFICIAL TO ATTEND THE FOLLOWING:

ASSOCIATION MEETING CONVENTION ASSOCIATION SPONSORED TRAINING SEMINAR/SESSION
TRAINING MORE THAN 250 MILES

PURPOSE:
2024 AMCJO WINTER CONFERENCE

LOCATION:
EMBASSY SUITES, DUBLIN, OHIO


DATE(S): JANUARY 24-26, 2024

TYPE OF TRAVEL: (Check one)
AIRLINE STAFF CAR PRIVATE VEHICLE OTHER

LODGING: EMBASSY SUITES, DUBLIN OHIO

ESTIMATED COST OF TRIP: REG:\$350; HOTEL;\$315; MILEAGE \$91.60+ \$756.60x2=1513.20

I CERTIFY THAT DIRECTION HAS BEEN GIVEN TO ALL EMPLOYEES ATTENDING THIS FUNCTION, THAT IT IS EXPECTED OF THEM TO ATTEND APPLICABLE SESSIONS.

DEPARTMENT HEAD/ELECTED OFFICIAL REQUESTING AUTHORIZATION:
Melissa Moulis Cl. Admin 11-21-23
Signature/Title Date 

BOARD OF COMMISSIONERS' APPROVAL:

Commissioner Date

Commissioner Date

Commissioner Date

*If additional employees will be attending the Association Meeting, Convention or Training Seminar/Session please list names and positions here:
JUDGE ROBERT FISCHER

RECEIVED

2023 NOV 21 PM 2:56



**REQUEST FOR AUTHORIZATION TO ATTEND ASSOCIATION MEETING,
CONVENTION OR TRAINING SEMINAR/SESSION**

This form is to be completed by Department Head/Elected Official requesting authorization to attend an Association Meeting or Convention or Training Seminar/Session sponsored by an Association as required by O.R.C. Section 325.20. Additionally, authorization is required for any training seminar/session held more than 250 miles from county campus;

*NAME OF ATTENDEE: Jeffrey T. Kirby DEPARTMENT: Domestic Relations Court

*POSITION: Judge DATE: 11-17-23

REQUEST FOR AUTHORIZATION FOR THE ABOVE-NAMED EMPLOYEE/ELECTED OFFICIAL TO ATTEND THE FOLLOWING:

ASSOCIATION MEETING CONVENTION ASSOCIATION SPONSORED TRAINING SEMINAR/SESSION
TRAINING MORE THAN 250 MILES

PURPOSE:
Ohio Association of Domestic Relations Judges Fall Conference

LOCATION:
Lewis Center, Ohio

DATE(S): 11-17-23

TYPE OF TRAVEL: (Check one)

AIRLINE STAFF CAR PRIVATE VEHICLE OTHER

LODGING: n/a

ESTIMATED COST OF TRIP: \$215.00

I CERTIFY THAT DIRECTION HAS BEEN GIVEN TO ALL EMPLOYEES ATTENDING THIS FUNCTION, THAT IT IS EXPECTED OF THEM TO ATTEND APPLICABLE SESSIONS.

DEPARTMENT HEAD/ELECTED OFFICIAL REQUESTING AUTHORIZATION:

M Steel 11/20/23
Signature/Title Date
Court Administrator

BOARD OF COMMISSIONERS' APPROVAL:

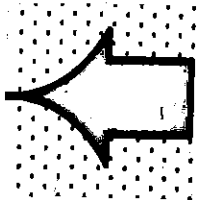
Commissioner Date

Commissioner Date

Commissioner Date

*If additional employees will be attending the Association Meeting, Convention or Training Seminar/Session please list names and positions here:

[Empty box for listing additional attendees]



Resolution

Number 23-1375

Adopted Date October 17, 2023

APPROVING AND AUTHORIZING THE WRITTEN DECISION IN SITE PLAN CASE #101-2023 GRANTING THE APPLICANT'S REQUEST FOR A WAIVER OF ONE DEVELOPMENT STANDARD AS MODIFIED, AND APPROVING THE APPLICANT'S SITE PLAN REVIEW APPLICATION SUBJECT TO CONDITIONS FOR SHAKER WOODS SUBDIVISION IN TURTLECREEK TOWNSHIP

WHEREAS, the Board having conducted a quasi-judicial administrative hearing and completed its deliberations in Site Plan Case #101-2023, the Board reconvened on the record to take the following vote; and

NOW THEREFORE BE IT RESOLVED, to approve and authorize the President of the Board to execute the attached Decision dated October 17, 2023 in Site Plan Case # 101-2023, a copy of which is attached hereto and incorporated herein, granting the Applicant's Request for a Waiver of one Development Standard, as modified, and approving the Applicant's Site Plan Review Application subject to conditions of approval for Shaker Woods Subdivision in Turtlecreek Township; and


BE IT FURTHER RESOLVED, the Clerk of the Board shall cause the decision letter to be served on both the Applicant and the Owner by Certified Mail, return receipt requested.

Mr. Grossmann moved for adoption of the foregoing resolution, being seconded by Mrs. Jones. Upon call of the roll, the following vote resulted:

Mr. Young – absent
Mrs. Jones – yea
Mr. Grossmann – yea

Resolution adopted this 17th day of October 2023.

BOARD OF COUNTY COMMISSIONERS



Tina Osborne, Clerk

/BAM

cc: RZC (file)
RPC
Applicant
Turtlecreek Township
Public Hearing file
Bruce McGary – Prosecutor's Office
Aronoff, Rosen & Hunt, LPA (Richard Paolo, Attorney for Applicant)



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

406 Justice Drive, Lebanon, Ohio 45036

www.co.warren.oh.us

commissioners@co.warren.oh.us

Telephone (513) 695-1250

Facsimile (513) 695-2054

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

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

October 17, 2023

The Drees Company
211 Grandview Dr., Ste. 100
Ft. Mitchell, KY 41017

Re: Site Plan Review Case # 101- 2023
Applicant: The Drees Company
Owner: PAP Oil Company, LLC
Subject Property: -0- Greentree Road, Turtlecreek Township, Lebanon, OH 45036
Parcel No. 08-31-300-014 (pt.)¹

As President of the Board of County Commissioners ("BOCC"), I am writing to notify you of the BOCC's decision in the above referenced matter.

I. FINDINGS OF FACT.

An administrative hearing for Site Plan Review was opened on August 8, 2023 and continued in progress on August 24, 2023 and again on September 26, 2023 regarding the above referenced Case No. 101-2023. Commissioners Jones, Young and Grossmann were present on August 8th and September 26th. Commissioner Grossmann was absent for the continuation of the hearing on August 24th, however, with the consent of the Applicant, Commissioner Grossmann watched the August 24th hearing via YouTube© video and acknowledged on the record during the September 26th continuation of the hearing that he had done so. Also present during the continuation of the hearing on August 24th and September 26th was Assistant County Prosecutor, Bruce McGary.

The hearing began by BOCC's Clerk, Tina Osborne reading into the record that an Application for Site Plan Review was received by the Zoning Department on June 22, 2023; written notice of the administrative hearing on the Application was published on July 16, 2023 in the Today's Pulse - Lebanon and Mason a newspaper of general circulation in Warren County as evidenced

¹ The Site Plan Application and drawings illustrates the proposed development Site is 30.47 +/- acres but such acreage does not exist. Parcel # 08-31-300-014 consists of 208.0348 acres. The 30.47 +/- acres is a part of the 208.0348 parcel but no division of land had been sought when the Site Plan Review Application was filed or prior to the administrative hearing.

by a Proof of Publication; that written notice of the administrative hearing had been sent by ordinary U.S. mail on July 20, 2023 to the Applicant and all surrounding property owners within 500 feet from the proposed development; and, beginning July 21, 2023 the subject property had been posted with signage giving notice the property was subject to a public process and where to obtain additional information. All persons who testified during the hearing were sworn or affirmed an oath administered by Commissioner Jones. The hearing was recorded and broadcast live via YouTube©, and Ms. Osborne kept minutes.

August 8th hearing:

The BOCC heard sworn testimony from Warren County Director of Building and Zoning, Michelle Tegtmeier. Ms. Tegtmeier presented a Power Point to explain the Site Plan Review process and review the Application for Site Plan Review with supporting documents including without limitation the Applicant's cover letter explaining the proposed Site development and requesting a Waiver of the [MXU-C] Development Standards for side setback requirements by reducing from the 15 ft side requirement to 5 ft. on each side of a residential structure to be consistent with the style of development in the adjoining Shaker Run Subdivision, a Site Plan drawing/development plan, aerial maps, Landscaping plan, proposed Signage, descriptions of the width of various Lots, Types of Homes, and the Layout & Design of Lots. The aforementioned letter and the Site Plan Review Application with supporting documents illustrate 73 total lots on 30.47 acres consisting of patio homes on 50 ft. frontage lots and single-family homes on 65 ft. frontage lots to be known as Shaker Woods Subdivision. The Site is zoned MXU-C [Mixed Use Center]. The proposed site development does not require the Applicant to seek a zone change but must comply with the applicable MXU-C zoning standards and the Warren County Rural Zoning Code.² Ms. Tegtmeier further testified that the Site Plan illustrates only one access to the site through Broadmoor Lane within the adjacent Shaker Run Subdivision. The 30.47 acres is not contiguous to Greentree Road.

Ms. Tegtmeier testified notice was sent to various Reviewing Departments requesting comments. She shared the written comments from Turtlecreek Township, Lebanon City Schools, Butler County Water & Sewer Department (who would be the sewer provider even though the property is located in Warren County), and the RPC.

Ms. Tegtmeier also reviewed two slides in the Power Point that include: 1) Section 1.303.6 of the Warren County Rural Zoning Code that lists the Review Criteria for the BOCC to use in its decision-making process for a Site Plan Review application; and, 2) Section 2.407.6(D) that lists the factors the BOCC must consider, if applicable, in its decision-making process for a Waiver Request from the Development Standards for a proposed development with MXU-C zoning.

The BOCC heard sworn testimony from Warren County Regional Planning Commission (RPC) Planner II Hadil Lababidi. Ms. Lababidi reviewed the RPC Staff's written comments recommending approval subject to seven (7) conditions. She further explained the comments from various departments and public officials including a letter from Turtlecreek Township expressing that the Township Trustees desire to have an additional access from the proposed development to Greentree Road; a letter from Lebanon City Schools requesting a loop

² All references herein to the *Warren County Rural Zoning Code* are designated as "ZC." The entire ZC text is available at www.co.warren.oh.us/bldginsp/zoninfo/ruralzonerewrite/default.aspx.

turnaround for school buses; and, explained that Butler County would be the provider of sanitary sewer services.

The BOCC offered and the Applicant declined the opportunity to cross-examine Ms. Tegtmeier or Ms. Lababidi.

The BOCC asked the Applicant to present its case. The Applicant was represented by Matt Maines and Mark Linger of the Drees Company. Mr. Maines testified the Site was part of a larger parcel owned by PAP Oil Company. He testified that the Patio Homes would be built to meet the market demand and described such as a transition development from the adjoining Shaker Run Subdivision to the remaining MXU-C zoned property owned by PAP Oil Company. Mr. Maines testified that Drees Company agreed to all the seven (7) conditions of approval recommended by the RPC Staff. In response to the BOCC's questions, Mr. Maines testified that Drees Company had no option to purchase the remainder of the property from PAP Oil Company nor does he know the owner's intent regarding use of the remainder. He admitted that the BOCC would not know what the proposed Site development would transition into.

The BOCC allowed proponents of the proposed Site Plan Application to testify.

Annette Bickett of 1176 Golf Club Drive, Lebanon, Ohio testified in favor of the Site Plan and disagreed with the Turtlecreek Township Trustees belief that a safer access point could be achieved at a different location along Greentree Road given the speed and design of the roadway.

Joe Jacob of 5124 Greenview Lane, Lebanon, Ohio testified in his opinion that Drees Company does a good development and suggested they consider eliminating one lot and accessing an additional connection to an existing roadway, and that the proposed development will be complementary to the existing condominiums in Shaker Run.

Christine Pudvan of 1250 Ironwood Drive of Lebanon Ohio testified by reading a statement relative to concerns and desires for the proposed development.

The BOCC allowed opponents of the proposed SP Application to testify.

Turtlecreek Township Trustee, Jonathan Sams testified in opposition to the Site Plan. He testified that Turtlecreek Township objected to the proposed development due to the only access point for the development being within the existing Shaker Run Subdivision which already has limited access points. He expressed that Turtlecreek Township's concern for: the amount of time to reach the proposed development in the event of an emergency, concern of the requested 5 ft. setback in the event of a fire the homes would only be 10 ft. apart, and that there would be extended response times due to the location of the proposed development. Trustee Sams testified that this proposed development was not taken into consideration when the roadways were developed for Shaker Run as it was not a part of the original Shaker Run planned unit development. He reiterated Turtlecreek Township's recommendation that the Site Plan should not be approved unless a separate access point onto Greentree Road is provided.

Mr. Maines was offered the opportunity to cross-exam Trustee Sams or offer rebuttal testimony. Mr. Maines responded that he cannot promise additional access onto Greentree Road as Drees

Company does not control the remainder of the PAP Oil Company property, and he was willing to perform a traffic impact study.

In response to BOCC's questions relating to whether the 30.47-acre parcel existed, Mr. Linger of the Drees Company admitted that the proposed Site [30.47 acres] has been surveyed but not filed of record.

Mark Ferriell of 1332 Golf Club Drive, Lebanon, Ohio testified about his concern relative to damage to the existing subdivision roads from construction, increase on traffic, and his opinion the proposed development is too dense for the area.

Phil Garver of 1367 Barton Lane, Lebanon, Ohio testified that he respects private property owner's rights but that is secondary to public safety. He recommended a master plan be done not only for the proposed development, but the entire parcel owned by PAP Oil Company, and expressed his concern relating to infrastructure issues for emergency vehicle access. He requested that the BOCC deny the proposed Site Plan application.

Bruce Ihle of 5596 Greentree Road, Lebanon, Ohio testified about his concerns relative to traffic and speed on Greentree Road which impacts his ability to retrieve his mail from the mailbox. He further testified that: there are sanitary sewer issues in connecting to Butler County sewer system as it is too expensive, concerns about noise in the area, and requested BOCC require a master development plan for the entire parcel owned by PAP Oil Company prior to any approval.

Carol Jacob of 5124 Greenview Land, Lebanon, Ohio testified about her concern that adding additional traffic will result in safety concerns.

There being no other witnesses, BOCC resolved not to close the hearing without legal counsel being present, thus, the hearing was continued in progress.

August 24th hearing:

On August 24, 2023 BOCC reconvened with its legal counsel present. Mr. McGary explained that he had watched the YouTube© video of the August 8th hearing. He stated that there was confusion during the August 8th hearing about the two separate issues before the BOCC for decision. First, BOCC must apply the applicable factors under ZC 2.407.6(D)(1-5) to the evidence in the record to decide whether to grant the Applicant's request for a Waiver of the Development Standard requiring a 15ft. minimum yard (feet) on each side of a residential structure in an MXU-C zone. The Development Standard sought to be waived is found in Table 2.407-1 under ZC 2.407.7(A) [Development Standards Table], p. 44. The Applicant is requesting the Waiver be granted and the Development Standard be reduced to allow a 5ft. minimum yard (feet) on each side of all the residential structures throughout the proposed development. Mr. McGary further explained that the Applicant has not requested (nor should the Applicant have requested) a waiver of an access requirement for two access points to the proposed development with more than 50 lots. No such requirement exists in the applicable Development Standard under Table 2.407.1 or any other section in the ZC. The confusion relates to there being such a requirement under the Warren County Subdivision Regulations, but the Subdivision Regulations are under the exclusive jurisdiction of the RPC not the BOCC to decide during this hearing.

Second, the BOCC must apply the applicable review criteria under ZC 1.303.6(A-P) to the evidence in the record to decide whether to grant the Applicant's Site Plan Review Application. Separate and unrelated to the aforementioned Wavier Request, Mr. McGary clarified that as part of this second issue it is appropriate for BOCC to consider ZC 1.303.6(F) [Vehicular Access and Circulation of Streets], 1.303.6(K) [Public Service Impact including without limitation roadways, police, fire and EMS protection], and 1.303.6(N) [Emergency Access and Service Facilities and Public Safety] in determining whether to approve, approve with conditions, or deny the Site Plan Review Application.

With an admonition that she was still under oath, BOCC asked Ms. Tegtmeier to refresh BOCC's recollection as to her prior testimony on August 8th. She did so by reviewing her power point now marked Exhibit PP and testified the exhibit was the same power point except a few items previously in black font were now in red font.

After being admonished that she was still under oath, BOCC asked Ms. Lababidi to refresh BOCC's recollection as to her prior testimony on August 8th. She reviewed the comments again from departments and officials, then gave additional testimony using: a map illustrating a Density Analysis Along Greentree Road, the Shaker Run density with approving resolution and street stubs, two (2) maps illustrating Access To & From Major Roads, two (2) aerial maps illustrating Access from Core 5 Industrial Park [to Shaker Run Subdivision], a map illustrating Last Mile Drive Design [that restricts Semi truck traffic coming from Core 5 Industrial Park through Shaker Run Subdivision], and two (2) photographs of Last Mile Drive Design with comments from the Warren County Engineer's Office, Chief Deputy Kurt Weber, recommending that the existing barrier blocking access through Last Mile Drive would not be removed until completion of State Route 63 Road Improvement Project estimated by the end of year 2025, a Topography map of the proposed 30.47 acre development, a Flood Data map of the proposed 30.47 acre development, and a map illustrating the Butler County Sewer Service & FPA [Facilities Planning Area].

BOCC then allowed the Applicant or its attorney to offer any rebuttal testimony and evidence. Attorney Richard Paolo was present on behalf of the Applicant and requested that BOCC continue the hearing in progress again due to the Applicant's head of land development not being available at that time. BOCC resolved not to close the hearing but to continue the hearing in progress at the Applicant's attorney's request.

September 26th hearing:

On September 26, 2023 BOCC reconvened.

Again, after being admonished she was still under oath, Ms. Tegtmeier refreshed the BOCC's memory by reviewing Exhibit PP. And, Mr. McGary was asked to clarify the two issues the BOCC was being asked to decide.

BOCC gave the Applicant and its attorney the opportunity to offer any rebuttal testimony and evidence. Mr. Paolo stressed that the decision about access to the proposed development is not a decision Turtlecreek Township makes, rather it is BOCC's decision. He further reiterated the Waiver Request but stipulated at the request of Commissioner Grossmann that the Applicant would agree to amend the 5ft. wavier request to 12ft. minimum yard (feet) on each side of a

residential structure in the proposed development. Mr. Paolo suggested the BOCC should be satisfied with the Site Plan given the proposed density within the proposed development is half the density permitted in the MXU-C zone.

Mr. Linger of Drees Company Land Acquisition presented a map marked Exhibit A measuring the distance from the nearest Turtlecreek Township Fire Station to the proposed development and testified that the request by Turtlecreek Township to have a second access from Greentree Road is not a shorter route by distance or time.

Mr. Paolo presented Exhibit B being BOCC's Resolution previously approving Greentree Meadows Subdivision which is located along Greentree Road across from the entrance to Shaker Run Subdivision that has only one access.

BOCC allowed Trustee Sams to testify again. He testified the Trustees' public safety concerns were raised after the Trustees discussed the Applicant's Site Plan with the Turtlecreek Township Fire Chief who objected to one access and that a fire truck turning into a 73 lot development at the same time residents are trying to get out because of a fire with houses too close together is a cause for concern. Trustee Sams testified the close proximity of houses causes fire to jump from house to house and recommended the 15ft side yard setback should be required and not waived. Trustee Sams pointed out that the proposed development is different than the adjoining Shaker Run Subdivision which is a planned unit development, and further testified the proposed development is different than the Greentree Meadows Subdivision which has a wider entrance and turnarounds that can accommodate fire apparatus in contrast to a single access in the proposed development.

Mr. Linger testified that the width of access to Greentree Meadows Subdivision is the same as the proposed development. He further testified that the building of the houses in the proposed development will not be completed before 2025 when additional access through Last Mile Drive and Core 5 Industrial Park will be open to the public to access State Route 63.

BOCC swore in RPC Executive Director Stan Williams and Senior Planner Ryan Cook. They testified there is no designation on the Warren County Official Thorough Plan for the area where the proposed development is located or on the remainder of PAP Oil Company's parcel. In response to Exhibit B, Mr. Cook testified that that the single access to Greentree Meadows Subdivision was at the request of the County Engineer. The single access directly off Greentree Road was necessary due to there being insufficient site distance that did not comply with the County Access Management Regulations. The resolution was for the single access to be divided into a boulevard style that acts as two entrances. There are no such special circumstances with the Applicant's proposed development.

All testimony was concluded on September 26th. The BOCC voted unanimously to close the hearing to any further testimony or documentary evidence. By separate vote the BOCC voted to deliberate in private beginning on October 3, 2023.

II. CONCLUSIONS OF LAW.

During deliberations, the BOCC discussed the applicable law, including without limitation, the Site Plan review criteria in ZC 1.303.6(A-P) [pp. 10-11], plus, the review criteria in ZC 2.407.6(D)(1-5) for the requested Waiver of the Development Standards, to wit: minimum yard (feet) side of 15ft. for a residential structure in an MXU-C zoning district. See ZC 2.407.6(D), ZC 2.407.7 and *Table ZC 2.407-1*, pp. 42-44.

Based on the whole record, a part of which is described above and the entirety of which is available at <https://youtube.com/@warrencountyboardofcommiss3245/streams>³ and incorporated by reference herein, the BOCC reached the following conclusions.

A) Review Criteria. ZC 1.303.6 provides the site plan review is conducted to determine anticipated impacts on the public health and safety, as well as public convenience, comfort, prosperity, or general welfare, as applicable, and lists sixteen factors to be considered and weighed by the BOCC but no single factor controls in making a decision, nor must all of the factors support the decision. BOCC considered the review criteria and concluded that the testimony relating to vehicular access and circulation of streets, the public service impact on fire and EMS protection, and emergency access and service facilities and public safety under ZC 1.303.6(F)(K) and (N) was compelling, but those risks can be reasonable mitigated by requiring: 1) the Applicant to make the single access within Shaker Woods wider than as shown on the Site Plan drawing and divide the access into a boulevard style that acts as two entrances; and, 2) requesting RPC restrict the development to a reasonable number of lots until such time (anticipated to be in year 2025) as the County Engineer's requires the barricade to be removed and the connection between Shaker Run Subdivision to Core 5 Industrial Park via Last Mile Drive is opened. Thus, after weighing and balancing the review criteria, the BOCC concluded that a preponderance of substantial, reliable, and probative evidence in the whole record was presented by the Applicant to justify the BOCC approving the Site Plan Review application subject to specials conditions of approval that would mitigate any reasonable adverse impacts.

B) Findings. BOCC may approve a waiver of the general development standards for certain development requirements upon making a finding under ZC 2.407.6(D)(1-5). Based on ZC 2.407.6(D)(4), BOCC concluded that reducing the minimum yard (feet) side for residential structures for the proposed development in an MXU-C zone would be consistent with and compatible with the adjacent Shaker Run Subdivision. Thus, after weighing and balancing the factors for the Request for a Waiver of Development Standards, BOCC concluded that a preponderance of substantial, reliable and probative evidence in the whole record was presented by the Applicant to justify the BOCC denial of the waiver to reduce the minimum yard (feet) side for residential structures to 5 ft. but to grant the waiver thereby reducing the minimum yard (feet) side for residential structures to 12 ft. as stipulated to during the hearing by the Applicant.

C. DECISION.

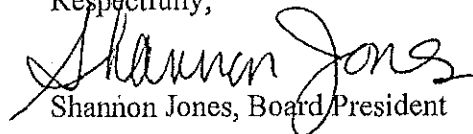
On October 17, 2023, during the BOCC's regularly scheduled meeting, BOCC voted 2-0, to approve the SP Application referenced as Case # 101-2023, subject to the following special conditions:

³ See YouTube© recordings for August 8, 2023, August 24, 2023, and September 26, 2023 available at this link or at <https://www.co.warren.oh.us/Commissioners/>.

1. Compliance with the standards of ZC 1.303.3.
2. The installation and provision of water utilities shall be to the satisfaction of the Warren County Water Department.
3. The installation and provision of the sanitary sewer services shall be to the satisfaction of the Butler County Sewer Department.
4. The trail and all open space amenities shall be constructed and completed at the time each phase is platted and shall be fully developed before the plating of 75% of the residential lots (55 lots).
5. The Applicant receives RPC Executive Committee's approval of an Access Point Waiver request under the Warren County Subdivision Regulations at subdivision review process and comply with the following: 1) to make the single access within Shaker Woods Subdivision wider to the satisfaction of the Warren County Engineer and to divide the single access into a boulevard style that acts as two entrances to Shaker Woods Subdivision; and, 2) a maximum of twenty-five (25) residential lots may be platted prior to the removal of the barricade and opening of the connection of Shaker Run Subdivision to Core 5 Industrial Park via Last Mile Drive.
6. At the Preliminary Plan submittal to the RPC, the Applicant shall submit an updated plan that shows:
 - a. A cross-section for the private driveway.
 - b. An access easement to the retention basin.
 - c. A divided boulevard style access that acts as two entrances to Shaker Woods Subdivision.

Please be advised that this is a final decision, therefore, any appeal must be brought within 30 days of this written decision in the Warren County Court of Common Pleas in accordance with Chapters 2505 and 2506, Ohio Revised Code.

Respectfully,


Shannon Jones, Board President

cc: Zoning Dept. (Michelle Tegtmeier, Director of Bldg. and Zoning)
Prosecutor's Office (Bruce McGary, Asst. Pros.)
Turtlecreek Township (Tammy Boggs, Admin.)
Aronoff, Rosen & Hunt, LPA (Richard Paolo, Attorney for Applicant)

Shaker Woods - Proposed Typical Lot Layout

TYPICAL LOT DETAILS

SCALE: 1" = 60'

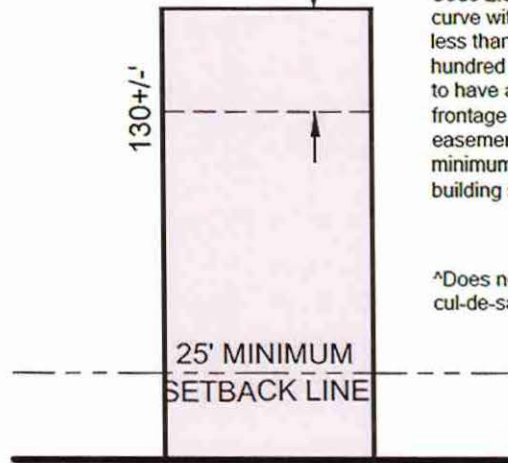
PATIO HOME

6,500 S.F. (Min.) / 0.149 Ac. (Min.)
Minimum Lot Frontage = 43.33' ^{^^}
Lot Width @ Front Setback = 52' (Min.)
Max Building Height = 35ft

SINGLE FAMILY

9,100 S.F. (Min.) / 0.209 Ac. (Min.)
Minimum Lot Frontage = 65' ^{^^}
Lot Width @ Front Setback = 65' (Min.)
Max Building Height = 35ft

30' MINIMUM
REAR YARD SETBACK

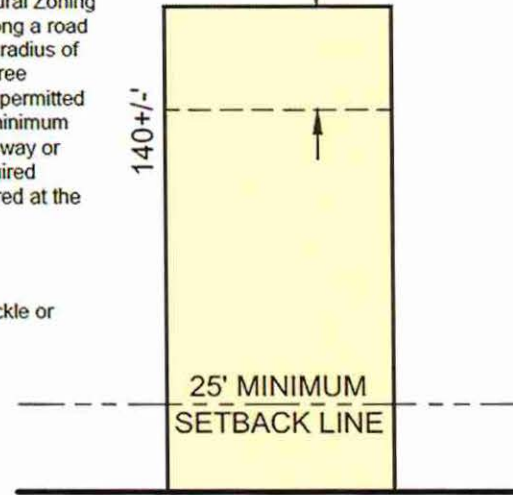


STREET

*Per Warren County Rural Zoning Code 2.302.1: Lots along a road curve with a centerline radius of less than or equal to three hundred (300) feet are permitted to have a continuous minimum frontage at the right-of-way or easement and the required minimum width measured at the building setback line.

^{^^}Does not include knuckle or cul-de-sac lots.

30' MINIMUM
REAR YARD SETBACK



STREET

Shaker Run - Approved Typical Lot Layout

TYPICAL PUBLIC STREET SECTION

SEE PLAN FOR ACTUAL LOCATION OF SIDEWALK AS SHOWN



50' Min. Width
6,000 S.F. Min

60' Min. Width
6,600 S.F. Min

70' Min. Width
9,000 S.F. Min

80' Min. Width
10,000 S.F. Min