

HARRISON TOWNSHIP ZONING COMMISSION PUBLIC HEARING
The Delong Company, Inc.
March 18, 2024

PUBLIC HEARING CALL TO ORDER:

Chairman Kelly Spriggs called the Public Hearing of March 18, 2024, to order 6:00pm at the Harrison Township Fire Department, 3625 State Route 752, Ashville, Ohio. Present from the Zoning Commission were Kelly Spriggs, Ronde Cook Brushart, Lisa Darnell, Brock Riley, Austin Cline, and Sara LeMaster.

Sara read the Public Hearing Order and Rules and the Legal Notice which had been published in the Circleville Herald and mailed to property owners within 500 feet, adjacent to, and directly across the road from the parcels being addressed.

Kelly performed the swearing in of participants wanting to speak at the hearing.

Kelly then called for the applicant, or representative of the applicant to present.

Molly Gwin with Isaac Wiles and Burkholder, LLC, spoke on behalf of the application. She shared that Paul Johnson, as well as Dustin Sells, are present with her. Molly shared that the property is going to be split out of the larger parcel, therefore it is actually about 16 1/2 acres that will actually have the zoning change to a planned business development. They have dealt with the drainage and the site drains quite well. Molly stated that they have proposed a retention pond that's over on the west side of the property with a large drainage swale that will route the drainage and then to the retention facility right on 762.

Molly discussed the mounding proposed along 762 to allow for buffering, which they believe is consistent with the neighboring property and buffering requirements. The northeast corner of the site is where the combined shop/office is located.

Molly shared that the entry to the facility will be gated, and it's anticipated that traffic will likely travel north. She shared that they don't anticipate that a traffic study is warranted for this property-- they don't think it meets the 100 trips that triggers that threshold.

Kelly asked if Molly was representing Delong.

Molly stated yes, she is handling the matter and authorized to speak for the company.

Kelly stated that she knows in the proposal they have the retention, retention, drainage ponds. She knows that to the South they already have a lot of issues with run off with water from other properties. There is a lot of flooding in there and that's before we turn 16 1/2 acres into concrete, she stated. Kelly asked, in regard to their retention and detention ponds, where do they see any of the that excess water running to?

Molly shared that Dustin could speak to that.

Dustin shared that the entire 16 acres will drain to the west into a swale that is on the railroad property. He stated, there's an existing swale that runs all the way around there.

Kelly asked if it's just running into a swale.

Dustin shared it goes into a swale and eventually into culverts across the railroad.

Kelly asked then where does it go? If it is going under the railroad tracks, it's not staying in the basin...it's going somewhere else.

Dustin shared that their basin ultimately outlets to the swale. They're detaining the drainage for the impervious to release no greater than the pre-existing condition.

Kelly stated that when he says where this property has always gone, that's 16 1/2 acres being ground and absorbing that. That is not 16 1/2 acres running off into a swale and going somewhere else. So building these ponds obviously says they expect a lot of water to sit somewhere, and now they're going to force it downstream somewhere else. Kelly shared that what she is worried about is those downstream that are already getting flooded being flooded because more is running off because they've made it a concrete or a black top surface. There's nothing to hold it other than the pond.

Paul Johnson shared, that's the purpose of the retention pond. You've got what's called a first flush when you have a rain event. Then, that impervious surface that used to percolate into the ground, can no longer do that. So, it's designed to sheet drain and follow the swale into the retention pond, and that retains the first flush for 48 hours, per the EPA.

Kelly shared that her concern is that those ponds are already flooded with just the amount of rain we have so she doesn't know where their stuff is going to go.

Kelly asked if they could tell her about these retention and detention ponds and if they are greater than what the engineer requires or are they just at the minimum of what the engineer says.

Dustin shared they're engineered to Pickaway County subdivision regulated.

Kelly stated, so they're meeting minimum standards and not in excess of their minimum standards.

Molly replied with yes, they are meeting the standards, which is the legal obligation. She added that they see from time to time where storm retention systems are actually put in place on property that is agrarian runoff, it can improve the drainage somewhat because at least it's held and it's released at a monitored rate, per the subdivision regulations, and the EPA, that's not happening right now. There's nothing there right now. We complied with what the county requires for stormwater.

Molly added that they did receive a recommendation for approval from the Pickaway County Planning Commission as well for this, however she is unsure if that was transmitted to this board.

Kelly shared that they cannot accept that from them, they would accept it in writing only.

Kelly asked Austin if he has received anything from the county.

Austin shared that he has not received it.

Kelly asked about building a shop/office and what's happening in that shop/office?

Molly shared that it would be just staff, kind of daily monitoring traffic in and out of the site.

Kelly asked so there is no construction, no maintenance or anything like.

Paul shared if they're doing maintenance, it would be for Delong equipment. They're not going to be hiring out or doing maintenance on anything other than their equipment.

Kelly asked what kind of equipment?

Paul shared it may be stacking equipment, they could have equipment from across the road that needs maintenance, anything like that.

Kelly stated that the requirements of oil or whatever types of chemicals would come out of or need to be dealt with when those are being serviced, has anything gone to the EPA for standards for building that? Or do you have standards for building that?

Molly shared that they would certainly expect to comply with all EPA regulations regarding any kind of disposal of any hazardous chemicals, anything like that. It's represented in the zoning application.

Kelly asked if that shop is going to be manned, staffed 24/7?

Molly stated it be staffed 24/7. They anticipate about 7:00 AM to 5:00 PM for the facility to operate and that would be the anticipated hours for the operation of the facility Monday through Friday.

Kelly asked if there would there be any other in and out traffic other than from 7-5?

Molly stated no.

Kelly asked if they could talk to them about lighting.

Molly shared that all of the lighting is proposed directional lighting that's anticipated to be focused directly on the site. It's not anticipated to interfere with any of the neighboring properties. It's located kind of in the northwest corner as well as the southern boundary of the property and then any signage, they would meet the code requirements for signage. It would be consistent with what's permitted under the zoning resolution.

Kelly asked how many people, how many employees do they foresee on the property for the shop, at any given time.

Molly states it's a pretty little shop but she doesn't have that answer.

Paul added, if it's of any guidance, they show 10 parking spaces.

Kelly brought up that The Delong Company has two other properties that are currently being used for similar items. She asked if they could tell her about how Delong company has positively impacted Harrison Township, the fire department, and the school district through tax revenue or contributions? Currently, before this property.

Molly stated she doesn't know that she can speak to that other than substantial commercial investment in the Township obviously creates an increase in the commercial tax base and promotes employment opportunities with respect to both sites as does the entire intermodal area generally. This property is not a super intensive use. It's not a residential property, it's a commercial property that's going to have a small office and hours monitored for in and out. So the benefit of the commercial use generally tends to outweigh the impact to the Township in a way that residential doesn't.

Kelly asked if Mr. Delong has helped the fire department with any grain rescue equipment for our Township. Just knowing that we have someone who's storing massive amounts of grain. Even if it's not for them, but for our entire agricultural community to be a benefit to that. Just looking to see if he's invested in any type of equipment to help with those type of agricultural accidents in.

Paul stated that's a question they can ask.

Ronde asked how much traffic do they think is going to be going in and out?

Molly stated it is a storage facility for shipping containers so not a real intensive business use. She shared she thinks probably minimal compared to the the grain storage that's across the street. She's not aware that there's a massive traffic bottleneck, as a result of any of the uses that are existing there right now.

Ronde shared, because we have a big problem at 762 in Ashville.

Molly stated traffic is anticipated to head north. That's the traffic pattern that's been laid out.

Kelly and Lisa asked about the storage that they're going to have on the West side of the street. Will those trailers be popping back and forth to the grain yard? Or will they just be doing their own thing? Are they affiliated with the grain storage or the grain area at all?

Molly stated she is not aware that they're affiliated with them.

Kelly stated that those are the reasons why she wishes Mr. Delong was here, because to hear their actual representatives continue to say "I can't answer that, I can't answer that," that doesn't give her a whole lot of faith in in this.

Kelly stated she'd be interested to hear more detail, from the county, on the fact that is only two lane road, with a center lane. That center lane would need to be made into an actual turn lane. And what about a deceleration lane coming from the north? If you've got trucks coming that are coming from the north and heading south that are sitting in an actual right of way roadway, she can imagine the number of issues they're going to have with them pulling into that center turn

lane and probably have a few head on collisions there without a deceleration lane. She asked if the county has talked to them about deceleration lanes or acceleration lanes.

Molly stated if the county required that, they would do it, they would be prepared to comply with whatever the county engineer mandated for the site. They are the traffic engineering professionals.

Kelly stated that that's a state highway. So, what have they done with the state in preparation for that?

Molly stated ODOT is aware of the plan and any requirements ODOT had, they would be prepared to comply with.

Kelly asked if they have heard from ODOT?

Molly stated they have not.

Lisa asked if those containers are empty or are they going to have stuff in them?

Molly stated, there will be stuff in them.

Lisa asked if they would be willing to make the ponds a lot deeper to retain more water.

Molly stated that certainly to the extent that the applicable stormwater regulating authority, which is a combination of the county engineer, the Ohio EPA and the state of Ohio with respect to a stormwater retention plan, certainly to the extent that they said these ponds are under sized, or these ponds are not sized adequately to cover the drainage, they would be fully prepared to comply with all of those regulations and mandatory items.

Molly shared that they're obviously submitting and required to get approvals through all of those agencies to the extent they said this is undersized, they would upsize it, they would do whatever was required. She states that it's not an effort to not answer questions, it's an effort just to speak to the call of the purpose of this particular hearing.

Kelly stated that the purpose of this hearing is to get information as to whether or not they're prepared to move on to the next step.

Kelly then opened up the floor to proponents, or those in favor of the application.

Thomas Wardell: "I was a drainage contractor for 32 years. I'm against losing farms to warehouses, houses, solar panels. But this is a different thing. This is for agriculture, and if we lose it around here and you think traffic's bad now, all these farmers have to drive to wherever instead of here, then you've got a problem. I think you misunderstood, that's just for storage, that's not a business going out and in there all the time, it's storage, and far as the retaining pond, I know for a fact that retaining ponds, some work, some don't. I'm here for it because if we lose this, and the farmer can't get rid of his grain, he can sell his farm for warehouses, houses, because he can get top dollar and that's something to think about. You've got more trucks coming into the warehouses than you're going to have at this site. That will cause more problems than this will ever, so it's something to think about. I'm all for it and I know there's pros and cons

with it. But this is an agricultural area and if they can't make it, they sell it, and we will have more houses, warehouse, etc. Thank you."

Kelly thanked Mr. Wardell for his input.

Kelly asked the applicant in response to Mr. Wardell's comment, that as far as the storage containers, are those the storage containers that will be used for grain?

Molly confirmed they will not be used for grain.

Kelly asked for any other proponents.

Paul Johnson asked to say something.

Paul shared that he knows he has a vested interest in this, but he is also a farmer. He lives in Walnut Township and chairman of Walnut Township zoning and has been since 1988. He personally knows Thomas Wardell and agreed with all that he had to say. He stated that this gives farmers the opportunity to get rid of their grain by putting it in shipping containers and sending it overseas. He shared that one other thing that's important is that they're going to put a tremendous amount of money and investment, and it's going to build a tax base that's going to contribute to the fire department, the Police Department, the Sheriff's Department, the school district and so on and so forth.

Kelly thanked Paul for his comments.

Kelly asked for any neutral parties.

Kelly asked for any opponents, those not in favor of this development.

Thomas Persinger: "I live at 10442 State Route 762, directly across from there and I agree 100% with that last statement and I support that whole heartedly. I support the farmers, that has nothing to do with the grain, doesn't support grain, it's not going to hold grain. To me, it's another eyesore in my sunset. They've very poorly carried out a lot of the agreements in prior acquisitions to land purchases on both sides of me. So, I'm totally against it."

Kelly thanked Mr. Persinger.

Tommy Persinger: "I also reside at 10442 SR 762. One issue I do understand that you had mentioned is traffic. I do also understand that this will be resolved in the future. Also, there's literally trucks in that right lane blocking that lane of traffic and you get everybody else that jumps into that turn lane and flies by. Now we're going to add a left turn lane to this and have semis crossing the road... that's kind of scary. And another thing is, the lighting is already causing an issue. In our backyard, it is daylight in the middle of the night. We've tried to work with them, we've offered to even help amend the issue, but it seems like Delong never wants to follow through with their plan of actions. Their drainage, we still have a slight issue with that lot draining onto our property that they buried into the drainage tile when they did the construction and never checked it."

Ronde asked if they offered to buy them out.

They confirmed they were given an offer to be bought out.

Kelly thanked everyone for their comments and stated that at this time, the Commission will discuss and prepare to make a final recommendation.

Kelly shared that the Commission had concerns with the lack of response from the county, lack of response from ODOT, because they do know that there's going to be concerns or there have been concerns on state routes previously, so they would like to have that ODOT information, to help them make a decision. Other concerns that they do have, but are not necessarily an impact to the decision of the rezoning, as we know, are things like drainage and the impact to the neighbors where it's going to run, those kind of things. So, if the board can have a little bit more details on the drainage and the downstream impacts, they would certainly love to hear that.

Kelly made a motion to delay a decision until April. We will reconvene a meeting on April 15th, at 6:00 PM following receipt of those responses from county and state.

Ronde seconded the motion.

Ronde, yes. Kelly, yes. Brock, yes. Lisa, yes.

ADJOURNMENT:

With no further comments and all matters attended to, Ronde moved, and Kelly seconded the motion to adjourn the March 18, 2024, Rural Zoning Commission Public Hearing with The Delong Company, Inc. All were in favor and the meeting adjourned at 7:10pm.