

Village of Kirkersville
Zoning and Planning Board Meeting Minutes

June 28, 2023

Opening: Dave Engel called the meeting to order at approximately 7:06 pm and opened with the Pledge of Allegiance.

Roll Call: Present were Terry Ashcraft, Todd Merry, and Dave Engel.

Also present were Brian Zets, Randy Stoll, Jack Christy and Vicki Coe.

Motion to Approve Minutes of May 24, 2023: 1st by Terry Ashcraft; 2nd by Todd Merry. Following vote on the motion is recorded; yea, 3; nay, 0. Minutes are approved.

Public Hearing: to consider the Application for Amendment to the Official Zoning Map on the following parcel:

Parcel 026-080082-00.004

Approximately 9.125+/- acres located to the northwest of the intersection of Outville Road and Ohio Route 158 in the Village of Kirkersville

The Applicant and property owners are requesting the property be rezoned from B, Business District to the PUD, Planned Unit Development. At this time, the Applicant anticipates the project will consist of a refueling station, convenience store, and fast dining restaurant.

Dave Engel opened by explaining the decision will be based on Section 1209 of Village Zoning Ordinance. The Board will be asking Randy & Jack for answers on many points.

Dave Engel opened public comments.

Renee Smith, 7025 Outville Road, opposes the request on economic, environmental, and aesthetic reasons. This is entranceway to the Village; do we want that? She worries about health concerns esp. to children, traffic, crime,

human trafficking, and maintenance of roads. Who will provide safety to residents who live close by?

Norma Welch, 9687 Loop Road, heard there was to be no overnight semi parking. From her property, she can smell the trucks from Flying J. We are trying to get away from this stuff.

Dave Engel temporarily closed public comments and opened for presentation.

Josh Miller answered questions from the last meeting. The closest residence from north boundary line is 850 feet. There will be no overnight truck parking. The General Manager will be well advised of that. Much of enforcement is complaint based with fines from the Village. The PUD is necessary to clarify that the use is allowed on property and for requested signage. They received Randy's comments and will act on them.

Terry asked about the plan to police the overnight parking. They answered that only the developer is here. 7/11 Speedway is the tenant. Tenant promised to police it and will comply with the agreement made here. Also, signage will prohibit northbound truck traffic and direct trucks south toward highway.

Terry asked if they have discussed with the county? They said have not heard back yet.

Zets said Zoning Board approval, if given, is conditional based.

Todd said road conditions with truck traffic are not conducive to residential area. He is concerned about lighting, truck traffic, road speed on Outville Rd, smell of diesel fuel, people sleeping in cars and trucks, jake brakes, noise, pollution, water movement and flooding during construction, integrity of road during construction. They answered road repair is part of plan; will have Army Corp of Engineers permitting to maintain existing culvert, maintain the road, and revitalize anything damaged; two potential retention ponds to prevent flooding during work; will have water cleansing and quality process before any is released into creek that will meet Ohio EPA regulations.

Todd asked how far from I70 to entrance on Outville Road. They answered it is 600 feet from corner of bypass intersection to entrance.

Todd asked why trucks are the closest to residential homes. They answered it is what works for the site; fuel tanks need to be close together and close to the store. Truck traffic will be directed by signs and fuel pump entrances to enter from SR158 and leave onto Outville Rd. Fifteen truck spaces are needed for store access and won't be reduced.

Todd said he is still concerned about the effect of traffic, trucks, noise, smell, and lights.

Terry asked if they spoke to County about the speed limit, and requested they do so, as 55 mph is too fast. They said they will.

Dave asked if traffic flow could be an exit only for the northernmost truck exit onto Outville Rd. They answered they would need to update the traffic impact study to reflect that. They will ask 711/Speedway, but it is highly unlikely they will accept, because they already lost a cut from SR158 near the intersection due to ODOT.

Dave said there are 2 former service station sites in Village that appear to be contaminated. EPA is involved. What does Speedway do to insure it doesn't happen again? They answered new technology makes developers and banks comfortable with project safety. Owners are responsible if leaks.

The property owner said the size of store is same as seen in other places, not the size of Flying J, 4700 sq ft building, and does not contain showers, huge restrooms, full-service restaurant, or a full store. It's a normal, traditional gas station and functionally different than Flying J. Limited parking can be asked. Signage will prevent overnight. No dump station. At north end of property will be landscape and downlighting. Restaurant hours are short. They are taking steps necessary, including fence, landscape, and buffer to mitigate noise, light, and pollution. They will engage the County on speed limits. Builders are professionals with federal permits to cross the stream and are leaving it as natural as possible with only crossings instead of putting entire thing into culverts. They have federal, EPA, stream and wetland permits to govern the floodplain and will control the grade through the site. Speedway will not give up the curb cut (NB onto Outville). If not this development, another station is waiting to come in, or a business which per

code will not have to address these things. They never had a chance until now to address their philosophical approach to development to the Board.

Dave asked what landscape sound buffers would be used to north and west. They said it can be discussed with Randy later, but may include a combination of mounding and trees.

Zets said the Board will see all that in the final plans. Fine tuning by the Board will happen before a shovel goes in the ground.

Jack directed to the items addressed in his report.

Randy addressed 3 items from his report; storm water, traffic study, and sanitary sewer. Initial calculations for storm water look to be in order and in compliance with Licking County. Would request complete plans that show no impact. Traffic study on a stand alone is ok, but Red Rock and Outville Road Development also have impacts. He recommends the three developments need to coordinate. One of the other traffic studies stated at some point the SR 158/Outville intersection will need improved, and recommended a round-about. He is not advocating that, just reporting. The concern is proximity to the freeway entrance. There is a sign on the site that may need moved if future road improvements are necessary. To prevent future costs to the Village for the sign, it should set back out of the area.

Zets said to address sign placement and Village Right-of-Way, so Village does not have to replace the sign. This is an added condition in Randy's report.

Randy said Outville Road is not suitable for 55 mph. It should revert to 35 mph. It is a safety problem. The County sited a standard and has jurisdiction. He will add comments for developer to coordinate with the County.

Dave said Attorney Plank cited a law that enabled the Village and Harrison Township to agree to have it reduced.

Terry said he talked to the County Engineer multiple times and it's always an argument, that they won't do it, and it will stay 55. Summerset Road off SR40 is 35. He tries to set up meetings but they are always too busy and say they will get to it.

Randy said on the sanitary sewer the distance to the manhole for gravity is too far away to reach; doesn't think it's even possible. It needs a grinder station and a small diameter forced main.

Zets said it should be installed inside the structure, to become private property, so the Village is not responsible to maintain it in the future.

Josh said the plans are to accommodate future development with increasing flow and prevent another forced main.

Jack asked if they are looking at a full-sized lift station. They said yes, a duplex pump with an option to add a third. Updated calculations would be given to Randy at that time.

Dave said the reports show that the plan meets Zoning Code with conditions.

Dave re-opened public comments.

Renee Smith, 7025 Outville Road, asked the Board to please look at health of living next to a gas station; stated that trucks park all night on freeway ramp; trash concerns; Speedway has no interest in our community; would like to see businesses that serve the Village; this doesn't serve residents; harms health.

Norma Welch, 9687 Loop Rd, said Speedway should be bending to get that prime real estate; have more EV; get rid of diesel fuel; Board should be picky; rather see wetlands preserved; all about money. She asked if the Village has to give them septic sewer service and about the height of signs.

Dave closed public comments.

Terry is concerned with the traffic study. Randy said it's fine as a stand-alone study, but the other two developments need to be taken into account. Red Rock is going to send a lot of traffic down SR158. All parties need to coordinate.

Terry is concerned with lighting and traffic all night.

Todd has issue with speed, road conditions, and lighting. It's challenging to say this is the best idea for growth. People of this community don't want it. With all the unchecked boxes, don't know how to make it work. I need more information.

This isn't about what I want. I am on Zoning Board to act in best interest of the community.

Dave said it's a dilemma. He wonders if it's not a huge truck stop, then why not only cars. What is best for Village? The property owners have met the basic requirements for plan approval with the conditions laid out by Randy and Jack.

Zets explained that Zoning is doing nothing more than recommending. Council will make ultimate decision as to whether this property is rezoned to a PUD. The developer will come back with a final development plan that has everything included for approval by Zoning Board. The motion should be (worded as) a motion to recommend approval of the preliminary development plan under the following conditions to Council, because it is clear for voting yes or no. "Motion to recommend Council approve the preliminary development plan under these following guidelines..." The conditions will be built in for Council's vote. The vote will go to Council. He will prepare the Ordinance. Council will take or not take the Board's recommendation. Council will also have a public hearing. All the details will be included in the final development plan submitted to Zoning.

Dave asked for a motion on the following: **Motion to recommend approval of the preliminary development plan which was submitted with the four conditions set forth in the Zoning Inspector's report and the additional condition that the applicant comply with the Village Engineer's comments and conditions.**

Terry made the motion as above. Second by Dave. Vote on the motion is as follows: Terry, yes; Dave, yes; Todd, no. Motion passed and will be forwarded to Council for their action with the conditions that Jack submitted in his report and Randy submitted in his report for their consideration.

Zets said the ordinance will be ready for first reading at the August Council meeting. Public meeting could happen at the second reading in September. Vote to accept or deny could be in October.

Board Poll

Todd brought up property upkeep and un-mowed land at Loop and Outville. Terry said the Village can't make owner mow agricultural land.

Todd asked what financial gain there is to the Village from the gas station and was told real estate tax, income tax, and ROW permit.

Discussion of how to know what is best for the Village.

Public Poll: none

Board Discussion on zoning ordinance. Terry suggested a special meeting to go over zoning book. Meeting set for July 12, 2023 at 6:00 pm to start with section 300.

Motion to Adjourn: 1st by Terry Ashcraft, 2nd by Todd Merry. All in Favor. Meeting adjourned. Approximately 8:57 p.m.

Respectfully submitted by Zoning Clerk Vicki Coe.

These minutes are unofficial until approved by the Zoning and Planning Board.

Approved by the Board this 28th of June, 2023.

Terry Ashcraft Dave Engel Todd Merry