

**MILLCREEK TOWNSHIP ZONING COMMISSION**

**PUBLIC HEARING MINUTES  
REGULAR MEETING MINUTES**

**DATE & TIME:** Tuesday, September 20, 2016 @ 7:00 p.m.

**LOCATION:** Millcreek Township Hall, 10420 Watkins Road, Marysville Ohio 43040

***LEGAL NOTICE***

***NOTICE OF PUBLIC MEETINGS  
Millcreek Township Zoning Commission  
Regular Meeting Schedule 2016***

*The Millcreek Township Zoning Commission will hold a regular business meeting on the following dates:*

<i>02/16/2016</i>	<i>06/21/2016</i>	<i>10/18/2016</i>
<i>03/15/2016</i>	<i>07/19/2016</i>	<i>11/15/2016</i>
<i>04/19/2016</i>	<i>08/16/2016</i>	<i>12/20/2016</i>
<i>05/17/2016</i>	<i>09/20/2016</i>	

*All Millcreek Township Zoning Commission regular meetings are held on Tuesdays, begin at 7:00 p.m. and are held at the Millcreek Township Hall, located at 10420 Watkins Road, Marysville, Ohio 43040. The public is invited to attend.*

*Phil Honsey, Zoning Administrator  
937-644-3449*

*Published in the Marysville Journal Tribune on January 25, 2016*

**CALL TO ORDER:** Meeting called to order by Chair Joni Orders at approximately 7:04 p.m.

**ROLL CALL:** The Zoning Administrator called the roll:

<i>Members Present:</i>	Joni Orders, Chair Kevin Bryant, Vice-chair Greg Wisniewski Eryn Staats Freeman Troyer Jim Lawrenz Tim Belmonte
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<i>Members Absent:</i>	None
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<i>Others Present:</i>	Phil Honsey, Zoning Administrator Keith Conroy, Trustee David Kern, Shelly Materials, Inc. Paul Rice, Shelly Materials, Inc. Danny Moore, Shelly Materials, Inc.
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Kevin Cooperrider, Shelly Materials, Inc.  
Dave Gulden, Executive Director, LUC RPC  
Bradley Bodemiller, Planner, LUC RPC  
Ryan Berry  
Bob Conklin  
Gary Conklin

**PUBLIC HEARING – ZC-2016-001 (Shelly Materials Request for Zoning Map Amendment)**

Chair Joni Orders opened the public hearing to consider the request from Shelly Materials to rezone an additional 50 acres from the U1 district to the EQ District.

Chair Orders referenced the handout regarding the rules for public questions and comments.

Chair Orders asked the Zoning Administrator to describe the publications of notices for the public hearing. The Zoning Administrator said the notice (a copy of which is included with these minutes) was published in the Marysville Journal Tribune on August 23, 2016, was posted on the Millcreek Township website and at the Township Hall.

The Zoning Administrator indicated it would be appropriate for Shelly Materials, Inc. to present their request to the Commission.

David Kern, Vice President and General Counsel for Shelly Materials, Inc. introduced the Shelly team present. Mr. Kern provided an overview of the application to expand zoning for the quarry by 50 acres, per the EQ District requirements. He noted the expansion would not affect hours of operation and total number of employees.

Commission member Jim Lawrenz asked how the 50' setback is determined. Shelly employee Kevin Cooperrider indicated it is part of the ODNR mine permit requirements. Commission member Greg Wisniewski asked how the mound and setback combine to affect the distance of the mining working face from the road. The working face would be approximately 130' from the road centerline, Mr. Cooperrider said. Chair Orders noted the ODNR setback matches the zoning code requirement as listed in Item B, Section 6863.

Commission member Eryn Staats expressed safety concerns about the heavy truck traffic to and from the quarry, calling attention to problems at she said she has observed with truck traffic, especially at intersections. Mr. Kern indicated Shelly requires that brokered haulers meet safety requirements, and if infractions are observed, details regarding the truck involved would be helpful for enforcement.

Mr. Lawrenz asked if water quality, as well as quantity, was monitored in the existing monitoring wells. Shelly employee Mr. Moore indicated quantity and quality monitoring is done monthly. The Zoning Administrator noted he receives regular reports from Eagan & Associates, the environmental consultant retained by Shelly. The Zoning Administrator read aloud the testing summary from the report he received on August 2, 2016.

Commission member Tim Belmonte asked if mining in the 7.3-acre area identified in the request for

rezoning is currently active. Mr. Kern said yes.

Mr. Lawrenz asked how Shelly would handle blasting as the quarry operations moved closer to U.S. 42. Mr. Kern indicated that Mr. Moore texts neighbors who have requested notification. They have been stopping traffic on Jerome Rd. for a short time during blasting. Mr. Kern said blasts are designed to not damage nearby buildings. Mr. Cooperrider said Shelly has to submit every blasting plan to ODNR for approval.

Mr. Wisniewski asked if Shelly would consider stopping traffic on US 42 for blasting in the future as the quarry expands. Mr. Cooperrider indicated there would be an 800' to 1000' separation from US 42, so that should not be required.

Mr. Wisniewski asked what the projected years to depletion would be in the new section. Shelly staff discussed the factors influencing the extraction of material, such as the economy, the thinning of the rock layer as the quarry moves southward. He indicated that, subject to changes in these variables, it was expected that the 50-acre expansion would last an estimated 3 to 4 years.

Chair Orders opened the floor for public comments.

Bob Conklin indicated he had been a neighbor for most of his life. He said Shelly quarry activities have never caused problems for his buildings, which he estimated are closer to the quarry activities than any other buildings. He said Shelly was very quick in addressing issues, and maintained an excellent relationship with neighbors.

Millcreek Township Trustee Keith Conroy said Shelly has been a good partner with the community in providing the soccer fields and nature area. Mr. Kern indicated he was very pleased with the nature area.

The Zoning Administrator added that he had forgotten to include in his description regarding public notices (see above) that he had also notified adjacent property owners by mail.

Mr. Cooperrider indicated Mr. Moore had talked with neighbor Evolution Ag about its' concerns regarding blasting. Mr. Moore keeps neighbors up to speed on what is going on, Mr. Cooperrider said.

Mr. Lawrenz asked if the woods near the proposed section to be rezoned would remain. Mr. Cooperrider indicated the majority of the woods would not be affected.

Commission member Kevin Bryant moved approval of the application as submitted. Ms. Staats seconded. All voted aye. The motion passed.

Mr. Lawrenz moved to adjourn the public meeting. Mr. Wisniewski seconded. All voted aye. The Millcreek Township Zoning Commission Public Hearing to consider ZC-2016-001 was adjourned.

## **REGULAR MEETING**

Chair Orders opened the Regular Meeting.

## **MINUTES REVIEW AND APPROVAL:**

The Commission reviewed the minutes from the June 21, 2016 regular meeting. Mr. Wisniewski suggested that in the second line under the section titled "Zoning Administrator's Report" the "and" following the words "Court Case" be eliminated and the comma after the word "month" in the last line be eliminated. Under the section titled "New Business," he suggested the comma following the word "rezoning" in the second line be eliminated. Mr. Wisniewski then moved approval of the minutes, as amended, and Mr. Bryant seconded. All voted aye and the motion passed at 7:45 p.m.

**CITIZENS COMMENTS:** None

**TRUSTEES COMMENTS:** Trustee Keith Conroy referenced the upcoming joint Trustee/Zoning Commission comprehensive plan update meetings with the Trustees on October 5 and October 18, 2016.

Trustee Conroy reminded the Commission the PSO levy renewal for Jerome and Millcreek Townships will be on the ballot in November. He said the 75%/25% formula used to determine the sharing of costs and services between the two townships is tied to both population and area. Mr. Wisniewski asked if the growth in Jerome Township would affect the distribution of costs. Trustee Conroy indicated the Trustees were, at present, comfortable with the percentages of cost and services for this proposed 5-year renewal.

Trustee Conroy said the schools will be holding a public information meeting at the Millcreek Township Hall in October. Ms. Staats said the date and time for the public information is October 24, 2016 at 7 p.m.

**OLD BUSINESS AND NEW BUSINESS:**

Chair Orders explained the items tabled indefinitely under Old Business and the New Business would be taken up as a part of the above referenced comprehensive plan update meetings.

Mr. Bryant noted the lighting for the greenhouses on U.S. 42 is not dark sky compliant. The Zoning Administrator indicated the greenhouse operation is considered agriculture and is therefore exempt under zoning. However, as a public safety measure, he would ask the Sheriff's PSO officer to request that the greenhouse operator shield the lighting so that it does not create glare on US 42.

**NEXT MEETING:**

Chair Orders noted the next meeting of the Commission will be October 18, 2016.

**ADJOURN:**

Mr. Wisniewski moved adjournment at 8:07 p.m. Ms. Staats seconded. All ayes. Meeting adjourned.



## LEGAL NOTICE

### NOTICE OF PUBLIC HEARING Millcreek Township Zoning Commission

The Millcreek Township Zoning Commission will hold a public hearing at 7:00 p.m. on Tuesday, September 20, 2016, to hear a proposal by Shelly Materials, Inc. for a zoning map amendment (rezoning) of 50 acres at 8328 Watkins Rd, parcel number 2500130230000, from the Farm/Residential District (U1) to the Excavation and Quarry District (EQ). The meeting will be held at the Millcreek Township Hall, located at 10420 Watkins Road, Marysville, OH 43040, and is open to the public. The regularly scheduled Millcreek Township Zoning Commission monthly meeting will immediately follow the public hearing. After conclusion of the public hearing, the matter will be submitted to the Millcreek Township Board of Trustees, who will provide public notice and also conduct a public hearing at a future meeting, prior to taking action. A copy of the proposed rezoning is available online at [www.millcreektwpohio.us](http://www.millcreektwpohio.us) or in the Marysville Public Library.

Phil Honsey  
Zoning Administrator | Millcreek Township  
(937) 644-3449 phone | [zoning@millcreektwpohio.us](mailto:zoning@millcreektwpohio.us)

PREPARED BY:

\_\_\_\_\_  
Phil Honsey, Zoning Administrator

APPROVED:

\_\_\_\_\_  
Joni Orders, Zoning Commission Chair

Date \_\_\_\_\_