

City of Monroe Planning Commission Minutes
May 18, 2021 – 6:00 pm
233 South Main Street, Monroe, Ohio

Call to Order

Mr. Kirkpatrick called the meeting to order at 6:01 pm.

Roll Call

Members present: David Kirkpatrick, Benjamin Wagner, Lindsey Pyron, and Robert Routson

Staff members present: Kevin Chesar, Director of Development; Kameryn Jones, Planner; Alaina Hagenseker, Planning & Zoning Specialist; and William Brock, City Manager/ City Engineer.

Approval of the Minutes

Mr. Kirkpatrick moved to approve the minutes from the April 20, 2021 meeting; seconded by Mr. Routson. Voice vote. Motion carried.

Business

Case No. 2021-54-1— Consideration of a zoning map amendment regarding property at 860 Holman Avenue to be rezoned from A-1 Large Scale Agricultural to L-1 Light Industrial

Mr. Kirkpatrick opened the public meeting.

Having been sworn, Mr. Chesar stated that the property owner of 860 Holman Avenue, requested a zoning map amendment from A-1 Large Scale Agricultural to L-1 Light Industrial. The current Comprehensive Plan, adopted in 2010, designates this property as Agriculture in the Future Land Use Map. However, staff would consider the timing of the Comprehensive Plan update, which is currently in process and nearing completion and is anticipated to be adopted by the end of summer. That draft plan, while not adopted, has designated this area for light industrial in its Future Land Use Map which is based on the surrounding industrial land uses north in Middletown as well as along Holman Avenue.

Mr. Dunn, present on behalf of the property owner indicated he was in favor of the request.

Having been sworn, Mr. Gaston of 568 Todhunter Road, questioned the need for more industrial along a residential area.

Mr. Chesar noted that utility providers are allowed in all zoning districts.

Mr. Kirkpatrick moved to close the public hearing; seconded by Mr. Pyron. Voice Vote. Motion Carried.

Mr. Wagner moved to approve a recommendation to City Council to approve the rezoning of 860 Holman Avenue from A-1 Large Scale Agricultural to L-1 Light Industrial; seconded by Mr. Routson. Voice Vote. Motion carried.

Mr. Kirkpatrick opened the public meeting.

Case No. 2021-5-5— Consideration of a conditional use permit for Texas Gas Transmission LLC regarding a proposed natural gas metering facility locating at Mason Road and Butler-Warren Road

Having been sworn, Ms. Jones stated that Texas Gas Transmission LLC submitted a site plan application for a natural gas utility development at the corner of Mason Road and Butler Warren Road. The proposed development will locate on the same property as the Duke Energy Mason Station submittal, owned by Duke Energy. The proposed development will include a 5,312 square foot utility building housing metering and regulation equipment to serve local gas service. The applicant intends on demolishing the majority of current pipeline structures/building closer to Mason Road and relocating the utilities further south adjacent to/in coordination with the proposed Duke Energy substation. The current zoning is C-2 General Commercial and with a small portion of L-1 Light Industrial. The applicant anticipates an August start date and an October completion date.

Ms. Jones pointed out the requests contain a barbed wire fence; however, barbed wire is prohibited in commercial zoning districts as well as the use of slats. There is also no proposed parking for this site, but the applicant advised there is no need for parking at the facility as it is an unmanned facility with very minimal traffic or employee presence at the site. The applicant has stated it is not open to the public and will have occasional visits by company technicians. Gravel is prohibited as a surface material for vehicular use areas. The applicant has proposed the use of gravel within the fenced in area of their facility to access below ground piping for assessment, which requires excavation of piping on a periodic basis. No internal sidewalks connecting the public to the building are proposed as required. The access drive proposed from Mason Road to serve the site would be required one canopy tree every 50 linear feet and three bushes (36" minimum installation height) ever 15 linear feet. No canopy trees or shrubs along the access drive have been proposed. The shrubs proposed on the outside of the fence along the west and north side of the site must be 36 inches at installation.

It appears the base-body-cap design requirement is met on the building, but the percentages are not labeled on the elevation drawings. It will need to be labeled. Building facades visible from a public right-of-way must incorporate a minimum 25% window area. This requirement does not appear to be met on the north side, with approximately 21% window area, of the south side, with no windows proposed. Of the required window area, only 20% may be opaque or spandrel glass. The applicant is proposing entirely spandrel glass windows, which they have stated is for security purposes to protect the equipment inside. Building facades visible from a public street 60 feet wide or greater must incorporate wall offsets at least 2 feet deep and 20 feet wide. Material changes of the same dimension may also be utilized. The elevations submitted do not appear to show the required offset requirement. The access drive extending from Mason Road at the north down to the Texas Gas site has no lighting (0.0 footcandles). The required minimum for access drives is 0.3 footcandles. The applicant has stated the

access drive will be gated to limit entry to authorized personnel only. The site would be required a minimum of 0.2 footcandles, the minimum required for infrequent use building/development entrances, at the access of Mason Road. It appears to be underlit at that entrance area.

Ms. Jones advised the Fire Department reserves the right to comment during plans review. The Police Department had no comment, and Public Works and Engineering were still under review.

In closing, Ms. Jones presented the following consideration for the Conditional Use:

(1) The conditional use is consistent with the spirit, purpose, and intent of the comprehensive plan, will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare. The Comprehensive Plan does discuss the need for the expansion of the City's infrastructure to be managed to meet current needs and future growth. Efficient and effective utility/power capacity is critical to the infrastructure of any community to serve the public welfare.

(2) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. The applicant has stated their proposed site has been developed with the City of Monroe building and zoning requirements for this commercial zoning district. The applicant has stated the proposed fence line, landscaping, and building façade meet the intent of code requirements with a few exceptions for safety reasons as an essential public utility.

(3) The proposed conditional use is to be in a district wherein such use may be permitted, subject to the requirements of this chapter. The proposed use, classified as a public utility, is conditionally permitted in the C-2 General Commercial zoning district.

(4) The use complies with all use-specific provisions established in Section 1204.04 Use-Specific Standards. There are no use-specific standards associated with the Public Utilities use category.

(5) The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The proposed use will be adequately served by essential public facilities. The applicant has stated this project will expand the existing energy infrastructure to meet the city's future growth and land use requirements.

(6) In the interest of public safety, as a matter of policy, all points of ingress/egress shall be located as far as possible from the intersection of two or more streets. The proposed site will utilize an existing access point from Mason Road.

(7) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Commission in the approved conditional use. As mentioned in the Site Plan staff comments, Ms. Jones advised there are several items to be addressed regarding the proposed site to comply with all regulations and standards of the code, including some requested exemptions.

(8) The use will not be hazardous to or have a negative impact on existing or future surrounding uses. Based on the location adjacent to the Interstate and a history of utility supply in the area, it does not appear that a negative impact will occur.

(9) The proposed use will not be detrimental to the economic welfare of the community. Based on the applicant's attempts to screen the structures with various C-2 architectural requirements and when considering the location adjacent to the Interstate and a history of utility supply in the area, it does not appear that a detrimental impact will occur.

(10) The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not comparable to the uses permitted in the base zoning district. The applicant has stated in their application that the proposed use will produce very little traffic outside the occasional maintenance visit by a technician, which could be considered significantly less than the retail traffic to the north and the industrial uses to the east. Understanding the nature of this particular use, there may be consideration for any odor or noise because of its operations.

(11) The proposed use will not be detrimental to property values in the immediate vicinity. Based on the applicant's attempts to screen the structures with various C-2 architectural requirements and when considering the location adjacent to the Interstate and a history of utility supply in the area, it is unknown if a detrimental impact will occur, but the architectural screening attempts are an effort coordinate with any future commercial development.

(12) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The proposed use will not impede development of surrounding properties.

Staff recommends Planning Commission approve the application with the following modifications. Discussion and decision with Planning Commission regarding the proposed use of gravel within the site. Discussion and decision with Planning Commission regarding the proposed use of barbed wire surrounding the site. Discussion and decision with Planning Commission regarding the internal sidewalk requirement waiver request. The applicant will revise plans to remove slats from the chain link fence. A waiver of the parking plan be approved as requested. The applicant will revise the photometric plan to meet the minimum lighting required at the Mason Road entrance area. The applicant will revise the architectural elevations to address staff comments regarding building offset requirements and minimum window requirements. Discussion and decision with Planning Commission regarding the use of spandrel glass beyond the 20% maximum permitted. The applicant will revise the landscape plan to address the access drive landscaping requirements. The applicant understands that should the eastern facing service door be visible from Butler-Warren Road, more screening measures (via landscaping and/or fencing) may be required as part of the required Zoning Compliance Inspection. As a reminder, minimum size and species requirements related to landscaping must be met. As a reminder, if ground mounted or rooftop equipment becomes necessary in the future, screening will be required. The photometric plan

will be revised to address staff comments regarding lighting at the access point on Mason Road. All other Staff comments to be met and any future Engineering review requirements. A GIS compatible file of finalized plans be submitted.

Mr. Pyron questioned the landscape plan and how it will look with the Duke facility next to it. Ms. Jones stated that the Duke facility is proposing more decorative landscape and fencing.

Mr. Kirkpatrick stated that he did not like the slats and barbed wire.

Mr. Wagner asked how far back the fence will be from the building itself. Ms. Jones replied that the fence was for security purposes and his concern with the fencing to be adequate for the type of buildings we have for Monroe.

Mr. Chesar stated that the Planning Commission can speak to the applicant about any changes that needed to be made.

Having been sworn, Mr. Shaheed stated the canopy trees might get into the pipe system and could obstruct the lines and cause damage. The windows that are being placed are facing the public road and the access road is considered a private drive.

Mr. Kirkpatrick asked what the bump-out will be and Mr. Shaheed stated that the windows will be only on one side of the structure.

Mr. Pyron said he would like an idea of something different if canopy trees and barbed wire cannot be placed so it does not look like a small jail. Mr. Shaheed stated that some of those will be for the safety of the location.

Having been sworn in, Mr. Duford explained that a vinyl fence is not out of the question, but Duke only stated a chain link fence. Ms. Jones clarified that Duke is proposing a decorative aluminum fence along the Butler Warren side, and some chain link fencing for security along the sides and rear.

Mr. Pyron asked about the gravel situation. Mr. Shaheed replied there will not be a lot of gravel dust and it will be easier to maintain and access the below ground piping.

Mr. Kirkpatrick asked about instrumentation to detect cracks or leaks. Mr. Shaheed stated that the pipeline has a cap to assess the functionality of the pipe.

Having been sworn in Mr. Schuchter informed the Commission this is a joint project to increase the capacity of gas through the area.

Mr. Kirkpatrick asked about CCTV (closed-circuit television). Mr. Schuchter advised that there are alarms.

Mr. Kirkpatrick moved to close the public hearing; seconded by Mr. Pyron. Voice vote. Motion carried.

The Commission recessed from 7:34-7:40

Mr. Kirkpatrick opened the public hearing.

Case No. 2021-5-6 Consideration of a site plan application and conditional use permit for Duke Energy regarding a proposed natural gas regulating site locating on property at Mason Road and Butler-Warren Road.

Having been sworn in, Ms. Jones stated that Duke Energy Ohio submitted a site plan application for a proposed natural gas regulation site along Butler Warren Road near the corner of Mason Road. The site is approximately 7.053 acres and will also contain the Texas Gas Mason Station project, which will be located just west of the Duke Energy site, but on the same parcel. The proposed development area is 0.77 acres and will include a 1,740 square foot utility building housing natural gas equipment. The current zoning is C-2 General Commercial and with a small portion of L-1 Light Industrial. The applicant anticipates a July or August start date and a January 2022 completion date.

The use of barbed wire fencing is proposed to surround the facility. The applicant has stated they wish to use a black vinyl coated chain-link fence with barbed wire for safety purposes on the sides and rear of the site. The use of barbed wire is prohibited in commercial zoning districts. Staff would note slats or opaque mesh is not permitted on fencing. The fence elevations provided appear to suggest some sort of slat or overlay on the chain link fence. There are no proposed parking stalls for this site. The applicant has stated this natural gas facility will be unmanned facility with visitation by authorized employees only, not open to the public. Gravel is prohibited as a surface material for vehicular use areas. The applicant has proposed the use of gravel within the fenced in area of their facility to access below ground piping for assessment, which requires excavation of piping on a periodic basis. The applicant has stated proper grounding and AC mitigation requires utilization of gravel for property function.

With frontage along Butler-Warren Road, a 5-foot-wide public sidewalk would be required. The applicant has not proposed a sidewalk and has indicated this is to prevent suggestion of access to the site as well as future widening plans for Butler-Warren Road. A sidewalk from the public walk is required to provide access to the site itself. The applicant has stated for safety purposes and preventing access or the suggestion of access to the site, a waiver is requested for this requirement.

20% of the required front yard must be landscaped, with a minimum 6-foot landscaped area adjacent to the right-of-way. The applicant has shown landscaping in the front yard along the right-of-way, but it is unclear whether the 20% requirement has been satisfied. The access drive proposed from Butler Warren Road to serve the site would be required one canopy tree every 50 linear feet and three bushes (36" minimum installation height) ever 15 linear feet. While trees have been proposed along the north side of the access drive, the species proposed are majority evergreen with several smaller flowering trees, as opposed to the canopy tree type required. There are no shrubs required along the access drive. As a reminder, all rooftop and ground mounted equipment must be screened from view. The applicant has indicated there will be no rooftop equipment and all ground mounted units will be screened by proposed fencing and/or landscaping measures.

Building walls visible from a public right-of-way must incorporate a minimum 25% window area. This requirement is met on the east side but is not met on the north or south elevations, which would both have visibility from Butler-Warren Road. Of the required window area, only 20% may be opaque or spandrel glass. The applicant is proposing entirely spandrel glass windows, which they have stated is for

security purposes. The access drive from Butler-Warren Road to the east has no lighting (0.0 footcandles). The required minimum for access drives is 0.3 footcandles. The applicant has stated the access drive will be gated to limit entry to authorized personnel only.

(1) The conditional use is consistent with the spirit, purpose, and intent of the comprehensive plan, will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare. The applicant stated in their application that the proposed project aligns with the Comprehensive Plan goal to provide future development that is balanced and compatible with existing adjacent land uses, as well as served by adequate public infrastructure. The applicant has stated it also meets the goal to provide adequate infrastructure to the community and future businesses.

(2) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. The applicant has stated their proposed site has been developed with the City of Monroe building and zoning requirements for this commercial zoning district. The applicant has stated the proposed fence line, landscaping, and building façade accommodate the intent of code requirements with several exceptions for safety reasons.

(3) The proposed conditional use is to be in a district wherein such use may be permitted, subject to the requirements of this chapter. The proposed use, classified as a public utility, is conditionally permitted in the C-2 General Commercial zoning district.

(4) The use complies with all use-specific provisions established in Section 1204.04 Use-Specific Standards. There are no use-specific standards associated with the Public Utilities use category.

(5) The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The proposed use will be served adequately served by essential public facilities. The applicant has stated this project supports and expands the existing gas infrastructure.

(6) In the interest of public safety, as a matter of policy, all points of ingress/egress shall be located as far as possible from the intersection of two or more streets. The proposed site will utilize an existing access point from Mason Road.

(7) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Commission in the approved conditional use. As mentioned in the Site Plan Staff Comments, there are several items to be addressed regarding the proposed site to comply with all regulations and standards of the code, including some requested exemptions.

(8) The use will not be hazardous to or have a negative impact on existing or future surrounding uses. Based on the location adjacent to the Interstate and a history of utility supply in the area, it does not appear that a negative impact will occur.

(9) The proposed use will not be detrimental to the economic welfare of the community. Based on the applicant's attempts to screen the structures with various C-2 architectural requirements and when considering the location adjacent to the Interstate and a history of utility supply in the area, it does not appear that a detrimental impact will occur.

(10) The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not comparable to the uses permitted in the base zoning district. The applicant has stated in their application that the proposed use will produce very little traffic outside the occasional maintenance visit by a technician, which could be considered significantly less than the retail traffic to the north and the industrial uses to the east. Understanding the nature of this particular use, there may be consideration for any odor or noise because of its operations.

(11) The proposed use will not be detrimental to property values in the immediate vicinity. Based on the applicant's attempts to screen the structures with various C-2 architectural requirements and when considering the location adjacent to the Interstate and a history of utility supply in the area, it is unknown if a detrimental impact will occur, but the architectural screening attempts are an effort coordinate with any future commercial development.

(12) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The proposed does not appear to impede development of surrounding properties.

Staff recommends discussion and decision with Planning Commission regarding the proposed use of gravel within the site. Discussion and decision with Planning Commission regarding the proposed use of barbed wire surrounding the site. Discussion and decision with Planning Commission regarding the public sidewalk and internal sidewalk requirement waiver requests. The applicant will revise plans to remove any proposed mesh screen or slats from the chain link fence. A waiver of the parking plan be approved as requested. The applicant will revise the architectural elevations to address staff comments regarding minimum window requirements on the north and south sides of the building. Discussion and decision with Planning Commission regarding the use of spandrel glass beyond the 20% maximum permitted. The trees proposed along the access drive do not appear to meet species and spacing requirements in this area, but the utilization of these plantings for screening purposes appears appropriate. Staff recommends approval of the landscape plan as proposed.

Mr. Wagner wanted to make sure that they will continue to work with staff and Planning Commission to work through the recommendations. Mr. Chesar replied that the applicant will work with Planning Commission and staff as needed.

Mr. Kirkpatrick moved to approve Case No. 2021-5-6 Consideration of a site plan application for Duke Energy regarding a proposed natural gas regulating site locating on property at Mason Road and Butler-Warren Road; seconded by Lindsey Pyron. Voice vote. Motion carried.

Mr. Kirkpatrick opened public hearing.

Case No. 2021-5-7— Consideration of a site plan application and conditional use permit for Tallgrass Energy regarding a natural gas utility development on property located at 598 Todhunter Road

Having been sworn in, Ms. Jones stated that Tallgrass Energy has submitted a site plan application regarding a proposed natural gas utility development located on property off Todhunter Road. The proposed metering and regulation station will connect to the Rockies Express Pipeline to provide an additional source of natural gas. The property is approximately 48.5 acres total and is presently zoned A-1 Large Scale Agricultural. The area to be developed for Tallgrass Energy will be approximately 1.4 acres and will be located alongside the Duke Energy Todhunter development. The applicant anticipates a May 2021 start date and October 2021 completion date.

There is no proposed parking for this use. The applicant has stated this natural gas facility will not be open to the public, there will not be daily employee activity, though crews will visit the facility periodically for preventative maintenance and testing. No landscape plan is proposed for this development. As an agriculturally zoned property, requirements for landscaping are limited to minimum front yard landscaping. A minimum 20% of the required front yard would be required to be landscaped. There is no proposed landscaping, though the applicant has stated that the existing forested area provides substantial landscaping that would equal 50% of the front yard. All rooftop and ground mounted equipment are required to be screened from view. The applicant has indicated there is no rooftop equipment, and that all ground mounted equipment is screened by fencing and the existing buffer to the south. Staff would note because the fencing is chain link and is not solid, additional screening via walls and/or landscaping would be necessary. Since their original application, the applicant has provided a rendering showing some trees/shrubs along the south side of the site they would install if necessary. Staff would recommend a combination of evergreen and canopy trees be installed along the south and east side of the site to provide appropriate screening from residential uses to the south.

A Type B Buffer is required as the proposed use is adjacent to R-1 zoning and A-1 zoning. The applicant has indicated to Staff that the existing farmland will continue to be farmed by the tenant farmer, so Tallgrass does not wish to limit that portion of the property any further. Additionally, they do not wish to install trees that could grow tall enough to fall and present a safety hazard to the site. The applicant has stated the developed portion of this site will be over 900 feet to the closest residential property line. However, the applicant has stated they are willing to discuss line of site issues and address buffering concerns. No photometric plan has been submitted. The applicant has stated part of the project will be to install 4 collapsible pole lights that will be raised when needed to complete maintenance or service at the site but will not be used on a regular or daily basis.

The Fire Department reserves the right to comment during plans review. The Police Department had no comment. Public Works and Engineering reviews are still under review.

Conditional Use Staff comments are as follows:

(1) The conditional use is consistent with the spirit, purpose, and intent of the comprehensive plan, will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare. The Comprehensive Plan does discuss the need for the expansion of the City's infrastructure to be managed to meet current needs and future growth. Efficient and effective utility/power capacity is critical to the infrastructure of any community to serve the public welfare.

(2) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. The property in question has

been owned by a utility for several years and our understanding is in part to provide future for utility infrastructure. The area while bounded by residential to the south is somewhat remote and will retain much of the natural forested screening and does not appear to change the essential character of the area as an essentially autonomous operation.

(3) The proposed conditional use is to be in a district wherein such use may be permitted, subject to the requirements of this chapter. The proposed use, classified as a public utility, is conditionally permitted in the A-1 Large Scale Agriculture zoning district.

(4) The use complies with all use-specific provisions established in Section 1204.04 Use-Specific Standards. There are no use-specific standards associated with the Public Utilities use category.

(5) The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The proposed use will be served adequately served by essential public facilities.

(6) In the interest of public safety, as a matter of policy, all points of ingress/egress shall be located as far as possible from the intersection of two or more streets.

(7) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Commission in the approved conditional use. As mentioned in the Site Plan Staff Comments, there are several items to be addressed regarding the proposed site to comply with all regulations and standards of the code, including some requested exemptions.

(8) The use will not be hazardous to or have a negative impact on existing or future surrounding uses. Based on the remote location and a history of utility supply in the area, it does not appear that a negative impact will occur.

(9) The proposed use will not be detrimental to the economic welfare of the community. The property in question has been owned by a utility for several years and our understanding is in part to provide future for utility infrastructure. The area while bounded by residential to the south is somewhat remote and will retain much of the natural forested screening and does not appear to be detrimental to the economic welfare of the community.

(10) The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not comparable to the uses permitted in the base zoning district. The applicant has stated in their application that the proposed use will produce very little traffic outside the occasional maintenance visit. Understanding the nature of this particular use, there may be consideration for any odor or noise because of its operations.

(11) The proposed use will not be detrimental to property values in the immediate vicinity. The property in question has been owned by a utility for several years and our understanding is in part to provide future for utility infrastructure. The area while bounded by residential to the south is somewhat remote and will retain much of the natural forested screening. Predicting the impact of property values of this use is not known at this time.

(12) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The proposed use will not impede development of surrounding properties.

Staff recommended approval of the site plan and conditional use with the following conditions: A waiver of the parking plan be approved as proposed. Discussion and decision with Planning Commission regarding the proposed use of gravel within the site. The applicant will provide a landscape plan to be approved by Staff to address screening of the site from areas visible to the south and southeast of the development. As a reminder, minimum size and species requirements related to landscaping must be met. As a reminder, if additional ground mounted or rooftop equipment becomes necessary in the future, further screening may be required. All other Staff comments to be met and any future Engineering review requirements. A GIS compatible file of finalized plans be submitted.

Mr. Pyron asked about what the facility will be used for.

Having been sworn in, Mr. Curry stated that resources will be distributed easier to the community since the need is higher than the current supply and the new facility will help the burden of the current supply. He presented how Tallgrass is requesting existing vegetation to be used.

Mr. Chesar asked if Mr. Curry had control over the site for landscape for the required buffer yard. Mr. Curry explained that the trees on South Avenue are on the Duke Energy parcel and they or Duke Energy do not have plans to remove them. The general concern was for the south trees to stay, and the Planning Commission needs to make a motion for the natural buffer yard needs to stay in place.

There was a noise concern from the Planning Commission members, and they questioned what would be done to minimize the noise impact.

Mr. Klein was sworn in. He stated that the gas will supply Dick's creek. Most of the gas will be fed from the South. The North station will supply more through the distribution through Monroe and other areas. It will always be at full capacity if gas is flowing. He said that Duke also has no plan to remove those trees at this time and they will have an easement with Tallgrass energy and will share the parcel.

Mr. Curry went back through his presentation and reiterated the staff's comments about the conditional use. He stated that the equipment is not taller than 6 feet, but the fence with barbed wire will be no taller than 8 feet besides the electrical poles around the facility.

Mr. Wagner asked about the south side of the property and what would be visible to the residents on the East about where the trees will stop and what will be visible. Mr. Curry explained that the trees will stay, and the footprints will stop, and residents should not notice the facility through the trees.

Having been sworn in, Mr. Spurlock asked if the facility would be able to be seen in the wintertime when the leaves are down. He stated that there are a lot of trucks that go through the area and asked if it will be disruptive to the residents. Mr. Curry explained that there is a possibility it would be visible in the wintertime.

Having been sworn in, Mr. Gaston stated that behind his property has no trees and if the facility is uphill and asked who is building the facility. Mr. Curry stated that Duke is building their facility and Tallgrass is building their portion. Mr. Gaston was questioning about the contractors that will be going in and out of

the facility and the noise and bother to residents. Mr. Klein stated that they will have different contractors there at different times but only during allowed city hours.

Having been sworn in, Mr. Berjer replied the Duke and Tallgrass are each responsible for their own site and will be working side-by-side. Mr. Gaston said that he wants it all to match with the barn and hillside that is there to coincide with the City integrity. Mr. Klein explained the project further about how Duke is buying gas from Tallgrass and will have metering equipment.

Mr. Gaston asked about the noise concerns. Mr. Chesar stated that there should be no additional noise. Mr. Klein stated they did do a decibel study and it was originally above 100 dBs and they lowered it and considered the general operating and got it under 85 dBs running at full capacity.

Having been sworn in, Mr. Wilkom stated that on the coldest winter day, it will be running at about 85dBs and a quarter mile away from residences and would be significantly lower around 40dBs at the first residence. He stated that no noise study was done at the parcel lines of the residence, and it is when you would be standing next to the equipment and the OSHA regulations when workers will be onsite.

Mr. Gaston stated that his concern was if future equipment were brought on and what noise would be added to that. Mr. Curry stated that there should be no additional equipment, only when they would replace anything that was inoperable. The tree buffer will help with the noise level at the residence level.

Mr. Chesar stated that Planning Commission's goal is to make sure there are no adverse noise from sites and visual issues. The Planning Commission will need to make a recommendation to add into keeping the dB level below 60 at the property line. Mr. Klein stated that they could do a noise study to see what the levels will be at the residence. Mr. Pyron stated that it should not exceed 45dB. Mr. Klein stated that they cannot be sure what it is and will need to do a study. Mr. Chesar stated that it will be difficult to enforce a dB level and the concern is just how the residents do not want additional noise. Mr. Klein and Mr. Curry agreed that they will talk to their engineers and see if they can do another noise impact study.

Mr. Kirkpatrick moved to approve Case No. 2021-5-7— Consideration of a site plan application for Tallgrass Energy regarding a natural gas utility development on property located at 598 Todhunter Road. Seconded by Mr. Wagner. Voice vote. Motion Carried.

Mr. Kirkpatrick opened the public meeting.

Case No. 2021-5-8— Consideration of a site plan application for Duke Energy regarding a proposed natural gas regulator facility on property located at 598 Todhunter Road Todhunter Road

Having been sworn in, Ms. Jones stated that Duke Energy Ohio, has submitted a site plan application regarding a proposed natural gas utility development located on property off Todhunter Road. The proposed metering and regulation station will connect to the Rockies Express Pipeline to provide an additional source of natural gas. The property is approximately 48.5 acres total and is presently zoned A-1 Large Scale Agricultural. The area to be developed for Tallgrass Energy will be approximately 1.8 acres and will be located alongside the Tallgrass Energy Todhunter development. The applicant anticipates a June 2021 start date and December 2021 completion date.

The staff comments that There is no proposed parking for this use. The applicant has stated this natural gas facility will not be open to the public, there will not be daily employee activity, though crews will visit the facility periodically for preventative maintenance and testing. No landscape plan is proposed for this development. As an agriculturally zoned property, requirements for landscaping are limited to minimum front yard landscaping. A minimum 20% of the required front yard would be required to be landscaped. There is no proposed landscaping, though the applicant has stated that the existing forested area provides substantial landscaping that would equal 50% of the front yard as shared with Tallgrass Energy. All rooftop and ground mounted equipment are required to be screened from view. The applicant has indicated there is no rooftop equipment, and that all ground mounted equipment is screened by fencing and the existing buffer to the south. Type B Buffer is required as the proposed use is adjacent to R-1 zoning and A-1 zoning. The applicant has indicated to Staff that the existing farmland will continue to be farmed by the tenant farmer, so Duke Energy does not wish to limit that portion of the property any further. Additionally, they do not wish to install trees that could grow tall enough to fall and present a safety hazard to the site. The applicant has further stated that most of the cleared land highlighted above in blue is in an existing electrical easement, where Duke Energy would not permit installation of trees or vegetation. Like the comment mentioned regarding the Tallgrass Energy submittal, Staff would note because the fencing is chain link and is not solid, additional screening via walls and/or landscaping would be necessary. Staff would suggest a combination of evergreen and canopy trees be installed directly/closer along the south and east side of the site (or however necessary to avoid utility easements, to provide appropriate screening from residential uses to the south. This would also assist in the buffer requirement.

The Fire Department states that they reserve the right to comment during plans review. The Police Department had no comment at this time. The Public Works Department and Engineering plans are still under review at this time.

Conditional Use Staff Comments are as follows:

(1) The conditional use is consistent with the spirit, purpose, and intent of the comprehensive plan, will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare. The applicant has indicated the development will be situated in an area that is isolated from the surrounding development by distance and natural buffering to assist in maintaining the aesthetics and character of the surrounding area.

(2) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. The applicant has stated the character of the area will be minimally impacted due to most of the property remaining intact as non-developed. The applicant has stated it is harmonious with the existing Dicks Creek Energy facility to the north.

(3) The proposed conditional use is to be in a district wherein such use may be permitted, subject to the requirements of this chapter. The proposed use, classified as a public utility, is conditionally permitted in the A-1 Large Scale Agriculture zoning district.

(4) The use complies with all use-specific provisions established in Section 1204.04 Use-Specific Standards. There are no use-specific standards associated with the Public Utilities use category.

(5) The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The proposed use will be served adequately served by essential public facilities.

(6) In the interest of public safety, as a matter of policy, all points of ingress/egress shall be located as far as possible from the intersection of two or more streets. The site is located off a long access drive, separated by significant distance from Todhunter Road.

(7) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Commission in the approved conditional use. As mentioned in the Site Plan Staff Comments, there are several items to be addressed regarding the proposed site to comply with all regulations and standards of the code, including some requested exemptions.

(8) The use will not be hazardous to or have a negative impact on existing or future surrounding uses. Based on the remote location and a history of utility supply in the area, it does not appear that a negative impact will occur.

(9) The proposed use will not be detrimental to the economic welfare of the community. The property in question has been owned by a utility for several years and our understanding is in part to provide future for utility infrastructure. The area while bounded by residential to the south is somewhat remote and will retain much of the natural forested screening and does not appear to be detrimental to the economic welfare of the community.

(10) The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not comparable to the uses permitted in the base zoning district. The applicant has stated in their application that the proposed use will produce very little traffic outside the occasional maintenance visit. Understanding the nature of this particular use, there may be consideration for any odor or noise because of its operations.

(11) The proposed use will not be detrimental to property values in the immediate vicinity. The property in question has been owned by a utility for several years and our understanding is in part to provide future for utility infrastructure. The area while bounded by residential to the south is somewhat remote and will retain much of the natural forested screening. Predicting the impact of property values of this use is not known at this time.

(12) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The proposed use will not impede development of surrounding properties.

Staff recommends approval of the site plan and conditional use with the following conditions: A waiver of the parking plan be approved as proposed. Discussion and decision with Planning Commission regarding the proposed use of gravel within the site. The applicant will provide a landscape plan to be approved by Staff to address screening of the site from areas visible to the south and southeast of the development. As a reminder, minimum size and species requirements related to landscaping must be met. As a reminder, if additional ground mounted or rooftop equipment becomes necessary in the future, further screening may be required. All other Staff comments to be met and any future Engineering review requirements. A GIS compatible file of finalized plans be submitted.

Having been sworn in, Mr. Klein prepared to answer questions from the Planning Commission. Mr. Pyron asked about the odorant that will be added. Mr. Klein stated that they are required to add an odorant since it is an odorless gas. He said there is always a chance of a smell but that is when there is a leak and if a smell can be smelled then they need to be called to repair the issue. Mr. Klein added additional data upon the dB level which is a calculation, and it should be 40dB at the property line. The trees on the south end will stay unless the health of the trees require them to be taken down. Mr. Wagner said that Duke is committed to working with the Planning Commission for future for the 48 acres which might impact those trees, but it would be a further discussion 10-15 years down the road when they would be addressed.

Having been sworn in, Mr. Gaston asked if any other pressured gas would be burnt off that would be visible. Mr. Klein said there is a flare stack which would be used at maintenance times and will not be burned off during normal operations.

Having been sworn in, Mr. Wilkom stated that the flame stack is a flameless stack and there is no burning on a regular basis. It is for intermittent operation and will not be visible and it is 6-7 feet tall and on the northwest corner of the facility and not visible to property owners.

Mr. Wagner moved to approve Case No. 2021-5-8— Consideration of a site plan application and conditional use permit for Duke Energy regarding a proposed natural gas regulator facility on property located at 598 Todhunter Road Todhunter Road with a noise study done with no additional noise at the residence level above a certain decibel level between 40 and 64dBs and no trees to be removed. Seconded by Lindsey Pyron. Voice vote. Motion carried.

Case No. 2021-5-9— Consideration of a site plan application and Planned Unit Development modification for Butler Tech Natural Sciences campus at 640 Hamilton Lebanon Road.

Mr. Chesar stated that MSP Design submitted a PUD Amendment and site plan application for Butler Tech Natural Sciences Campus and will revote an 8,500 square foot modular trailer building and will add a new 26,000 square foot academic building and lab building. It is zoned A-1. A start date of June.

Staff comments are as follows: Street trees are required every 40 feet on center along the public frontage on State Route 63. The applicant has stated as this project does not involve any work along the State Route 63 frontage, no street trees have been proposed. Staff would note the site's frontage along State Route 63 contains significant existing vegetation. Due to the size of the expansion to the campus, all landscaping must come into compliance with current code standards. The applicant is not proposing any changes to the existing parking area. Per code, the existing parking area required 10 additional perimeter trees around the parking area. Existing landscape islands would be required to be upgraded with an additional canopy tree. An additional landscape island would be required at the southwest corner of the site. A solid screen of evergreen shrubs at minimum 36" installation height would be required along the perimeter of all parking rows. The applicant has stated they do not wish to disturb established plantings (installed 2010). A minimum 20% of the required front yard would be required to be landscaped. As previously stated regarding street trees, the applicant requests to not install landscaping at the State Route 63 frontage as it is not involved in this project's scope of work. The applicant has stated the owner is open to adding several canopy trees along the existing access drive from Hornet Drive down to the Butler Tech Campus. As a reminder, all rooftop and ground mounted equipment must be screened from view. Transformers proposed at the south end of the site are partially screened with a 6' wood privacy fence. Staff requests information on the overall height of the transformers to ensure the fence height is adequate. Further, additional fencing and/or landscaping measures are required to ensure the structures are screened from the west side.

Transformer proposed outside the new academic building on the east side of the site is required to be fully screened from view. Staff requests to see elevations of required screening for what appears to be a dumpster enclosure towards the west end of the site. The applicant has indicated rooftop and ground units are currently being designed but will comply with screening requirements as approved by the City. Photometric plans submitted show illumination across the entire site. No photometric plan has been provided as required. The applicant has stated a photometric plan is forthcoming, to be provided by a third-party consultant.

The Fire Department reserves the right to comment during plans review. They stated that the access drive needs to be a solid surface and 26' wide from the bus turnaround south to the first turn at the barn and be able to support 78,000lbs. It appears the plans are attempting to use 18' of asphalt and 8' of decorative Grass Pave. If the applicant can show it supports this Fire vehicle weight, Fire could potentially approve that configuration. There are general access concerns for the ladder truck on this property as-is. The Police Department had no comment, and the Public Works and Engineering review was still ongoing. SWP3 submittal is needed for review.

Staff recommends approval of the site plan and PUD modification with the following conditions: Discussion of the landscape plan as it relates to the existing parking area and front yard landscaping requirements. As a reminder, minimum size and species requirements related to landscaping must be met. All current and future proposed ground mounted must be fully screened from view. Understanding some items are still under design, the applicant understands an updated plan for screening of these structures will be required to be approved by Staff. All other Staff comments to be met and any future Engineering review requirements. A GIS compatible file of finalized plans be submitted. It should be

noted that the current parking lot is illuminated. A future photometric plan be approved by staff with the intent to not necessarily illuminate the whole site but rather to address any safety concerns.

Mr. Pyron asked about if there were any chemicals or an Earth Lab. The applicant stated there is one chemical lab onsite with chemical storage.

The applicant showed a video of the site.

Mr. Pyron moved to approve Case No. 2021-5-9 Consideration of a site plan application and planned unit development modification for butler tech natural sciences campus at 640 Hamilton Lebanon Road with the conditions discussed in the staff comments. The landscape plan was approved. Mr. Wagner seconded. Voice vote. Motion Carried.

Mr. Chesar stated that the tabled case regarding Thorton's is still ongoing.

Mr. Pyron motioned to approve the minutes from the April meeting. Mr. Wagner seconded the motion.

Mr. Kirkpatrick moved to adjourn the meeting. Seconded by Mr. Wagner. Voice vote. Motion carried.

The Planning Commission meeting adjourned at 10:48PM.

Respectfully submitted,

Alaina Hagenseker

Planning & Zoning Specialist