

Resolution

Number 25-0164

Adopted Date February 04, 2025

APPROVING REQUEST FROM THE MYERS Y. COOPER COMPANY ALLOWING DEPARTURE FROM THE HOPKINSVILLE 2010 ACCESS MANAGEMENT PLAN COMPONENT OF THE WARREN COUNTY OFFICIAL THOROUGHFARE PLAN FOR DEVELOPMENT OF PARCELS 16-05-276-005 AND 16-05-276-008 IN HAMILTON TOWNSHIP, SUBJECT TO THE MYERS Y. COOPER COMPANY AND HAMILTON TOWNSHIP BOARD OF TRUSTEES RECORDING AN AGREEMENT FOR CROSS ACCESS EASEMENTS, ETC. ACCEPTABLE TO THE COUNTY ENGINEER

WHEREAS, in accordance with R.C. 713.25, once this Board adopted the Official Thoroughfare Plan of Warren County, Ohio for the nonmunicipal territory, no public roadway, bridge, viaduct, or other public improvement or utility, publicly or privately owned, whose construction or location would constitute a departure from the plan, shall be constructed or authorized by the Board of Commissioners, except by unanimous vote of the Board; and

WHEREAS, The Myers Y. Cooper Company submitted a written request to the Board dated November 8, 2024 requesting that the Board consider approving a departure from the Hopkinsville 2010 Access Management Plan adopted by the Board as a component of the Official Thoroughfare Plan of Warren County, Ohio by not requiring The Myers Y. Cooper Company dedicate right of way or being responsible for constructing any part of the Grandin Road Extension through a part of Parcel 16-05-276-005 or Parcel 16-05-276-008 in Hamilton Township; and,

WHEREAS, pursuant to Resolution No. 24-1542, adopted November 12, 2024, the Clerk of this Board caused notice of a hearing to be published in a newspaper of general circulation on November 17, 2024 of the date, time and place of a hearing to be held to consider the said request on December 3, 2024; and,

WHEREAS, the hearing was convened on December 3, 2024, whereupon Raymond K. Cooper II, President of The Myers Y. Cooper Company testified and presented a PowerPoint presentation in support of the request, including informing the Board that Fifth Third Bank currently owns Parcels 16-05-276-005 and 16-05-276-008 in Hamilton Township and The Myers Y. Cooper Company has these parcels under contract to purchase for development (the "Development"); and,

WHEREAS, the Board heard testimony from all of the Hamilton Township Trustees and the Hamilton Township Administrator, as Hamilton Township is the approving authority for zoning and site plan review of the Development; and,

WHEREAS, the Board heard testimony from representatives of the Warren County Engineer's Office; and,

WHEREAS, the testimony of all witnesses indicated The Myers Y. Cooper Company had completed a Traffic Impact Study ("TIS") for ODOT as ODOT is the permitting authority who will determine what, if any, roadway improvements are needed to State Route 48 and Hwy. 22 & 3 attributable to the Development, but that ODOT, as of the date of the hearing, had not completed the TIS Review; and,

WHEREAS, upon the recommendation of the County Engineer's Office, and advice of the County Prosecutor's Office, the Board voted to continue the hearing in progress to allow time for ODOT to complete the TIS Review, and to allow representatives of the County Engineer's Office, Hamilton Township, and The Myers Y. Cooper Company to attempt to negotiate a mutual agreement to justify the Board allowing the request; and,

WHEREAS, the Board reconvened and continued the hearing in progress on February 4, 2025, with Commissioner Grossmann, who was absent for the December 3, 2024 hearing, stating on the record that he has watched the [youtube.com](https://www.youtube.com) video of the hearing and would participate in the February 4th hearing including deliberations and voting absent any objection, and there being no objection, the Board heard testimony from the County Engineer Kurt Weber who advised the Board that ODOT has completed the TIS Review, and that Hamilton Township and The Myers Y. Cooper Company had negotiated an Agreement acceptable to the County Engineer's Office providing The Myers Y. Cooper Company grants cross-access easements over its parcel(s) to Hamilton Township and constructs the improvements related thereto. Hamilton Township is responsible for obtaining right-of-way from other property owners and constructing any future improvements thereon to complete the future Grandin Road Extension, and this Board or the County Engineer's Office having no current or future financial obligations for the Grandin Road Extension.

NOW THEREFORE BE IT RESOLVED, by the members present of the Board of County Commissioners, casting a unanimous vote, to approve the request of The Myers Y. Cooper Company allowing departure from the Hopkinsville 2010 Access Management Plan Component of the Official Thoroughfare Plan of Warren County, Ohio for development of Parcels 16-05-276-005 and 16-05-276-008 in Hamilton Township.

BE IT FURTHER RESOLVED THAT the foregoing departure is subject to the Agreement between Hamilton Township and The Myers Y. Cooper Company being recorded in the official records of the Warren County Recorder's Office.

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

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

Resolution adopted this 4th day of February 2025.

BOARD OF COUNTY COMMISSIONERS



Krystal Powell, Clerk

cc: Engineer (file)
Public hearing file
Kurt Weber
Stan Williams
Bruce McGary

Resolution

Number 25-0165

Adopted Date February 04, 2025

CONTINUING PUBLIC HEARING FOR REZONING APPLICATION OF IMMOBILTEC USA (CASE #2024-04) TO REZONE APPROXIMATELY 10.0059 ACRES FROM COMMUNITY COMMERCIAL BUSINESS ZONE "B2" TO LIGHT INDUSTRIAL MANUFACTURING ZONE "I1" IN FRANKLIN TOWNSHIP

WHEREAS, Miller Valentine Construction, representative for the applicant, has requested a continuation of the public hearing to allow additional time for discussion to take place between the applicant and representative.

NOW THEREFORE BE IT RESOLVED, to continue the public hearing for the rezoning application of Immobiltec USA owner of record (Case #2024-04), to rezone approximately 10.0059 acres from Community Commercial Business Zone "B2" to Light Industrial Manufacturing Zone "I1" in Franklin Township; said public hearing to be continued to a later date to be agreed upon by the applicant and Board of County Commissioners.

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

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

Resolution adopted this 4th day of February 2025.

BOARD OF COUNTY COMMISSIONERS



Krystal Powell, Clerk

/kp

cc: RPC
RZC
Rezoning file
Applicant
Township Trustees