



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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***TOM GROSSMANN
SHANNON JONES
DAVID G. YOUNG***

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – March 2, 2021

The Board met in regular session pursuant to adjournment of the February 23, 2021 meeting.

David G. Young – present

Shannon Jones – present

Tom Grossmann – present

Laura Lander, Deputy Clerk – present

Minutes of the February 2, 2021, February 9, 2021, February 16, 2021, and February 23, 2021 meetings were read and approved.

- 21-0280 A resolution was adopted to approve reclassification of Kimberly Frick from Social Service Worker II to Social Service Worker III within the Warren County Department of Job and Family Services, Human Services Division. Vote: Unanimous
- 21-0281 A resolution was adopted to accept resignation of Kiana Hawk, Administrative Assistant, within the Warren County Commissioners' Office, effective March 10, 2021. Vote: Unanimous
- 21-0282 A resolution was adopted to authorize posting of the "Administrative Assistant" position, within the Warren County Commissioners' Office in accordance with Warren County Personnel Policy Manual, Section 2.02(A). Vote: Unanimous
- 21-0283 A resolution was adopted to authorize posting of the "Temporary Emergency Rental Assistance Program Caseworker" position, within the Warren County Department of Job and Family Services, Human Services Division, in accordance with Warren County Personnel Policy Manual, Section 2.02(A). Vote: Unanimous
- 21-0284 A resolution was adopted to authorize posting of the "Temporary Youth Employment Worksite Supervisor" position, within OhioMeansJobs Warren County, in accordance with Warren County Personnel Policy Manual, Section 2.02(A). Vote: Unanimous

- 21-0285 A resolution was adopted to accept resignation of John Manfreda, Investigative Caseworker II, within the Warren County Department of Job and Family Services, Children Services Division, effective March 12, 2021.
Vote: Unanimous
- 21-0286 A resolution was adopted to accept resignation of Andrew Farlino, Emergency Communications Operator, within the Warren County Emergency Services Department, effective February 23, 2021. Vote: Unanimous
- 21-0287 A resolution was adopted to dedicate the Board of County Commissioners' official Facebook page solely to government speech for public notifications of official County business. Vote: Unanimous
- 21-0288 A resolution was adopted to accept tentative agreement regarding the negotiations between the Warren County Board of County Commissioners and the Warren County Dispatch Association. Vote: Unanimous
- 21-0289 A resolution was adopted to approve a multi-use path and public utilities easement & agreement to the City of Lebanon from the Warren County Board of County Commissioners on the Warren County Fairgrounds and a memorandum of understanding, thereto between the same outlining the responsibilities of the City of Lebanon for storm water management requirements generated by the construction of the Event Center on the Warren County Fairgrounds as consideration to the Warren County Board of County Commissioners for said easements and agreement. Vote: Unanimous
- 21-0290 A resolution was adopted to approve Notice of Intent to Award bid for the Union Road Bridges #33-4.92 & 33-5.16 Rehabilitation Project. Vote: Unanimous
- 21-0291 A resolution was adopted to approve updated Agreement No. 020121CH1 (Service Agreement) to the current home incarceration agreement with BI Incorporated for electronic monitoring/service on behalf of Warren County Common Pleas Court Services, Community Corrections Division.
Vote: Unanimous
- 21-0292 A resolution was adopted to approve and enter into contract with Matrix Pointe Software, LLC to provide an investigator case management system, on behalf of the Warren County Sheriff's Office. Vote: Unanimous
- 21-0293 A resolution was adopted to approve and authorize Warren County Grants Director to e-sign the memo of agreement among Ohio-Kentucky-Indiana Regional Council of Governments (OKI) and its transit agencies including Warren County Transit Service (WCTS) and the Ohio Department of Transportation (ODOT). Vote: Unanimous

- 21-0294 A resolution was adopted to approve amendment #1 to the contract with Rumpke Waste & Recycling Services for waste and recycling services for various County buildings and authorize the President of this Board to sign documents relative thereto. Vote: Unanimous
- 21-0295 A resolution was adopted to approve and authorize the President of this Board of Commissioners to sign a subgrant award agreement on behalf of the Greater Warren County Drug Task Force. Vote: Unanimous
- 21-0296 A resolution was adopted to approve the destruction of various Warren County Sheriff's Office equipment. Vote: Unanimous
- 21-0297 A resolution was adopted to certify delinquent water and/or sewer accounts = Warren County Water and Sewer Department. Vote: Unanimous
- 21-0298 A resolution was adopted to authorize the Board to enter into an agreement with Motorola Solutions on behalf of Warren County Telecommunications. Vote: Unanimous
- 21-0299 A resolution was adopted to authorize the issuance of not to exceed \$1,620,000 Tax Increment District Revenue Bonds of the County of Warren; providing for the pledge of revenues for the payment of such bonds; authorizing necessary and appropriate documents; and authorizing other actions in connection with the issuance of such bonds. Vote: Unanimous
- 21-0300 A resolution was adopted to acknowledge approval of financial transaction. Vote: Unanimous
- 21-0301 A resolution was adopted to acknowledge payment of bills. Vote: Unanimous
- 21-0302 A resolution was adopted to approve an operational transfer from Motor Vehicle fund #2202 into State OPWC Loan fund #3360. Vote: Unanimous
- 21-0303 A resolution was adopted to approve operational transfers of interest earnings from Commissioners fund #11011112 into Water funds #5510, #5583, Sewer funds #5580, and #5575. Vote: Unanimous
- 21-0304 A resolution was adopted to approve an appropriation adjustment within Prosecutor fund 11011150. Vote: Unanimous
- 21-0305 A resolution was adopted to approve an appropriation adjustment within Prosecutor fund 11011150. Vote: Unanimous
- 21-0306 A resolution was adopted to approve an appropriation adjustment within Prosecutor fund 11011150. Vote: Unanimous
- 21-0307 A resolution was adopted to approve appropriation adjustment within Common Pleas Court Services #11011223. Vote: Unanimous

- 21-0308 A resolution was adopted to approve appropriation adjustment within Domestic Relations Court fund #11011230. Vote: Unanimous
- 21-0309 A resolution was adopted to approve appropriation adjustments within the Building and Zoning Department fund #11012300. Vote: Unanimous
- 21-0310 A resolution was adopted to approve requisitions and authorize County Administrator to sign documents relative thereto. Vote: Unanimous
- 21-0311 A resolution was adopted to approve and authorize the County to enter negotiations with top ranked contractor relative to the Warren County Emergency Rental Assistance Program, approve and authorize the County Administrator to sign contract between Warren County Board of Commissioners and Neighborly Software and approve the related purchase order requisition. Vote: Unanimous
- 21-0312 A resolution was adopted to continue administrative hearing to consider Variance and Appeal of Conditions Required for an Access Permit of Speedway SuperAmerica LLC in Franklin Township. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

ADMINISTRATIVE HEARING CONTINUATION TO CONSIDER VARIANCE AND APPEAL OF CONDITIONS REQUIRED FOR AN ACCESS PERMIT OF SPEEDWAY SUPERAMERICA LLC IN FRANKLIN TOWNSHIP

The Board met this 2nd day of March 2021, both virtually and in the Commissioners' Meeting Room, for the continuation of the administrative hearing to consider the Request for Variance and Appeal of Conditions required for an Access Permit filed by Brad Gross on behalf of Speedway SuperAmerica LLC, owner of record for access to 6562 Manchester Road (Parcel #0751770010, and a portion of Parcel #07051010041) in Franklin Township.

David Mick, Assistant County Engineer, presented the attached PowerPoint and reviewed the facts from the previous hearing. He stated that, upon review of the five (5) proposed conditions, Speedway is opposed to the language in Conditions 1 and 2 that allows the County Engineer to close or restrict access points based on the stated criteria in said conditions.

The Board discussed the proposed conditions and Speedway's objections to them and asked if language could be added that, at such time that the County Engineer determines that criteria in

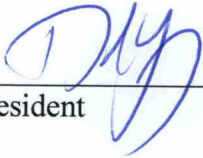
said conditions has been met, would allow Speedway to come before the Board and appeal the Engineer's decision.

Bruce McGary, Assistant Prosecutor, stated that language could be added to the conditions that would allow the applicant to come before the Board to appeal the Engineer's determination.

Upon discussion, the Board requested that Mr. McGary revise the language in the aforesated conditions, and the matter would be further discussed at the next meeting.

Upon further discussion, the Board resolved (Resolution #21-0312) to continue this hearing to March 9, 2021, at 9:45 a.m.

Upon motion the meeting was adjourned.



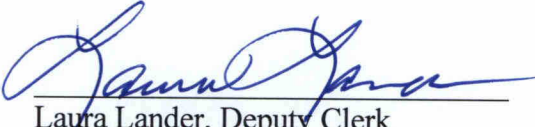
David G. Young, President



Tom Grossmann

Shannon Jones

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on March 2, 2021, in compliance with Section 121.29 O.R.C.



Laura Lander, Deputy Clerk
Board of County Commissioners
Warren County, Ohio



Cadastral Lines	Corporate Line	Parcel Line	Hardware
<all other values>	County Line	ROW Unknown Width Line	Subdivision Lot Line
Line Type	Farm Lot Line	Road ROW	Township and Range Line
Auditors Tract Line	Overpass Line	School Line	Tract Line
Civil Township Line	Subdivision Limit Line	Section Line	VMS Line
			Vacated Road Line

1 inch = 200 feet

Warren County Map

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Date: 8/27/2020



S Drive Hwy



Exit Street View

N

ONLY

Speedway

Speedway

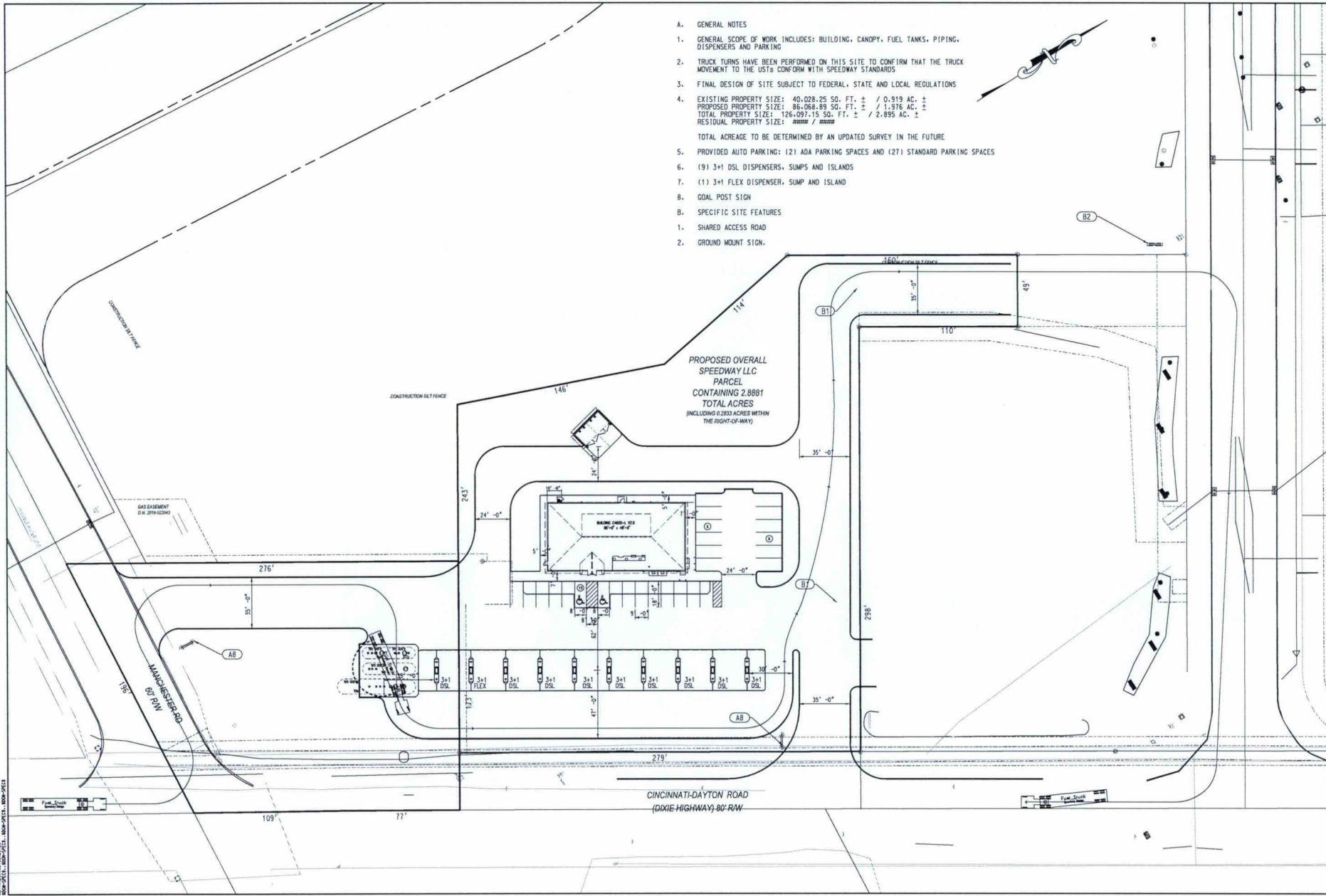
Speedway

© 2020 Google

Google Earth

[Report a problem](#)

39°31'30.80" N 84°19'31.50" W elev 879 ft eye alt 886 ft



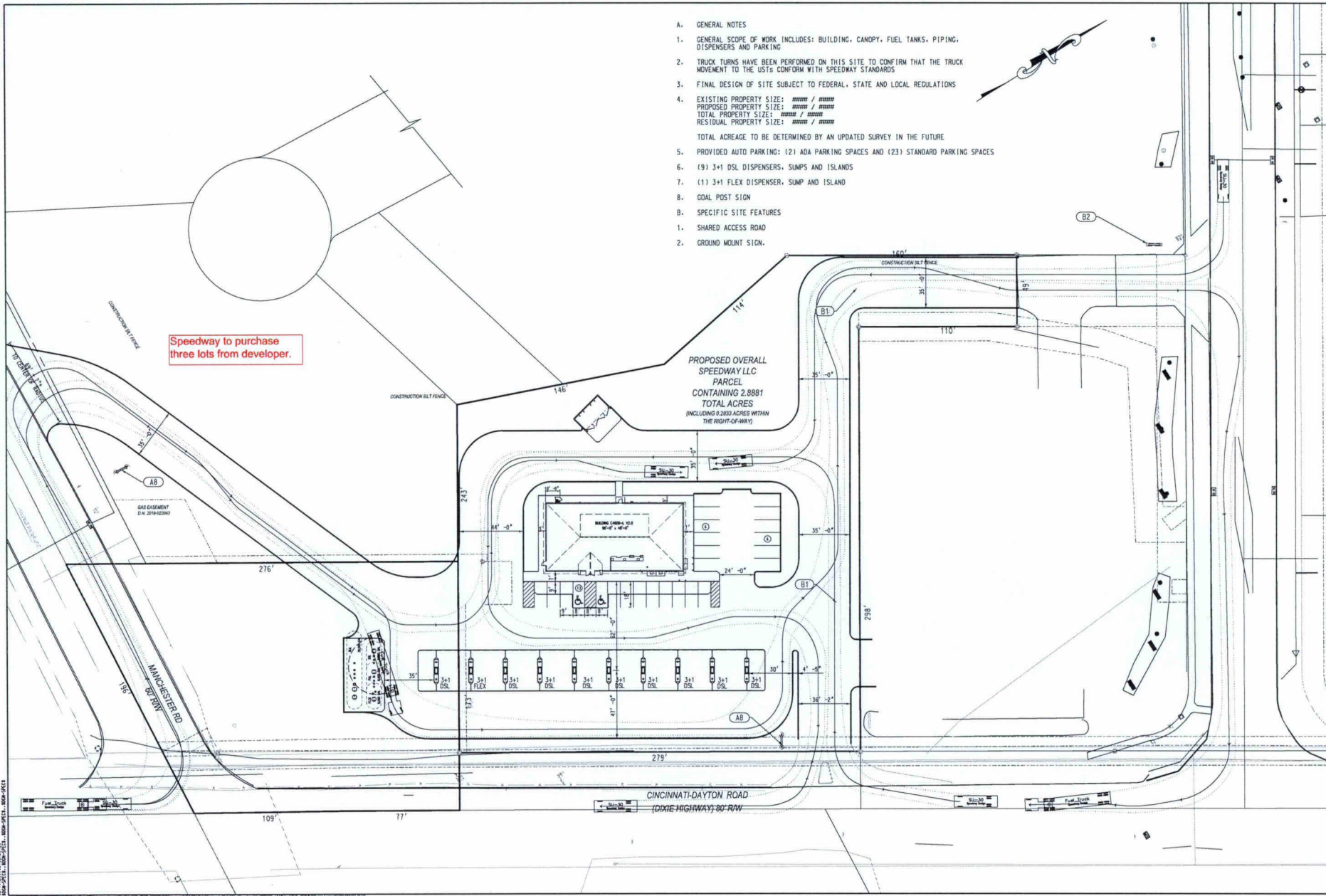
- A. GENERAL NOTES
1. GENERAL SCOPE OF WORK INCLUDES: BUILDING, CANOPY, FUEL TANKS, PIPING, DISPENSERS AND PARKING
 2. TRUCK TURNS HAVE BEEN PERFORMED ON THIS SITE TO CONFIRM THAT THE TRUCK MOVEMENT TO THE US³ CONFORM WITH SPEEDWAY STANDARDS
 3. FINAL DESIGN OF SITE SUBJECT TO FEDERAL, STATE AND LOCAL REGULATIONS
 4. EXISTING PROPERTY SIZE: 40,028.25 SQ. FT. ± / 0.919 AC. ±
 PROPOSED PROPERTY SIZE: 86,068.89 SQ. FT. ± / 1.916 AC. ±
 TOTAL PROPERTY SIZE: 126,097.15 SQ. FT. ± / 2.895 AC. ±
 RESIDUAL PROPERTY SIZE: ~~none~~ / ~~none~~
 TOTAL ACREAGE TO BE DETERMINED BY AN UPDATED SURVEY IN THE FUTURE
 5. PROVIDED AUTO PARKING: (2) ADA PARKING SPACES AND (27) STANDARD PARKING SPACES
 6. (9) 3+1 DSL DISPENSERS, SUMPS AND ISLANDS
 7. (1) 3+1 FLEX DISPENSER, SUMP AND ISLAND
 8. GOAL POST SIGN
- B. SPECIFIC SITE FEATURES
1. SHARED ACCESS ROAD
 2. GROUND MOUNT SIGN.

PROPOSED OVERALL
 SPEEDWAY LLC
 PARCEL
 CONTAINING 2.8881
 TOTAL ACRES
 (INCLUDING 0.2803 ACRES WITHIN
 THE RIGHT-OF-WAY)

Speedway®
 Speedway Construction Dept.
 10000
 Erie, OH 43025

CONCEPTUAL PLAN
 REBUILD
 842 MANCHESTER ROAD
 WARREN COUNTY
 MIDDLETOWN, OH


DATE OF REVISION	6336
REVISION NO.	80827
VERSION OR PROJECT ID	
SCALE	1" = 30'-0"
DESIGN TEAM	DATE
DRGN. C. KROFZ	10-6-13
P.MGR. L. BRIGGS	10-6-13
PRVW. M. SMITH	10-6-13
DRWG. NO.	



Speedway to purchase three lots from developer.

- A. GENERAL NOTES
- GENERAL SCOPE OF WORK INCLUDES: BUILDING, CANOPY, FUEL TANKS, PIPING, DISPENSERS AND PARKING
 - TRUCK TURNS HAVE BEEN PERFORMED ON THIS SITE TO CONFIRM THAT THE TRUCK MOVEMENT TO THE USTS CONFORM WITH SPEEDWAY STANDARDS
 - FINAL DESIGN OF SITE SUBJECT TO FEDERAL, STATE AND LOCAL REGULATIONS
 - EXISTING PROPERTY SIZE: ~~##### / #####~~
 PROPOSED PROPERTY SIZE: ~~##### / #####~~
 TOTAL PROPERTY SIZE: ~~##### / #####~~
 RESIDUAL PROPERTY SIZE: ~~##### / #####~~
 TOTAL ACREAGE TO BE DETERMINED BY AN UPDATED SURVEY IN THE FUTURE
 - PROVIDED AUTO PARKING: (2) ADA PARKING SPACES AND (23) STANDARD PARKING SPACES
 - (9) 3+1 DSL DISPENSERS, SUMPS AND ISLANDS
 - (1) 3+1 FLEX DISPENSER, SUMP AND ISLAND
 - GOAL POST SIGN
- B. SPECIFIC SITE FEATURES
- SHARED ACCESS ROAD
 - GROUND MOUNT SIGN.

PROPOSED OVERALL SPEEDWAY LLC PARCEL CONTAINING 2.8881 TOTAL ACRES (INCLUDING 0.2003 ACRES WITHIN THE RIGHT-OF-WAY)



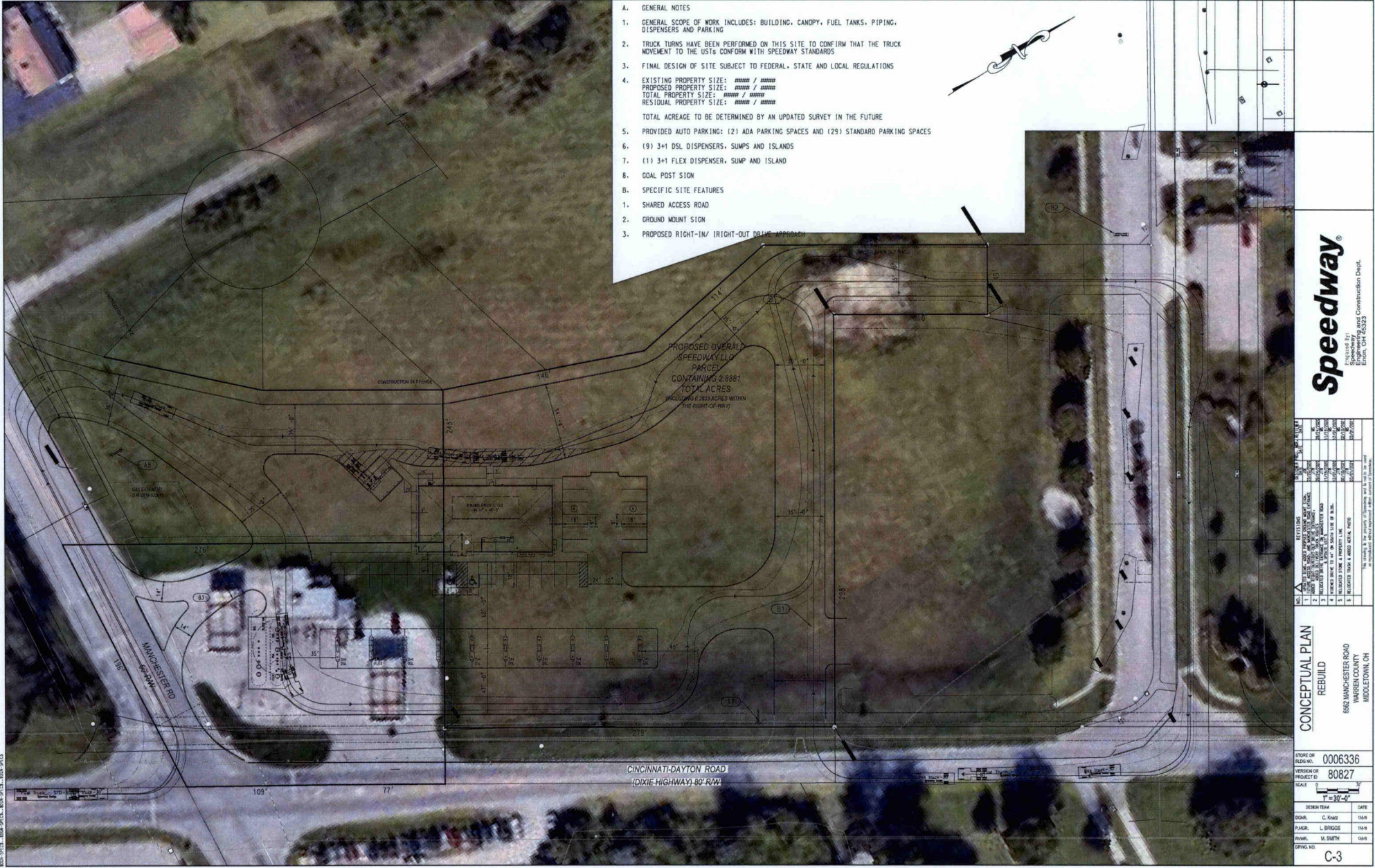
Speedway Construction Dept.
 Middletown, OH 45223

REVISIONS	
NO. 1	ISSUED FOR PERMITTING
NO. 2	ISSUED FOR PERMITTING
NO. 3	ISSUED FOR PERMITTING
NO. 4	ISSUED FOR PERMITTING

This drawing is the property of Speedway, Inc. It is to be used only for the project and location specified on the drawing. No other use or reproduction is permitted without the written consent of Speedway.

CONCEPTUAL PLAN	0006336
REBUILD	VERSION OR PROJECT ID
6666 MANICESTER ROAD	80827
MIDDLETOWN, OH	SCALE
	1" = 30'-0"

DESIGN TEAM	DATE
DESIGN: C. KRAZ	05/08
PLANNING: L. BRIGGS	05/08
INVESTIGATION: M. SMITH	05/08
DRAWING NO.:	C-3



- A. GENERAL NOTES
1. GENERAL SCOPE OF WORK INCLUDES: BUILDING, CANOPY, FUEL TANKS, PIPING, DISPENSERS AND PARKING
 2. TRUCK TURNS HAVE BEEN PERFORMED ON THIS SITE TO CONFIRM THAT THE TRUCK MOVEMENT TO THE US&S CONFORM WITH SPEEDWAY STANDARDS
 3. FINAL DESIGN OF SITE SUBJECT TO FEDERAL, STATE AND LOCAL REGULATIONS
 4. EXISTING PROPERTY SIZE: ~~XXXXX / XXXXX~~
 PROPOSED PROPERTY SIZE: ~~XXXXX / XXXXX~~
 TOTAL PROPERTY SIZE: ~~XXXXX / XXXXX~~
 RESIDUAL PROPERTY SIZE: ~~XXXXX / XXXXX~~
 TOTAL ACREAGE TO BE DETERMINED BY AN UPDATED SURVEY IN THE FUTURE
 5. PROVIDED AUTO PARKING: (2) ADA PARKING SPACES AND (28) STANDARD PARKING SPACES
 6. (9) 3+1 DSL DISPENSERS, SUMPS AND ISLANDS
 7. (1) 3+1 FLEX DISPENSER, SUMP AND ISLAND
 8. GOAL POST SIGN
- B. SPECIFIC SITE FEATURES
1. SHARED ACCESS ROAD
 2. GROUND MOUNT SIGN
 3. PROPOSED RIGHT-IN/ RIGHT-OUT DRIVE APPROACH

Speedway®
 Speedway LLC
 Construction Dept.
 Dayton, OH 45423

NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

CONCEPTUAL PLAN
 REBUILD
 6882 MANCHESTER ROAD
 MIDDLETOWN, OH
 MIDDLETOWN, OH

DATE OF REVISION	0006336
REVISION OR PROJECT ID	80827
SCALE	1" = 30'-0"
DESIGN TEAM	DATE
OWNER: C. KOEHL	05/08
PREPARED BY: L. BRIDGES	05/08
APPROVED BY: M. SMITH	05/08
DRAWING NO.	C-3



Cadastral Lines	Corporate Line	Parcel Line	Hardware
<all other values>	County Line	ROW Unknown Width Line	Subdivision Lot Line
Line Type	Farm Lot Line	Road ROW	Township and Range Line
Auditors Tract Line	Overpass Line	School Line	Tract Line
Civil Township Line	Subdivision Limit Line	Section Line	VMS Line
			Vacated Road Line

1 inch = 40 feet

Warren County Map

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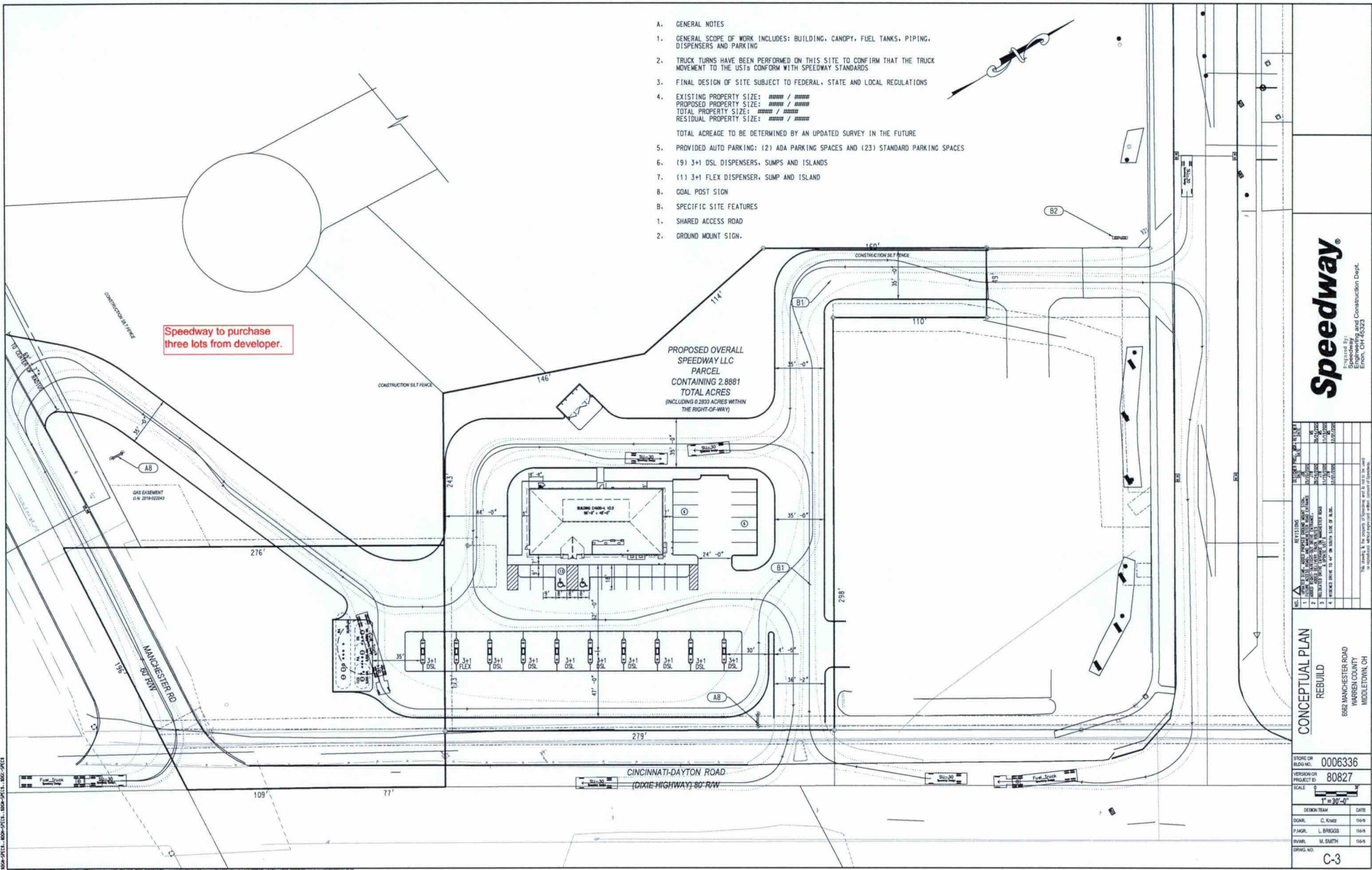
Date: 10/27/2020

Speedway - Access Variance Hearing - 3/02/21				Access Locations Requested		
Legend: RI = Right-In; RO = Right-Out; LI = Left-In				(See Exhibit)		
				100' W of Dixie	Access C	Access D
General Questions/Facts:						
1	a) Existing Access?			Yes	Yes	Yes
	b) If yes, then what type of Access currently exists?			Full	RI/RO	Full
2	What type of Access is requested?			RI/RO	RI/RO	Full
3	a) Access Management Regulations' criteria met?			No	By Variance - Res 16-1423	N/A - City of Middletown
	b) if 'No', then by what Section is the Access uncompliant?			i) 401.8.2-d spacing and number of drives, ii) Table 1, iii) ODOT L&D turn lane length		
	i) spacing required by Regulations			330 feet		
	ii) spacing available			100 feet		
Section 601.4 of Access Management Regulations (Variances and Appeals) - Factors to consider:						
1	Whether not granting a variance would deny all reasonable access.			No		
2	Whether granting a variance would endanger the public safety.			Yes	Northbound Cincinnati-Dayton Road motorists turning left onto Manchester Road not likely to anticipate right turn into the Speedway site only 130-feet from the intersection. Insufficient deceleration length available for westbound Cincinnati-Dayton Road traffic through the intersection ahead of the proposed right-turn into the site. Recommended right-turn length per ODOT L&D for deceleration is 175', only 75' is available.	
3	Whether the hardship was self-created by the applicant or his agent.			Yes	If there is a hardship it would seem likely due to right turns into the proposed full access 280-ft west of Dixie are more awkward with the proposed skewed driveway alignment.	
4	Whether granting the variance would hinder traffic movement or the proper operation of the public road.			Yes	Westbound vehicles, whether turning right or left from Cincinnati-Dayton Road or traveling westbound through the signalized intersection, must merge right into the right-in only Access A over a short distance. Minimum Right-turn lane length available per the Applicant's Figure 13 in their TIS is 75'. Minimum length recommended for deceleration is 175' per ODOT L&D Figure 401-9.	
5	Whether granting the variance would be consistent with the purpose of these Access Management Regulations.			No	Contrary to Section 102 3 (increased driver response time to potential conflicts), 6 (preserve functional area of intersection), 7 (less complex environment, 9 (remove turning vehicles from through lanes)	
6	Whether all feasible access options except granting a variance have been considered.			Yes		
Is Warren County Engineer's Office supportive of the variance request?				No		

- A. GENERAL NOTES
- GENERAL SCOPE OF WORK INCLUDES: BUILDING, CANOPY, FUEL TANKS, PIPING, DISPENSERS AND PARKING
 - TRUCK TURNS HAVE BEEN PERFORMED ON THIS SITE TO CONFIRM THAT THE TRUCK MOVEMENT TO THE US16 CONFORM WITH SPEEDWAY STANDARDS
 - FINAL DESIGN OF SITE SUBJECT TO FEDERAL, STATE AND LOCAL REGULATIONS
 - EXISTING PROPERTY SIZE: ~~#####~~ / ~~#####~~
 PROPOSED PROPERTY SIZE: ~~#####~~ / ~~#####~~
 TOTAL PROPERTY SIZE: ~~#####~~ / ~~#####~~
 RESIDUAL PROPERTY SIZE: ~~#####~~ / ~~#####~~
 TOTAL ACREAGE TO BE DETERMINED BY AN UPDATED SURVEY IN THE FUTURE
 - PROVIDED AUTO PARKING: (2) ADA PARKING SPACES AND (23) STANDARD PARKING SPACES
 - (9) 3+1 DSL DISPENSERS, SUMPS AND ISLANDS
 - (1) 3+1 FLEX DISPENSER, SUMP AND ISLAND
 - ODAL POST SIGN
- B. SPECIFIC SITE FEATURES
- SHARED ACCESS ROAD
 - GROUND MOUNT SIGN.

Speedway to purchase three lots from developer.

PROPOSED OVERALL SPEEDWAY LLC PARCEL CONTAINING 2.8881 TOTAL ACRES (INCLUDING 0.2893 ACRES WITHIN THE RIGHT-OF-WAY)



Speedway®
 Engineered by
 Speedway LLC
 10000 N. Dixie Highway
 Middletown, OH 45042

NO.	DESCRIPTION	DATE	BY	CHECKED
1	CONCEPTUAL PLAN	08/27/2024	M. SMITH	C. KOEHL
2	REVISION			
3	REVISION			
4	REVISION			

CONCEPTUAL PLAN
 REBUILD
 6802 MANCHESTER ROAD
 WARREN COUNTY
 MIDDLETOWN, OH

STORE OR
 REVISION NO. 0006336
 PROJECT BY 80827
 SCALE 1" = 30'-0"
 DESIGN TEAM 2478
 OWNER C. KOEHL 10/4
 PROJECT MGR. L. BRIGGS 10/4
 DRAWN M. SMITH 10/4
 DRWG. NO. C-3

Speedway - Access Variance Hearing		{01/19/2021 Continuance}		Access Locations Requested		
		Legend: RI = Right-In; RO = Right-Out; LI = Left-In		(See Exhibit)		
				Access A	Access C	Access D
General Questions/Facts:						
1	a) Existing Access?			Yes	Yes	Yes
	b) If yes, then what type of Access currently exists?			Full	RI/RO	Full
2	What type of Access is requested?			Full	RI/RO	Full
3	a) Access Management Regulations' criteria met?			No	By Variance - Res 16-1423	N/A - City of Middletown
	b) if 'No', then by what Section is the Access noncompliant?			401.8.2-d 401.6 spacing		
	i) spacing required by Regulations			430 feet		
	ii) spacing available			130-feet	{Relocated to 280 spacing}	
Section 601.4 of Access Management Regulations (Variances and Appeals) - Factors to consider:						
1	Whether not granting a variance would deny all reasonable access.			No		
2	Whether granting a variance would endanger the public safety.			Potentially though not anticipated.	A) The Applicant is projecting 4100 veh/day to the site with 40% utilizing Access A. This is a significant increase in traffic volume over existing. B) Sight distance is marginally adequate looking west. C) Safety of left out movement depends on future left turn storage needed at the signal.	
3	Whether the hardship was self-created by the applicant or his agent.			No		
4	Whether granting the variance would hinder traffic movement or the proper operation of the public road.			Potentially.	Future operation of the signal, eastbound Manchester Road, depends on the amount of left turn storage needed in the future.	
5	Whether granting the variance would be consistent with the purpose of these Access Management Regulations.			Yes	The county can restrict the left out movement from Relocated Access A if this movement is creates safety or operational issues in the future.	
6	Whether all feasible access options except granting a variance have been considered.			Yes	The Applicant plans to acquire land west of the Applicant's property to move their existing drive further west.	
Is Warren County Engineer's Office supportive of the variance request?				No		

Speedway Variance Request

January 19, 2020 Continuance Hearing

Dixie Hwy./Manchester Road

Conditions for variance in the event that Relocated Access A (located 280 Lin. Ft. minimum spacing from Dixie Hwy measured nearest edge to edge of pavement) is approved by the Board:

1. The Warren County Board of Commissioners reserves the Board's rights provided by law to close, alter, restrict, or relocate any access point, including access points approved by variance, at a later date if the Board determines that such action is in the interest of protecting the public convenience, health, safety, and welfare. Relocated Access A (Manchester Road) may be closed or altered if the accidents and/or vehicle accident injuries attributable to Relocated Access A over a three-year period is at least 150% or more than the average accident rates observed at other gas and convenience store access points as determined by the County Engineer.
2. If the left out movement from Access A (Manchester Road) is a permitted movement if and when a traffic signal is constructed at the Dixie Hwy/Riverview Avenue intersection, this left out movement from Access A will be restricted when the signal becomes operational, and the Owner will be responsible for modifying Access A as the County Engineer determines necessary to properly restrict the left out movement.
3. The Applicant will construct improvements needed to mitigate their development impacts as identified in the Applicant's traffic impact study and other improvements identified on the Applicant's site plan when submitted and approved by the County Engineer. Anticipated improvements include modifying the roadways as needed for a left and right turn lane into Relocated Access A (Manchester Road) and a left turn lane northbound on Dixie Highway at Manchester Road. The design and construction of the proposed roadway improvements and the final configuration of any connection by the Applicant thereto must be reviewed and approved by the County Engineer.
4. The Applicant anticipates that their proposed Riverview Avenue access point is or will be approved by the City of Middletown without restrictions. Closing or restricting the Riverview Avenue access at any time will constitute a significant change in use and require that the Applicant submit a reapplication for their Manchester Road and Cincinnati-Dayton Road access points unless this Condition is specifically waived by the Warren County Engineer at the time of reapplication.
5. The Cincinnati-Dayton Road improvements proposed to be constructed by the Sawyer Mill Subdivision developer must be completed prior to opening day of the Applicant's Speedway redevelopment.