

BUTLER COUNTY PLANNING COMMISSION
Butler County Administration Center
Hamilton Ohio

REGULAR MEETING: Tuesday, December 8, 2009, 3:00 p.m.
Butler County Government Services Center
315 High Street, Conference Room 1
Hamilton, Ohio 45011

MEMBERS PRESENT: G. Coe Potter, Chair
Steven Brown
Charles Bullington, Co-Chair
Kevin Cooney
Charles Disney
Lynn Nevel

MEMBERS ABSENT: Chris Flaig
Joseph Tucker

STAFF PRESENT: David Fehr, Planning Director
Constance Kepner, Water & Sewer
Lee Margraf, Administrative Secretary
Joseph Schmidt, Senior Planner
Robert Chambers, Intern

CALL TO ORDER:

Mr. Potter called the meeting to order at 3:00 p.m.

APPROVAL OF MINUTES:

Mr. Brown motioned to approve the November 10, 2009 meeting minutes. Mr. Nevel seconded the motion. Motion carried.

AYES: Brown, Nevel, Cooney, Potter

ABSTAINED: Bullington

NAYES: None

ZONE CHANGES:

LTZ 09-02

Liberty Township Trustees, Text Amendment
Liberty Township

Mr. Schmidt said there are a few changes that the Township would like to make to their zoning code. One of them is with regards to sexually-oriented businesses and the time frame that they are allowed to be open within the Township. A couple others are adding conditional uses in the chart that they have, changing some of the text at the top of a chart, including “hedges and walls” height maximums, and also a chart in the Cincinnati-Dayton Road/Bethany area setback requirements. He added that County staff does not see any problems with the proposed changes they wish to make and Mr. Jon West, Liberty Township, is here if there are any questions.

Mr. Jon West said he is not here to make any formal presentation and if the Board has any questions he can answer them.

Mr. Bullington had a question regarding page 44, and asked is an “adult motel” considered a sexually-oriented business?

Mr. West replied no, an adult motel would be a motel that rents rooms by the hour or a period of hours.

Mr. Bullington asked Mr. West if then it’s a specific type of motel that rents by the hour.

Mr. West said it would not necessarily be considered a sexually-oriented business – what we are zoning here is – we are getting ready to adopt an ordinance for criminal conduct in a sexually-oriented business and it is written by the Ohio Attorney Generals Office for Townships to adopt and right now in our zoning code we have location criteria on where you can locate. The ordinance sets forth more of a operational requirements in relation to how far the stage has to be away from patrons, patrons are not allowed to touch the employees and things like that... so what we are doing is copying that language out of there into our zoning code so they both line up.

Mr. Cooney asked Mr. West if he could support the distinction that is on page 76 and page 78 between 5A maximum height is 54 inches while 5B is 6-foot.

Mr. West said in 5A, they allow property owners to have 200 feet or more of frontage, not in a recorded subdivision, to have a fence, wall or hedge in the front yard. Whereas, in a recorded subdivision, they are only allowed to have fencing, walls and hedging in the rear and side yards and that is the difference between the two. He added that they are internally discussing how they will address hedges.

Mr. Potter asked Mr. West if he wants that now.

Mr. West replied no, it is something they will put together with staff and when the Trustees initiated there were questions and we said we can address those in the process at the three public meetings, but we will leave it the way it is, and it may stay the same, we are not sure.

Mr. Cooney made a motion to approve LTZ 09-02 zone change for Liberty Township Trustees, Text Amendment, Liberty Township. Mr. Bullington seconded the motion. Motion carried.

AYES: Cooney, Bullington, Disney, Brown, Nevel, Potter

NAYES: None

Resolution: #09.56

PRELIMINARY PLATS:

**Kyles Station Meadows, Section 9, Block B
Section 10, Town 3, Range 3
Liberty Township**

Mr. Fehr announced that Mr. Rob Chambers, an intern with the Department of Development, will present this item.

Mr. Chambers introduced himself and said this preliminary plat is in the Planning Commission members' packets and showed an aerial map of the area and indicated this properties proximity to the rest area on Interstate Route 75 and said this subdivision is just west of Summerlin subdivision and to the north is the City of Monroe and is roughly along mile marker #27.

Mr. Chambers showed a drawing of the preliminary plat and said this section was originally part of the preliminary plat for Section 8B and Section 9, including Victory Garden Way and Chandler Crossing which were approved in November 2007 by the Commission. Three homes are under construction or completed on Chandler Crossing and then last month, Section 9A, along Victory Garden Way was approved.

Mr. Chambers said staff comments are in the packets and wanted to point out that high water tables are apparent in this area and if basements are constructed, it is the responsibility of the builder to take special precautions to ensure the basements stay

dry.

Mr. Chambers said this would include these six lots (as indicated on the drawing).

Mr. Bullington asked if there is any water detention for this area.

Mr. Fehr said there is a catch basin in the cul-de-sac and then everything drains to the southwest down Chandler Crossing and then goes into a detention basin – so the high end of the property is here (pointed to on the drawing). Mr. Fehr said it is not shown on this aerial photograph – there is a lake but it is just off this aerial image and is a little bit to the south of this area is where the lake is and it all gets piped back into that area.

Mr. Potter asked if there are any elements of maintenance that the Home Owners' Association in particular – or other amenities responsible for maintaining.

Mr. Jon West, Liberty Township, said the entry walls at Kyles Station Meadows are the only other thing that he knows of.

Mr. Fehr said there is no community park or pool, or anything like that.

No further questions.

Mr. Disney made a motion to approve the preliminary plat for Kyles Station Meadows, Section 9, Block B, Section 10, Town 3, Range 3, Liberty Township subject to staff comments. Mr. Bullington seconded the motion. Motion carried.

AYES: Disney, Bullington, Brown, Nevel, Cooney, Potter

NAYES: None

Resolution # 9.57

**Kyles Station Meadows, Section 9, Block B
Section 10, Town 3, Range 3
Liberty Township
Request to extend preliminary plat approval period from two years to three years**

Mr. Chambers stated there is a letter in the Planning Commission members' packets from the applicant asking to extend the preliminary plat approval period from two years to three years based on market conditions.

Mr. Disney made a motion to approve the request to extend preliminary plat approval period from two years to three years for Kyles Station Meadows, Section 9, Block B, Section 10, Town 3, Range 3, Liberty Township. Mr. Bullington seconded the motion. Motion carried.

AYES: Disney, Bullington, Nevel, Cooney, Brown, Potter

NAYES: None

Resolution # 9.58

FINAL PLATS FOR APPROVAL:

None

OTHER BUSINESS:

Morgan Township Land Use Plan – Update on Planning Process

Mr. Schmidt said this month the staff wanted to get the Planning Commission acquainted with the Morgan Township Land Use Plan and showed a map of the Land Use Plan for Morgan Township, of which they have been doing for most of 2009.

Mr. Schmidt said staff will bring this back next month for approval and it is not going to be just this map that you see and the Land Use categories, but will be a whole group of documents similar to Oxford Township and Hanover Township's.

Mr. Schmidt said since April they have gotten together with a group of people within the Township, put together by Morgan Township Trustees, and they are a really good group to work with. Mr. Schmidt said he has made about 12 -15 different maps of Morgan Township and it has been a good experience for all of us to see the different aspects of what Morgan is, in particular the environmental and cultural features.

Mr. Schmidt showed a map and said the main elements in this map show the main area of residential concentration is in the northeast of the Township (as indicated on the map), and you can also see a residential concentration on the southwest portion in the Township too and in between the two areas there remains a lot of land that is proposed

to be an agricultural use. Mr. Schmidt said the area with the blue lines going across is conservation easement and we wanted to acknowledge the fact that this large area in the middle of the Township is in a conservation easement, which would not allow development on the site.

Mr. Schmidt said we are also looking closely at Okeana and Shandon (shown on the map) and said that is where some of the more-unique features to this plan take place. We will be talking more about the unique character of these two areas in the future (brown-colored areas on the map). These areas are in the Planned Residential and Planned Neighborhood Business category and are defined to make sure that the right types of development/activity would go there. At this time there is not any specific language but rather allows for the future, the Zoning Commission or a group of citizens that wish to get together and put something together specifically for Shandon or Okeana.

Mr. Schmidt said the areas shaded in purple are for Planned Business and Planned Industrial development. Currently the large purple area is zoned Industrial already and there is a mix of businesses that are more Industrial Use in character so we are showing a little bit of extension of that area around Shandon (as indicated) but it is not a large extension. We also wanted to make sure that the areas currently zoned for Industrial would be shown on the Land Use Plan for future Industrial. The large areas are good for Industrial because they are located along a rail line and close to the main thoroughfares in Morgan Township and we also want to keep the businesses in a clustered area so we will not impede on historic areas of Morgan Township.

Mr. Schmidt said we had an open house in November. It was well attended and they came away with some good comments and input. A question was raised, but both the committee and people in the Township, which had to do with the two large chunks of Industrial because one was not currently used for Industrial. At one point in time one of the areas had a Seagrams facility there, but it has not been used for a while so some were questioning why would we want to have it remain Industrial Use – and, as the Planning Commission knows, having something zoned Industrial is worth a lot because it will be difficult in the future to change an area to Industrial, especially in rural areas and to lose that might mean to lose potential income for the Township in the future.

Mr. Schmidt said a large booklet will be presented next time, and it will be distributed to the Planning Commission before the meeting for them to review in advance.

Mr. Schmidt said Morgan Township Trustees will vote next month.

Mr. Disney asked why keep that area as Industrial Use.

Mr. Schmidt said he thinks there is a possibility, and if you drive down in the Shandon

area, going north here (as pointed to on the map) and once you are out of the historic area, there are actually a lot of existing types of businesses that really could thrive – more of a campus area and it could be a smaller manufacturer or something similar.

Mr. Disney said some people are concerned.

Mr. Schmidt said Mr. Ed Teets, Morgan Township Zoning Administrator, is here and could give more detail.

Mr. Teets said in Shandon, presently, there is a company called Diamond Trailers, Steve Ingle, manufactures huge trailers there, and they own 30 acres in that bottom right-hand, purple shaded corner, and there is talk about them moving their manufacturing facility to those 30 acres and is one industry that could be located there.

Mr. Disney said that is fine, but he was lead to believe that no one was ever going to use it.

Mr. Teets said the reason why we kept it that way, as Mr. Schmidt mentioned, is because it is served by the railroad.

Mr. Teets said a year ago, Larry Miller, who runs the Trucking company in McGonigle, inquired about the Seagrams property simply because of the railroad because it has to do a transfer tanker car for some type of fertilizer, so there has been some interest.

Mr. Schmidt asked the Planning Commission if the had any questions or concerns, and asked them if the committee is going in the right direction. He added that some of the other Townships have been going through similar types of plans and said Mr. Potter was on the Oxford Township Committee and he knows the process that they have been going through.

Appoint Michael F. Juengling as the Butler County Planning Commission's representative on the OKI Board of Directors

Mr. Potter said the next item on the agenda is a request to appoint Michael F. Juengling as the Butler County Planning Commission's representative on the OKI (Ohio Kentucky Indiana Regional Council of Governments) Board of Directors.

Mr. Disney made a motion to appoint Michael F. Juengling as the Butler County Planning Commission's representative on the OKI Board of Directors. Mr. Bullington seconded the motion. Motion carried.

AYES: Disney, Bullington, Nevel, Cooney, Brown, Potter

NAYES: none

Resolution: # 09.59

ADJOURNMENT:

Mr. Disney made a motion to adjourn. Mr. Bullington seconded. All in favor. Meeting adjourned.

These Minutes represent a summary of these proceedings and do not purport to be the entire record. A complete transcription of these proceedings was taken from an audio tape under supervision of the Secretary by Lee Margraf and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting same and must be prepaid.

Hamilton, Ohio
December 8, 2009

Chair

Secretary

Lee Margraf