



Butler County Planning Commission

Government Services Center, Conference Room #1
315 High Street, Hamilton, Ohio

Meeting Minutes **DRAFT/FOR REVIEW**

MEETING: Monday, May 15, 2017, 3:04 p.m.

ROLL CALL:

Present: Beth Surber, Chair
Steve Brown
Kevin Cooney, Vice Chair
G. Coe Potter
Bernard "Buck" Rumpke
Shirley Wiant

Absent: David Baker
Charles Bullington

Staff Present: Peter Z. Acuff, Dept. of Development
Lee Margraf, Dept. of Development
Eric Pottenger, Butler County Engineers Office
Stephen Thompson, Butler Soil & Water

Ms. Surber called the meeting to order at 3:04 p.m.

APPROVAL OF MEETING MINUTES:

April 17, 2017 Meeting Minutes

Mr. Rumpke made a motion to approve the draft Meeting Minutes from the April 17, 2017 meeting as submitted. Ms. Wiant seconded the motion. Motion carried 4-0-2.

AYES: Rumpke, Wiant, Brown, Cooney

NAYES: None

ABSTAIN: Potter, Surber

ZONE CHANGES:

LTZ 17-03 Fieldstone Farms, RA-1 to R-PUD

Section 15, Town 3, Range 3

Liberty Township

Mr. Acuff showed an aerial image of the property and said this zone change request for a new PUD on Millikin Road and it has a large parcel in the back and six (6) small parcels to the front down on Millikin Road and provided more detail on the proposed request.

Mr. Acuff showed a plat map of the property then highlighted the revised staff comments, (he noted a number of staff comments were already addressed prior to this hearing) including but not limited to the recommendation of incorporating the existing home into the subdivision and a new postal regulation on cluster mailboxes replacing stand-alone individual mailboxes, and noted pending comments from the Butler County Engineers office on a traffic study and on drainage pending and said staff does recommend approval of this zone change, to Liberty Township for their consideration, subject to staff comments. Mr. Acuff said this will be up for review by Liberty Township zoning this evening.

Ms. Etta Reed, Bayer and Becker, 6900 Tylersville Road, Mason, OH, introduced herself and is here on behalf of the applicant, NVR. She provided detailed information on the proposed development and showed a plat map indicating the location of the town home residences as well as the multifamily residential buildings layout which total 190 units.

Mr. Rumpke asked Ms. Reed about the applicant's reasoning while the County staff's recommendation is to include the existing house in the subdivision. Ms. Reed responded and said the applicant is not interested in the inclusion and the existing home will be on a two (2) acre tract and any time they would want to make any changes in the future, they would have to go potentially as a modification to the PUD process and by keeping it out of the subdivision they would not be tied to all of the restrictions and requirements placed on the homes within this development and said this home is quite different than the other homes in the development.

Mr. Rumpke asked if the developer is also same as the builder of the homes to which Ms. Reed replied, "yes."

Mr. Rumpke asked several questions, including if it is possible for the owner of the existing home to sell off lots on the cul-de-sac, whether the entrance was public or private (it would be public) and which direction the water flows from the property and how does it flow near the road.

Ms. Surber inquired as to why staff recommended including the existing home in the subdivision while the applicant prefers not to. Mr. Acuff replied from a "land records" standpoint, it would be a cleaner process – but if not it, lot splits and lot combinations - but understands the applicant's point of view and said either way works.

Mr. Rumpke asked if the existing home was on septic and Ms. Reed replied no, it is on public water and sewer and is restricted to being a 2-acre lot.

Mr. Surber asked if it will be the same builder for the single family homes as well as the multi-family homes and Ms. Reed replied yes.

Mr. Potter stated if he were the owner of the existing house, he would have a tendency of staying out as recommended, especially on account Mr. Acuff said it can be done either way and added he has seen a similar situation before where seeking approval of a PUD and then from the HOA and so forth at some time in the future becomes pretty egregious – and here you have governmental protections of the fact it would have to be rezoned in order to split the land and there is public input in that process; but to add another layer to it can be extremely difficult.

Mr. Potter also stated the Planning Commission received a letter from an attorney and in it discussed the flood situation and he's pleased to hear between the County and yourselves trying to alleviate that some way.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: Mr. Tim Mara, 312 Walnut Street, Suite 600, Cincinnati, Ohio

Mr. Mara introduced himself and said he is here representing Linda and Greg Amend and it was his letter which Mr. Potter made reference to. Mr. Mara stated their position is the proposed plan is not consistent with the Vision Plan of the Township or the zoning regulations and voiced concern over the drainage and environment impact issues, concern for the removal of trees and the storm water problem will increase with this development. He added the Amends will not cooperate in any proposal passing along the water issue draining off to send the problem further south and they do not feel this is very well thought out. Mr. Mara voiced other concerns regarding environmental issues; open space, flooding, traffic problems on Millikin Road and they do not feel this is the best use of the property.

Mr. Mara and Mr. Rumpke engaged in discussion of the drainage issue and Mr. Rumpke stated he did not believe it should be up to Bayer & Becker to fix an issue that has existed for 25 years that the engineer is supposed to take care of. Mr. Mara stated he did not necessarily agree with Mr. Rumpke and anticipates more water will come with development and they have yet determined how to deal with the water that is there on the property.

Regarding the lots that will be combined, Mr. Brown said at this point in time, it's going to be tough to do anything – you'd have to go to each of those individual owners to acquire frontage – really, the only way to correct or slow this problem down is to have a retention basin – there's really nothing that can be done to slow the water flow short of the County taking frontage of those properties in order to put a retention basin in. The volume will have to be figured out otherwise it will continue to be a problem. They may have to expand the retention, and possibly lose some units because of it, but right now nothing is working.

Ms. Surber asked Ms. Reed if the studies came back and indicated the proposed detention basins won't be adequate, would there be a replat to adjust the number of units. Ms. Reed said no, a preliminary report is not required at the time of a zone change request but we would be more than happy to provide that at that time of the preliminary plat phase but we must get through the zone change first and if reconfiguration is necessary we will work with the Township and the County and do what we have to do in order to meet regulations or ask for a waive and explain why we cannot do so.

Mr. Potter said having gone through the process of development numerous times in his career, he said you put out venture capital to see if a plan is feasible or not, but unless you have the zoning in place to bring the capital to bear; to do the engineering, to solve water issues and so forth, it just doesn't make economic sense to go out and spend all that money before you have the zone change; those things will be done in the future and right now to put all that money in there now without the zone change appears to be prudent in his opinion and a zone change is proper in order to get where they need to get.

Mr. Brown said he agrees with Mr. Potter and he has also developed land – we’re just talking about a zone change right now and does not mean it will necessarily go through.

Mr. Brown made a motion to recommend approval LTZ 17-03, Fieldstone Farms, RA-1 to R-PUD, Section 15, Town 3, Range 3, Liberty Township subject to staff comments. Mr. Rumpke seconded the motion. Motion carried 5 – 0 -1.

AYES: Brown, Rumpke, Potter, Wiant, Surber

NAYES: Cooney

ABSTAIN. None

RESOLUTION#: 17.37

LTZ 17-04

Carriage Hill, R-PUD to MU-PUD

Section 2, Town 2, Range 3

Liberty Township

Mr. Acuff showed an aerial image of the property and stated this is a modification to the Residential Planned Unit Development (R-PUD) at Carriage Hill to Mixed Use PUD, however, they are calling for it to be a residential area. Mr. Acuff gave details on the proposed modifications, showed a plat map of the proposed development, and highlighted the two (2) staff comments and said staff does recommend approval subject to staff comments and the proposed changes are consistent with the Township’s overall plan for the area.

Applicant, Mr. Jose Castrejon, McGill Punshon Smith, 3700 Park 42 Drive, Cincinnati, OH, introduced himself and said they have been working on this project since the beginning and have been working with Township staff and will meet with them this evening and will maintain some of the commercial development but feel this change is fitting with the market currently on the types of housing and they continue to develop the commercial piece along with the restaurant there and he feels it will be a nice component to the residential area to increase walkability into the rest of the development and does concur with the two (2) staff comments.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

Mr. Cooney moved to recommend approval of the zone change LTZ 17-04, Carriage Hill, R-PUD to MU-PUD, Section 2, Town 2, Range 3, Liberty Township subject to staff comments. Mr. Rumpke seconded the motion. Motion approved 6 – 0.

AYES: Cooney, Rumpke, Brown, Wiant, Potter, Surber

NAYES: None

RESOLUTION#: 17.38

PRELIMINARY PLATS: None

FINAL PLATS

Carriage Hill, Section Sixteen

Section 2, Town 2, Range 3

Liberty Township

Mr. Acuff showed an aerial image of the property and showed a plat map of the proposed 18 residential units on 7.7 acres then showed a plat map of the proposed development.

Mr. Acuff highlighted staff comments and said staff recommends approval subject to staff comments.

Mr. Brown made a motion to approve the final plat for Carriage Hill, Section Sixteen, Section 2, Town 2, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried 6-0.

AYES: Brown, Wiant, Potter, Rumpke, Cooney, Surber

NAYES: None

RESOLUTION#: 17.39

The Oaks of West Chester, Section Three

Section 22, Town 3, Range 2

West Chester Township

Mr. Acuff showed an aerial image and plat map of the property proposal of 13 residential lots on 7+ acres southwest of Keehner Park. Mr. Acuff showed a plat map, highlighted staff comments and said staff does recommend approval subject to staff comments.

Mr. Cooney made a motion to approve the final plat for Oaks of West Chester. Section Three, Section 33, Town 3, Range 2, West Chester Township subject to staff comments. Mr. Brown seconded the motion. Motion carried 6-0.

AYES: Cooney, Brown, Potter, Rumpke, Wiant, Surber

NAYES: None

RESOLUTION #: 17.40

Gano Subdivision, Replat of Part Lot 47 and Part Lot 48

Section 20, Town 3, Range 2

West Chester Township

Mr. Acuff showed an aerial image of the property and said this is a combination of two (2) adjacent part lots to create a building site. Mr. Acuff said he did receive a revised plan for this to address a number of staff comments.

Mr. Acuff highlighted the remaining staff comments and said staff does recommend approval subject to staff comments.

Mr. Potter made a motion to approve the replat Gano Subdivision, Replat of Part Lot 47 and Part Lot 48, Section 20, Town 3, Range 2, West Chester Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried 6 – 0.

AYES: Potter, Wiant, Brown, Cooney, Rumpke, Surber

NAYES: None

RESOLUTION#: 17. 41

Avalon Station, Replat of Lot 8849

Section 13, Town 2, Range 3

Fairfield Township

Mr. Acuff showed an aerial image of the property and stated this is an even simpler one – it's on public road, *Merlin Way*, a private drive, *Excalibur Lane*, the only change being made is the current setback is squared off and the applicant wishes to turn it into a radius curve setback line to give themselves a little more room. Mr. Acuff highlighted staff comments and said staff does recommend approval subject to staff comments.

Mr. Rumpke made a motion to approve Avalon Station, Replat of Lot 8849, Section 13, Town 2, Range 3, Fairfield Township subject to staff comments. Mr. Cooney seconded the motion. Motion carried 6 -0.

AYES: Rumpke, Cooney, Brown, Potter, Wiant, Surber

NAYES: None

RESOLUTION#: 17. 42

OTHER BUSINESS:

2017 Revisions to Butler County Subdivision and Land Development Regulations

Mr. Acuff summarized the activity County staff has been doing for almost a year and half, reviewing, proofing, editing for clarification of the text within the said regulations. Overall the purpose of the proposed changes are to streamline regulations and focus more on policies as opposed to details.

Mr. Acuff highlighted the proposed changes and said the next step will be a public hearing scheduled on June 12 by the Butler County Commissioners for their review; notices were sent out to all of the Townships in Butler County in April 2017 per Ohio Revised Code requirements.

Mr. Acuff said staff from departments involved with the regulations had the opportunity to provide their input and staff does recommend approval of the proposed changes.

Mr. Potter made a motion to recommend approval of the 2017 Revisions to Butler County Subdivision and Land Development Regulations and Mr. Brown seconded the motion. Motion carried unanimously.

AYES: Potter, Brown, Cooney, Rumpke, Wiant, Surber

NAYES: None

RESOLUTION#: 17.43

Appoint David Fehr as the Butler County Planning Commission’s representative, and Peter Z. “Zeb” Acuff as alternate, to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Intermodal Coordination Committee (ICC) for Fiscal Year July 2, 2017 through June 30, 2018.

Ms. Wiant made a motion to Appoint David Fehr as the Butler County Planning Commission’s representative, and Peter Z. “Zeb” Acuff as alternate, to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Intermodal Coordination Committee (ICC) for Fiscal Year July 2, 2017 through June 30, 2018. The motion was seconded by Mr. Rumpke and the motion was carried unanimously.

AYES: Wiant, Rumpke, Brown, Potter, Cooney, Surber

NAYES: None

RESOLUTION #: 17. 44

ADJOURNMENT

Ms. Wiant made a motion to adjourn seconded by Mr. Rumpke. 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 and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting.

Hamilton, Ohio

May 15, 2017

Chair

Secretary