



# Butler County Planning Commission

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

## Meeting Minutes

**MEETING:** Tuesday, October 11, 2016, 3:00 p.m.

### ROLL CALL:

Present: Charles Bullington, Chair  
Steven Brown  
G. Coe Potter  
Bernard "Buck" Rumpke (arrived late)  
Beth Surber  
Shirley Wiant

Absent: Kevin Cooney, Vice Chair  
Dave Baker

Staff Present: Peter Z. Acuff, Dept. of Development  
David Fehr, Dept. of Development

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

### **APPROVAL OF MEETING MINUTES:**

There were no Meeting Minutes to approve

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### **ZONE CHANGES:**

#### **WCTZ16-04: Trustee's Text Amendments** West Chester Township

Mr. Acuff introduced West Chester Township officials who made a presentation recently passed text amendments.

Aaron Wiegand, West Chester Township Community Development Director  
9577 Beckett Road, West Chester, OH.

Mr. Wiegand explained the purpose of Text Amendments, which are used to update the text of zoning codes to ensure up-date language, is being used.

There are five (5) focuses of attention.

1. Change in Variance Standards. This was proposed due to current case law being more applicable than the Duncan vs. Middlefield standards currently used in zoning text. Applicable case law has made a few modifications not changing the standards but the reference points.
2. Permissible Use Reference Table which is found in the front of the zoning code. Had not had a complete list of all zoning districts and permissible use in zoning districts. It is now more comprehensive and to identify zoning districts and allowable use with the districts.
3. Changes to Cell/Wireless/Communications Towers Amendment. This is regarding the use of small cell towers in residential and commercial areas. This gives the West Chester Township the ability to put restrictions on design standards and allows them to further define restrictions as it relates to size, location, and placement in residential areas.
4. Sexual Oriented Business. This allows West Chester Township to be more in line with the current resolution governing sexually oriented businesses and their employees. In WCT you not only need zoning applicability but also a license to operate a sexual oriented business. These text amendments makes this process more seamless and ensures the processes are similar and in line with each other.
5. Institutional Care Facilities. Seeks to group like groups together.

Mr. Acuff states county staff has reviewed the proposed amendments and recommends approving the proposed text amendments without comment.

***TESTIMONY IN FAVOR OF: None***

***TESTIMONY IN OPPOSITION OF: None***

***NEUTRAL TESTIMONY: None***

Mr. Rumpke made the motion to accept WCTZ 16-04 Zoning Amendments for West Chester Township. Ms. Wiant seconded the motion. Motion carries 6-0.

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

NAYS: None

**RESOLUTION#: 16.60**

**LTZ 16-07 Cox Road Overlay District Expansion**

Text and Map Amendment

Liberty Township

Mr. Acuff introduced proposed text amendments for a Cox Road overlay district being extended to the corridor north from Princeton Road to Millikin Road. Mr. Acuff showed aerial view of site and reviewed staff comments. Staff does recommend approval subject to staff comments/questions.

No questions or comments from Board Members.

Mr. Acuff gave floor to Mr. Andy Juengling of Liberty Township.

Mr. Andy Juengling  
7162 Liberty Center Drive #A  
West Chester, Ohio 45069

Mr. Juengling shared the proposed amendment to extend the Cox Road overlay to the north from Princeton Road to Millikin Road. Mr. Juengling states there is a required 75 ft. planning buffer to separate the rear lot line of residents to where commercial development will begin.

Mr. Juengling states they've also updated text regarding building materials along Cox road as well as noise regulations.

Mr. Juengling shared their timeline for moving ahead upon approval from the Planning Commission.

**Questions:**

1. Mr. Rumpke asked how wide are area C& B.
  - a. 300 ft.
2. Mr. Rumpke asked how wide the area C buffer is.
  - a. 75 ft.
3. Mr. Rumpke asked about the area on Princeton Road across from the houses in Evergreen. Will there be a buffer or will it open right up to
  - a. It will develop right up to with normal development standards
4. Mr. Brown asked will area be C be tight with a 75 ft. buffer.
  - a. That's something they're looking at, but there would still be 225 ft. available for development.
5. Mr. Brown asked is it possible for a building to on both areas B&C.
  - a. Yes, it is possible but they will make sure it is consistent on both side

***Testimony in favor of: None***

***Testimony in opposition to: Yes***

Ms. Joy Sanborn  
8015 Autumn Lane  
West Chester, Ohio 45069

Ms. Sanborn first asked if one had to be a Liberty Township resident in order to voice an opinion. She was told no.

Her main concern is the amount of traffic entering and leaving the Freshman building, especially with the road being so narrow as well as the speed limit, the traffic coming from Cincinnati-Day Road and the number of kids who cross Princeton Road.

How will people get in and out of the area with no exit out of the industrial complex, what is the traffic plan. She's not seeing the infrastructure being adjusted to accommodate the growth.

Per Mr. Juengling, they have been looking at doing safety studies for Princeton Road, Cox Road extension is developer driven. The planning for the Millikin Rd. should help with access to the site. They are aware there needs to be significant road improvements around the area for the anticipated traffic.

*Neutral Comments: No*

Mr. Rumpke moved to recommend approval of **LTZ 16-07 Cox Road Overlay District Expansion** Text and Map Amendment. Mr. Brown seconded the motion. Motion carried 6-0.

AYES: Rumpke, Brown, Baker, Potter, Surber, Wiant, Bullington

NAYS: None

**RESOLUTION#:** 16.61

### **LTZ 16-08: The Enclave of Liberty PUD**

Mr. Acuff states this is a requested zone change from RA-1 to P PUD-BPUD to an area on SR747 south of Kyles Station (5695 Princeton-Glendale Rd.). It will be a number of commercial pads up front along 747 with single family homes in back connecting to Vista Verde. Staff comments are in the packet with a significant amount of comments. Staff does recommend approval subject to comments.

- The Engineers' office is very concerned with the number of driveways and the spacing. They would like for them to consider an alternate layout.
- Little room for on street parking, reduced with would only accommodate parking on one side of the road.
- Label private and public streets.
- Retail pads and access roads concerns coming in at intersection of 747 (believes applicant has update with median included).
- Alignment of driveway.
- Provide secondary access for maintenance at retention basin.
- Identify flood plan limits.

- Proper storm water basins.
- Water needs to be looped from subdivision.
- Suggest coordinating construct with Vista Verde if possible.

The single family lots are about half the size in Vista Verde. Under R-PUD lot size can be reduced however staff suggestion to the Township when zone to hold lots to R-1 standards for a more seamless transition to Vista Verde when change goes through.

Mr. Acuff reviewed the site on aerial map and staff comments.

### **Applicant Presentation**

Mr. John Delverne, Bayer Becker  
6900 Tylersville Road, Mason, OH 45040

Mr. TJ Ackerman, Developer

Mr. Delverne states the he largely concurs with staff comments

1. Spoke with the Township regarding driveways, and the goal is to combine some access points
2. Front yard setback – Mr. Ackerman address state, from previous projects, most of their tenants are single baby boomers/empty nesters with only one (1) car. They would like to stick to their original design.
3. On street parking, there's plenty of space between the buildings to accommodate parking on both side. From previous experience
4. Item 7 – they will concur by widening and placing a median and possibly a short left turn out of the development
5. Item 8&9 realigned the drive and move the parking spots
6. Item 10 will allow cross access to adjacent properties
7. Access point – is not a part of their project and they don't plan to use it doesn't think they need to provide for that
8. Item 21 lot sizes, would like to maintain the smaller lot sizes as it works with the layout but will make minor adjustments.

### **Comments/Questions**

1. Mr. Rumpke asked are the staff comments they work out with County Engineers?
  - a. These are comments county staff suggests to planning commission who will forward on the township for zoning approval. 2/3 of the comments are from the Engineers office with remaining coming from other departments, i.e. planning, water and sewer, etc. The planning commission can modify and then pass on to the Township for their consideration when they meet.
2. Ms. Surber asked, with the lot being half the size are they able to build a similar house to maintain continuity with Vista Verde.
  - a. Mr. Delverne states yes but he would need to qualify the answer. They propose an extension of Vista Verde that would allow a slightly smaller lot subject to limitation being placed by the Township that would require certain facades placed on buildings.
3. Ms. Surber asked how far the cul de sac extends.
  - a. Mr. Juengling states, not sure but thinks access is off Millikin. Mr. Delverne states 100+ lots in Vista Verde with lots of consistency and continuity offer and extension of that with a smaller

slightly different but compatible and potentially nicer one. Mr. Fehr states not sure with smaller widths what is approved but smaller lots generally allow front entrance garage only are allowed.

4. Mr. Brown asked what is the average frontage?
  - a. 75 ft.
5. Mr. Rumpke asked if the 25 ft. width is curb to curb.
  - a. Back to curb, back to curb.
6. Mr. Brown asked is there any more room for off street parking?
  - a. Did provide on street parking, they do provide pockets of off-street parking and they have a small community center that has parking as well.

*Testimony in favor of*  
*Testimony in opposition to*  
*Neutral Comments*

Mr. Brown made a motion to **LTZ 16-08: The Enclave of Liberty PUD** subject to staff comments with additional comments that parking be allowed only on one side of the street on Osprey Point Drive and all driveways are two (2) car. Mr. Potter seconded the motion. Motion carried  
6 – 0.

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

NAYS: None

**RESOLUTION#:** 1662

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**PRELIMINARY PLATS:**

**Crown Meadow Estates (f/k/a Rolling Meadows Estates)**

Section 11, Town 3, Range 1

Morgan Township

Mr. Acuff states that per the staff comments, office suggests a different subdivision name but had not received revised plan as there is another Rolling Meadow existing out in Madison Township.

Mr. Acuff showed the area on the aerial map of there an existing house would be developed into a 12 lot subdivision. Mr. Acuff review staff comments. Mr. Acuff suggested to table until soil test are received.

Mr. Brown made a motion to table the preliminary plat for **Crown Meadow Estates (f/k/a Rolling Meadows Estates)** Section 11, Town 3, Range 1 Morgan Township subject to staff comments and results of soil tests. Mr. Rumpke seconded the motion. Motion carried 6 – 0.

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

NAYS: None

**RESOLUTION#:** 16.63

**FINAL PLATS:**

**Carriage Hill Section Fourteen**

Section 2, Town 2, Range 3

Liberty Township

Mr. Acuff presented details, showed a plat map of the area, and highlighted staff comments. Mr. Acuff said staff does recommend approval, subject to the requirements outlined in the staff report.

**Questions**

1. Mr. Potter asked where are the sidewalks
  - a. Mr. Acuff states sidewalk are generally show on preliminary plats but that they are 6ft and 4ft on Cul da sac
2. Mr. Potter asked how the stream buffer in lot 373 can be within the flood line.
  - a. Mr. Acuff states he doesn't know and Mr. Pottenger states he can recall the specifics.
3. Mr. Rumpke stated he thought when this passed a year ago there was to be a road out to Princeton Rd.
  - a. Mr. Juengling states yes, there is. The developer & Texas oil are working out an agreement to get this done.

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

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

NAYS: None

**RESOLUTION:** 16.64

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**Bridle Farm, Section Two**

Section 21, Town 3, Range 3

Liberty Township

Mr. Acuff presented details, showed a plat map of the area, and highlighted staff comments. Mr. Acuff said staff does recommend approval, subject to the requirements outlined in the staff report.

**Questions**

Mr. Rumpke asked what they going to do with the dead lot.

- a. Mr. Acuff states the developer owns one of the adjacent lots and it will probably be tied to it and be an open space.

Mr. Rumpke asked can they build on lot 35 where it says building pad does that mean you can't build under the wires.

Mr. Acuff states he does not know the details of Duke's easement. He added the comments because he would like to see if there is space on the two lots (35 & 21) to build a house.

Mr. Brown made a motion to approve **Bridle Farm, Section Two** Section 21, Town 3, Range 3 Liberty Township. Ms. Wiant seconded the motion. Motion carried 6 – 0.

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

NAYS: None

**RESOLUTION#:** 16.65

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**Bridle Farm, Section Three**  
Section 21, Town 3, Range 3  
Liberty Township

Mr. Acuff presented details, showed a plat map of the area. He states it is similar to the area previously discussed except they're not dealing with a creek or Duke Easement. Mr. Acuff highlighted staff comments said staff does recommend approval, subject to staff report.

Mr. Rumpke made a motion to approve **Bridle Farm, Section Three** per staff comments. Ms. Wiant seconded the motion. Motion carried 6 – 0.

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

NAYS: None

**RESOLUTION#:** 16.66

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**The Sanctuary of Liberty, Section Two, Block B**  
Section 33, Town 3, Range 3  
Liberty Township

Mr. Acuff presented details of the proposal of six (6) additional lots in the back; he showed a plat map of the area. Mr. Acuff highlight some staff comments and states this development has private and public streets and the developer is looking to convert the private to public streets and if this is approved it would require planning & development modifications. Mr. Acuff is recommending denial until it is determined if the private streets will be made public.

Mr. Rumpke made a motion to table **The Sanctuary of Liberty, Section Two, Block B** until the County and Developer determine if the private roads will become public roads, Mr. Potter seconded the motion. Motion carried 6 – 0.



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

NAYS: None

**RESOLUTION#:** 16.67

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**Country Club Highlands, Replat of Lots 100 & 101**

Section 9, Town 2, Range 3

Liberty Township

Mr. Acuff presented details to combine two (2) lots, showed a plat map of the area. Staff recommends approval subject to staff comments.

Mr. Brown made a motion to approve **Country Club Highlands, Replat of Lots 100 & 101** per staff comments. Ms. Wiant seconded the motion. Motion carried 6 – 0.

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

NAYS: None

**RESOLUTION#:** 16.68

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**Glenview Farm Estate at Foxborough, Phase 2C**

Section 6, Town 2, Range 2

Liberty Township

Mr. Acuff presented details, showed a plat map of the area. Mr. Acuff highlighted staff comments said staff does recommend approval, subject to staff report.

Mr. Rumpke made a motion to approve **Glenview Farm Estate at Foxborough, Phase 2C** per staff comments. Mr. Brown seconded the motion. Motion carried 6 – 0.

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

NAYS: None

**RESOLUTION#:** 16.69

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**Lockland Baptist Church Subdivision, Replat Part Lots 6&7**

Section 21, Town 3, Range 2

Liberty Township

Mr. Acuff presented details to combine two (2) lots, showed a plat map of the area. Mr. Acuff highlighted staff comments said staff does recommend approval.

Mr. Rumpke made a motion to approve **Lockland Baptist Church Subdivision, Replat Part Lots 6&7**. Mr. Brown seconded the motion. Motion carried 6 – 0.

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

NAYS: None

**RESOLUTION#:**           16.70          

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**Menards Crossings of Fairfield Township, Replat of Lot 8900**

Section 25, Town 2, Range 3

Liberty Township

Mr. Acuff presented details, showed a plat map of the area. Mr. Acuff states they would like to split the lots up for further development. Mr. Acuff highlighted staff comments said staff does recommend approval, subject to staff report and payment of fee.

Mr. Brown made a motion to approve **Menards Crossings of Fairfield Township, Replat of Lot 8900** per staff comments. Ms. Wiant seconded the motion. Motion carried 6 – 0.

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

NAYS: None

**RESOLUTION#:**           16.71          

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**ADJOURNMENT**

Ms. Wiant made a motion to adjourn seconded by Mr. Potter. 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  
October 11, 2016

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Chair

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Secretary