



BUTLER COUNTY PLANNING COMMISSION
Meeting Minutes

MEETING: Tuesday, October 11, 2011; 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
Kevin Cooney, Vice-Chair
Tom Barnes
Steven Brown
Lynn Nevel
G. Coe Potter
Shirley Wiant

Absent: Christopher Flaig

Staff Present: David Fehr, AICP, Planning Director
Lee Margraf, Administrative Secretary
Kevin Fall, Butler Soils & Water Conservation
Constance Kepner, Water & Sewer Department
Eric Pottenger, Butler County Engineers Office

APPROVAL OF MINUTES:

September 13, 2011 Minutes

Ms. Wiant made a motion to approve the September 12 Meeting Minutes as submitted. Mr. Brown seconded the motion. Motion carried.

AYES: Wiant, Brown, Potter, Cooney, Bullington

ABSTAINED: Barnes, Nevel

NAYES: None

ZONE CHANGES: None

PRELIMINARY PLATS: None

FINAL PLATS:

**The Streets of West Chester, Replat Lots 16 - 40
Section 27, Town 3, Range 22,
West Chester Township**

Mr. Fehr showed an aerial map of the location and said it is on the north side of Allen Road, just south of Union Centre Boulevard and we have seen this as a plat a couple of times. The concept for this project is that this would be a series of town homes, the units have individual entrances and garages but they do share a common wall. Typically there are four (4) town homes connected together – some are five (5) and some are six (6).

Mr. Fehr said internally to the project are back alleys were the garages are and private streets, maintained by the Home Owners' Association.

Mr. Fehr showed a plat of the project and said the reason for the replat request is that these townhouses have one (1) footer for six (6) residential units that have separate entrances and separate garages but share a common wall. The foundations were poured however some of the building features extend over what would be the property line. So if you can imagine the actual foundation of these homes sat exactly on these property lines and parts of the units were built over by a few inches. Ryan Homes was the builder and they are having issues with that and they want to make sure the entire structure is physically on the legal lot. If you buy one of these units you are actually buying the town home and the real estate underneath it, so what the applicant is requesting is to bump out the exterior portion of these pods by exactly 0.325 feet.

Mr. Fehr said staff tried to talk with the home builder and the developer to see if they could get an easement to clean this up, which obviously would be easier for County Staff, instead of replatting all of this, however, the folks that are buying the units insisted they want to make sure that the lot covers both the foundation and the extension of architectural structures. The overhangs occur in all of these existing pods, and hopefully in future phases they will bump out those lots so we won't have to do a replat every time, but in this initial phase the lots were too small to fit the homes on. Aside from this being a lot of paper work, County Staff is ok with it – the density is not changing, the amount of open space required is not an issue, and Staff recommends approval for this replat.

Mr. Bullington asked were the beginning of Lot 15 is located and if that is the one along River Front Drive.

Mr. Fehr said it had to do with the open space from the previous plat but he wasn't exactly sure. Lots 16 – 40 represent the existing lots and they will get replatted or changed and get new lot number identifications so that is why we would start with 41, 42 and so on. He added that he thinks Lot 15 exists across River Front Drive.

Mr. Fehr said they are not replatting lots 1 -15, just lots 16 and up.

Mr. Fehr said he believes that with the economy and mortgage crisis every little detail is going under the microscope now.

Mr. Cooney made a motion to approve the final plat for The Streets of West Chester, replat Lots 16 - 40, West Chester Township. Mr. Potter seconded the motion. Motion approved.

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

ABSTAINED: Barnes

NAYES: None

Resolution: #11.37

**Bennington Place Subdivision, Block A, Replat Lots 1, 4 & 5
Section 14, Town 3, Range 2,
West Chester Twp**

Mr. Fehr showed an aerial image of the property and said it is on the north side of Fields Ertel Road at the corner of Bennington Drive. Currently the property owner in question lives in the third house up and they also own this vacant lot (pointed to it). The request is to allow this vacant lot to have a driveway right on to Fields Ertel Road. When the subdivision was originally laid out there was an easement between this third and fourth lot, to allow this vacant lot to have access and the reason for this is at the time the subdivision was laid out they generally try to keep all of the driveway curb cuts off of the main subdivision street and not have multiple curb cuts on a busy road for traffic access purposes so when this lot was created an easement was put in back here (pointed to) to allow for a driveway to be installed.

Mr. Fehr said the current owner is requesting today that the current easement go away and they be allowed to have a driveway cut on to Fields Ertel Road to allow a house be put on that lot.

Mr. Fehr said as you can see, lot #1 was never developed and pointed to the location of the existing common driveway access (hatched area on the map), so that would go away and the new driveway would be installed on Fields Ertel Road and we are replatting to remove the entire driveway easement.

Mr. Fehr said he and staff from Soil Conservation Office visited the site, and they were not sure it was a safe location for a driveway. Mr. Eric Pottenger and staff from Traffic Management went out to the site twice and Mr. Pottenger's comments were that they did review the site distance requirements and it does meet Butler County's standards however there is some vegetation that needs to be removed at the time when the home is constructed. Some of the vegetation by the side of the road will have to be removed in order to get the site distance for cars coming from the east to the west. Mr. Fehr said his personal feeling is that it should be left as is, but he does understand the BCEO's point of view that it meet their standards to allow the drive.

Mr. Bullington asked Mr. Pottenger what the speed limit is at the site.

Mr. Pottenger replied it is posted 35 miles per hour (mph) and when they performed the Site Distance Study we looked at both 35 mph and also 45 mph and the major obstruction to the east is the brush which overhangs the right-of-way.

Mr. Cooney asked whether the brush was in this lot or the neighbors.

Mr. Pottenger said both lots and it is like one large clump of honeysuckle and he is not sure where the bottom is. He discussed it with the Township and they trim once a year and there are 18 – 24 inches that need to be removed.

Mr. Bullington said given the speed limit, would there be a specification on the construction of the house that they must drive forward rather than back out of the driveway on to Fields Ertel Road.

Mr. Pottenger said that would be desirable, and they have not made those requirements in the past, but if the Planning Commission feels it necessary that can be a requirement as well.

Mr. Fehr said if that is something that would like to put on the plat that would be fine.

Mr. Pottenger said the easiest way to get out of the drive would be pulling out front end forward versus backing out and that is how we perform the site distance study.

Mr. Barnes asked Mr. Pottenger if he knows the traffic count for that road.

Mr. Pottenger said he did not check the counts but it is definitely a very busy road and while we were there, approximately half an hour, it was continuous traffic. Across the street and to the south there is some sort of existing utility station and we entered that driveway four or five times during the study without any inconvenience.

Mr. Barnes asked how close that is to the new construction by Route 71 in Warren County.

Mr. Pottenger said quite a ways – perhaps two miles, and this is closer to the U.S. Route 42 side.

Ms. Wiant said that is a safety issue and that is what her concern would be as far as constructing a house.

Mr. Potter asked if some verbiage could be added to the plat stating the driveway design needs to allow exit straight ahead from the property.

Mr. Fehr said they can do that. The Butler County Engineer's Office actually requires them to physically place stakes in the ground to indicate where the drive way will be so that they can conduct the Site Distance Studies – they must place it where it has been staked out. Mr. Fehr said they can put a note on the plat.

Mr. Potter made a motion to approve final plat for Bennington Place Subdivision, Block A, Replat Lots 1, 4 & 5, Section 14, Town 3, Range 2, West Chester Township with a requirement

that verbiage be on the plat relative to exiting the driveway and pulling forward. Ms. Wiant seconded the motion. Motion carried.

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

ABSTAINED: Barnes

NAYES: None

Resolution: #11.38

OTHER BUSINESS:

Mr. Fehr formally introduced Mr. Tom Barnes, the newly appointed Planning Commission member and said Mr. Barnes resides in St. Clair Township, is a former Township trustee, and also on the Township Zoning Commission and has a good background in planning, zoning and development.

Mr. Fehr announced that Mike Juengling, Director of Development has decided to take a job in West Chester. He will be leaving his position in Butler County at the end of November and he certainly served Butler County well with his 30 years in government.

Mr. Bullington asked if the County will have to appoint someone else to the OKI Board.

Mr. Fehr said yes and added there are numerous Boards that Mike is on.

ADJOURNMENT:

Ms. Potter made a motion to adjourn, seconded by Ms. Wiant. 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

Hamilton, Ohio
October 11, 2011

Chair

Secretary

Lee Margraf