



BUTLER COUNTY PLANNING COMMISSION
Butler County Administrative Center
315 High Street, Conference Room #1
Hamilton, Ohio
MEETING MINUTES

MEETING: Tuesday, April 8, 2014, 3:00 p.m.

ROLL CALL: Charles Bullington, Chair
Dave Baker
Steven Brown
G. Coe Potter
Bernard "Buck" Rumpke
Beth Surber

Absent: Kevin Cooney, Vice-Chair
Shirley Wiant

Staff Present: Peter Z. Acuff, Dept. of Development
Constance Kepner, Water & Sewer
Lee Margraf, Dept. of Development
Eric Pottenger, Butler County Engineers Office

APPROVAL OF MINUTES:

March 11, 2014 Meeting Minutes

Mr. Potter made a motion to approve the March 11, 2014 Meeting Minutes as submitted. Mr. Brown seconded the motion. Motion carried.

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

ZONE CHANGES:

RZC 14-02

A-1 (Agricultural) to R-PUD (Residential Planned Unit Development) District
Mullins Property
7296 Carson Road
Section 17, Town 3, Range 3
Lemon Township

Mr. Acuff said this is a Rural Zoning case so the recommendation of the Planning Commission will be passed on the Rural Zoning Commission which meets Monday, April 21, 2014.

Mr. Acuff showed an aerial image of the property and said this 10 acre property borders the city of Monroe and has frontage at 7296 Carson Road and is currently zoned A-1 district. The applicants would like to change the zoning to R-PUD with the eventual idea of developing ten (10) single-family residential lots.

Mr. Acuff showed a plat map of the property and said the proposed plan is to develop the property in two phases. The first phase is to build two (2) homes right at Carson Road, in which the applicant and a sister would live in them, and to start a private drive; the second phase would be done in the future, perhaps 3 to 10 years out, at which time the private road would be extended across the creek and further back on the property and they would develop and construct eight (8) single-family homes in the rear of the property with the intent the applicants would move into the newly built homes of Phase Two and sell the remainder.

Mr. Acuff highlighted staff comments and said indicated the Army Corps of Engineers' is ok with Phase One and staff does recommend approval of this zone change subject to staff comments.

Mr. Mark Koeninger KPS Architecture & Landscape, 310 Commercial Drive, Fairfield, Ohio, representing the applicants said due to the narrow nature of the property, the applicant is requesting the R-PUD zone change instead of straight R-1 (Residential) to allow the applicants to build two (2) homes in the front, which would not be possible in R-1 district due to the R-1 frontage requirements, whereas under R-PUD they would meet the required road frontage requirements.

Mr. Koeninger said there is a 35% open space requirement and they want it to occur around the back of the property so there would be a natural buffer between the houses that will go on this property and the surrounding development so they are proposing at least a 20 foot buffer to be allowed to grow up naturally and in order to do that the property becomes very narrow.

Mr. Koeninger said they met with Mr. Acuff and the County Engineers Office staff, they determined if they went with a private street it would eliminate the right-of-way that normally goes with a street and would allow them to put the extra depth in to the lots so there are two (2)

reasons for asking for the R-PUD rezoning: modify the setbacks on the front and side yards and to use a private street in order to have more depth in the lots themselves.

Mr. Koeninger gave more details on the proposed phases of development and offered to answer any questions.

Mr. Potter asked if there was an engineering problem with getting into the sewer.

Mr. Koeninger replied they prefer to avoid tapping into the sewer in the first phase of the project and by the time they get to the second phase there will be a lot more ground work done and be more cost effective and the engineering would be a lot easier.

Ms. Surber asked about the open space requirements.

Mr. Koeninger replied the R-1 zoning calls for 35% of open space which on this small parcel would be difficult but they do have 35% of open space and initially they wanted one (1) acre lots which is why they were attracted to the property, now the lots are a little bit bigger than what normally is required in R-1 district however they have that back 23 feet which will be dedicated to green space and as a buffer.

Mr. Brown asked if there would be any maintenance on that green space or will that be in the future with a Home Owners Association (HOA).

Mr. Koeninger said there should be little maintenance to begin with it growing natural and noted both of the land owners are professional landscapers so he is sure they will have something to do with that and there will be maintenance on the private street and some of the related infrastructure with it which will be included in the platting of both phases and an HOA will be set up specifically to maintain a reserve fund to cover maintenance of the street and take care of it.

Ms. Surber asked about the proposed 3 to 10 year development time line.

Mr. Koeninger replied there is nothing significant about it other than the first phase is for their own residence and the second phase will occur whenever they are ready to move out of the front homes and in to the back portion of the property so there is no specific time table.

Ms. Surber asked if the back portion will be maintained as one (1) parcel until develop starts.

Mr. Koeninger replied yes until it is subdivided in Phase Two and in the interim it is an Agricultural District and will be maintained as such until Phase Two commences.

Ms. Surber asked if the zone change application applies to Phase Two as well.

Mr. Acuff said as long as Phase One is done within three (3) years.

Mr. Brown asked if there is a road or drive that crosses the creek now to the back section.

Mr. Koeninger replied not as this time – with the structure of the road there will be a culvert necessary and that will help cross the creek however right now there is no road to the back.

TESTIMONY IN FAVOR: None

NEUTRAL TESTIMONY: Mr. Thomas Leeds, 7295 Carson Road, Lemon Township; Mr. Jason Fancett, 7354 Carson Road, Lemon Township

Mr. Leeds stated he lives across the street and had several concerns/questions including whether the public utilities will be buried under the street; if there is any chance the property would be annexed to the City of Monroe and inquired about the culvert situation and his concern over a spring that should be a consideration with the development.

Mr. Jason Fancett said he lives in front of the property and he built his home according to the A-1 District requirements and he would like to see a six foot tall hill with trees on top to allow privacy from his property; he would like there to be an assessment done on the retention pond in order to secure it for children's safety and to perhaps put in a sewer stormwater; he voiced his concern about the amount of water in the proposed Lot #4; topography behind the creek and the challenge to build a bridge on such steep land. Mr. Fancett said he really is not opposed nor for it but just does not like it.

Mr. Koeninger addressed Mr. Fancett's concerns including the issue of utilities under the street as he stated the main lines of the utilities will all be an easement outside the street per the County's request but the main trunk from the main line will be in an easement alongside of the (inaudible).

Mr. Koeninger said regarding the trees in this wooded area, they plan on leaving that area as it is and adding to it – so to come in and put berms would mean taking the mature trees that are already there out and put trees on top and the applicants really want to do this but we don't want to take it down there and to go to berms.

Mr. Koeninger said regarding the water, all of the houses will have sump pumps and any high water issues are easily dealt with during constructing.

Mr. Koeninger said we looked at the intersection site distance the state Stopping Distance and we are well within that requirement.

Mr. Potter asked to see the aerial image of the property

Ms. Surber said with ambiguous time frame for development of Phase Two, this just appears to be ambiguous – why not just build the other house and then ask for the zone change when there's a final plan in place because this here is very ambiguous.

Mr. Acuff said with the narrow frontage of lot on Carson Road under A-1 District they can only get one (1) house down there as there is a minimum 200 feet frontage requirement, so to have two (2) houses here without changing the zoning it would require 400 feet of frontage and they are 28 feet short, so they figured with their plans for the future they figured they would go ahead and get the change now to put the two (2) houses up front and build the rest of it later.;

Mr. Bullington made a motion to approve zone change RZC14-01, Mullins Property, A-1 to R-PUD district, 7296 Carson Road, Section 17, Town 3, Range 3, Lemon Township, subject to staff conditions. Mr. Potter seconded the motion. Motion carried.

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

NAYES: None

RESOLUTION #: 14.16

WCTZ 14-02

Mixed Use SP-PUD

Town Centre

Section 33, Town 3, Range 2,

West Chester Township

Mr. Acuff said he received email communication from the applicant requesting this be tabled as they have run into difficulties with regard to adequate parking for the proposed office building. Mr. Acuff showed an aerial image of the property and described what the proposed construction is and not enough parking and he suspects this will be brought back next month.

Mr. Rumpke made a motion to approve the applicant's request to table zone change WCTZ 14-02, Town Centre, Section 33, Town 3, Range 2, West Chester Township. Mr. Brown seconded the motion. Motion carried.

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

RESOLUTION # 14.17

LTZ 14-02

Liberty Township Trustees' Map Amendment
5830 Cincinnati-Dayton Road
Sections 9 & 15, town 3, Range 3
Liberty Township

Mr. Acuff showed an aerial image of the property and said this request was initiated by Liberty Township and was the subject of a site-readiness analysis by Duke Energy last year and is Master Planned for Office and Industrial Use but the township is taking it upon themselves to ask for a zone change for this to O-1 Office District to make it more ready for development and this will remove a hurdle to develop this property in accordance with the master plan.

Mr. Acuff said the only comments from County Staff was regarding a wetland area which would require a wetlands study prior to any development and concern for the existing sanitary sewer cannot serve the entire parcel and would need to look in to that, otherwise county staff does recommend approval.

Ms. Surber asked if the property owners are in favor.

Mr. Jon West, Liberty Township Planning, said the property owner will be notified through the rezoning process.

Mr. Brown made a motion to approve LTZ 14-02, Liberty Township Trustees' Map Amendment, 5830 Cincinnati-Dayton Road, Sections 9 & 15, town 3, Range 3, Liberty Township subject to staff conditions. Mr. Baker seconded the motion. Motion carried.

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

RESOLUTION #: 14.18

LTZ 14-03

B-2 (Community Business) to M-1 (Light Industrial) District
Liberty Self-Storage
Section 10, Town 2, Range 3
Liberty Township

Mr. Acuff showed an aerial image of the property and said this zone change is for an existing storage business up on Hamilton Middletown Road at Kyles Station Road. The applicant is looking to expand some paved parking area in back and currently they are a non-conforming use in the B-2 district to operate a self-storage facility which would be allowed in the M-1 district. In order to allow for the expansion and to remove the non-conformity they are looking to rezone to M-1 which would be in accordance with the Liberty Township Master Plan.

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

No applicant to give testimony.

Mr. Bullington asked what the property is being used for now.

Mr. Acuff replied for self-storage, which under the current zoning is not a permitted use there and basically they want to in conformance with the master plan and expand.

Mr. Potter made a motion to approve zone change LTZ 14-03, B-2 to M-1, Liberty Self Storage, Section 10, Town 2, Range 3, Liberty Township subject to staff comments. Mr. Brown seconded the motion. Motion carried.

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

NAYES: None

RESOLUTION #: 14.19

LTZ 14-04

R-1 (Residential) to R-PUD) (Residential Planned Use Development)
Turnbridge PUD (Keeton Property)
5850 Millikin Road
Section 33, Town 3, Range 3
Liberty Township

Mr. Acuff showed an aerial image of the property and said this zone change request is on Millikin Road and the applicant has come with a proposal of 139 single-family lots on the west side of the property.

Mr. Acuff showed a plat map of the plan and said there are two (2) creeks there on the property.

Mr. Acuff said staff comments are in the Planning Commission members' binders and highlighted the comments and said staff does recommend approval subject to meeting staff comments.

Mr. Rumpke said this is zoned R-1 right now and R-1 is what the subdivision is to the west and north was when it was developed and those lots are 22,000 sq. foot lots. Some of these lots are as small as 1,2000 square feet – and in some of the statements it said the lots were concentrated in one area to provide a park but that area is all flood plain – is that correct.

Mr. Acuff said there is an open space area outside of the flood plain zone as he outlined it on the map.

Mr. Rumpke asked how many total acres are being developed.

Mr. Acuff referred the question to the applicant.

Mr. Bob Rothert, Abercrombie and Associates, 3377 Compton Road, Cincinnati, Ohio 45251, and Jeff Hebel from M/I Homes is here also.

Mr. Rothert stated the open space is 49 acres and the site area is 118 acres so the development is on about 70 acres.

Mr. Rumpke said it is 69 acres and 139 lots and said it is a little different than what is to the west and different from R-1 district which are ½ acre lots and you end up with quite a bit more land. He then asked what the primary reason is behind asking for a PUD.

Jeff Hebel, M/I Homes said what they are trying to do here is to preserve the trees and create something special here and doing their best to keep the existing trees and they are retaining the area in the center. He went on to give more detail on the proposed development.

Mr. Rothert said it is a low density area – 1.17 units/acre compared to if you were able to develop the entire acreage as R-1 district.

Mr. Rumpke asked who owns the area of land that will not be developed – is it owned by the HOA, by the County as part of the park system.

Mr. Rothert said this here would be owned currently by the association and there have been preliminary discussions with the township about then possibly taking ownership of that which we will have to look at a later date.

Mr. Rumpke asked if this is the first presentation of this property to anybody.

Mr. Rothert said they have had several meetings with the township and several meetings with the County Engineers and we've discussed the site distance issues and traffic impact studies and they have met with Sewer and Water to discuss sanitary sewers and such and they are in the process of doing a street study and said all items in staff comments will be addressed.

Mr. Rumpke asked what the anticipated size of the houses are.

Mr. Hebel said they are looking at about 2,000 to 2,500 square feet for a ranch; 2,200 to 3,800 for a two-story with anticipated sales prices \$300 - \$400 homes.

Mr. Rumpke said this is a dense piece of work and doesn't seem like it is going with the neighborhood and he would like to see ... it has to be a PUD because of the flood plain makes it

work; but he would like to see the lots to be bigger and have few lots and this is a tight situation here.

Mr. Bullington said he thinks someone living there would appreciate the amenities of the green space and the potential park if they can work it out with Liberty Township.

Mr. Rumpke said he agrees but that is going to be there no matter how they develop the lot; whether it is 116 lots or 86 lots – it will be there because it is flood plain designated. He added it flooded 2-3 days ago and said he lives on that stream and it flooded last year.

Mr. Hebeler said they feel it offers residents things they couldn't get if it were straight zoned.

Ms. Surber said she did not feel each contiguous subdivisions did not necessarily have to mirror a surrounding one.

Mr. Potter said there appears to be so many physical constraints in being able to use the southeast corner and there must physical restraints to get across the stream.

Mr. Hebeler said he spoke with the township and to build a bridge it would have to be a pretty big bridge so that is why they recommend bringing the path back up to the sidewalk or perhaps having a foot bridge or stepping stones to get across.

Mr. Potter said he lives adjacent to from Miami University's natural area and there are lots of places there that wouldn't be accessible except for suspension bridges and step columns and that type of thing and it would be nice to salvage that area.

Mr. Brown said the numbers for square footage mentioned will leave five (5) foot side yards.

Mr. Rothert said the reason for the five (5) foot yard is some will have a side entry garage.

Mr. Brown said he builds houses for a living so he understands these numbers, and for the types of homes you are proposing will leave no room for a yard and it will be houses on top of houses with no room in between.

Mr. Rumpke made a motion to deny the zone change based on the tightness of the lots and he would like to see this developed in a less dense manner for the housing development. Mr. Brown seconded the motion. Motion denied due to not having a majority vote of 3-3.

AYES: Rumpke, Brown, Baker

NAYES: Potter, Surber, Bullington

Mr. Hebeler asked if they made a change to the side yard proposed to the only occurrence of five (5) foot side yard would be permitted in the event of a side entry garage whereas a minimum building separations to be twenty feet to open that up.

Ms. Surber said as long as there is no opposition in market from the buyers she does not see the issue. She added she lives in a section of Beckett Ridge development with smaller lots and the homes are closer to the street and still it has a pretty sizable backyard which was appealing to her because she does not want to maintain a large yard.

Mr. Hebeler said the buyers prefer smaller lots. If they have acre lots it a lot to maintain and the expense of maintaining. We are finding a family would rather have a small lot and amenities to offset that especially in a neighborhood like this. The new homes being designed are a narrower home and a little deeper and that is what we offer. We were just voted Builder of the Year Award by the Home Owners Association for our plans and we are developer of the year. He stated with all due respect he requested reconsideration and hope the Planning Commission will approve this zone change.

Mr. Potter said this offers natural amenities with the green space with the focus point of enhanced amenities and he is not going to make a motion in favor he would like to see the applicant return with a more detailed plan and about maintaining it and how the open space would be designed.

Mr. Hebeler said he appreciates that and they have had discussion with the township and feels that level of detail will be in the final plan and a lot of that will be determined at the next township hearing.

Mr. Potter replied they have hit a bump now.

Mr. Bullington made a motion to approve zone change LTZ 14-04. Ms. Surber seconded the motion. Motion denied majority vote 2 – 4.

Mr. Potter said he would have liked to have seen a more detailed package at this point in time rather than down the road.

AYES: Bullington, Surber

NAYES: Brown, Baker, Potter, Rumpke

RESOLUTION#: 14.20

Mr. Baker departed from the meeting.

FINAL PLATS:

Liberty Center, Phase One
Section13, Town 3, Range 3

Liberty Township

Mr. Acuff showed an aerial map of the plat and said they received a revised plat yesterday from the engineer and it changed slightly including some street name changes. He has not received comments from the Butler County Engineers Office staff has a number of concerns with the original plan and there are some questions regarding the role of the Liberty Community Authority (LCA) with this, what will be under private ownership, County public owned and LCA public- owned so staff feels it may be too premature to approve this as there are too many unknowns to give a final approval and does not recommend approval at this time. The staff recommendation is to postpone the final plat indefinitely to resolve outstanding concerns between the developer and the County.

Mr. Justin Leyda, with Steiner Associates, who is the developer, 4016 Townsfairway, Suite 201, Columbus, Ohio, 43219, said he is here representing the applicant and is also a Board member of LCA, said it has been complicated project and ideally they would like to have this approved with conditions.

Mr. Rumpke asked if tabling this will slow down the development as it is.

Mr. Leyda said they would like to start going vertical and hope they can achieve that without the transfer of ownership. And that would be the one constraint, hopefully we will get it approved here, then be able to record it and then ready for transfer in the timeframe.

Mr. Potter said it would appear rather than fight the battle here today it may be best to hold off and come back in a month's time.

Mr. Leyda replied that sounds like the most prudent option at this time.

Mr. Potter made a motion to table indefinitely the final plat for Liberty Centre, Phase One, Section 133, Town 3, Range 3, Liberty Township as submitted. Mr. Rumpke seconded the motion. Motion carried.

AYES: Potter, Rumpke, Brown, Surber, Bullington

NAYES: None

RESOLUTION #: 14.21

OTHER BUSINESS:

Elect Butler County Planning Commission Chairperson for 2014.

Mr. Bullington asked if there were any nominations for Chair person.

Mr. Potter made a motion to nominate Mr. Charles Bullington as Chairperson for Butler County Planning Commission. Mr. Bullington asked if there were any additional nominations. There were no other nominations. Mr. Brown seconded the nomination.

AYES: Potter, Brown, Rumpke, Surber, Bullington

NAYES: None

.

RESOLUTION#: 14.22

Elect Butler County Planning Commission Vice-chair person for 2014

Mr. Bullington asked if there were any nominations for Vice-chair person.

Mr. Potter made a motion to nominate Mr. Kevin Cooney as Chairperson for Butler County Planning Commission Vice-chairperson. Mr. Bullington asked if there were any additional nominations. There were no other nominations. Mr. Brown seconded the nomination.

AYES: Potter, Brown, Rumpke, Surber, Bullington

NAYES: None

.

RESOLUTION#: 14.23

ADJOURNMENT

Mr. Potter made a motion to adjourn seconded by Mr. Brown. 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
April 8, 2014

Chair

Secretary

Lee Margraf