



DRAFT/FOR REVIEW

**BUTLER COUNTY
PLANNING COMMISSION
Meeting Minutes**

MEETING: Tuesday, August 13, 2013, 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
Dave Baker
Steven Brown
G. Coe Potter
Shirley Wiant

Absent: Tom Barnes
Kevin Cooney, Vice Chair
Beth Surber

Staff present: Peter "Zeb" Acuff, Planning Administrator
Lee Margraf, Administrative Secretary, Dept. of Development
Constance Kepner, Butler Water & Sewer

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

APPROVAL OF MINUTES:

July 9, 2013 Minutes

Ms. Wiant made a motion to approve the July 9, 2013 Meeting Minutes as submitted. Mr. Brown seconded the motion. Motion carried.

AYES: Wiant, Brown, Potter, Baker, Bullington

NAYES: None

July 31, 2013 Special Meeting

Mr. Potter made a motion to approve the July 31, 2013 Special Meeting Minutes as submitted. Mr. Brown seconded the motion. Motion carried.

AYES: Potter, Brown, Baker, Bullington

ABSTAINED: Wiant

NAYES: None

ZONE CHANGES:

RZC13-01

**R-3 (One- and Two-Family Residential) to B-1 (Neighborhood Business) District
Steven Moore, DDS
340 Millville Oxford Road
Section 33, Town 4, Range 2
Hanover Township**

Mr. Acuff showed an aerial image of the property (highlighted in red) at 340 Millville Oxford Road, and said current zoning is R-3 and towards the back it is A-1 and across the street are R-1. The applicant has requested that these two (2) parcels be rezoned to B-1 and believes their intention is to open a dental office there. Mr. Acuff showed a zoning map for this land and the surrounding properties.

Mr. Acuff showed a map of the Hanover Township Master Plan and said the proposed use would fit in with the master plan.

Mr. Acuff showed a Flood Plain Map indicating the 100-Year and 500-Year Flood zones and the entire portion of these parcels is located in the flood plain.

Mr. Acuff highlighted the limited staff comments and said staff is generally in favor of the rezoning request; noting the Board of Health has no jurisdiction over septic for an office use and the applicant would need to contact OEPA to get approval for septic and would have to work with Mr. Jim Fox, Butler County Zoning, on site development standards, landscaping and parking requirements.

Mr. Acuff said it is his understanding the applicant does not intend to change the exterior, simply renovations on the interior of the structure.

Mr. Acuff stated he received an email from a property owner across the street in opposition and a copy of the electronic message has been placed in the Board members packets.

Mr. Bullington asked where the person who is in opposition lives.

Mr. Acuff said across the street from there and wasn't sure which of the two (2) houses was in opposition.

TESTIMONY FROM APPLICANT

Mr. Jay Bennett said he is the attorney representing the applicants, Ms. Linda Isaacs & Mr. Steven Moore, and stated the applicants grew up in this particular residence and wish to rezone it and use it as a professional office for either an accountant, or an attorney, investment adviser or insurance person.

Mr. Bennett said there would be no changes to the footprint of the building and any modification would be a reconfiguration of the inside of the building and no change to the egress/ingress of the driveway. It does have a two-car garage and a two-car pad that would accommodate the profession staff person and two (2) clients and that could be expanded since there are two (2) lots to the southeast there and the garage and pad are on the second lot.

Mr. Bennett said with the proposed use, there is no change with regard to the septic system although what was stated by Mr. Acuff, we will have to contact Ohio EPA to follow the regulations but as far as the number of people occupying or going in and out of there will not change either. With respect to parking and traffic, there is not only enough parking at this point in time, but there is room to expand to the southeast area on the triangular lot and we do not anticipate any increased traffic, and would only be used by one (1) professional and maybe two (2) at the most and there would be no additional parking and no backing onto Route 27. There is no side yard setback problem because the owners own that lot to the southeast and joins to the southeast.

Mr. Bennett said with respect to buffering, you can see in the aerial photograph this is completely buffered.

Mr. Bennett said the only aspect in this particular property would be the use – basically as it is except go from residential use to professional use and as was stated, The Hanover Township Land Use Plan indicates that neighborhood business district is foreseen in the aspirational document as foreseen for this particular area and across the street is the Village of Millville and down the street are commercial uses.

Mr. Bennett said the two (2) owners grew up there, he believes it was built in 1967 or 1968 and basically they're changing the principle use.

Mr. Bullington asked if they needed additional parking would they put it on the property where the point is.

Mr. Bennett replied yes, but that is not anticipated and it would be unusual for this size of a house would need more than two (2) or three (3), or maybe four (4) to be sure but the staff would be in the garage and there would be no parking in the front yard and they've gone over the restrictions to the respective B-2 zoning and it complies in every way.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

Mr. Potter said he drives by the property regularly and is familiar with the commercial ventures that are in Millville itself, and some are pretty substantial and said he intends to vote in favor.

Mr. Potter made a motion to recommend approval of RZC13-01, from R-3 (One- and Two-Family Residential) to B-1 (Neighborhood Business) District, for Steven Moore, DDS, 340 Millville Oxford Road, Section 33, Town 4, Range 2, Hanover Township. Mr. Brown seconded the motion. Motion approved.

AYES: Potter, Brown, Baker, Wiant, Bullington

NAYES: None

Mr. Acuff said the next hearing for public comment on this is scheduled with the Rural Zoning Commission on August 26, 2013.

RESOLUTION#: 13.43

PRELIMINARY PLATS:

**Lanes Landing, Section 4
Section 16, Town 3, Range 3
Liberty Township**

Mr. Acuff said the applicant contacted him last week and requested to table this preliminary plat as they are working with the adjacent property owner and trying to purchase additional lots and they hope to have this back on the agenda for next month.

Mr. Potter made a motion to approve the request to table the preliminary plat for Lanes Landing, Section 4, Section 16, Town 3, Range 3, Liberty Township. Ms. Wiant seconded the motion. Motion carried.

AYES: Potter, Wiant, Brown, Baker, Bullington

NAYES: None

RESOLUTION#: 13.44

**Harbour Towne Park, Section 2
Section 9, Town 2, Range 3
Liberty Township**

Mr. Acuff showed an aerial map of the property and said this is the second phase of development for Harbour Towne Park located near old Kyle Station Road. Section 2 is the western portion of the development and the preliminary plat is for the entirety of the remaining land here. Mr. Acuff showed a plat map of the property.

Mr. Acuff highlighted staff comments and said there was a request for a waiver to reduce the sidewalk width from the now standard five feet (5') to four feet (4'), and staff is suggesting to adhere to the five feet (5') sidewalk standard widths because the majority of the entire subdivision is included in Section 2, but allow for transitional widths between the existing four-foot widths and the five-foot widths to be constructed here in Section 2.

Mr. Acuff said staff does recommend approval with the comments listed there, and would like to have a second vote for the sidewalk width waiver request which staff is recommending a partial waiver of the sidewalk width requirements of the Subdivision Regulations to allow for four foot (4') sidewalks along Oak View Terrace and transition at the western stub of Mariners Way.

Mr. Brown made a motion to approve the preliminary plat for Harbour Towne Park, Section 2, Section 9, Town 2, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried.

AYES: Brown, Wiant, Baker, Potter, Bullington

NAYES: None

RESOLUTION#: 13.45

**Sidewalk width Requirement Waiver Request
Harbour Towne Park, Section 2
Section 9, Town 2, Range 3
Liberty Township**

Ms. Wiant made a motion to deny the sidewalk width modification request for Harbour Towne Park, Section 2, but to allow a transitioning section where the required five foot (5') sidewalks meet with the four feet (4') sidewalks at the western stub of Mariners Way and a continuation of four foot widths along Oak View Terrace, per staff recommendations. Mr. Potter seconded the motion. Motion carried.

AYES: Wiant, Potter, Brown, Baker, Bullington

NAYES: None

RESOLUTION#: 13.46

**Aspen Trails, Section 4
Section 4, Town 2, Range 3
Liberty Township**

Mr. Acuff said to note that the documents mailed to each Board member last week included Sections 4 & 5, however the applicant has requested to remove Section 5 from the Agenda and

they will bring it back after they work out a few issues so we will be considering Section 4 only today. New lots are proposed coming in from Lesourdesville West Chester Road.

Mr. Acuff said staff comments are in the Board members' packets and he highlighted the comments.

Mr. Acuff said a sidewalk waiver was submitted for both Sections 4 & 5 at the time the original plat was submitted. Section 5 is in the area that is connected to a number of existing development and Section 4 is largely a stand-alone piece and staff's recommendation is going to be approving a partial waiver to grant to reduce the sidewalks in the other sections which it is connected in, but since this is not connected to any of the existing sidewalks we suggest adhering to the Subdivision Regulations and apply to the sidewalks to be installed and deny the request of the waiver.

Mr. Potter said it appears the open space on the plat deeded to Aspen Trails, LLC and yet the open section of the already developed area on there is deeded to the Home Owners Association (HOA).

Mr. Acuff said the ownership you see is on the current owner of the land so procedurally that would go to the HOA.

Mr. Brown made a motion to approve the preliminary plat for Aspen Trails, Section 4, Section 4, Town 2, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried.

AYES: Brown, Wiant, Potter, Baker, Bullington

NAYES: None

RESOLUTION#: 13.47

**Sidewalk width Requirement Waiver Request
Aspen Trails, Section 4
Section 4, Town 2, Range 3
Liberty Township**

Mr. Bullington made a motion to deny the request for the sidewalk Width Waiver request for Aspen Trails, Section 4, Section 4, Town 2, Range 3, Liberty Township as submitted. Mr. Brown seconded the motion. Motion carried.

AYES: Bullington, Brown, Potter, Wiant, Baker

NAYES: None

RESOLUTION#: 13.48

FINAL PLATS:

**Windsor Estates, Section 2, Block B
Section 28, Town 3, Range 3,
Liberty Township**

Mr. Acuff showed an aerial image of the property and said they are proposing 30 new lots on 16.5 acres. Several months ago Section 2A came to this Board and showed a plat map of the area.

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

Mr. Potter asked regarding inspection, he does not understand why so much of this has been completed without final approval. You look at the aerial and see they've done a lot of work down there without final approval.

Mr. Acuff said his understanding is that any work they do prior to final inspection is at the risk of the developer. If any of the work is done by the Engineers Office to not meet the standards and requirements is at the risk of the developer.

Ms. Constance Kepner, Butler County Water & Sewer Department, stated that the street construction on this section was reviewed and approved as part of the construction plans for the previous section.

Mr. Bullington made a motion to approve the final plat for Windsor Estates, Section 2, Block B, Section 28, Town 3, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried.

Mr. Potter seconded the motion. Motion carried.

AYES: Bullington, Wiant, Potter, Baker, Brown

NAYES: None

RESOLUTION #: 13.49

ADJOURNMENT:

Mr. 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
August 13, 2013

Chair

Secretary

Lee Margraf