

**BUTLER COUNTY
PLANNING COMMISSION
Meeting Minutes**



MEETING: Tuesday, August 14, 2012; 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
Kevin Cooney, Vice-Chair
Tom Barnes
Steven Brown
G. Coe Potter
Shirley Wiant (arrived after roll call)

Absent: Lynn Nevel

Staff present: Peter Z. Acuff, Planning Administrator
David Fehr, AICP, Director of Development
Lee Margraf, Administrative Secretary
Kevin Fall, Soil & Water Conservation
Constance Kepner, Water & Sewer
Eric Pottenger, Butler County Engineers Office

APPROVAL OF MINUTES:

No Meeting Minutes to approve

ZONE CHANGES:

**RZC 12-01
Berry Hill, L. P.
A-1 Agricultural to B-3 General Business
Old Oxford Road
Hanover Township**

Mr. Acuff presented a plat map and an aerial map of the area for this zone change request and indicated its proximity to Route 27 and the Southwest Water Regional Water District. Mr. Acuff said the parcel is 11.7 acres and the applicants wish to combine two lots together (pointed to on map) and they would like to rezone it from A-1 Agricultural to B-3 General Business as they wish to put in an office, garage and shop.

Mr. Acuff showed the Hanover Township Zoning Map and said the surrounding properties are also A-1 and surrounding uses are largely vacant agricultural, and large-lot residential uses and there are some commercial and industrial uses in the area as well (pointed to on the map) and B-3 zoning just west of the parcel.

Mr. Acuff showed the master plan for the Township and said the proposed zoning is consistent with the Township's future land use plan.

Mr. Acuff reviewed staff comments and reminded the Planning Commission that they are not here to approve the plan, just the zoning change request and any future.

Mr. Acuff said the applicant is aware of the letter from Ohio Department of Transportation (ODOT) talking about some future driveway improvements that may be needed for future phases of this development.

Mr. Acuff said staff received a letter from an adjacent property owner stating her objections to this zone change request and the letter was in the Planning Commission members' packet for their review.

Mr. Acuff said staff does recommend approval of this rezoning and this would be a recommendation from the Planning Commission to the Rural Zoning Commission, who will be meeting next Monday evening, August 20, 2012, to review this request.

Mr. Mark Koeninger, KPS Architecture & Landscaping, P.O. Box 181287 Fairfield, Ohio, 45018 said he is the architect working with Berry Hill and Fluid Technologies on this zone change for their potential new office here.

Mr. Mark Koeninger gave a little background on Fluid Technologies, stating they have been in Butler County for almost for 20 years and it is a growing business and they are looking to expand and they would like to stay in Butler County. They are looking for a new office headquarters but their business is a nation-wide and they are a very specialized business. Fluid Technologies clean out high hazard waste and cleaning tanks of different industrial companies, none of which is performed here on the site, it is performed at different client locations so this is really just an office location for them. In the future, as part of Phase 2, as shown on the site plan, they hope to build a garage to store these specialized trailers, and again, it would be just storage for a trailer that goes to some other part of the country. As part of that, the number of trailers they are looking at would be initially one (1) or two (2) per month, that would be coming in and out of the site, a very low density use. Once the garage is built, there might be up to four (4) or five (5) exits and entrances per month, so it will not be something that is going back and forth every day.

Mr. Koeninger said the applicants have talked with ODOT, which he believes is another letter in the Planning Commission's packet, saying that as phase 2 is developed they will look at it again to see if a turn lane is needed and if it is needed, they have no problem putting it in. As part of the first phase development of this project, we are going to provide extra right-of-way along the Old Oxford Road frontage lane whenever it is needed.

Mr. Koeninger said the office will have a staff of four (4) to six (6) and again very low intensity use, they will have a parking lot which is shown on the site plan that will house about ten (10) cars and they are planning on using half of that. As far as traffic, this is not a destination business, their work is carried out on the site elsewhere, and they may have visitors to the office maybe monthly. So this is really just a place for them to grow their office and hopefully stay within Butler County.

Mr. Koeninger said as far as the zoning and land use issues as Mr. Acuff mentioned, they're asking for an A-1 to B-3, there is already a B-3 on the corner there, and some of those uses probably see more traffic there than this office would. The Township Land Use Plan does call for B-3 and as far

as utilities, all the utilities that they need are there, they will have a septic as part of this and it will be a 1,000 - 2,000 gallon tank, about the same size for a normal house. Because there is no sanitary available they do have to use septic and they already have preliminary approval of OEPA but we do have to submit the final septic and leach system location to them, which we would do after the zone change is approved. As far as storm water, we are proposing a retention pond in the front of the property so it would be a storm water collection pond that will hold water all of the time and as part of their business, since it is fluid technology, flushing and cleaning, they are going to use the pond as part of their sign and they will build a sign out into the pond, and the sign may change a little bit but the idea is to have the sign coming out from the pond and there would be a fountain as part of that and they want to make it look nice.

Mr. Koeninger said the applicant's existing office is a very nice setting and they will probably bring that setting here and he showed rendering drawings and elevations and said the proposed office will have a very residential feel to it combining that with the fountain and sign and landscaping he feels it will be one of the nicest business frontages on Old Oxford Road.

Mr. Koeninger said the applicant has all the utilities they need available to do this including water and electric and offered to answer any questions and said the owner of the business is also here and can give more detailed information on their operations if necessary.

Mr. Brown asked if they are sharing a drive with the property next door and if that is the way it is going to be.

Mr. Koeninger said it is a shared drive, which will be widened and increased this part of this (pointed to on map) and will widen it in preparation for a future turn lane if that needs to happen. As far as the ODOT agreement, they will put extra right-of-way around that entry in the front so that a turn lane can happen in the future.

Mr. Barnes asked what type of trailers they are.

Mr. Koeninger replied they are specialized trailers that carry their equipment for doing the work on the sites, with pumps and so forth, as they take the bad materials out, clean it and deposit it in barrels, which are taken off somewhere, and the only thing to come back to their site is the empty trailer itself, none of the materials or contents of the tanks, and they do not store anything but the empty trailers.

Mr. Bullington asked if they are open or closed trailers.

Mr. Koeninger said they are open trailers, on average 45 foot, and not a trailer that is used to store the waste material, they are pieces of equipment.

Mr. Jack Fontaine, owner of the property, 2792 Oxford Reily Road, said they are on average 48 feet and they are open-type trailers with equipment mounted on them such as pumps, conveyors, etc.

Mr. Fontaine said no product or materials are brought in from the industrial sites, which are located across the country, the only stored trailers here will be when they are inactive.

TESTIMONY IN FAVOR OF: Bruce Henry, Hanover Township Administrator, 1595 Old Oxford Road, Hamilton, Ohio; Larry Miller, 385 Sir Edward Drive, Hamilton, Ohio

Mr. Henry said staff has already spoken to the Township Land Use Plan Committee, a group of residence that put the plan together, and this same group was asked to evaluate the initial proposal that was prepared by a Committee and also the Township Trustees have discussed it. A consensus had been reached that overall this did fit with future intentions of the Township Land Use Plan, and based on what was described to us as to the type of development and use, we did feel it fit and it would be an advantage to the Township and we have no objections to changing the zoning; there are questions as to the process of site plans some which were answered today, but officially the Land Use Committee and the Board of Trustees is fairly supportive of this proposed zone change.

Mr. Bullington asked if Hanover Township requires where you have, for instance, commercial property next to residential, some type of screening required?

Mr. Henry said it is not unusual for what little commercial we have, that it is across the street or does abut residential, and it is our intent and stated in our development objectives to make that work and we are very sensitive to it but we have to work with the Butler County process.

Mr. David Fehr said just for clarification, if there was any outside storage, the Zoning Code requires that any outside storage has to be contained within an eight foot (8') high solid fence, if that were to occur, but there is no landscaping required. If that property was a subdivision there would be, but since it is agricultural land, it is not required.

Mr. Larry Miller said his trucking business is next door and he did put trees for buffers in on his; but Hanover is like every place else, it needs more business. We have the railroad track and we want to develop that and we need to get our tax base up, and he was on that Committee and he is also a Hanover Township Trustee, but he is not speaking on behalf of Hanover today, he is speaking on his own behalf. We need good businesses and they've been in business for years and he has done a great job, his equipment is excellent and has worked with big companies, and he feels this would be an asset for the whole Township.

TESTIMONY IN OPPOSITION OF: Jim Ballard, 7858 Seward Road, no town/city mentioned, 45231; Bill Saurber, Jr. 3521 Stillwell Beckett Road, Hanover, Township; Nancy Ballard, 7858 Seward Road, , no town/city mentioned, 45231

Mr. Ballard said he owns the 16 acres here (pointed to his property on the map), and said they bought it years ago to build a home site on because they thought they had come to the country and it was great – but now they want to put businesses up. The applicant wants to put up three (3) phases: that's great; when phase three comes, we are going to see all of it. When you and the building department are out of it, what will stop them from parking junk, equipment and we will see it all and there will be lights shining down on us and it won't be in the country anymore and questions why he should even keep the property up there. We bought it, and we did some checking around when we bought it, and they did not want big businesses up there and there is plenty of property on Route 27 that is business that he could move to – this is cheaper and is fine for him but not good for people like us.

Mr. Ballard said he does not think this would be a good thing for him and asked if anyone would want that in their backyard after they built a house.

Mr. Bill Saurber said he owns the property adjacent and pointed to it on the map, and said one thing that is not shown here is Stony Run Creek here, and said one (1) of his biggest concerns is storm water runoff and its effect on the creek because it is a water source for the animals at several farms

in the area. He added his property is currently for sale and wonders how this may affect the value of his property when it finally does sell. Mr. Saurber said if there is not a really good plan in place for storm water, the creek is going to be affected by it and also anyone further down who may have animals using that watershed.

Mr. Bullington said he believes the County will address that through the Soil Conservation Service and as mentioned, they would have to put in a septic system for the site.

Mr. Saurber said he has no problem with the office up there in the front and thinks it is great, but he is not real comfortable with having buildings so close to the property line in back there, and quite frankly, as it is, his view will be the back side of warehouses, and realizes that is not the primary concern of this Commission when it comes to developing business in the area but it is a concern of his and he has a vested interest in his property.

Mr. Bullington said this hearing is for a zone change only, if it is approved, and is approved through the Rural Zoning (Commission) they will then have to go with a preliminary plat and all of the details will be worked out, but that does not happen at this hearing.

Ms. Ballard said she agrees with Bill because they were only going to develop the front section (pointed to on map) and that is fine; but you have to realize there is a working farm right in this area; a subdivision here; and the subdivision is going to see the backs of the warehouses also; look at all of the pavement there, and there is a creek through here, and it will affect all of those animals there, and it has only one (1) drive to go back to all of those warehouses; and voiced her concern about lighting and traffic after Phase One.

NEUTRAL TESTIMONY: None

Mr. Potter said he thinks it is unfortunate that such a nice presentation and so forth, is really not germane to the discussion in any shape or form, because the discussion, in his opinion, is a zone change to general business and has nothing to do with this plan in any way shape or form, because something could be done tomorrow... if this is rezoned, whatever is allowed in B-3 would be allowed, and the applicant does not have to build this, and said he applauds them for showing what their plan is; they are not held to this in any way, shape or form; and it is obvious they have gone to a lot of expense and trouble to try and show what they want to do, and wants everyone here to know they're not bound by this in any way, shape or form.

Mr. Potter said he is from Oxford and familiar with the general area and the company, and they are an excellent company and he has every faith that they will go through with their plan; and he will be voting in favor of this, not because of the plan that has been presented to us, but because: 1. It is in compliance with the Comprehensive Plan; and 2. The aspect of the area being zoned A-1, the Southwest Regional Water District Utility did not have to be rezoned, it can anywhere, and so in reality, the lower portion of what we see here, is being used at the present time from a commercial standpoint, by Southwest Water, so you have the trucking company to the west, Southwest Water to the south, and an intersection of a state route and federal route, and a Comprehensive Plan that leads toward General Business, so that is why he will be voting for it, but he does applaud the petitioners' presentation, although it is not germane to our decision, in his opinion.

Mr. Potter made a motion to approve RZC 12-01, Berry Hill, L.P., A-1 Agricultural to B-3 General Business, Old Oxford Road, Hanover Township as presented. Mr. Brown seconded the motion. Motion carried 6-0.

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

NAYES: None

Resolution#: 12.44

LTZ 12-02

Stan & Marla Schneider
5534 Cincinnati-Dayton Road
A-1 Agricultural to B-3 Community Business
Liberty Township

Mr. Acuff said this is a zone change in the northeast portion of Liberty Township and showed an aerial map of the area. The applicant would like to rezone the property from A-1 to B-3 with the objective to run a medical office from the existing house.

Mr. Acuff showed a zoning map of the area to show the surrounding zoning and said it is agricultural to the northeast and south; RSE, Suburban Estate Residential across Cincinnati-Dayton Road to the west. Surrounding uses is agricultural to the north; a church on the east and south of the parcel and single family residential across Cincinnati-Dayton Road.

Mr. Acuff showed the Land Use Plan Map for Liberty Township and said it shows the Cincinnati-Dayton Road corridor as Planned General Business so the proposed use would be consistent with the master plan for Liberty Township.

Mr. Acuff reviewed the staff comment from the Board of Health stating, prior to converting to commercial, they need approval from OEPA regarding the onsite waste water treatment and said staff does recommend approval of the zone change.

Mr. Bullington asked if the applicant was present. No reply.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

Mr. Brown made a motion to approve LTZ 12-02, Stan & Marla Schneider, 5534 Cincinnati-Dayton Road, A-1 Agricultural to B-3 Community Business, Liberty Township, as presented. Ms. Wiant seconded the motion. Motion carried 5-0. Ms. Margraf stated Mr. Cooney had to depart from the meeting due to a conflict in schedule.

AYES: Brown, Wiant, Potter, Barnes, Bullington

NAYES: None

Resolution#: 12.45

PRELIMINARY PLATS:

**Fairfield Ridge, Section Six
Section 26, Town 2, Range 3
Fairfield Township**

Mr. Acuff showed an aerial image of the area and said this is at the north end of Fairfield Ridge Drive, and indicated the property's proximity to State Route 4 and said the parcel is 13.5 acres and the applicant is proposing 41 lots along these new roads.

Mr. Acuff showed a plat map of the area and reviewed staff comments. Mr. Acuff said, overall, staff recommends approval of the preliminary plat, subject to staff conditions as outlined in the Staff Conditions contained in the Planning Commission Board members' packets which were mailed in advance of this hearing and upon resolution of the issues in the prior phases with the Butler County Engineers Office.

No comments or questions from the Planning Commission.

Mr. Potter made a motion to approve the preliminary plat for Fairfield Ridge, Section Six, Section 26, Town 2, Range 3, Fairfield Township, subject to staff conditions. Mr. Brown seconded the motion. Motion carried.

AYES: Potter, Brown, Barnes, Wiant, Bullington

NAYES: None

RESOLUTION #: 12.46

**Fairfield Ridge, Section Six
Sidewalk Width Waiver – Reduce from five feet (5') to four feet (4')
Fairfield Township**

Mr. Acuff said the applicant has also requested a reduction waiver for sidewalk width which is typical of what we have seen before with such cases to match the rest of the development.

Mr. Brown made a motion to approve the request for Fairfield Ridge, Section Six, Sidewalk Width Waiver – reduce from five feet (5') to four feet (4:'), Fairfield Township. Mr. Potter seconded the motion. Motion carried 5-0.

AYES: Brown, Potter, Barnes, Wiant, Bullington

NAYES: None

RESOLUTION #: 12.47

FINAL PLATS:

**Kingsgate Subdivision, Addition Number 5, Replat of Lot 151,
Section 17, Town 3, Range 2,
West Chester Township**

Mr. Acuff showed an aerial image of the property and said this property is located in the southwest corner of Tylersville Road and Cox Road in West Chester Township, near the Big Lots store and Taco Bell.

Mr. Acuff said the proposal is to split out a parcel just less than half an acre from the east side of the lot here (pointed to on map) for a new Waffle House restaurant.

Mr. Acuff reviewed Staff Comments and said staff recommends approval subject to the staff comments in the report.

9*

Mr. Potter made a motion to approve the replat of Kingsgate Subdivision, Addition Number 5, Replat of Lot 151, Section 17, Town 3, Range 2, West Chester Township, subject to staff comments. Ms. Wiant seconded the motion. Motion carried.

AYES: Potter, Wiant, Barnes, Brown, Bullington

NAYES: None

RESOLUTION #: 12.48

**Ross Estates, Section Two, Block E
Section 3, Town 3, Range 2
Ross Township**

Mr. Acuff showed an aerial image of the property and said this is the last phase of the multi-phase development, Ross Estates, Section Two, Block E with the remaining portion (5.3 acres) outlined in yellow, where they are proposing 13 lots as well as the completion of the loop road that runs through the development.

Mr. Acuff said staff did receive revised plans yesterday and with a couple of notes added.

Mr. Acuff reviewed staff comments and said staff recommends approval subject to staff comments in the report.

No comments or questions from the Planning Commission.

Mr. Barnes made a motion to approve replat for Ross Estates, Section Two, Block E, Section 3, Town 3, Range 2, Ross Township, subject to staff comments. Mr. Brown seconded the motion. Motion carried.

AYES: Barnes, Brown, Potter, Wiant, Bullington

NAYES: None

Resolution#: 12.49

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
August 14, 2012

Chair

Secretary

Lee Margraf