



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

MEETING MINUTES

MEETING: Tuesday, December 8, 2015, 3:00 p.m.

ROLL CALL:

Present: Kevin Cooney, Vice Chair
G. Coe Potter
Bernard "Buck" Rumpke
Beth Surber
Shirley Wiant

Absent: Charles Bullington, Chair
David Baker
Steven Brown

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

Meeting opened at 3:10 p.m.

APPROVAL OF MEETING MINUTES:

Mr. Potter made a motion to approve the November 10, 2015 draft Meeting Minutes as submitted. Ms. Wiant seconded the motion. Motion approved.

AYES: Potter, Wiant, Rumpke, Cooney

ABSTAINED: Surber

NAYES: None

ZONE CHANGES:

WCTZ 15-08

Modification to R-PUD

Carepointe

Section 11, Town 3, Range 2

West Chester Township

Mr. Acuff showed an aerial map of the property and said the applicant, Carepointe Nursing facility has requested to modify their existing R-PUD. Mr. Acuff showed a plat map of the property and said it had originally been approved for a three-story building, however, the revised plans take it to a one-story with a two-story on the north side.

Mr. Acuff said complete plans are in the Board members' packet and he highlighted staff comments and said staff does recommend approval.

Applicant, Mr. Randall Woodings, Principal at Kontogiannis & Associates, 400 South Fifth Street, Columbus OH 43015 introduced himself and provided background over the years of developing this area, nursing home portions, cottages and presented project details for the 125-bed, private rooms nursing home, and said this was brought through in 2005 and detailed the modifications they would like, said they met with neighbors last Thursday to discuss their proposed modifications and any comments or wishes and they wished to take the parking lot back to achieve the same amount of separation and we have informed them we will do that.

Mr. Rumpke asked if the applicant owns the property where the detention basins are located and the applicant replied no, that belongs to the church.

Mr. Rumpke asked where will there be access to the main entrance. Mr. Woodings responded and said most traffic will come in from Chesterwood Boulevard.

No further questions from the board.

TESTIMONY IN FAVOR: None

NEUTRAL TESTIMONY: None

TESTIMONY IN OPPOSITION OF: None

Mr. Potter made a motion to recommend approval of WCTZ 15-08, Modification to R-PUD, Carepointe, Section 11, Town 3, Range 2, West Chester Township as presented and subject to the three (3) staff comments. Mr. Rumpke seconded the motion. Motion carried.

AYES: Potter, Rumpke, Surber, Wiant, Cooney

NAYES: None

RESOLUTION: #15.73

WCTZ 15-09

C-PUD to SP-PUD

Keefe Tracts 2 & 3

Section 18, Town 3, Range 2

West Chester Township

Mr. Acuff showed an aerial image of the property and a plat map and said the request is to change the zoning to Special Purpose District with the intent to incorporate a residential area on the west end of the project. Mr. Acuff said staff comments are in the Board members' packets and staff does recommend approval subject to staff comments.

Applicant, Mr. John Delverne, Bayer Becker, 6900 Tylersville Road, Mason, OH introduced himself and said he is here with Mr. Justin Leyda, Steiner & Associates, 4016 Townsfair Way, Columbus, OH 43219. Mr. Delverne presented details on the proposed development and showed the original submitted plan and explained their proposed project and said it is in line with the Land Use Plan and the County approved the traffic study earlier today with small amendments and he offered to answer any questions.

Mr. Cooney asked what type of buffering will be put in place between the commercial and residential area. Mr. Delverne said there is a mound with trees and gave further details on other enhancements.

Ms. Surber asked how many stories the buildings will be and the applicant replied four stories above the ground with underground parking. He added there will be penthouses on the top that step back and are smaller than the footprint of the buildings.

Mr. Rumpke asked for more details on the residential buildings and units in terms of the size and layout. Mr. Leyda replied and said they envision it to be an empty-nester unit with larger two-bedroom condo-lifestyle units, with large terraces with luxury finishes and there may be one-bedroom layouts as well and they will be "for sale" condos as some people are interested in long term leasing as an option.

Mr. Cooney asked if they will be rental units or for sale and the applicant replied they typically are "for sale" condos and they also are exploring the possibility of long term leasing of 5 – 10 years with a kick-out fee if they decide to leave.

Mr. Rumpke asked which direction the units will face and the applicant responded by pointing to on the map and stated they will primarily face so the terraces face on the inside.

TESTIMONY IN FAVOR: None

NEUTRAL TESTIMONY: None

TESTIMONY IN OPPOSITION OF: None

Ms. Surber made a motion to recommend approval of WCTZ 15-09, C-PUD to SP-PUD, Keefe Tracts 2 & 3, Section 18, Town 3, Range 2, West Chester Township subject to staff comments. Mr. Wiant seconded the motion. Motion carried.

AYES: Surber, Wiant, Rumpke, Potter

NAYES: None

ABSTAIN: Cooney

RESOLUTION: #15.74

LTZ 15-10

RA-1 & R-RE to R-1

Vista Verde

Section 9, Town 2, Range 3

Liberty Township

Mr. Acuff said we have a Zone Change for Vista Verde Golf Course and then a Preliminary Plat for the same piece of ground and showed an aerial map of the property and said it currently has three (3) zoning districts which cut across this land and the applicant is requesting to rezone it to consolidate the three (3) different zoning districts into one (1) single type of zoning, R-1 District. Mr. Acuff highlighted the location of each type of district and said it is consistent with the Township's Master Plan of the area and County staff does recommend approval of the zone change request subject to compliance with the staff comments presented to members of the Board.

Ms. Etta Reed, Bayer & Becker, 6900 Tylersville Road, Mason, Ohio, introduced herself and said she is here along with the applicant, Mr. David Welsh, Welsh Development, 5780 State Route 128, Cleves, Ohio. Ms. Reed said the purpose for the rezoning is to essentially clean up the zoning for the preliminary plat and added all of the three (3) types are similar and this will not be a dramatic change, but this will allow all of the lots to be in the same zoning district and she provided details on the proposed preliminary plat.

No questions asked by the Board.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

Ms. Wiant made a motion to recommend approval of LTZ 15-10, RA-1 & R-RE to R-1, Vista Verde, Section 9, Town 2, Range 3, Liberty Township subject to staff comments. Mr. Rumpke seconded the motion. Motion carried.

AYES: Wiant, Rumpke, Potter, Surber, Cooney

NAYES: None

RESOLUTION: #15.75

PRELIMINARY PLATS:

Vista Verde

Section 9, Town 2, Range 3
Liberty Township

Mr. Acuff reintroduced this property and said this preliminary plat proposes 143 residential lots on 103 acres in total. Mr. Acuff showed an aerial image of the property and gave details on the proposal and the surrounding land and said staff comments are in the Board member packets.

Mr. Acuff stated staff has had several meetings with the developers, the Township and the Engineers Office since their initial review of this preliminary plat when staff comments were announced. He said one thing that is lacking here to make this an ideal project is a connection out here to Millikin Road as mentioned in the staff comments. He added there is a significant amount of engineering required to make a connection to Millikin to make it a safe, public road due to sight distance and elaborated on the situation and said this is a plan that works for now and we will continue to try and get that connection to Millikin Road and reminded the Board a preliminary plat approval is valid for five (5) years and development is to start in the west and move to the east so it could be several years before we get out to a point of connecting at which point we hope to have a feasible connection. Mr. Acuff highlighted the staff comments and said staff does recommend approval subject to staff comments.

Mr. Potter asked if Millikin Road is the preferable because it appears to him that development is a step in a journey as opposed to the final product because the potential connections to the north or east might be as good if not better than Millikin Road.

Mr. Acuff replied and said he doesn't see a connection to the north occurring with the PUD being proposed because they are showing private roads and they have no interest in a connection to the north; connecting to the east would be a potential option but the landowner

there has shown extreme disinterest in selling; interest would be difficult due to sight distance limitations on State Route 747 so at this time Millikin Road would appear to be the most viable option.

Mr. Potter commented by the time they get to that point it will probably be a little down the road.

Mr. Acuff noted there were a couple of alternative options down by the church and the developer has started to approach other land owners as potential alternatives.

Mr. Potter said, in his opinion, this is a step in the journey and we should not hold this step up because there appears to be solvable things in the future for an egress in the far-east end so we shouldn't hold this step as hostage to how we resolve that sometime in the future.

Mr. Potter made a motion to approve the preliminary plat for Vista Verde Section 9, Town 2, Range 3, Liberty Township subject to staff comments. Ms. Surber seconded the motion. Motion carried unanimously.

AYES: Potter, Surber, Wiant, Rumpke, Cooney

NAYES: None

RESOLUTION: #15.76

Springs at West Chester

Section 33, Town 3, Range 2,
West Chester Township

Mr. Acuff showed an aerial image of the property and said this came through earlier this year as a zone change and a similar project, Springs at Liberty Apartment complex, came through by the same group, Continental Properties. Mr. Acuff showed a site plan for the property and said there's a rendering as well. Mr. Acuff said this is to consolidate a couple of lots on the site, split out the new Lot 1 and highlighted staff comments and said staff does recommend approval.

Mr. Rumpke made a motion to approve the preliminary plat for The Springs at West Chester, Section 33, Town 3, Range 2, West Chester Township, subject to staff comments. Mr. Potter seconded the motion. Motion carried unanimously.

AYES: Rumpke, Potter, Wiant, Surber, Cooney

NAYES: None

RESOLUTION: #15.77

Sidewalk Requirements Waiver Request

Springs at West Chester
Section 33, Town 3, Range 2,
West Chester Township

Mr. Acuff said the County Subdivision Requirements require five (5) foot width sidewalks along West Chester Road as part of the rezoning stipulation; pointed to two (2) particular areas on the map and said the space for a sidewalk is a bit pinched and it is only about four (4) to four-and-a-half (4 ½) feet in width there, however, the majority of the sidewalk would be the required five (5) feet width. Technically it is not five (5) feet wide the whole way so a Waiver from the Subdivision Regulations is required for that.

Mr. Rumpke asked to discuss clarification a little bit as the motion did not pinpoint it to those areas which Mr. Acuff talked about, is it assumed that that is true? We are not giving them permission to do four-and-a-half (4.5) width all around? Mr. Acuff replied no, just those specified areas.

Mr. Potter made a motion to approve the Sidewalk Requirements Waiver Request for Springs at West Chester, Section 33, Town 3, Range 2, West Chester Township, subject to staff comments. Ms. Wiant seconded the motion. Motion carried.

AYES: Potter, Wiant, Rumpke, Surber, Cooney

NAYES: None

RESOLUTION: #15.78

FINAL PLATS:

Carriage Hill, Section 11

Section 2, Town 2, Range 3
Liberty Township

Mr. Acuff showed an aerial map and a plat map of the property and said there are 33 lots on a little over 40 acres and provided details on the property. Mr. Acuff said staff has reviewed it, highlighted staff comments and said staff does recommend approval.

Mr. Potter asked if all of the flag lots will be served by one (1) driveway and Mr. Acuff replied yes.

Mr. Potter asked what type of maintenance agreement for that type of driveway. Mr. Acuff said he is not sure; the easement would be among those five or six property owners. Mr. Potter said there isn't anything in the approval that requires that we see some type of Agreement those two (2) driveways and Mr. Pottenger, Butler County Engineers Office replied he believes they asked for an amendment to the Home Owners Agreement (HOA) document on the final plat. Mr. Acuff referred to Comment #9 in staff comments and said that sort of shared maintenance would be a part of the HOA.

Mr. Rumpke made a motion to approve the final plat for Carriage Hill, Section 11, Section 2, Town 2, Range 3, Liberty Township, subject to staff comments. Mr. Potter seconded the motion. Motion passed unanimously.

AYES: Rumpke, Potter, Surber, Wiant, Cooney

NAYES: None

RESOLUTION#: 15.79

Carriage Hill, Section 3-A (Replat of Lot 75)

Section 32, Town 3, Range 3

Liberty Township

Mr. Acuff showed an aerial image of the property and stated this is a replat of Lot 75 and there is already a house built on it and they want to construct a swimming pool and patio and the blue line on the screen you see is the 100-year Flood Plain and the green line is the required stream buffer on the plat when it came through. Mr. Acuff showed the applicant's plan for the proposed pool and fenced-in area and said the purpose of the replat is to trade off a portion of the stream buffer – the proposed pool and fence encroach the buffer area and they are proposing to expand the buffer by an equal amount as you can see (the red line on the map indicates the new stream buffer line to go around the fence and pool area and said staff does recommend approval subject to three (3) comments by staff, which Mr. Acuff highlighted.

Mr. Rumpke asked what the purpose of the creek buffer is and Mr. Acuff replied it is to protect the natural vegetation and stream from building and application of chemicals in the area.

Mr. Rumpke asked how much distance has the buffer shifted and Mr. Acuff replied about 15 feet.

Mr. Rumpke asked where does this proposal go next after the Planning Commission and has it gone before the folks or developers at Carriage Hill. Mr. Acuff replied they would prepare mylars and it would then be taken to the County Commissioners for final adoption and said he did not think it would have gone before the HOA and didn't know if it had gone before the Terry family or not; and does not know if there would be any requirement for them to and it is an equal

swap of land in and out of the stream buffer and staff did not have any problems with the swap or any flood plain concerns and everything to the south and the east is green space.

Mr. Rumpke made a motion to approve the final plat for Carriage Hill, Section 3-A (Replat of Lot 75), Section 32, Town 3, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried.

AYES: Rumpke, Wiant, Potter, Surber, Cooney

NAYES: None

RESOLUTION#: 15.80

OTHER BUSINESS:

Amendment to Subdivision Regulations Sections 3.22(D) and 3.23

Mr. Acuff said this proposed amendment came before the Board back in June for review and is unchanged since that point. The Home Builders Association, staff and the Engineers Office worked to review it together and felt there were no additional changes necessary. Mr. Acuff gave more detail on the proposed changes for the issues of how the developers handle the subordination of existing utility easements under public roads, of which the County has primary right over that intersection of the utility easement, and the repairs/maintenance to such roads; and the actions necessary in case the utility company won't give subordination agreement(s). Monetary funds would be paid by the developers to the County Engineers Office and the funds would be held in escrow, exclusively in lieu of the agreement and for use in the future for necessary road repairs to those public streets impacted. He added the County Engineers Office has come up with this procedure to allow development to occur without having to get the subordination in place and this is the alternative – essentially the developer pays a fee in lieu of not getting the subordination from the utility company to sign over their rights. He added this is the same language which the Planning Commission reviewed in June and we looked to see what/if any other counties in Ohio have done and we are one of the only, if not the only County, to deal with this situation.

Mr. Pottenger said the funds would be held in escrow and dedicated to all subdivisions not held specifically for a single subdivision and is marked for the subordination for those right-of-ways where they are unable to obtain a subordination agreement from the utility companies. This fee is paid by the developer based upon the amount of infrastructure that is crossing in or through the gas or utility line below the public road.

Mr. Potter asked if this had any bearing on conservation easements and Mr. Potter replied that is a whole separate animal in of itself, right now the County does not require subordination unless it is specifically required from other types of utilities or easements. He added their office has had several conversations about conservation easements that will have to be worked out at the state level and possibly at the Federal level.

Ms. Surber said she can see this allows for a developer to have a work-around if it cannot get the subordination agreement, but wondered if it takes away the incentive of the utility company to grant a subordination or not - and wondered if it all depends on their attitude to begin with. Mr. Acuff said the experience staff has had in two or three subdivisions is that the gas companies are flat out saying “No, We will not subordinate!” and this allows an alternative option for developers to move forward and puts a plan in place for future repairs without the utilities support for necessary repairs.

Mr. Pottenger stated the Engineers Office is not eliminating the developer’s ability to obtain a subordination agreement; but this is a fee in lieu of.

Ms. Constance Kepner, Butler Water & Sewer, said they are still require acknowledgement letters for a utility crossing over utility lines and they are ok with it; so they will still have to contact the gas/utility companies. Mr. Pottenger concurred and said the usual Permitting Requirements will remain.

Mr. Rumpke asked if this will essentially make subdivision development a little more expensive.

Mr. Pottenger replied and said his personal opinion is it won’t necessarily make it more expensive or less expensive based on current County Subordination requirements but will be a fair tradeoff and that is how it was presented to the Home Builders Association and from his conversations with them it has also been brought up on a national level.

Ms. Kepner responded and said it makes getting a gas easement a lot more difficult.

Mr. Rumpke made a motion to accept the Amendment to Subdivision Regulations, Sections 3.22(D) and 3.23 as presented. Ms. Wiant seconded the motion. Motion passes unanimously.

AYES: Rumpke, Wiant, Potter, Surber, Cooney

ADJOURNMENT

Ms. Wiant made a motion to adjourn seconded by Mr. Rumpke. 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
December 8, 2015

Chair

Secretary

Lee Margraf