



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

MEETING MINUTES

MEETING: Tuesday, December 9, 2014, 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
Steven Brown
Kevin Cooney
G. Coe Potter
Bernard "Buck" Rumpke
Beth Surber

Absent: David Baker
Shirley Wiant

Staff Present: Peter Z. Acuff, Dept. of Development
Lee Margraf, Dept. of Development

Meeting was brought to order at 3:00 p.m.

APPROVAL OF MEETING MINUTES:

Minutes from November 10, 2014 Meetings

Mr. Brown made a motion to approve the draft Meeting Minutes as submitted. Mr. Rumpke seconded the motion. Motion passed unanimously.

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

NAYES: None

ZONE CHANGES:

WTZ14-01

Wayne Township
Township-initiated Zoning Text Amendments
Wayne Township

Mr. Acuff summarized the proposed text amendments which were approved by Wayne Township and is new before this Commission for approval.

Mr. Acuff highlighted staff recommendations, including but not limited to fence requirements which were printed in each board members' packet and mailed out to each member in advance of the meeting and said staff is largely in favor.

Ms. Surber asked if it applied to just corner lots to which Mr. Acuff replied it applies to all residential lots.

Mr. Potter asked if this puts us with any conflict of things being done only in the rear yard because we had this in another jurisdiction and there was no rear yard and the only place they could put a swimming pool would be the rear yard and it was a corner lot and they had two (2) front lines, two (2) side lines but no rear yard. He said he just wanted to throw that out for consideration.

Mr. Acuff said he didn't recall seeing that through here and the definition of rear yard at this point isn't being affected and there is nothing in the fence section that would preclude one (1) of the yards being designated as a rear yard.

Mr. Bullington asked if the applicant is present.

Mr. Ed Dulle, 5961 Wayne Jacksonburg Road, Wayne Township, said he is the Zoning Administrator and said he presented all of this to Mr. Acuff and discussed it and all he had was the documentation submitted which is what the Board has in their packet. He stated the last time the Zoning Resolution was amended was in 2007. He added that 95% of this has been reviewed by the Prosecutor's Office and Butler County Zoning and gave their input so it has been reviewed by multiple outside organizations other than the Township Zoning Commission.

Mr. Bullington asked Mr. Dulle if he's okay with the text amendments as far as what the Engineers' Office has presented.

Mr. Dulle replied that should not be a problem at all and their previous resolution was so convoluted when it came to corner lots that even the Prosecuting Attorney couldn't figure out what you could do on a corner lot so this was actually taken from (inaudible) Township's and uses the exact language so this won't be a problem.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Mr. Rumpke made a motion to approve the WTZ14-01 Zoning Resolution for Wayne Township Text Amendments with the recommendations of the Butler County Engineer Office's recommendations. Mr. Brown seconded the motion. Motion approved unanimously.

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

NAYES: None

RESOLUTION #: 14.73

LTZ14-06

Barry Barnickel, 5755 Princeton Glendale Road
R-1 to B-2 (Residential to Community Business District)
Section 3, Town 2, Range 2
Liberty Township

Mr. Acuff provided details on this single parcel zone change in Liberty Township between Millikin Road and Kyles Station and provided an aerial image of the property, the zoning map and the Land Use Plan map of the area. Mr. Acuff said the existing automotive garage has been on the property for a number of years through a number of changes in the Township Administration and it is his understanding the requested a long time ago to get this rezoned fell through the cracks and never came up to compliance, this request is to rezone this property to bring the current use into compliance with the Township zoning Resolution and change to a B-2 District.

Mr. Acuff highlighted the staff comments and stated the request for rezoning is not directly in conformance with the Land Use Plan but it takes a step to get there. In the interest of bringing the current use into compliance with zoning and taking a step towards the future Land Use Plan staff does recommend approval to Liberty Township approval of the requested zone change subject to the staff comments Mr. Acuff highlighted.

TESTIMONY IN FAVOR Of: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

Mr. Rumpke asked if it is presently operating as a garage and when was it built.

Mr. Barry Barnickel, 5755 Princeton Road, replied yes and that it was built in September 1998.

Mr. Rumpke said the property that is across the street is already zoned business, are they business or do they appear to be houses.

Mr. Barnickel replied houses.

Mr. Cooney made a motion to approve recommendation to Liberty Township Zoning to approve the rezoning for LTZ14-06, Barry Barnickel, 5755 Princeton Glendale Road, R-1 to B-2 (Residential to Community Business District), Section 3, Town 2, Range 2, Liberty Township.

Ms. Surber seconded the motion. Motion approved unanimously.

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

NAYES: None

RESOLUTION#: 14.74

WCZ 14-05

Highland Square

Modification to C-PUD (Commercial Planned Unit Development)

Section 23, Town 3, Range 2

West Chester Township

Mr. Acuff provided details on the request for modification to C-PUD to allow self-storage as a permitted use in the Planned Unit Development and reminded the Planning Commission this same request was presented to the Board last year and said the applicant withdrew the application before it got to West Chester Township's zoning approval and they've come back this year with the same request.

Mr. Acuff showed an aerial image of the property, a plat map and elevations and renderings of what the proposed development will look like.

Mr. Acuff highlighted staff comments and stated staff recommended denial of the application last year and the recommendation has not changed because the conditions have not changed that much in a year and the request is essentially the same as last year. He also noted there is a Tax Increment Financing (TIF) District in the area and staff feels it is not in the best interest for a self-storage facility to be included in the TIF.

Applicant, Bob Krumdieck 6257 Springdale Road, Cincinnati, Ohio, said he is a self-storage developer and is one of the owners in this project along with the Neyer Company and gave some history on the request and furnished details for the proposed facility. Mr. Krumdieck said he feels they have addressed all issues that have ever been brought up except the negative idea of self-storage.

Mr. Kennedy, Neyer Properties, 2135 Dana Avenue, Cincinnati, Ohio, developer of this retail center, introduced himself and showed three (3) pictures of views from different angles including the view from Cincinnati-Dayton Road and renderings of the proposed building and landscaping of the proposal.

Mr. Krumdieck asked if the Planning Commission had any questions or has any reasons they think self-storage should not be there.

Mr. Bullington said if his memory serves him right, one of the concerns and problems the Planning Commission had was the topography where there would be potentially 11 foot drop.

Mr. Kennedy said he believes Mr. Bullington is referring to the step down heading to the east.

Mr. Krumdieck said when they build the facility the corner of the building will be five feet (5') lower than where the dirt is today and that dirt is going over here (pointed to on plat) and there it will be five feet (5') higher because this is just sloping down to that pond but it is just a hillside right now and that is why the Engineers Office had concerns about compaction being so important and they aren't going to put a building on a bunch of dirt that will slide into the pond and compaction was always something they were going to have to do and make sure that it is done right.

Ms. Surber asked how many units will have access from the proposed middle corridor to which Mr. Krumdieck replied every building has some doors on the outside and have a hallway through the middle so every building has both and the interior hallways are climate controlled.

Mr. Brown asked if the rest of the site is developed where the C-PUDs are.

Mr. Kennedy said from Monster Mini Golf to Learning Tree over is all vacant ground currently.

Mr. Brown asked if all of the site work still has to be done for where those three (3) buildings would be and the self-storage to which Mr. Kennedy replied right.

Mr. Brown asked how they will make the transition to the parking from those other buildings – will there be a retaining wall or what.

Mr. Kennedy replied no, they will probably do a 3:1 slope or something like that.

Mr. Brown said overall here we're talking probably thirty feet.

Mr. Krumdieck indicated where the grade change will take place.

Mr. Acuff said the whole area is currently zoned C-PUD and they are not changing the designation of zoning – the request is just to “add” self-storage as a permitted use to that zone.

Ms. Surber asked if there is any verbiage incorporated that would limit the density or number of uses because she looks at this and agrees it doesn't look like a strong retail site and feels the applicant will be ready to expand before new retail users are coming in along Cincinnati-Dayton Road.

Mr. Krumdieck replied there is an economic side to build self-storage and this is the max – presently there is no plan to build beyond the four (4) buildings at this time. To add additional buildings it could take five (5) or more years and there is no idea to build anymore self-storage beyond the 600 – 700 units proposed now which is all we could handle at that office.

Ms. Surber asked how long the TIF district has been in place for.

Mr. Acuff said he didn't recall exactly but was told the area was set up in here – when it started and probably 15 to 20 years.

Mr. Rumpke asked if the TIF district is earmarked for any specific projects.

Mr. Acuff said he didn't know exactly but believes it is for improvements for the Highland Square center here and the TIF covers just the center from Interstate Route 75 to the detention pond here for improvements in that area but he does not know what the details are.

Mr. Rumpke said the problem he sees is that the applicant states they have no plans to increase the units but if it's successful and in five (5) years from now it's full and the big box stores aren't there at the top then the applicant will come back and want to put self-storage up there.

Mr. Krumdieck replied that he won't want to do that.

Mr. Kennedy said we could make it a condition that if that small chance happens that we would have to come back here before the Board and they would be willing to work with the Board on that and added he understands the concern there and would make it a condition that if that were to happen it would have to get approved separately.

Mr. Potter asked what the guidelines are in a C-PUD relative to self-storage.

Mr. Acuff said they would be set up individually for each one and the nature of the development and each one is written for itself.

Mr. Potter responded and said so at this point in time, what they are asking for is in fact within the purview of someone who is designing this, whether we approve it or not, it would be in there as far as the guidelines as something that would be put to a C-PUD.

Mr. Acuff said that is what they are asking for – for this use to be put into this PUD.

Mr. Potter said yes but this area is zoned C-PUD and what is allowable in there and what are the guidelines as to what can be approved into a C-PUD.

Mr. Acuff replied that is dependent on each C-PUD and how it is set up as to what goes in there.

Mr. Potter said so you can put anything you please in there as long as they get approval.

Mr. Acuff responded and said yes when it is initially approved. And this was excluded at that time and is what happened.

Mr. Potter commented so there are almost no guidelines from a commercial standpoint when it is a Commercial PUD – it's a matter of, "Take your best shot" when you come in.

Mr. Acuff said an applicant can come in with a proposal and indicate what type of architecture, what type of uses you want – and it gets approved or it does not.

Mr. Potter said he has a little problem with that – this is a zone change.

Mr. Acuff said it is a major modification to the existing PUD – it is not creating a new zoning district, its modifying an existing zoning district. He added the next case. Mr. Sennet, the applicant, is coming to ask for a C-PUD in West Chester Township and his proposed development is not going to have the same terms and conditions that are at Highland Square.

Mr. Potter replied in theory he could come in and request a C-PUD Zoning to be in a certain area and not have any plan at all.

Mr. Acuff said no, the land use development – the plan is part of that zoning when it is set up.

Mr. Potter said he is having a little problem with understanding process when someone can come in and propose anything there because there are no guidelines for C-PUD and he can't come in and just say I want this area over here to be C-PUD and then once it is C-PUD zoned then I come in and get the plan approved for what we want to do there. What they are doing now is they are in an existing C-PUD, and they are asking for modification which is more a zone changed rather than a plan change and that is where he has a problem.

Mr. Rumpke asked if Christian Brothers was not allowed in there.

Mr. Kennedy said they had to come in and plead their case as well and that was approved based on the same type of architecture, hours of operation, it wasn't your typical auto service facility.

Mr. Potter asked if it was true that West Chester Township did approve Christian Brothers.

Mr. Acuff replied yes and as he recalls the way the PUD was set up it was the specific area that Christian Brothers was looking to go in that auto service uses were restricted so that was the case there and yes West Chester Township did approve that.

Mr. Potter said there is nothing etched in stone that says you can't have self-storage in a C-PUD.

Mr. Acuff said that is why there is a modification process in place.

Mr. Potter asked Mr. Acuff about the Township vision and Mr. Acuff replied the details escape him at the moment and had expected the Township to be represented here.

Mr. Potter said staff is recommending denial but if we don't have the Township here to know what their vision is and he has a problem with that and as far as the TIF is concerned how is the Township with that.

Mr. Acuff said the TIF comment was made from the staff last year and carried over into this and he does not have the details of the TIF right now.

Mr. Kennedy said it's their position is that obviously there were some other uses intended for the TIF at the time, times have changed and we'll be paying real estate taxes and something.

Mr. Potter stated he is not emphatically in favor of it or emphatically against, he is on the fence at this point in time until we get more answers to these questions and feels the applicants have done a great job and have spent a lot of money to figure this out and so forth but it's not for speculating on it.

Ms. Surber said she feels its esthetically it ties in with everything else and she recalls when the applicants were here last year topography was a big issue and if topography is an issue for self-storage she doesn't know how it couldn't be even a bigger issue for a traditional retail user and that is why she has a hard time with the Township's or county's vision of this being a more traditional retail site because it has not materialized up to this point and she does agree these are more retail in nature than industrial in nature as self-storage facilities have been in the past. She asked the applicants if they will offer packaging supplies and key lock features.

Mr. Krumdieck said they sell packaging supplies and they do not rent trucks but there is a truck the facility owns and I give it to clientele to use when they move in.

Mr. Potter apologized and said he has a previously made engagement that he could not get out of and recused himself for a 4:00pm conference call commitment.

Mr. Brown asked if it is possible to table this to next month until they get answers to the questions that Mr. Potter is asking and realizes it would delay the applicant again but it might appease the Planning Commission a little better if they had the Township's view on this.

Mr. Acuff reminded the Board that the action for today is simply to make a recommendation to the Township and they will have a few more steps to go through in the process.

Mr. Kennedy said they are scheduled to meet with West Chester Township's zoning next Monday and would like to keep this on track and it does make a difference.

Mr. Krumdieck said visions are a great thing to have and sometimes they work out, but the vision has not exactly worked and it's time to do something else and this is not a

throw-away idea and he is not Neyer – he’s a little guy who threw up his money there to be a partner.

Mr. Kennedy said they feel by putting this facility in here it will help drive traffic to these other facilities and it can’t hurt.

Mr. Rumpke said to the applicants they’ve got two (2) choices: they can make a proposal and see how the vote goes or they can table it. He added he would not make a proposal but he will vote.

Mr. Kennedy said his concern is if they table it and the Township fails to show up again ... and they certainly hope more information would be available to answer the questions Mr. Potter raised.

Mr. Brown asked if it’s up to the Township to show up or can we request that they show up here and said he feels it’s important for them to be here if they are saying they’re not for this – otherwise if they don’t care to show up he guesses they could still turn it down. Mr. Brown said the Planning Commission can still make a recommendation and the Township can still turn it down.

The applicants requested to take a recess to discuss this amongst themselves.

The meeting came back to order at 4:03pm and Mr. Kennedy asked what happens if they table this today, will they still go before West Chester Township next Monday.

Mr. Acuff said no, he does not think the Township can proceed without the recommendation from the Planning Commission.

Ms. Surber commented the Township doesn’t necessarily follow the recommendation they just... so, even if we put it up for a vote the Township will do whatever they want.

Mr. Krumdieck said “let’s go for a vote”, he doesn’t like to put anyone on the spot but they have construction and financing and it is a big deal at this time to not move forward.

Mr. Bullington asked if there is a motion from the commission.

Ms. Surber said she makes a recommendation of approval with some stipulation that West Chester Township incorporate some verbiage to limit the amount of future expansion. Motion passed 4 – 1.

AYES: Surber, Cooney, Brown, Bullington

NAYES: Rumpke

RESOLUTION #: 14.75

WCTZ 14-06

Beckmark II

A-1 (Agricultural) to C-PUD (Commercial Planned Unit Development)

Section 24, Town 3, Range 2

West Chester Township

Mr. Acuff gave background details on and showed an aerial image of the proposal and said staff comments are in the Board information packets and staff recommends approval of the C-PUD subject to staff comments of which he highlighted.

Applicant, Mr. Mark Sennet, 7237 Cincinnati-Dayton Road, West Chester Township, Ohio introduced himself and offered to answer any questions from the Planning Commission.

Mr. Rumpke asked if the buildings are on slab to which Mr. Sennet replied yes and with no pilings.

Mr. Rumpke asked if this was a relatively flat area or if it sloped quite a bit from the road.

Mr. Sennet replied they may have given you a topography map in your packet.

Mr. Acuff showed the topography map to the Board.

Mr. Rumpke asked how deep the lot is.

Mr. Sennet replied 400 feet.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: Bob Hutsenpiller, 7404 Liberty One Drive, Liberty Township

Mr. Hutsenpiller said they do some (inaudible) Mixed Use across the street. The Testimony was inaudible.

Mr. Cooney made a motion to approve WTZ 14-06, Beckmark II, A-1 (Agricultural) to C-PUD (Commercial Planned Unit Development). Section 24, Town 3, Range 2, West Chester Township subject to staff comments. Mr. Rumpke seconded the motion. Motion approved unanimously. Mr. Rumpke seconded the motion. Motion passed unanimously.

AYES: Cooney, Rumpke, Brown, Surber, Bullington

NAYES: None

RESOLUTION #: 14.76

WCTZ 14-07

Lakota Self-storage

M-1/A-1/R-1A to C-PUD (Light Industrial/Agricultural to Commercial Planned Unit Development)

Section 24, Town 3, Range 2

West Chester Township

Mr. Acuff gave details on the zone change application in West Chester Township and presented an aerial image and plat map of the area where the applicant is proposing five (5) buildings proposed with office space and outdoor storage.

Mr. Acuff said staff reviewed the overall plan and raised some concerns where information has not been provided and he highlighted those concerns.

Mr. Acuff said he had a conversation with Mr. Hutsenpiller and discussed some of the concerns; he believes the applicant has prepared responses to present today.

.Staff's recommendation is for denial due to the outstanding information on drainage issues near Gregory Creek and the sanitary sewer future expansion, however, the Township will make the final decision. He added the majority of comments came from both the Township and from the County Engineers' office.

Applicant, Bob Hutspiller, 7404 Liberty One Drive, Liberty Township, Ohio provided more details for the proposal and a bit of history surrounding the property and said he met with West Chester Township staff numerous times and the Township Trustees and he stated they feel this is the best use for the property; and said the applicants have addressed letters to each and every property owner within a 200 foot distance radius and tried to meet with those property owners.

Mr. Hutspiller said the proposed construction will be built in phases and gave additional information relative to the staff comments, proposed landscaping and future expansion plans and stated they will go to West Chester Township on December 15, 2014. He then asked for the Project Engineer to come forward to address some of the comments.

Mr. Shane DeLong, RVP Engineering, 5965 Furlong Way, Liberty Township Ohio, addressed the engineering comments presented by staff.

TESTIMONY IN FAVOR OF: Darrell Sears, 9392 Montgomery Road, Cincinnati, Ohio spoke about landscape plans and how the applicant plans to buffer the property and they are providing a buffering for Building #1 as well and using an ornamental fence to dress it up for the properties around it. He offered to answer any questions.

Mr. Rumpke made a motion to approve WCTZ 14-07, Lakota Self-storage, the consolidation of M-1/A-1/R-1A to C-PUD (Light Industrial/Agricultural to Commercial Planned Unit Development), Section 24, Town 3, Range 2, West Chester Township subject to staff comments. Mr. Brown seconded the motion. Motion carried unanimously.

AYES: Rumpke, Brown, Cooney, Surber, Bullington.

NAYES: None

RESOLUTION #: 14.77

PRELIMINARY PLATS: None

FINAL PLATS:

Turnbridge, Section One

Section 33, Town 3, Range 3

Liberty Township

Mr. Acuff gave details on the proposed ten (10) lots with seven (7) homes in this final plat and showed an aerial image and plat map of the property and where the new road will be located.

Mr. Acuff highlighted staff comments and said staff recommends approval of this final plat subject to staff comments.

Mr. Cooney made a motion to approve the final plat for Turnbridge, Section One, Section 33, Town 3, Range 3, Liberty Township, subject to staff comments. Mr. Brown seconded the motion. Motion carried unanimously.

AYES: Cooney, Brown, Surber, Rumpke, Bullington

NAYES: None

RESOLUTION#: 14.78

Venice Gardens

Replat and Vacation of Alley Section

Section 34, Town 3, Range 2

Ross Township

Mr. Acuff showed an aerial image and plat map of the replat plat and said described the situation of a house being located beyond the property line and the estate has been tied up in probate court due to the now deceased owner and the property could not be sold given this situation and they want to clear this up and vacate the alley and includes a proposal to include a ten (10) foot easement there to provide access, which does not

currently exist. There will be a transfer of property between the two (2) parties to straighten this out and enable the existing house to be situation on one (1) single lot. Staff has reviewed this with a few minor comments but does recommend approval of the replat request.

Mr. Brown asked about the access to the easement.

Mr. Acuff said it's an established alley now with unclear access and that is a large piece of acreage with other alleys there that allow access.

Mr. Brown made a motion to approve the replat for Venice Gardens, Replat and Vacation of Alley Section, Section 34, Town 3, Range 2, Ross Township, subject to staff comments. Mr. Cooney seconded the motion. Motion carried unanimously.

AYES: Brown, Cooney, Surber, Rumpke, Bullington

NAYES: None

RESOLUTION#: 14.79

OTHER BUSINESS:

Appoint David Fehr as its representative on the Board of Directors of the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments.

Mr. Cooney made a motion to nominate Mr. Fehr as the Butler County Planning Commission's representative on the Board of Director of the OKI Regional Council of Governments. Mr. Brown seconded the motion. Motion carried unanimously.

AYES: Cooney, Brown, Surber, Rumpke, Bullington

NAYES: None

RESOLUTION#: 14.80

ADJOURNMENT

Mr. Brown made a motion to adjourn seconded by Mr. Cooney. 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 9, 2014

Chair

Secretary

Lee Margraf