

**Butler County Department of Development
Planning Commission
Hamilton, Ohio**



Meeting Minutes

MEETING: Tuesday, January 11, 2011; 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
Kevin Cooney, Vice-Chair
Steven Brown
Chris Flaig
Lynn Nevel
G. Coe Potter
Shirley Wiant

Absent: Joseph Tucker

STAFF PRESENT: David Fehr, AICP, Planning Director
Lee Margraf, Department of Development
Kevin Fall, Butler Soil & Water Conservation District
Constance Kepner, Water & Sewer Department
Eric Pottenger, Butler County Engineers Office
Ryan Smith, Butler Soil & Water Conservation District

APPROVAL OF MINUTES:

December 14, 2010 Minutes

Ms. Wiant made a motion to approve the December 14, 2010 minutes as submitted.
Mr. Nevel seconded the motion. Motion carried.

AYES: Wiant, Nevel, Flaig, Potter, Brown Bullington

ABSTAINED: Cooney

NAYES: None

ZONE CHANGES:

LTZ 10-03

Liberty Land Company, LLC

Change from A-1 (Agricultural District) and R-SE (Residential Suburban Estate District) to R-PUD (Residential Planned Unit Development District)

Liberty Township

Mr. Fehr said the overhead projector was removed from the room for service and apologized for not having the ability to share his Powerpoint presentation and having to rely on paper copies of the presentation.

Mr. Fehr said the applicant, Liberty Land Company LLC, is requesting to change from A-1 (Agricultural District) and R-SE (Residential Suburban Estate District) to R-PUD (Residential Planned Unit Development District).

Mr. Fehr said the following was included in mailing sent to the Planning Commission members in advance of the meeting: an aerial photograph of the area; a copy of the application and a description of the request.

Mr. Fehr said this property is on the south side of Millikin Road and very close to Lesourdsville West Chester Road. Right in the middle of the aerial photograph you can see the start of the subdivision on the south side of Millikin Road. This zone change involves the back of the property and there is a lake in the middle.

Mr. Fehr said this property started to be developed for a residential subdivision and said there are maybe 2 or 3 homes built back there currently and not many lots were sold. There is a new developer now and they are changing the concept a little bit which required them to get the property rezoned in order to do the lot sizes they wish to have approved.

Mr. Fehr said included in the information packet is a copy of the Liberty Township Zoning map and a close up of the property itself. On the Proposed Zone Change Plat, the area marked in yellow along Millikin Road is the existing subdivision and there are approximately 20 lots in the yellow area; and to the south of that is an area outlined in purple and that is currently zoned R-SE (Residential Suburban Estate); and then further south at the southern end of the property is currently zoned A-1 (Agricultural) and the applicant's request is to take the areas outlined in green and purple and rezone it to R-PUD (Residential Planned Unit Development District).

Mr. Fehr said the property directly south of this and most of the property to the west of this are already zoned R-PUD and it is all owned by the same group, the Terry Family.

Mr. Fehr said there is a copy of the Liberty Township Comprehensive Plan/ Land Use Plan in the packets and said this area is designated as Single Family Residents with ½ acre minimum lot sizes and it does state they can go smaller than if that they develop an R-PUD.

Mr. Fehr said the applicant presented a drawing of all the different lot sizes they are proposing in the development and would have the smaller lots with 70-foot frontage then move up from there.

Mr. Fehr said the original subdivision that was started along Millikin Road were generally 100 foot frontage lots with 20,000 square feet in size. The front yard setback is 50 feet. The subdivision has two (2) detention basins and pointed them out as point reference.

Mr. Fehr said the packet also contains a proposed lot layout showing streets, trees, sidewalk configuration and the open space generally runs along where the creeks exist on the property and they are also proposing a walking trail that would run between some of the lots and a bridge over the creek.

Mr. Fehr said there is a breakdown of the lot space and some of the setbacks throughout the proposed development.

Mr. Fehr said the applicant also included a colored rendering of the proposed landscaping and where open space would be located on the proposed development.

Mr. Fehr asked if there were any questions and introduced the applicant to give a presentation.

Mr. Jose Castrejon said he is a Landscape Architecture at McGill Smith Punshon, Inc., is here representing Liberty Land Company, LLC which is the Terry family.

Mr. Castrejon said as Liberty Land Company picked up this property, the overall vision of development was to create a sense of community, a mixed use development for that entire property. When they picked up this property they felt this was a good place to start, so the plan has been a two-step process and based on the economy and based on the market, we want to be able to begin here and move forward on the rest of the property knowing that it is a separate PUD that is already in place and overall the two will look the same but the intent is because there are two (2) different pieces they will be handled separately because we want to make sure the timing is right.

Mr. Castrejon said they have had several discussions with staff and the appropriate folks – many times with the Township from the concept level for the entire big picture of this development and have had appropriate meetings with the Butler County Engineers Office and we plan to have additional meeting with the appropriate folks in Water & Sewer to Mr. Jim Fox to facilitate flood plain issues as we move along in the process pending the Planning Commission's recommendation for approval.

Mr. Castrejon said their intent of the development, based on the narrative they submitted, is to create a Mixed Use Single Family development and based on today's economy and what they feel the market will bear. He added that Mr. Fehr said this has been sitting for a long time with only a few lots being developed and the intent is to keep that plot piece as is, and that is why it is not highlighted in the proposed plan and so the master plan you see in front of you shows it with no trees or nothing like that, but the intent is to sustain it the way it is and there is a streetscape that is already included and in place and it is their intent to then utilize that as a design basis as it relates to types of materials that are associated with the development and

in the discussion with the Township we have (and part of the narrative) stated the type of architecture that we are proposing as far as the development and that which complies to all lot sizes and housing types – not just one (1) and the intent is to have a Mixed use, mixed type of housing, utilizing the same architectural features that apply to the existing subdivision that is there now and depending on the size of the lot. The way we developed the design for the entire concept was to take the natural features of the site and use that as the backbone of the design basis, and taking the creeks, taking the open space and trees and utilize that and try to back up as many lots to those types of features not just for buffering for adjacent property owners, but, to take advantage of the open space.

Mr. Castrejon showed a rendering of the proposed development and pointed out how the lots are backed up to the water forces and said they tried to create rooms or pods to utilize the topography and use of open space and it is not just wasted and we have tried to make these lots as best as possible. Where open space is not available, they intend to add some connecting trails to areas, including the space at the stub walk that connects to the historic Terry Family barn (pointed to the area on the map) and take advantage of that as one of the amenities for this development and for future development.

Mr. Castrejon said as far as other amenities and utilizing the open space, they worked with Township staff as well as with the school, it is kind of deceiving in the overall plan that the Terry Family property kind of engulfs this piece and they own a piece of it here (pointed to on the map) that abuts two (2) Lakota School District schools: Lakota Plains Junior High and VanGorden Elementary. We worked with them to utilize a trail system that not just necessarily connects the development to itself and Millikin Road but could also potentially connect to the schools and provide walking opportunities from the back of the school through the development all the way to Millikin Road in some form or fashion – whether it's trails or sidewalks, another words no one needs to climb over a ditch. There will be some kind of access provided and that is the overall intent.

Mr. Castrejon said the intent is to get this moving along then later the rest of the development would come in – as part of the other PUD that will have similar criteria and similar design standards.

Mr. Castrejon offered to answer any questions of the Planning Commission and said they are seeking the Board's recommendation for approval of this development plan and plan to meet with the appropriate folks to move forward with utility issues, traffic issues and so forth and look forward to the next level.

Mr. Bullington made reference to the colored map in the packet, showing future development, and asked if that would be folded into the next section.

Mr. Castrejon said yes, on paper that sounds really easy to say we'll do this PUD separate from that PUD but once you start putting site constraints, we did not want to take this property, with great lots, and cross the ravine more than once and damage all of those trees so the intent would be that that we feel there is better access through the other side because it is a knoll and so it made sense for us to come in the back side. We will deal with that in the future as we move forward and if this does not happen, it will just become open space because it does not make sense and is not worth our while to cross this creek to get to 1 or 2 lots.

Mr. Bullington said if he reads this right, the abutting property is already zoned R-PUD.

Mr. Castrejon said that is correct – it is already zoned R-PUD and our intent is as we go through final development plans here and here (pointed to on map) this will become one (1) community when you drive through it, but just because of timing logistics, it will be two (2) separate PUDs but with similar criteria.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL TESTIMONY: None

STAFF COMMENTS

Mr. Fehr said the last two pages in the binder are the Staff Comments and the Township's Long Range Comprehensive Plan does call this out for Single Family Residential with a ½ acre lots could go a little smaller with a PUD. The Land Use Plan calls for the density not to exceed 1.7 and said he believes this comes in at 1.5 so it is less dense than the Township requirements. This proposed PUD is in conformance with the Township's Land Use Plan and the applicant has shown the 20% open space which is required by zoning.

Mr. Fehr said some of the items in the Staff Comments apply to going forward, and elaborated on a few of the recommendations on issues relative to high water tables, over sizing requirements for a water main; stream concerns; street widths; and flood damage prevention, just to name a few.

Mr. Fehr said under item 5, Planning Staff is recommending against reducing that street width. Mr. Fehr said staff has seen some reduced street widths in Liberty Township and they have worked fine, but they are typically on short, cul-de-sac streets and not larger through streets that have buses traveling down them and that was the basis of our recommendation.

Mr. Fehr said under this plan, there is a proposal to not put in sidewalks on both sides of the streets in certain areas and staff is against that and feels it should accommodate pedestrian activity and with the Township's struggle with bus service issues it is going to be more important that sidewalks be there for the future for children to walk to school.

Mr. Fehr reminded the Planning Commission that Butler County updated its Flood Damage Prevention Regulations a couple of years ago and inserted a requirement that if a stream is large enough to show up on the USGS Maps, the county now requires a 75 foot buffer on both sides of the creek and there is supposed to be a No Disturbance area for flood plain protection and also provides a riparian corridor, and based on that criteria, it could affect buildability of Lots 74, 75 and 63. He added that the Planning Commission is not looking at the subdivision plat today, just the rezoning but staff did want to bring it to the developer's attention because it is easier to do a lot configuration early on rather than later.

Mr. Fehr said staff is recommending approval of this zone change subject to the 12 staff comments, of which a copy was provided to the developer.

Mr. Bullington asked, regarding item 11 on Staff Recommendations (Construction of and a 5' sidewalk along Millikin Road), what type of trail it will be – black top material or something.

Mr. Castrejon said it is more challenging when there is an existing scenario. One of the requirements of the Township and the County is to provide some sort of walking path or something for pedestrian access. We are going to provide an appropriate required path to get access from here to here (pointed to on map) and they will work with the Township but he is not sure how they will do it.

Mr. Brown made a motion to approve zone change LTZ10-03, subject to staff recommendations. Mr. Flaig seconded the motion. Motion carried.

AYES: Brown, Flaig, Nevel, Cooney, Potter, Wiant, Bullington

NAYES: None

Resolution # 11.01

PRELIMINARY PLATS: None

FINAL PLATS:

Logsdons Ridge, Section 8, Replat Lots 379 and 381 and a portion of a 21.158 acre tract

Section 18, Town 3, Range 2
Liberty Township

Mr. Fehr said there is an aerial photograph of the property in the packet. The property sits directly adjacent and south of the State Route 129 exit ramp as you are headed eastbound on State Route 129 toward State Route 747 (Princeton Glendale Road).

Mr. Fehr said this replat involves Lots 3, parcel #34 and 36 and there is a copy of the re-plat in the Planning Commission Board members' packets on page 2. Property to the rear of these lots is owned by the Transportation Improvement District (TID) and were purchased for putting the highway in. Over the years the homeowners that lived adjacent to that property began to creep into the TID property and eventually a barn was actually constructed on the TID property. The highway has already been built and TID does not really need the land and it is difficult to access to maintain and they don't really need it, so Mr. Ron Porter, TID, is working with property owners on that to come to an agreement that the land mentioned be sold to those property owners with the condition that it be replatted and be combined into their current property. Two (2) of the three (3) adjacent property owners have agreed to that so you can see the one in the middle, identified as Lot 380, is not participating for whatever reason; and the current Lot 379 will be "T" shaped. They have met all their requirements and staff does recommend approval. He added that Mr. Porter, TID, is here if there are any additional questions.

Mr. Bullington said it appears there is a shed on the back of the property line on old Lot 35.

Mr. Fehr said yes and believes it is over the property line a little bit – it is one of those small, portable sheds that does not require a permit. Mr. Fehr asked Mr. Porter if he had anything to add to this.

Mr. Ronald Porter, TID, gave a little history on the property and said back to when Mr. Harry Thomas developed the subdivision the highway had not been exactly laid out as we see it today and so he overcompensated for the space needed for the interchange and after the highway was built that left a fairly sizeable amount of land behind the north wall. The property owners in the subdivision of Lots 398, 380, 379 and 381 began to use and maintain the area for their children's activities and one property owner did build a shed and that was an encroachment to what is the limited access (LA) area right-of-way to the highway. That issue has since been resolved with Liberty Township Board of Zoning Appeals which approved the shed and setback variances and the final step would be the TID Board go through the necessary process so that the property be declared excess land and can be sold to the abutting property owners and that would be the final step involving the entire issue so people's barns, gardens would be the one (1) lot after being replatted and it clears up the whole thing.

Mr. Bullington asked if the barn that is there has a foundation and how would they correct that if it is on someone else's lot.

Mr. Porter pointed on the aerial map and said this is the one that was in question, and their violation was more or less that it exceeded the number of square foot that they could have enclosed on an accessory structure and he believes it does have a foundation and it will be combined with that person's lot.

Mr. Fehr said he did not believe there is a foundation on that portable shed but the other structure definitely is on a foundation.

Mr. Brown asked if there were any side or back lot requirements.

Mr. Fehr said they did go through Liberty Township and did have to get a variance.

Mr. Fehr said at one time there was supposed a fence across there and the neighbors asked that a fence not be installed, hence the creep.

Mr. Porter said TID has been in contact with Ohio Department of Transportation to make sure that this is all within compliance of and there will be 40-foot access easement on the new lot lines so that makes them happy and they elected early on there will be no fence required in that area.

Mr. Cooney made a motion to approve the final plat for Logsdons Ridge, Section 8, Replat Lots 379 and 381 and a portion of a 21.158 acre tract, Section 18, Town 3, Range 2, Liberty Township. Mr. Nevel seconded the motion. Motion carried.

AYES: Cooney, Nevel, Potter, Flaig, Wiant, Brown, Bullington

NAYES: None

Resolution # 11.02

Dalewood Subdivision, Sixth Addition, Replat Lot 244

Section 22 & 16, Town 3, Range 2
West Chester Township

Mr. Fehr said staff received a request yesterday from the applicant that we table this until the February 8, 2011 meeting as they are still working out sewer issues with the Water & Sewer Department and staff is fine with that.

Mr. Potter made a motion to approve the request to table Dalewood Subdivision, Sixth Addition, Replat Lot 244, Section 22 & 16, Town 3, Range 2, West Chester Township, until the February 8, 2011 Planning Commission meeting. Ms. Wiant seconded the motion. Motion carried.

AYES: Potter, Wiant, Flaig, Cooney, Nevel, Brown, Bullington

NAYES: None

Resolution#: 11.03

OTHER BUSINESS:

Update - Duke Energy Site Readiness Program

Mr. Fehr gave a brief update on the 2010 Duke Energy Site Readiness Program and said Duke Energy Corporation selected 2251 Wayne Madison Road in Butler County for an economic development program to make the site more suitable for development. Duke has done this type of program in the Carolinas for a while and is now doing a pilot program in Ohio. Duke is in the power selling business and this helps their business when sites get developed and bring in companies that would potentially use a lot of power resources.

Mr. Fehr said Duke Energy selected six (6) locations in the tri-state area (sites submitted by various counties). The site which Butler County submitted was selected as one of the six (6) sites within the region under the *Industrial Park* category of the Program. This property is located directly south of Miller Brewer Company in Trenton.

Mr. Fehr said Duke Energy hired McCallum Sweeney Consulting, a site location consulting firm, to conduct a site evaluation and identify the potential of the selected properties.

Mr. Fehr said in preparation, Butler County collected and submitted a substantial amount of

data. McCallum Sweeney came to Butler County and conducted a site survey of the property in November 2010 and provided a final report in December 2010 with an assessment of the site's strengths, weaknesses and the consulting firm's recommendations of the site relative to site preparation costs and characteristics; potential target industries; marketing; location requirements, utility adequacy and capacity; transportation access; community and the workforce.

Mr. Fehr distributed copies of the consultant's final report to the Planning Commission and said the chance to participate in this program and work with Duke Energy and McCallum Sweeney Consulting is a good economic development opportunity for Butler County.

Mr. Fehr said Duke Energy has granted Butler County \$5,000.00 to use toward making the site more job ready - whether it be water lines, sewer lines, etc. and said he believes that money will be applied to a phase one environmental review.

Mr. Fehr said the property is owned by Mr. Ron Watson who has been involved during the whole process and we will try and meet periodically to go over the final report and try to make as many improvements as we can. He added that if the pilot program is successful, he believes Duke Energy will likely do this on an annual basis.

Mr. Potter commented that Duke Energy has other categories within the program though this is within the Industrial Park category.

Mr. Fehr said that is correct, there was an Industrial Park category and thinks they had a category for small in-fill sites to maybe a 5 -10 acre piece, maybe redevelop a brownfield site but what we submitted was in the Industrial Site category.

Mr. Fehr added that this did not cost Butler County anything but the staff's time involved.

Mr. Potter asked if there was nothing from a Residential category standpoint.

Mr. Fehr said he was not aware of any.

ADJOURNMENT:

Ms. Wiant made a motion to adjourn. Mr. Flaig seconded the motion. 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 same and must be prepaid.

Hamilton, Ohio
January 11, 2011

Chair

Secretary

Lee Margraf