



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

MEETING: Tuesday, January 14, 2014, 3:00 p.m.

ROLL CALL: Charles Bullington, Chair
Kevin Cooney, Vice-Chair
Dave Baker
Steven Brown
G. Coe Potter
Shirley Wiant
Beth Surber

Staff Present: Peter Z. Acuff, Dept. of Development
Lee Margraf, Dept. of Development
Constance Kepner, Water & Sewer

APPROVAL OF MINUTES:

December 10, 2013 Meeting Minutes

Ms. Wiant made a motion to approve the December 10, 2013 Meeting Minutes as submitted.
Mr. Cooney seconded the motion. Motion carried.

AYES: Wiant, Cooney, Brown, Potter, Bullington

ABSTAIN: Surber

ZONE CHANGES:

LTZ 14-01

Liberty Township Trustee's Zoning Map Amendments for southwest and southeast quadrants (A-1 to Residential zoning)

Mr. Acuff said Liberty Township is in the process of cleaning up their zoning for areas that are residential in nature but zoned Agricultural and they are doing this to make the zoning more appropriate. He showed two (2) slides of the quadrants and he identified the areas affected by the proposed change and said this is similar to what they saw recently and it's a matter of

cleaning up the zoning for residential subdivisions and taking them from Agricultural to Residential. He added that staff has no comments and recommends approval.

Applicant Mr. Andy Meyer, Senior Planner, Liberty Township, 6400 Princeton Road, Liberty Township said this is very similar to the previous case the Township has done in the northeast and northwest sections in Liberty Township. Mr. Meyer offered to answer any questions the Board may have.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION: None

NEUTRAL COMMENTS: None

Mr. Cooney made a motion to approve zone change LTZ14-01, as presented. Mr. Brown seconded the motion. Motion carried.

AYES: Cooney, Brown, Baker, Surber, Wiant, Potter, Bullington

NAYES: None

RESOLUTION #: 14.01

WTZ 14-01

Crossings of Beckett, R-1A to C-PUD (Commercial PUD)

Section 2, Town 2, Range 2

West Chester Township

Mr. Acuff said this is a zone change for just over 36 acres and showed an aerial map of the area involved.

Mr. Acuff said this Board saw this preliminary development plan back in October 2012 and the applicant withdrew the application, made a few changes and resubmitted the current plan.

Mr. Acuff showed the plat map and indicated the changes made to the preliminary plan presented today.

Mr. Acuff said staff reviewed the proposed plat and has several comments/conditions.

Mr. Acuff apologized for not getting a copy of the staff comments to the Board before the meeting and proceeded to read through each of the staff comments. Mr. Acuff said staff does recommend conditional approval subject to the staff conditions and reminded the Board their recommendation will go on to West Chester Township Trustees and the Township will make the final determination of this case.

Applicant Mr. Tim Burgoyne, Silverman & Company, 9545 Kendall Road, Suite 401, Cincinnati Ohio, introduced himself and said Mr. Ryan Silverman of Silverman & Company, Mr. Bob Garlock with Bayer Becker Engineers, and Ms. Anne McBride, is here today and are all available to answer any questions.

Mr. Burgoyne showed a colored map of the parcel and presented the proposed preliminary plat and gave details on Phase 1 and Phase 2 of the proposed development concept.

Ms. Surber asked Mr. Burgoyne about the infrastructure at Tylersville Road and State Route 747.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: Mr. Tom Breon, 5052 Park Ridge Court, West Chester Township; Mr. Tim Mara 600 Scripps Center, 312 Walnut, 45202; Mr. Mark Haverkos, 7356 Wethersfield Drive, Mr. Steve Harris, 7759 Wethersfield Drive; Ms. Carol Replogle, 5069 W. Sand Court; Ms. Deb Lawrence, 7399 Wethersfield.

Mr. Breon presented a copy of a petition signed by the residents of the area in question to the Planning Commission this petition states there is strong opposition to the proposal and was signed by over 600 West Chester residents. Mr. Breon voiced his concerns about the impact of this concept and strongly urged the Board to not recommend approval for this development.

Mr. Tim Mara, attorney, 312 Walnut Street, Cincinnati, said he is here representing many of the opponents of this zone change and stated this is the second time of this fight and last time the applicant withdrew their application after the Township had its hearing and made it clear to the applicant they were going to vote no on this. They did withdraw and said this new proposal is not much different than the old one. Mr. Mara expressed his clients' concerns about the negative impact this will have on the area, including increased noise, crime and traffic and stated this remains inconsistent with the adopted Land Use Plan of West Chester Township.

Mr. Mark Haverkos, said he serves as the President of his Home Owners Association stated some demographics on the residential develop around the area in question, and said last year the Township rejected the plans submitted by Bayer & Becker. He then stated his concerns including but not limited to the mass and scale of the proposed development, and said it appears not to be consistent with the adopted Land Use Plan and urged this Board to reject the request to rezone this property.

Mr. Cooney excused himself and departed due to other commitments.

Mr. Steve Harris, 7759 Wethersfield Drive, West Chester Township, said he is in opposition of the zone change and voiced his concerns, and said his issue is the approved traffic impact study and said in the 285-page document there is no discussion of the school zones or traffic safety.

Mr. Harris gave statistics of historical traffic accidents in the area. Mr. Harris offered to answer any questions.

Mr. Harris asked how this project can be approved before hearing the voice of opposition.

Mr. Brown said it has not been approved, the recommendation mentioned was by Butler County staff to this Board.

Mr. Acuff explained in detail the process of a zone change and the steps it must go through starting with County staff to review it and make a recommendation to the Planning Commission, they then review the case, and hear any testimony in favor of or in opposition of made by the public; they then make a recommendation to the Township Trustees for their review. The final decision is not made by the Planning Commission, but rather the West Chester Township Trustees. He added that nothing has been decided at this point.

Mr. Bullington said there is a traffic study which has been approved by Ohio Department of Transportation and that is not up to this Board to decide, it is the decision made by the State and the State does a good job of it 99.9% of the time.

Ms. Carol Replogle said directly across from this property is the Providence Manor residential area where she lives and asked how important is the safety of the residents to be concerned in this – there are pedestrians out there daily and especially children walking to school in the street because there are no sidewalks in the subdivision and she is concerned about the residents' safety.

Ms. Deborah Lawrence said she is concerned for the safety of students that attend the two (2) schools nearby the proposed development site. Ms. Lawrence made reference to the West Chester Township Land Use Plan, and how they have been paraphrasing and its interpretation as the fundamental reason why people move there for “optimal balance” with appropriate mix of commercial and residential and another reference to the Township’s “goal remains the same to promote and protect its residents” and she would like the Township to continue to promote and protect its residents.

NEUTRAL COMMENTS: None

Applicant Mr. Burgoyne addressed the Planning Commission to clarify a few items relative to discussion of the traffic study and said he has met with several residents nearby that are excited by the proposed development concept and said adding a grocery store will be actually be a selling point for residences in the area – no one has ever complained about a grocery store being too close when it comes to real estate and pointed out the buffering around the property.

Public portion of the meeting closed.

Mr. Potter said he wanted to make some comments and said he is from Oxford Township and he is a former Township Trustee there and has served on the Butler County Zoning Commission

and/or the Planning Commission for almost forty years and so he has seen just about everything that could be seen from both sides; he is a real estate broker, he believes in an individuals' rights as far as their land is concerned and feels someone has to protect people's rights as homeowners as well; so the current owners here certainly have the right, that anytime we pass a law, which states what someone can do with their property, then we are taking someone's rights away; the flip side of that is that when somebody comes along and does injury, in his opinion, to the property owners around them, those property owners around them have a right as well as has been expressed here by a number of people then asked so, how do we balance these things out. One of the things we do is to try, in a non-emotional situation, prior to zone changes or requests or anything else, is to put together some type of a land plan. Now, the Land Use Plan here he's takes some homage with, one is the fact that Land Use Plan's today are changing quite a bit from a geometric situation where you have squares and so forth into more into a geographic situation; so as far as the petitioners are concerned, he agrees with the creek from a geographic aspect of land planning as opposed to just a straight line through corn fields from a Land Plan standpoint, and thinks the creek makes a natural barrier; but he is not at this point in time personally convinced and feels the land lines is arbitrary, the creek is not arbitrary as far as he is concerned and he is not convinced that this adheres to the proposed zoning use by a long shot; in his own mind as to the mix use transitional in front of us it does adhere to that by a long shot.

Mr. Potter said he's got concerns and the petitioners' have spent a lot of money on this and an awful lot of time, there will be jobs created, tax benefits for the community and everything else so this is not an easy issue and he will really have to wrestle with it and from his standpoint he would opt to table and get some more information from West Chester Township relative to the Land Use Plan and also ask to hear a little bit more from an analysis of the traffic study from the County Engineer because it's not practical to have to read the 285-page study and digest it too. A professional could tell if we had a problem or if everything has been addressed as far as the children and the schools and so forth and he would like to hear from West Chester Township relative to their expansion.

Mr. Bullington said he believes there are some fallacies in the West Chester Township Land Use Plan as much as no one in their right mind would want to live at the corner Tylersville and S.R. 747 with the volume of traffic out there – but he does not see that as a good spot for residential transitional and this development will bring jobs to this area and the buffering will help but the traffic will still be there no matter what you do with it. He added he would like to see it go back to the Township and let them decide, but he does agree with Mr. Potter about needing more facts before making a decision and he would be in favor of tabling it.

Mr. Acuff said from a procedural standpoint he believes that they are under a time constraint from West Chester Township who has a certain amount of time to act on a zone change request so he believes if this board tables it then we are putting the Township in jeopardy to meet their time table.

Ms. Surber said while you need to give the Land Use Plan some weight, she thinks you cannot ignore what is already approved and is currently exists on the opposite side of S.R. 747 there is retail from Union Centre Drive up to Tylersville Road, with the exception of the parcel in

question, down to Union Centre Boulevard and she feels denying this is doing the property owner a huge disservice by holding their property to a different standard than what has already been approved.

Ms. Surber made a motion to recommend approval of WTZ14-01, Crossings of Beckett, R-1A to C-PUD, Section 2, Town 2, Range 2, West Chester Township subject to staff conditions. Mr. Bullington seconded the motion. Motion carried 2-1.

The Board took a five minute recess to confirm Roberts Rules of Order.

The Board reconvened after checking Roberts Rules of Order.

Mr. Acuff stated the determination is there are two (2) votes in favor of passing the motion and one (1) against it so the motion to approve is carried.

Mr. Potter made a statement in closing and said West Chester Township will likely receive a long list with the recommendation and trusts they will receive the count and that to him is certainly not a mandate and that is why he abstained.

AYES: Surber, Bullington

NAYES: Baker

ABSTAIN: Brown, Potter, Wiant

RESOLUTION: #14.02

Mr. Baker excused himself from the meeting due to other commitments.

PRELIMINARY PLATS

None

FINAL PLATS:

Village of Princeton, Replat of Lot #39 Section 2, Town 2, Range 3, Liberty Township

Mr. Acuff showed an aerial image of the property and said this is a replat that we saw last month and was tabled at the request of Liberty Township to get some of the cross access easement issues addressed.

Mr. Acuff said staff made some minor comments as indicated in Staff Comments and does recommend approval subject to the staff comments.

Mr. Brown made a motion to approve the replat for Village of Princeton, Replat of Lot #39, Section 2, Town 2, Range 3, Liberty Township subject to staff comments. Mr. Potter seconded the motion. Motion carried.

AYES: Brown, Potter, Surber, Wiant, Bullington

NAYES: None

RESOLUTION #: 14.03

OTHER

Appoint Mr. David Fehr to serve as the Butler county Planning Commission representative to the Ohio-Kentucky-Indiana (OKI) Board of Directors.

Mr. Potter made a motion to appoint Mr. David Fehr to serve as the Butler county Planning Commission representative to the Ohio-Kentucky-Indiana (OKI) Board of Directors. Ms. Wiant seconded the motion. Motion carried.

AYES: Potter, Wiant, Surber, Brown, Bullington

RESOLUTION #: 14.04

ADJOURNMENT

Mr. Brown made a motion to adjourn seconded by Mr. Potter. 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
January 14, 2014

Chair

Secretary

Lee Margraf