



**BUTLER COUNTY
PLANNING COMMISSION
Meeting Minutes**

MEETING: Tuesday, July 10, 2012; 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
Kevin Cooney, Vice-Chair
Tom Barnes
Steven Brown
G. Coe Potter

Absent: Lynn Nevel
Shirley Wiant

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:

Meeting Minutes from June 12, 2012

Mr. Potter made a motion to approve the June 12, 2012 Meeting Minutes subject to two minor edits.
Mr. Brown seconded the motion. Motion carried 5-0.

AYES: Potter, Brown, Barnes, Cooney, Bullington

NAYES: None

ABSTAIN: None

ZONE CHANGES:

LTZ 12-01

**West Chester Lawn & Garden
7267 Yankee Road**

**Rezone B-2 (Community Business District) Cincinnati-Dayton Business District
Overlay to B-PUD (Business Planned Unit Development)**

Liberty Township

Mr. Acuff presented a plat map and an aerial map of the area for the zone change request property.

Mr. Acuff said the applicant wishes to rezone to incorporate many uses that are non-conforming to B-2. Mr. Acuff showed an aerial image of the property. Mr. Acuff said staff recommends approval subject to four (4) staff comments as presented.

Mr. Bullington asked if the display pad will be facing the building or State Route 129.

Mr. Acuff replied it is his understanding it will face towards the east.

Mr. Jay Stuart, Kleingers & Associates, 6905 Centre Park Drive, West Chester, Ohio 45069, was present and spoke on behalf of the applicant. Dale Magie, Owner, was also present at the meeting.

Mr. Stuart said the applicant asked for rezoning in this way to avoid multiple variances and this was a way to get the job done in one document. Mr. Stuart elaborated on the proposed plans, including but not limited to, the area of the building to contain outside mulch storage and the landscaping.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Mr. Potter made a motion to approve LTZ12-01, West Chester Lawn & Garden, 7267 Yankee Road, B-2/ Cincinnati-Dayton Business District Overlay to B-PUD, Liberty Township, subject to staff conditions. Mr. Barnes seconded the motion. Motion carried 5-0.

AYES: Potter, Barnes, Cooney, Brown, Bullington

NAYES: None

Resolution#: 12.36

FTZ 12-01

**Stone Chapel Holdings, Ltd.
Major Change to PUD and R-1 to B-PUD
Menards Crossings of Fairfield Township
2981 Princeton Road
Fairfield Township**

Mr. Acuff showed an aerial map of the area up for review and said staff recommends approval.

Mr. Bullington asked if the open space requirements have been met.

Ms. Etta Reed, Bayer & Becker, spoke on behalf of the applicant and said Tony Michael, the owner is here if anyone has questions.

Ms. Reed said the property is 1 acre short of the required 10 acres of open space and they are aware it will need to be addressed in the further development. She added that detention has been taken care of – with ponds, so it has been taken care of.

Mr. Brown made a motion to approve FTZ12-01, Stone Chapel Holdings, Ltd., Major Change to PUD and R-1 to B-PUD, Menards Crossings of Fairfield Township, 2981 Princeton Road, Fairfield Township, as presented. Mr. Cooney seconded the motion. Motion carried 5-0.

AYES: Brown, Cooney, Potter, Barnes, Bullington

NAYES: None

Resolution#: 12.37

FTZ 12-02

**Major Change to PUD
Fairfield Falls LLC
5327 Liberty-Fairfield Road
Fairfield Township**

Mr. Acuff showed an aerial map of the property and explained that the applicant has requested both a change to the PUD and a re-approval of the expired preliminary plat; we will discuss the PUD change first. The original PUD called for 130 attached condominium-style units on 26½ acres. Block A of the project (52 units) was previously approved and partially constructed. The current PUD proposal would revise the remaining development area from 78 condo-style units to 66 traditional residential lots, eliminating one proposed street and changing another from private to public maintenance.

The current PUD also removes 6.65 acres from the southern portion of the project, although the disposition of this acreage is not stated. As the 6.65 acres is currently zoned R-PUD but is not included in the proposed new PUD plan, this acreage may have to be rezoned. With the removal of

the southern acreage, the overall open space provided drops from 55% to 37%, which may be below Fairfield Township standards for total open space in a PUD project.

Mr. Acuff reviewed staff concerns, including meeting the Township's open space requirements.

Mr. Mark D'Urso, CESO, 8534 Yankee Street, Dayton, Ohio, spoke on behalf of the applicant and said the proposal is to eliminate condos and go back to traditional housing. The current homeowners in the development support the proposed changes. He said that the southern six (6) acres are not easily developable, which is why this area was removed from the PUD. The final disposition of the land has not yet been resolved; it may transfer as a single building lot or they may approach Butler County Metroparks about accepting the land.

Mr. Bullington asked if they would keep it as a PUD.

Mr. D'Urso replied that they had no firm plans yet, but it would likely sell as a single six-acre lot.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Mr. Barnes made a motion to approve FTZ12-02, Major Change to PUD, Fairfield Falls LLC, 5327 Liberty-Fairfield Road, Fairfield Township, as presented. Mr. Potter seconded the motion. Motion carried 5-0.

AYES: Barnes, Potter, Brown, Cooney, Bullington

NAYES: None

Resolution#: 12.38

PRELIMINARY PLATS:

**Fairfield Falls, Block B
Section 16, Town 2, Range 3
Fairfield Township**

Mr. Acuff showed an aerial map of the property and said this is pretty close to the area we discussed earlier and said some of the new houses have been constructed since the time this aerial image was taken.

Mr. Acuff read the staff report and highlighted items 7, 8 and 9 and said staff recommends approval.

Mr. Potter made a motion to approve the preliminary plat for Fairfield Falls, Block B, Section 16, Town 2, Range 3, Fairfield Township, subject to staff comments. Mr. Brown seconded the motion. Motion carried 5-0.

AYES: Potter, Brown, Barnes, Cooney, Bullington

NAYES: None

RESOLUTION #: 12.39

FINAL PLATS:

**Schumacher Dugan, State Route 747/Union Centre Boulevard Subdivision,
Replat of Lot 17,
Section 4, Town 2, Range 2
West Chester Township**

Mr. Acuff showed an aerial image of the replat land and said this is to be split into two (2) parcels.

Mr. Acuff said all staff comments have been addressed and all fees have been paid and staff recommends approval.

Mr. Barnes made a motion to approve the final plat Schumacher Dugan, State Route 747/Union Centre Boulevard Subdivision. Mr. Cooney seconded the motion. Motion carried 5-0.

AYES: Barnes, Cooney, Potter, Brown, Bullington

NAYES: None

RESOLUTION #: 12.40

**Union Centre Business Park, Section Three,
Replat 10 & 11
Section 33, Town 3, Range 2,
West Chester Township**

Mr. Acuff showed an aerial image of the area and said this applicant wishes to combine two (2) parcels into one (1). Mr. Acuff showed a plat map of the property and explained they wish to take lot #10 and combine it with lot #11 to make a new lot, and name it lot #13 because lot #12 has already been assigned.

Mr. Acuff summarized staff comments and said all staff comments have been addressed and all fees have been paid. And staff recommends approval.

Mr. Cooney made a motion to approve the final plat Union Centre Business Park, Section Three, Replat 10 & 11, Section 33, Town 3, Range 2, West Chester Township, , subject to staff comments. Mr. Brown seconded the motion. Motion carried 5-0.

AYES: Cooney, Brown, Barnes, Potter, Bullington

NAYES: None

RESOLUTION #: 12.41

**Falling Water, Section 5
Section 3, Town 2, Range 3
Liberty Township**

Mr. Brown made a motion to approve the final plat for Falling Water, Section 5, Section 3, Town 2, Range 3, Liberty Township, subject to staff comments. Mr. Cooney seconded the motion. Motion carried 5-0.

AYES: Brown, Cooney, Potter, Barnes, Bullington

NAYES: None

RESOLUTION #: 12.42

**Davidson Subdivision
Section 22, Town 2, Range 4
Madison Township**

Mr. Acuff showed an aerial map of the property and said this plat is to combine two (2) parcels.

Mr. Acuff reviewed the staff comments and said staff recommends approval.

Mr. Potter made a motion to approve the final plat for Davidson Subdivision, Section 22, Town 2, Range 4, Madison Township, subject to staff comments. Mr. Brown seconded the motion. Motion carried 5-0.

AYES: Potter, Barnes, Brown, Cooney, Bullington

NAYES: None

RESOLUTION #: 12.43

OTHER BUSINESS: No other business

ADJOURNMENT:

Mr. Barnes 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
July 10, 2012

Chair

Secretary

Lee Margraf