



Meeting Minutes

MEETING: Tuesday, July 12, 2011; 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
Steven Brown
Christopher Flaig
G. Coe Potter
Shirley Wiant

Absent: Kevin Cooney, Vice-Chair
Lynn Nevel

Staff Present: David Fehr, AICP, Planning Director
Constance Kepner, Butler County Water & Sewer
Lee Margraf, Administrative Secretary
Eric Pottenger, Butler County Engineer's Office

APPROVAL OF MINUTES:

June 14, 2011 Minutes

Mr. Potter made a motion to approve the June 14, 2011 Meeting Minutes as submitted. Ms. Wiant seconded the motion. Motion carried.

AYES: Potter, Wiant, Flaig, Brown, Bullington

NAYES: None

ZONE CHANGES:

**WCTZ 11-01
Board of Trustees, West Chester Township
Zoning Resolution Text Amendments
West Chester Township**

Mr. Fehr said this zone change is a Text Amendment to West Chester Township Zoning Resolution and the applicant is the Township Board of Trustees. The information was mailed to each Planning Commission member previously and there is a copy of the application in the packet and the Planning Commission is being asked to make a recommendation to the West Chester Township Zoning Commission and they will be meeting next week and following that meeting it will be forwarded on to the Township Trustees for their approval.

Mr. Fehr said in the information packet there is a drawing provided by West Chester Township and for point of reference it indicates the overlay zone which they are proposing for Sexually Oriented Businesses District and there is also a copy of the Township Zoning map of the area affected.

Mr. Fehr said the County staff report is also included. We met as a staff with West Chester Township, and our staff does recommend approval of the Text Amendment with one recommendation: we recommend the Township consider creating a definition for "Methadone Clinic" and that be added to their Zoning Resolution.

Mr. Fehr said there are a couple of West Chester Township staff here and may want to do a presentation.

Mr. Brian Behrman, representing West Chester Township, said the Text Amendments presented today have been initiated by the Board of Trustees and will go to West Chester Zoning Commission next week. There are five (5) main components for categories that are in the proposed text amendments: Sexually Oriented Businesses, Internet Sweepstakes Establishments, Methadone Clinics to promote the public health, safety and welfare of West Chester's residents and to better address negative and potential negative secondary effects and further define the location criteria for such businesses; regulations regarding oversized Recreational and Commercial vehicles on both public and private property within residential neighborhoods and general updates throughout the West Chester Township Zoning Resolution.

Mr. Behrman gave a little background on each component.

Mr. Bullington said regarding the location, in talking with David Fehr before the meeting, and as we read it in the text that the Township supplied, it is basically any daycare center or preschool that is licensed by the state and has six (6) or more (children attending) – and asked if there is any condition for any of those where people potentially do daycare in a home with up to five (5) children.

Mr. Behrman introduced Maryann Santel of West Chester Township.

Ms. Santel said home daycares are legally non-conforming and are already part of the requirement of the 500 feet distance restriction.

Mr. Bullington said he has a second question as it relates to the recommendation from staff regarding the definition of a Methadone Clinic.

Mr. Behrman said they would glad to take a look at that and wanted to check with their legal council before they made a definition but did not see a problem in adding it.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Public portion of this hearing closed.

Mr. Potter asked staff about the legality of zoning something completely out of business.

Mr. Fehr replied the reason you can do that for something like the Methadone Clinic is there are negative side effects, decreased property values, increased criminal activity, however, you can not do that to sexually oriented businesses because the Supreme Court has ruled that it is a Free Speech right, and would be the difference of a sexually oriented business and a methadone clinic. By right, you have to allow sexually oriented businesses some where in your community to allow people to express their First Amendment Right and that would be the difference of allowing one and zoning something else out.

Mr. Potter made a motion to recommend approval of WCTZ 11-01, Board of Trustees, West Chester Township Text Amendments, West Chester Township. Ms. Wiant seconded the motion. Motion carried.

AYES: Potter, Wiant, Flaig, Brown, Bullington

NAYES: None

Resolution: # 11.20

**FTZ 11-03
Board of Trustees, Fairfield Township
Zoning Resolution Text Amendments
Fairfield Township**

Mr. Fehr said this is an application by the Board of Trustees in Fairfield Township and details were mailed to you prior to this meeting.

Mr. Fehr said the Board of Trustees are proposing a couple of changes, including a proposed new definition to the Township Zoning Code for a definition for "Residential Care Communities" and said the traditional Nursing Homes is no longer the same and the business model has changed and now has more of a community feel and addresses different levels of independence and care required with services such as a restaurant, a bank and/or barbershop on the premises and the Township felt they wanted to put a definition in to the Zoning Code. Secondly, they want to add to the "Residential Planned Unit Development (R-PUD) that these types of Residential Care Communities would be allowed in an R-PUD, under the current Fairfield Township zoning code, it allows single family and multi family and these type of Residential Care Communities presented a gray area and they wanted to be very specific and say yes, these types of communities are allowed.

Mr. Fehr said this will be a recommendation to the Township Zoning Commission and then they will have their hearing and then it will go on to the Township Trustees for approval.

Mr. Fehr said the staff report is in the packet (blue sheets) and staff does believe the proposed changes are appropriate and recommends approval of the Text Amendment as submitted.

No one from Fairfield Township was present.

Mr. Bullington said he feels this is a very good idea and as more and more people are moving out of their homes and in to some of these types of communities, where some of them have cottages, to assisted living all the way up to skilled nursing care.

Mr. Fehr said a lot more are providing more services on site.

Mr. Potter said they have one in Oxford and it is extremely successful.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Mr. Flaig made a motion to recommend approval for FTZC 11-03 Fairfield Township Zoning Resolution Text Amendments, as submitted. Mr. Brown seconded the motion. Motion carried.

AYES: Flaig, Brown, Potter, Wiant, Bullington

NAYES: None

Resolution: #11.21

FTZ 11-02

Ralph Wolfe

**Change from A-1 (Agriculture District) to R-PUD (Residential Planned Unit Development District
Fairfield Township**

Mr. Fehr said the information for FTZ 11-02 zone change request was mailed to the Planning Commission and an aerial image of the proposed zone change site (outlined in blue) and showed its' proximity to Hamilton-Mason Road (runs east to west) and Liberty-Fairfield Road and the nursing community.

Mr. Fehr said the applicant is requesting the zone change and proposing a major addition to the existing building, which would come off of the south end of the property and continue back in this clearing area.

Mr. Fehr showed a sketch of the area and said the existing building is on the north side of the property and the proposed addition would extend south and there would be additional parking areas and said he believes they would be increasing the bed size along with added a lot of amenities such as a community area, a bank and a barber shop.

Mr. Fehr said the staff comments are in the packet (blue sheet) and the Fairfield Township Long Range Plan does call for this property to be High Density Suburban Residential Uses which is defined as single family or multi family with a density of 4 or homes per acre and part of the property is also planned for Suburban Residential Uses so the proposed R-PUD is in conformance with the Township Long Range Plan..

Mr. Fehr said as far as the open space requirement, they must have at least 25 % open space and this project is almost ten (10) acres of open space which is 65% so they are well over the open space requirement.

Mr. Fehr gave an overview of the recommended items 1 – 7 in the staff recommendations.

Mr. Bullington commented on the aerial image and the red box in the middle – that it is an odd shape and if the red lines are property lines they will have to be consolidated at some point.

Mr. Potter asked what the rationale is regarding of the unplatted portion on Vinnedge Road, why there are all those small lots and then one (1) big one there (pointed to on map) and asked what is it.

Mr. Fehr said on the rezoning application, the blue line does not follow the property line. The property line is actually indicated in red.

Mr. Potter asked if they can gain access with out too much problem for the secondary access.

Mr. Fehr said right now the developer owns this piece, this and this piece here (pointed to on map) and we feel there are a couple of different options.

Mr. Potter said enough said, that's all I need to know.

Mr. Bullington said from the building down to that round-about or so is probably about forty (40) feet and thought it would be too steep to bring emergency equipment in.

Mr. Potter said so that probably would not be the secondary access.

Mr. Bullington said no, he thought it would be too steep a hill for emergency equipment.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Public portion of hearing closed.

Mr. Potter said no one is here from Fairfield Township and he is just concerned about their ability to get this project moving by having to come up with that second entrance and think it is an excellent recommendation but was interested in how difficult that would be for them.

Mr. Fehr said they had a staff meeting a couple of weeks ago and Mr. Pottenger, Butler County Engineers Office, Mr. Skylor Miller, Fairfield Township Zoning, was there also and we discussed this same issue for a while and Mr. Miller is aware of what we are talking about and knows there is a need to find another access point for this site and feels the Township is well aware of that.

Mr. Bullington said the easiest way would be through that lot or take it out back where this street comes down with Jamie Drive and it goes up a little hill then it's fairly flat and then from there through the back of that property right at the end of that stub street (pointed to on the map).

Mr. Flaig made a motion to approve zone change FTZ 11-02 subject to staff recommendations, Ralph Wolfe, change from A-1 (Agriculture District) to R-PUD (Residential Planned Unit Development District, Fairfield Township. Mr. Potter seconded the motion. Motion carried.

AYES: Flaig, Potter, Brown, Wiant, Bullington

NAYES: None

Resolution: #11.22

RZC 11-01

Mike McCoppin

Major Change to existing B-PUD (Business Planned Unit Development)

Madison Township

Mr. Fehr said this zone change application is proposing a major change to a Business Planned Unit Development (B-PUD).

Mr. Fehr said this property was rezoned back in 2005 to B-PUD about one-third of the property has been developed and one-third is some store-in-lock uses and indicated the location of the existing store-in-locks on an aerial map.

Mr. Fehr said the front part of the property was never developed and then there is a second parcel to the right was also never developed either but the entirety was rezoned in 2005 as B-PUD. At that time the intent was to do more store-in-lock lots at a later date and then the property to the east would be divided in to three (3) outlots for any type of general business use.

Mr. Fehr said the applicant today is looking to put a little league baseball facility there and some other accessory uses because that did not really match the intent of the original PUD,

staff is requiring him to go back through the process and make what we refer to as a “Major Change” – the original PUD never envisioned an athletic facility on this property. Mr. Fehr showed an aerial image of the property and indicated its proximity to Trenton Franklin Road, Route 4 and the existing rail road track located in the back.

Mr. Fehr said there is an entrance off of Trenton-Franklin Road that currently serves the store-in-lock and it will also serve the baseball facility. There is a second means of access on the property that is an access easement that extends over the rail road track and provides access to the property from the north, so that already exists and the road up front already exists.

Mr. Fehr said there is already an existing storm water retention basin along TrentOn-Franklin Road which was installed in the first phase in the store-in-lock facility.

Mr. Fehr said you can see the existing storage facility is located here (pointed to on map) and below that will be the future self-storage facilities and the existing detention basin. There is proposed parking out front, a 6,000 square-foot building, and area for septic system, at a later date there will be volley ball courts and they are going to put in baseball fields and is more intended for kids to play at versus adults.

Mr. Fehr said there is a staff report in the Board member packets and Findings of Fact. The Township’s Long Range Planning calls out for this property to be industrial use, however it was previously rezoned to a Business-PUD and this is the Major Change to that.

Mr. Fehr said 25% of open space is required and they will meet that requirement.

Mr. Fehr said staff is recommending approval of this rezoning request subject to the Staff conditions. Mr. Fehr then gave an overview of the ten (10) staff recommendations.

Mr. Fehr said regarding staff recommendation item # 10, Mr. James Fox, Butler County Zoning Inspector, would like to see concrete bumpers installed so they have defined parking spaces on the gravel to avoid problems he has seen in the past with gravel parking.

The applicant, Mr. Michael McCoppin came before the board and gave a little background on himself, this being his fourth athletic facility created and will be primarily used by kids. The first phase would be the diamond field on the west side and the building, the concession, the pavilion and 2/3 of the parking lot. Phase 2 would be the second diamond, the sand volleyball courts. Games would be generally be Monday through Friday and Saturday & Sunday. Games would generally be 6:00pm in the evening and end about 8pm.

Mr. Potter asked the applicant if he was interested in having any lighting there.

Mr. McCoppin replied no sir. We put the light poles on there because maybe down the road but don’t want lights shining on the adjacent properties at time and we plan on finishing up as the sun sets.

Mr. Potter said he was concerned because they had a project that had a simple security light and they spent eight (8) months arguing with a neighbor about whether it should be on – the

tenant said it should be on for security, and it was shining in the neighbor's window and it was a mess over one little security light.

Mr. Potter asked then if they should be eliminated from the PUD.

Mr. Fehr said if that is something the Board wishes to add to staff comments you could.

Mr. McCoppin said the only thing is if, further down the road, they want to have lights they would have to come back before the Board.

Mr. Fehr said our discussions with the applicant is to kind of give us the master plan of everything the applicant thinks they might want to do, rather than keep coming back with little bits at a time. He said he discussed with Mr. Fox the light issue and we've been out there a couple of time. Mr. Fox would prefer not to have hours of operations limitations because we have one (1) Zoning InsOsector and it is tough for him to go out for evening complaint calls. There is one residence in the area and is buffered. Mr. Fehr said he has some photographs of the area to show. He added that staff did not feel the need for hours of operation to be included but that is something the Board could add if they wish.

Mr. Potter asked if it would be any problem in the neighborhood.

Mr. Fehr said he has some photographs to show.

Mr. Brown asked if there would possibly be additional parking in the southeast area there, to the right of the parking and said they may run in to parking issues during tournaments when people tend to hang around after a game.

Mr. Brown asked if the volleyball courts will be used for leagues.

Mr. McCoppin replied yes, a church league would like to find a place to play that is not at a bar, and needs a place to play where there will be no alcohol and would probably play until dusk.

Mr. Bullington asked the applicant if there is any intent to run fence along the north edge next to the rail road tracks.

Mr. McCoppin said he believes there is some type of fence already there, maybe wooden and we probably will get some type of fence to keep people from going to the rail road tracks and is an insurance issue for us.

Mr. Fehr showed photographs of the property, including some of the existing storm drain, the drive way, the tree line towards the back.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Public portion of hearing closed.

Ms. Wiant made a motion to approve RZC 11-01, Mike McCoppin, Major Change to existing B-PUD (Business Planned Unit Development), Madison Township subject to staff recommendations. Mr. Brown seconded the motion. Motion carried.

Mr. AYES: Wiant, Brown, Flaig, Potter, Bullington

NAYES: None

Resolution: #11.23

PRELIMINARY PLATS:

Grace Meadows, Phase 1B & Phase 2

Section 36, Town 3, Range 2
West Chester Township

Mr. Fehr said showed an aerial image of the property and said this is a reapproval of an expired preliminary subdivision plat and the property is located on Tylersville Road. There have been a first couple of phases constructed and there is an entrance to the subdivision right on Tylersville Road and there are two (2) piece of property still undeveloped (outlined in blue).

Mr. Fehr said the Board has seen this previously prior to the expiration of this plat. The applicant is asking for reapproval today.

Mr. Fehr showed the proposed subdivision layout and on the east side of the property the existing stub street will be extended to the north and tie in to the existing stub street in Preston Ridge subdivision so there will be a connection there and they are showing one (1) cul-de-sac over towards the east and on the other side of the property there's an existing stub street to the west and then the existing stub street towards the north will end in a cul-de-sac street.

Mr. Fehr said staff comments are in the Board members' packet and gave an overview of them.

Mr. Fehr said Staff comment #9 has to do with a street name change and we do not have any addresses assigned to it because there is just a stub street.

The developer of this property chose a different street name so they will have to submit for a street name change for the small stub street and it is not a big deal but we want to make sure it gets done.

Mr. Fehr said staff condition #14 pertains to one lot that kind of sits back here, Lot 41, and there is an existing overhead Cincinnati Gas & Electric electric easement and ask that the applicant identify the location of the driveway for Lot 41.

Mr. Fehr said regarding the drawing that was submitted, staff condition #15 the applicant indicated it would be an open space lot, and after a conversation with the engineer, they may wish to develop that piece at some point in the future so the way we recorded it is the developer does have a right to develop Lot 69 at some point in the future subject to West Chester zoning approval and County approval.

Mr. Bullington asked what it would connect to.

Mr. Fehr said he was not sure.

Mr. Richard Arnold, McGill, Smith, Punshon, said there is a possibility that it would come out Senour Drive or it would cross the creek.

Mr. Fehr said the problem is there is a pretty good little ravine through here so it may not make sense to put a street in there and perhaps make more sense to come in off the high end of the hill back in there.

Mr. Potter asked about the building setback is 90 feet in staff comment item #13.

Ms. Santel replied that is not a 90 foot setback from the right-of-way that means at the setback building line it is 909 feet at the right-of-way line.

Mr. Potter said he understands it now, and thinks it needs to be reworded better.

Mr. Bullington agreed and that the verbiage in item 13 needs to be changed to "please verify with West Chester Township that Lot 49 meets the 90 foot width requirement at the setback".

Mr. Brown made a motion to approve the Preliminary plat for Grace Meadows, 1B & Phase 2, Section 36, Town 3, Range 2, West Chester Township subject to staff conditions including the suggested change in verbiage for item #13. Ms. Wiant seconded the motion. Motion carried.

AYES: Brown, Wiant, Flaig, Potter, Bullington

NAYES: None

Resolution: #11.24

**Carriage Hill
Section 32, Town 3, Range 3
Liberty Township**

Mr. Fehr said this is also a reapproval of an expired subdivision plat and we also have a new developer on the project so there has been modification.

Mr. Fehr showed an aerial image of the property and indicated its proximity to Millikin Road and said the main entrance to the subdivision is on the south side of Millikin. The applicant is asking for approval on a preliminary plat which is basically two (2) pieces and there would be an extension of Winding Creek Boulevard (area in blue) and then a second street that would run to the west and wrap around.

Mr. Fehr showed a master-plan like display of the property and they are only asking for preliminary plat approval for the areas here and here (pointed to on map) however, we asked them to give us an idea of how might the property be developed in its entirety and to consider the future development to the south.

Mr. Fehr said staff comments are in the packet and the project is being renamed from "Winding Creek" to the new subdivision "Carriage Hill" because it is a different developer. Mr. Fehr gave a brief overview of the staff conditions.

Mr. Potter said as he looks at this he does not want to create any undue hardship for the developer in these economic times, however, Lots 10 – 18, 31 and 32, about 10 lots that back on to the existing pond. It appears to him there is a hiker/biker trail set up there for the master plan that runs along, in the future development he sees only three (3) lots that back up to that pond and he wonders why because it is pretty well surrounded by as far as what they are approving today, and asked why that pond was not included in this approval as opposed to being approved in the future because it appears to him that it impacts what we are reviewing today a lot more than what it impacts in future development and if anyone wants to comment about that.

Mr. Fehr said we can add that as another staff comment and Mr. Eric Pottenger, Butler County Engineers Office, the developer and himself to review it.

Mr. Arnold stated the developer is not here today and the open space has not been totally scoped out and basically we are trying to maintain flexibility.

Mr. Potter said that is a nice amenity and it impacts more of what they have laid out here than it does in the future and was there some way possible, without a lot of hassle, to survey that in to the plan but has a problem with making it a staff condition because it may cause them huge problems that are not worth what he feels would make a nice improvement and be prohibitive from the standpoint of what they actually have to do to make that happen.

Mr. Fehr reminded the Board that this is a preliminary plat and that is something they could look at later in time.

Mr. Potter said that might be the best thing to have comments now that say, for final approval that may be up for consideration.

Mr. Potter made a motion to approve preliminary plat for Carriage Hill, Section 32, Town 3, Range 3, Liberty Township and all staff comments and adding item #20, that consideration be given at the time of final approval of adding the existing large water body to the final plan of Carriage Hill/Winding Creek. Ms. Wiant seconded the motion. Motion carried.

AYES: Potter, Wiant, Brown, Flaig, Bullington

Resolution: #11.25

FINAL PLATS:

**Ross Estates, Section 2, Block D
Section 3, Town 3, Range 2
Ross Township**

Mr. Fehr said this is final plat is in Ross Township and we saw Ross Estates, Section 2, Block C not too long ago.

Mr. Fehr showed an aerial image of the property and its proximity to Black Road is just off the aerial, and the property being reviewed today is outlined in blue. They propose to take the existing street due east, there is a knuckle and grading plan to the south then make a loop configuration.

Mr. Fehr showed the actual subdivision plat and said there will be one stub street to the north and that was a requirement of the preliminary plat to allow access in the future and they have met all of our preliminary requirements and this is a final plat so it would be subject to bond and staff does recommend approval.

Mr. Bullington said he did not see a street profile and asked if this is a curb and gutter.

Mr. Fehr said yes, curb and gutter, sidewalk, public water (Southwest Regional) and public sewer (Butler County).

Mr. Bullington said it appears on page 2, it shows existing utilities and public drainage in the middle of the street.

Mr. Fehr said what they've done in the current phase is they will vacate this plat and was something done on a previous section and in order to make it align correctly, that little piece there will be vacated.

Ms. Wiant made a motion to approve the final plat for Ross Estates, Section 2, Block D Section 3, Town 3, Range 2, Ross Township. Mr. Brown seconded the motion. Motion carried.

AYES: Wiant, Brown, Flaig, Potter, Bullington

NAYES: None

Resolution: #11.26

OTHER BUSINESS:

None

ADJOURNMENT:

Ms. Wiant made a motion to adjourn. Mr. Brown 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
July 12, 2011

Chair

Secretary

Lee Margraf