



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

**MEETING MINUTES**

**MEETING:** Tuesday, March 10, 2015, 3:00 p.m.

**ROLL CALL:**

**Present:** Charles Bullington, Chair  
David Baker  
G. Coe Potter  
Bernard "Buck" Rumpke  
Shirley Wiant

**Absent:** Steven Brown  
Kevin Cooney  
Beth Surber

**Staff Present:** Peter Z. Acuff, Dept. of Development  
Lee Margraf, Dept. of Development  
Constance Kepner, Butler County Water & Sewer Department  
Eric Pottenger, Butler County Engineers Office

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Meeting was brought to order at 3:05 p.m.

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**APPROVAL OF MEETING MINUTES:**

Mr. Potter made a motion to approve the January 13, 2015 draft Meeting Minutes as submitted. Ms. Wiant seconded the motion. Motion approved.

**AYES:** Potter, Wiant, Baker, Rumpke, Bullington

**NAYES:** None

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Mr. Baker made a motion to approve the February 10, 2015 draft Meeting Minutes as submitted. Ms. Wiant seconded the motion. Motion approved.

AYES: Baker, Wiant, Potter, Rumpke, Bullington

NAYES: None

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## **ZONE CHANGES:**

### **RZC 15-02**

Beck Property A-1 (Agricultural) to R-PUD (Residential Planned Unit Development)  
Section 14, Town 5, Range 1  
Oxford Township

Mr. Acuff said the applicant's request is to change the zoning from Agricultural to Residential Planned Unit Development on two (2) parcels totaling 85.48 acres and noted there is a conservation easement held by Three Valley Conservation Trust across the property. The applicant wishes to develop five (5) residential buildings on two different areas on the property (shown on map).

Mr. Potter stated he is directly involved with this project and said he would like to recuse himself from this case and move out to the audience until the next case.

Mr. Bullington granted Mr. Potter's request.

Mr. Acuff gave a summary of the request and showed an aerial image, plat map of the property and highlighted staff comments. Mr. Acuff stated there is a letter of support from the Oxford Township Trustees in the Board packets which states the proposed development conforms to the Township Land Use Plan and they are in support of the rezoning.

Mr. Acuff said staff initial review was to recommend denial but since that time the applicant has submitted revised plans and staff is now recommending approval, despite their initial reservations, subject to staff comments with an additional condition which came through today from the County Engineers office's request for the applicant to work with their office to ensure a subordination agreement is in place on the conservations easements for an expanded right-of-way consistent with the Butler County Thoroughfare Plan.

Mr. John Delverne, Bayer Becker, 6900 Tylersville Road, Representing the applicant, gave further details on the amended application for the project and said they will work with the Engineers' Office to dedicate the right-of-way along Somerville Road as requested and comply with staff comments and said Mr. Randall Arendt is also here to talk more about the conservation and land uses here. As mentioned, the Three Valley Conservation Trust (referred to 3VCT) holds an easement over the 85 acres in four (4) different types of zones and the conservation easement does allow for the development of five (5) residential homes. He said they met with the 3VCT and feels they are all going in the same direction.

Mr. Randall Arendt Professional Conservation Planner, architect and landscape designer, 6 Sparwell Lane, Brunswick, ME 04011, introduced himself and his credentials as a professional conservation

planner for several decades and have written several books on the subject. Mr. Arendt said he was asked to look at the property and suggest ways the initial layout may be improved while avoiding impact on the habitat of the land and minimize the impact on the rural character of the land and woodland habitat. He shared images of the various options in developing conservation zones where some designs are better than others when it comes making the least impact on the rural character while getting the full density that is allowed on the property and said he recommended such things as public water to avoid excess drilling; careful consideration of where the driveway would be located and minimize the impact of development. He added quite a lot of thought went into the siting of these development areas and believe it is quite an improvement over the initial plans of development with 83% open space and he is very pleased to have been asked to work on this and offered to answer any questions.

Mr. Rumpke asked if the applicant owns the property to the north, to which Mr. Acuff replied he did not believe so.

Mr. Rumpke asked who owns the property and the 85 % open space.

Mr. Arendt explained the land is owned by the Beck family and they gave the property as a conservation easement to 3VCT and allows no more than five (5) residences be developed on the conservation easement/Beck legacy.

TESTIMONY IN FAVOR OF: Liz Woedl, 6505 Buckley Road, Oxford Township; Gary Salmon, 7350 Brookville Road, Oxford Township

Ms. Woedl stated she lives less than two (2) miles from the conservation easement and is the Executive Director for 3VCT and have also worked as a volunteer there since 2001. She said the 3VCT was quite pleased to work with the Beck family that had such a strong land conservation ethic and their generosity for their donation to the Trust which is rarely seen. She said the area is teeming with beautiful meadows and a variety of trees and vegetation and allows Miami University to help with the meadow and she is very pleased with the redesign of clustering the homes in the PUD and the configuration. She added that Mr. Beck has more property under an easement being used by a tenant farmer on Morning Sun Road but not adjacent to this property.

Mr. Salmon, Oxford Township Trustees President, said he is here on behalf of the Township Trustees and said the proposed project is very compatible with the Land Use Plan approved in 2008 and are proponents of clustered housing and they are excited this is moving forward and hopes to see more cluster-style development throughout Butler County. He said on a personal note, he knew Mr. Beck from High School and anything the Beck family wants to do will be done professionally and in good taste.

TESTIMONY IN OPPOSITION OF: Peter Lask, 5757 Somerville Road, Oxford Township; Darlene Bonta, 5926 Somerville Road, Oxford Township; Sam Iden, 5980 Somerville Road, Oxford Township

Mr. Lask said he is the immediate neighbor and the most impacted by this development and said he has nothing but respect and a supporter of 3VCT and when he purchased his land to the south of the easement he did so because the trust was to build on the other side and now the development proposed is closer to his property and when he purchased the land it was his understanding that the conservation easement would be in perpetuity to remain as is and suddenly it's been pulled out and he had no say to address the trust meeting to have a say in it and while there has been a lot of thought in the design, but he will be impacted by it – the woods nearby are not high quality trees but rather honeysuckle vines, ash trees which are doomed unless they are treated from Ash Borer invasion, so what he has behind him and he can see the sodium vapor light through high-quality woods over a further distance and there is nothing to stop

someone from putting in a Beagle kennel in back there and he is concerned about the impact of this development so close to his home and he has reservations about it. He said he has invested more than half a million dollars in his home and is concerned about the potential sound pollution, light pollution and reduced privacy that will impact his home and has concerns that someone could put a dog kennel out there and create noise and its impact on the rural peaceful character of the area; and he understands the 3VCT's efforts for conservation it degrades the living experience on his property said he received no notification of the Trust's or Township Trustee's meetings on this and was not asked for his input or concerns. He said he is also concerned about the area labeled "residential buffer system" and doesn't want to see septic going in and the intrusion of clearing the supposed woodland in order to put the mound systems in with large equipment and they have not delineated where those will be and is concerned they will further reduce the buffering between his property and the houses being developed and if they do go ahead with this he suggests they increase the buffering because the location of the homes are also not defined here nor the mound systems.

Ms. Bonta said she is opposed to this in large part by the way it was handled and they received no notification of the Trustees meeting and had just three (3) days from the notice of this hearing for them to prepare for this meeting. They relied on the sign that said Trust in Perpetuity and relied on the location between Miami and a conservation area and said it's the inclusion of this entire region of the PUD and it allows the owner to do as they please and feel this was a misrepresentation by the Conservancy and thought the buffer was secure and wonders why they need to go from one tax base to another unless it was for some financial reason and they fear for future development.

Mr. Bullington said his understanding of the trust is once it is dedicated to the conservancy there will not be any additional changes.

Ms. Bonta commented this is the only government body she has to ask for consideration of her preferences and unless they can put in a deed restrictions who will oversee that and asked the board to please consider the existing property owners around the easement.

Mr. Iden said ditto to those who spoke in favor of this and ditto to those who opposed the development as well. He said he has concerns about the trust in perpetuity –and quoted statements made earlier, like "minimize impact" and wants to know why this will be developed and why chop up more conservation land up in the county why don't they building on existing land elsewhere in the County and stated this development is not necessary on such beautiful land.

NEUTRAL TESTIMONY: Randall Arendt

Mr. Arendt said he sees some potential solutions: to add, such as limit outdoor security lights so that people to the south or east of the project are shielded and will not have to see them, forbid any kennels and he made a correction in stating stated the leaching fields/mound systems will not be in the buffer area but will be in the small areas designated in the residential area.

Mr. Baker asked if it is Mr. Beck that is building this.

Mr. Arendt said one (1) house is a potential that Mr. Mike Beck may build and as far as he knows the other three (3) are not.

There was further discussion on the location of the proposed houses and where the leaching lines will be located.

Mr. Rumpke asked the 3CVT about the sign mentioned by the speakers stating the land is trust perpetuity.

Ms. Woedl said she would have to see the sign and the easement has always allowed for five (5) homes since it originated and it is public information and there are many restrictions on it.

There was discussion between Mr. Rumpke and Ms. Woedl about the sign and what “permanently protected” means for this easement.

Mr. Arendt explained the easement means the surrendering of property rights and any future development except for the ability to develop five (5) homes and that has not changed since 2003 and the original easement allowed for five (5) homes.

Mr. Acuff stated the easement is defined as the entire property and within it there are five (5) residential structures are allowed within the conservation trust agreement.

Mr. Bullington made a motion to recommend approval for application RZC 15-02, Beck Farm, Section 14, Town 5, Range 1, Oxford Township as submitted. Mr. Rumpke seconded the motion.

AYES: Bullington, Rumpke, Baker Wiant

Mr. Acuff said the next step in the process is this case will be heard at the next Rural Zoning Commission hearing scheduled for 7:00pm on Monday, March 16, 2015.

## **RESOLUTION #; 15.07**

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### **WCTZ 15-01**

Continental Properties, M-2 to R-PUD  
Section 33, Town 3, Range 2  
West Chester Township

Mr. Acuff gave details on the proposed development and showed an aerial image of the property, currently Varnau’s West Chester Garden Center and said this is similar to an application we heard from them last month for development in Liberty Township.

Mr. Acuff said staff has reviewed this and recommends denial of the application because it does not conform to the West Chester Township Land Use Plan and the Township Trustees oppose it for the same reason. Mr. Acuff highlighted comments/conditions should it move forward.

Representing the applicant, Ms. Sara Johnson, Continental Properties, W 134 N 8675 Executive Parkway, Menominee Falls, WI, introduced herself and gave a brief overview of the history and projects completed by Continental properties, then showed a presentation with detailed information and renderings of the proposed residential development and the numerous amenities it will offer and said they believe it will complement the existing Kids R Kids Learning and gas station nearby and the adjacent Towne Centre as well. She offered to answer any questions from the board.

**TESTIMONY IN FAVOR OF:** None

**TESTIMONY IN OPPOSITION OF:** None

**NEUTRAL COMMENTS:** None

Mr. Bullington made a motion to recommend denial of WCTZ 15-01, Continental Properties, M-2, to R-PUD, Section 33, Town 3, Range 20, West Chester Township as it does not conform to the Land Use Plan as presented. Mr. Potter seconded the motion. Motion carried.

AYES: Bullington, Wiant, Rumpke, Baker, Potter

NAYES: None

**RESOLUTION #: 15.08**

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**LTZ 15-03**

Liberty Township  
Zoning Resolution Text Amendments  
Liberty Township

Mr. Acuff said there are two (2) parts to LTZ 15-03 – Liberty Township is creating a new RA-1 zoning district that would protect the existing and future residential uses to ensure that parcels are zoned to be consistent with the adopted Land Use Plan. It involves text amendments as well as map amendments and must be approved individually for consideration.

Mr. Bryan Behrmann, Director of Planning and Zoning, Liberty Township provided details on the proposed amendments and said it will impact A1 districts adjacent to R1 districts and will be redistricted to RA1 where the installation of a cell tower will be a conditional use now requiring additional restrictions including space and buffering requirements.

Mr. Potter said he applauds the township for their actions on this and vision as to cell towers' adverse impact on property next door.

Mr. Rumpke made a motion to recommend approval of LTZ 15-03, Liberty Township Zoning Resolution Text Amendments, Liberty Township as submitted. Mr. Potter seconded the motion. Motion carried unanimously.

**RESOLUTION #: 15.09**

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**LTZ 15-03**

Liberty Township  
Zoning Resolution Text Amendments  
Liberty Township

Mr. Acuff said this is the second portion of LTZ 15-03 and concerns the map amendments to incorporate the text amendments.

Mr. Baker made a motion to recommend approval of LTZ 15-03, Liberty Township Zoning Resolution Text Amendments, Liberty Township as submitted. Mr. Rumpke seconded the motion. Motion carried unanimously.

AYES: Baker, Rumpke, Potter, Wiant, Bullington

**RESOLUTION #; 15.10**

**PRELIMINARY PLATS:**

**Bridle Farm, Sections Two & Three**

Section 21, Town 3, Range 3  
Liberty Township

Mr. Acuff showed an aerial image and plat map of the area for the 54 lots on 23s acre in Sections Two and Three gave details on the project and highlighted staff comments including requirements on road connections and construction of the bridge over the creek. Mr. Acuff said staff does recommend approval subject to staff comments.

Ms. Wiant made a motion to approve the preliminary plat for Bridle Farm, Sections Two and Three, Section 21, Town 3, Range 3, Liberty Township subject to staff comments. Mr. Rumpke seconded the motion. Motion approved unanimously.

**RESOLUTION #: 15.11**

Developer, Mr. Jason Brunk, 5492 Rodeo Drive, Liberty Township, addressed the Planning Commission, and said he would like to request they be allowed to develop from south to north due to the expense of the bridge and he will funding it out of his own pocket and asked for consideration to allow them to start construction from the south to the north.

Mr. Acuff said the staff remains firm on requiring construction of the bridge for connection to the north during the first phase of development and suggested the developer discuss it further with the Butler County Engineers Office seeing this is just at preliminary plat stage.

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**The Woods of West Chester Village**

Section 11, Town 2, Range 2  
Liberty Township

Mr. Acuff showed an aerial image and plat map of the area and highlighted staff comments and said staff recommends approval of the preliminary plat subject to staff comments and Township requirements.

Mr. Rumpke made a motion to approve the preliminary plat for The Woods of West Chester Village, Section 11, Town 2, Range 2, Liberty Township, subject to staff comments. Mr. Bullington seconded the motion. Motion approved unanimously.

**RESOLUTION #: 15.12**

**FINAL PLATS:** None

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**OTHER BUSINESS:**

**Elect Butler County Planning Commission Chairperson for 2015**

Mr. Acuff asked if there were any nominations to elect a chairperson for Butler County Planning Commission 2015. Ms. Wiant nominated Mr. Bullington as chairperson.

Mr. Acuff asked if there were any additional nominations. There were no other nominations.

Ms. Wiant made a motion to nominate Mr. Charles Bullington as Chairperson for Butler County Planning Commission. Mr. Potter seconded the nomination.

AYES: Wiant, Potter, Baker, Rumpke, Bullington

NAYES: None

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**RESOLUTION#: 15.13**

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**Elect Butler County Planning Commission Vice-chair person for 2015**

Mr. Bullington asked if there were any nominations for Vice-chair person.

Mr. Bullington nominated Mr. Kevin Cooney as Vice-chairperson for Butler County Planning Commission. Mr. Acuff asked if there were any additional nominations. There were no other nominations.

Mr. Baker made a motion to elect Mr. Cooney as Vice-chairperson. Mr. Potter seconded the nomination.

AYES: Baker, Potter, Rumpke, Wiant, Bullington

NAYES: None

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**RESOLUTION#: 15.14**

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## **ADJOURNMENT**

Ms. Wiant 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  
March 10, 2015

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Chair

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Secretary

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Lee Margraf