

BUTLER COUNTY PLANNING COMMISSION
Butler County Administration Center
Hamilton, Ohio

REGULAR MEETING: Tuesday, May 12, 2009; 3:00 p.m.
Butler County Government Services Center
315 High Street, Conference Room 1
Hamilton, Ohio 45011

MEMBERS PRESENT:

G. Coe Potter, Chair
Steven Brown
Charles Bullington, Co-Chair
Kevin Cooney
Charles Disney
Joseph Tucker
Lynn Nevel

MEMBERS ABSENT: Chris Flaig

STAFF PRESENT: Doug Dirksing, Butler Soil & Water Conservation District
David Fehr, Planning Director
Constance Kepner, Butler County Water & Sewer Department
Eric Pottenger, Butler County Engineers Office
Joseph Schmidt, Senior Planner

CALL TO ORDER:

Mr. Potter called the meeting to order at 3:00 p.m.

APPROVAL OF MINUTES:

Mr. Disney motioned to approve the April 17, 2009 meeting minutes. Mr. Bullington seconded the motion. Motion carried.

AYES: Disney, Bullington, Tucker, Brown, Potter, Cooney

ABSTAINED: Nevel

NAYES: None

ZONE CHANGES FOR APPROVAL:

RZC 09-02

Safe Haven Farms, Change from A-1 (Agricultural District) to PCD
(Planned Conservation Development District)
Madison Township

Mr. Schmidt said Safe haven Farms is located in Madison Township and is almost 60 acres, the current zoning is A-1 Agricultural District and the proposed is Planned Conservation Development District.

Mr. Schmidt showed an aerial image of the property and indicated the location of the property (circled in yellow) and said most of the frontage along the property here is along No Man's Road and at the intersection of Dickey Road.

On the map, Mr. Schmidt pointed out where the existing driveway, house, horse barn and out buildings were located.

Mr. Schmidt showed a Zoning map of the area and said the zoning for the area is all green (Agricultural zoning) and that is what this property is as well as the surrounding properties.

Mr. Schmidt said the Land Use Plan also calls for this to be Agricultural use according to the Butler County Land Use Plan. The definition for an Agricultural area is, "Land that is most suitable for cultivation of crops, the raising of livestock, or other types of related farm uses". The uses being proposed on the site are animal care, gardening, landscaping and residences, but there will also be some uses such as crafts and learning skills proposed to take place on the property.

Mr. Schmidt showed a copy of the layout of the property and said this was in the Board members' packets as well, and said there has been a change since this was sent out in the mail to the Board, they are now showing a softball field and a basketball court, which was not on the original plan mailed out.

Mr. Schmidt said in the Zoning Regulations, for a Planned Conservation Development there is a requirement of a maximum per acre residential which is 4.8 units per acre and that means that the circumstances, the applicant could go up to 4.8 units per acre if they wish, but what they are proposing today is much less. They are proposing six residential units on the property, which comes out to .1 units per acre.

Mr. Schmidt said Planned Conservation Development is something that we've talked a lot about in the County but this would be the first actual zone for Planned Conservation Development and what the idea of Planned Conservation Development District is to keep at least 50% of an area as open space in perpetuity. The applicant actually has 58.6% of the property to remain as open space and means it can only be

used for trails and those types of things – not a very active use and especially in certain areas – many areas are very appropriate to keep in conservation because there is a nice wooded area and also on the west side of the property – for the purpose of keeping a buffer from the western- side property owners.

Mr. Schmidt said in the Planned Conservation Development we want it keep an agricultural feel to the area and when the County proposed this in the Zoning Code a couple of years ago, we felt that was a very important thing to keep it agricultural in nature, especially in places that have rural character – as this is in Madison Township, and with that there is a requirement to screen any new buildings which would include any housing units. If it cannot be seen from the road, or if it is screened currently, they would not be required to have any new screening, this would also include any pool facility or softball facility or anything like that that can be seen from the road to ensure keeping that rural character.

Mr. Schmidt said the proposal right now is for the six (6) houses (identified location of them on the map) in the dashed area, but is not a final proposal yet there. If indeed this were to be approved for Planned Conservation Development they would have to show us the exact location of those houses.

Mr. Schmidt said they do have preliminary approval for a septic system that would bring all of the sanitary sewage out to this area out here (as identified on the map) and there would be leach fields out here for all of those systems. The Health Department has given them approval for that.

Mr. Schmidt identified some parking lots on the map which they would like to include for any visitors to the property.

Mr. Schmidt said the people living here will be adults with Autism and the main goal for this development is to serve these people.

Mr. Schmidt showed renderings of the proposed housing units with front elevation, current floor plan. There are four bedrooms, bathrooms, living space, dining area and kitchen area and a laundry area also. Each individual will have a bedroom and share common living space.

Mr. Schmidt said there will also be a “day-hab” building similar elevation to the house and it would contain a community room, a craft center, a small conference area for the residents and also a learning center. He then indicated the “day-hab” building’s proposed location.

Mr. Schmidt said there is also a proposed swimming pool and two greenhouses (as indicated on the map).

Mr. Schmidt showed some photographs of the existing driveway that goes back to the existing house, and said there already is a lot of buffering that exists on the property in

the area that would buffer the newly proposed houses.

Mr. Schmidt showed where the proposed housing will be located and how buffered the area is. He showed a picture of the existing house and said it would be used as an office. Other photographs were shown of the driveway entrance, the existing barn, and various pictures around the property including the areas for conservation.

Mr. Schmidt said there is a buffering requirement and major buffering especially for the proposed housing area and it would require buffering along the southern part of the property so it can not be seen from Dickey Road.

Mr. Schmidt said staff is recommending approval for this Zone change and stated there are 18 conditions in the Staff Report.

Mr. Schmidt highlighted a few of the 18 recommendations, including

- Item 1 - The purpose (and associated uses) of the proposed PCD is to have a development that serves adults with autism.
- Item 3 – Screening requirements from No Mans Road and Dicke Road
- Item 6 – Mounding and landscaping requirements along the southern property line

Mr. Schmidt said the County Engineers' office wants to make sure there is enough right-of-way; internal roads are up to code and to make sure there is enough water flow for fire suppression.

Mr. Schmidt said staff is recommending approval with the 18 conditions.

Applicant, Dennis Rogers, 8284 Cardnia Court, Liberty Township, Ohio, said he is here representing Safe Haven Farms which is a non-profit group that was formed in 2007 by families who are parents of adult children with autism and we have been working for almost four years on this project consulting with a lot of people, stake holders in the MRDD field around the country for this kind of program and we think we have a really good program that will benefit a lot of people in this area and appreciates the chance to come talk about it today.

Mr. Rogers said Mr. David Wright, Kliengers, has more details on the site plan and things like that but he wants to give a little more detail on the background and what and why they are going to do this in the first place.

Mr. Rogers said as children age out of school, where they have mandatory services, what you find in the adult world is that there are very few services that are appropriate for adults with autism. There are lots of wonderful programs run by MRDD but our program is also unique – and a lot of the programs that are out there today really don't serve the needs of adults with autism and so often what happens is they end up isolated in a home or community home where they happen to be living without any

programs to go to, or the day programs have staff that really don't understand autism and that causes a lot of issues, the quality of their lives is not as good as we (parents) would like it to be – so that is one of the problems we are tackling here and the bottom line is to provide quality of life to our kids and, as every parent worries, we worry about what will happen long term, and autism is not like Down's Syndrome where the life span is limited, people with autism are not medically-fragile or have major medical issues no different than you or I have, and they will probably outlive the parents, so who will take care of them, what kind of community will they be in and that is what prompted us to start this whole journey.

Mr. Rogers spoke a little about autism for those who are not familiar with it – stating it is a neurological disorder, no known cause, no-known cure, life-time disorder that is considered a “spectrum disorder whereby there is a wide variation from one end of the spectrum to the other – on one end you have individuals who have minimal mental retardation who may in fact be very gifted, or have certain language issues or social issues or strange behaviors – and that end of the spectrum is Asperger's syndrome and there are a lot of issues for parents of people with Asperger's as well, trying to get the right services. At the other end of the spectrum often is mental retardation, and about 50% of the people with Autism do suffer from mental retardation – many who do not speak or have a very limited vocabulary- such as his 24-year old daughter, Emily, she lives in a house in Middletown right now and has 24/7 staff with her and she speaks about 100 words and is not really verbal, and so you have to do special things as you work with them – they are very visual learners and there is a certain structured way that they learn and you need to arrange their day and their activities. They often suffer from auditory sensitivities and can hear things that the average person can not even hear, and they can not filter out background sounds such a rustling of papers and it bombards their sensory system and makes it tough for them to focus on direct communication and things like that so you will see them cover their ears a lot or run out of a building if it gets too noisy and overwhelming to them.

Mr. Rogers said he tried bringing his daughter to an MRDD workshop which are wonderful places but there are 100 people with a concrete floor and metal desks and you get people that are laughing, talking and it is overwhelming to those with Autism that have auditory sensitivities and they also have anxiety and difficulty with transition from one place to another and are frightened when they have to get out of the van and can not ask questions so there are a lot of transition issues and anxiety and they really need structure, visual cues and it is a rather unique disorder and takes certain skills to work effectively with them.

Mr. Rogers said autism is rising in prevalence – the Center for Disease now quotes 1 in 150 new births will have autism and has risen by about 15% in the last two decades and it is overwhelming the schools right now and very soon this increase will lead to adults and we really do not have enough services for autistic adults right now and the projections are, in twenty years there will be three times the need in adult services and the whole country and Autism community is looking for new ways and models on how to serve those who are affected.

Mr. Rogers said the “Farmstead Model” is an approved model – there are actually six farms like this in the United States and this would be the 7th, to serve people with Autism exclusively, and there some other farms with people with mixed disabilities but in terms of Autism, there are only six that they have been able to locate and there are many others in the pipeline in several other states and there are another 6 -8 in Europe which is where they actually started and he has been to all of the farms in the United States and the more he has visited the more convinced he became that this model really is a good model and really does work – the farm environment, quiet and very visual work that they do there (instead of putting bolts in a box or sweeping a floor where they don’t understand why they are doing that) – that planting, growing and watering plants them grow, picking tomatoes, putting them in salad, eating them – and taking care of the animals right there – we plan on having horses here and dogs and cats, and all this is very therapeutic for people with Autism and physical activity for them is very calming so obviously there is a lot of work on farms and the residents will actually do the gardening, care for flowers, vegetable gardens, work the green houses, take care of feeding and cleaning up after the horses, under trained staff supervision.

Mr. Rogers gave more information on the Bittersweet Farms, located in Toledo, Ohio which has been in business for 25 years and is kind of the model for which the other farms in the country measure themselves and we have been working with them, and they have adopted us and mentoring us very closely and all of the families involved have been up there.

Mr. Rogers said the concept is, “Live, work, learn and play” on one campus so people with autism can be comfortable and can go from one venue to the other and it is not stressful, they are doing meaningful work, participating in the farm life, creating meaningful products for the community and will have things like community supported agriculture, so if you’re a neighbor or relative or staff and you can buy a share in the gardens and you’ll have vegetables given to you from the garden and things like that, and there will be crafts there, a learning center in our “day-hab” (stands for day rehabilitation) building and those are the kinds of things we will be doing on the farm and it is focused on autism so that they staff are experts in dealing with autism, how to teach people with autism and help them develop skills and things like that.

Mr. Rogers said all six farms in the U.S. are full, they have long waiting lists and no turnover so there really is a need for these and there are several on the way throughout the U.S. right now.

Mr. Rogers said they found this beautiful property from Mr. Puccio and it really fit with the vision we had and talked with the Zoning Department Planning Staff about what we wanted to do and they suggested a Planned Conservation Development which, when I read through the regulations, sounds very close to what we want to do and we want to leave a lot of the land undeveloped, we want it to be a quiet setting,

peaceful and want to be good neighbors and he thinks it is a good fit and there is a lot of land to leave undeveloped with a nice buffer, trails and things like that and it sounds like a really good fit – we also want to keep this a working farm and run by adults and staff and keep that flavor.

Mr. Rogers said there will be four residents (houses) in phase one and in a couple of years they will build the last two – with a maximum of six houses, they do not want more than that or a build congregation of a whole bunch of people with autism, we want to keep it small and simple and restricting ourselves.

Mr. Rogers said they will have onsite staff 24/7 that will be fully trained in autism and dedicated to this project – not working elsewhere in the community and showing up here one day – it will be dedicated staff.

Mr. Rogers said exercise is another key issue so that is why they will have a softball field, basketball court and may also have some therapeutic horseback riding – it is a big thing for people with disabilities. They will not need as many stalls in the big barn as Mr. Puccio has now – we'll have just a handful of horses.

Mr. Rogers gave a little background on the founding families. There are 8 families who collectively have 250 years experience working with adults with autism that are their children, there are retired executives from GE Aviation, former employees of Common Pleas court, two company presidents, small business owners, psychiatrists, a published author, technical writer, 3 former teachers, two are members of the Regional Autism Advisory Council which deals with services for autistic adults and so we are very well-connected that way. They have two current MRDD board members and two former MRDD Board members with a total of 30 years Board experience within the eight founding families. He added that it is very committed group of parents that have a lot of experience and have seen a lot of programs over the years, done a lot of research and feel this is a good thing to do.

Mr. Rogers said they have outside Directors on their Board, the Superintendent of Butler County MRDD is on our Board, a physician who works with people with disabilities, an attorney that has been on the MRDD Board, a retired manager from Proctor & Gamble, and a life pastor and IT professional for Hewlett Packard are outside Directors on their Board. He added that they also have a strong service partner – and Safe Haven Farms will actually be the landlord and will own the land, own the buildings and will charge rent to the residents and charge rent to the service provider and that is the company that comes in and actually does the direct staffing and remains on the site. The existing house would be converted in to an office building whether it be five or six managers there and someone would be on call any time and there would be direct care staff all the time.

Mr. Rogers said the provider which they are in the process of selecting has about 25 years of experience working in the field and knows a lot about this and we are really happy with that.

Mr. Rogers said they really think this will be a win-win proposition and think to the families and those with autism this will provide meaningful activities and skilled development and help their self image and things like that and it will really improve the quality of life which is what we are after. It will also provide supply a lot direct care and professional jobs in Madison Township and Butler County and the surrounding areas and provide staffing needs, construction jobs for the project to build the six houses and most importantly it will enrich the community – anyone that worked with people that have disabilities, they would all agree that their lives have all been enriched by that process and we want to work with the community and get people involved and the whole community will be better because of that.

Mr. Rogers said they are really committed to making this work – it is our sons and daughters and we care about it for the long term and think we have the right programs put together and good MRDD support from Butler County and surrounding counties, good community support (and has submitted many letters of support to the Planning Commission members) and we want to make this a success and this piece of property is just perfect for what we're doing and we would really appreciate your support in rezoning this.

Mr. Rogers introduced Mr. Dave Wright.

Mr. Wright said he is from Kleingers & Associates and showed a rendering of the latest master plan which they worked on for several months and indicated that hatched area where the houses will be built and the intention is to have six residential units that will come around a “loop” road which will be a one-way road and the intent of this is to divert traffic away from the loop and so the residents could actually walk around the loop road and get some exercise out there.

Mr. Wright said the rendering does show, fairly accurately, the existing tree limits are – and pointed out that all of the area colored green indicates trees and will remain trees; the smaller trees around the existing home are to remain and have situated the homes such that there should be minimal amount of vegetation that will be taken out. This will provide a buffer and to provide a more-secure, secluded area for the residents on the property.

Mr. Wright offered to answer any questions. No questions asked.

IN FAVOR: Ann Rogers, 8284 Cardnia Court, Liberty Township, Ohio; Kathy Bolduc, 822 Carini Lane, Cincinnati, Ohio; Melanie Moon, 4720 Deer Run, Middletown, Ohio; Connie Back, 7750 Dicke Road, Madison Township, Ohio; Alan Daniel, Madison Township Trustee; Walter Leap, 6364 Elk Creek Road, Madison Township; James Burnes, 5921 No Mans Road, Madison Township, Ohio

Ms. Rogers said as Mr. Rogers mentioned, he went and visited all six farms in the United States and she was able to go with him to four of the farms – in Arizona, Iowa, New Hampshire and many times up to northern Ohio and just wanted to comment

that at every one of those farms, she could not get over how quiet and peaceful it was there and this is the environment for my daughter and her friends. There was such an atmosphere of loving and caring and you could just tell the care givers enjoy working in this environment and understood the people and they love them and showed such respect for them – its just amazing – at all four of the farms and we would talk to the residents and they would be so proud to show us the vegetables they had grown or the flower pot they had just made in the art room and they were very full of pride over something that they could accomplish and raise their self esteem and she just knew that is the kind of place that our daughter can be at peace for the rest of her life.

Ms. Bolduc said they are just in the process of buying a piece of property on Todd Road, in Oxford and hope to close soon. She is the mother of three sons, the youngest, Joel, has autism, and she has written and published three books on parenting a child with autism and also a camp book for churches on welcoming and accepting families of children with disabilities. She said she also speaks regularly around the country.

Ms. Bolduc said she and her husband have hoped and prayed for years for a community nearby that our son could live and be welcomed and accepted exactly as he is and knows they found that here – he will be able to work and have some level of independence, where his gifts will be called out and where he will be comfortable and safe.

Ms. Bolduc proceeded to read a quote written by Jean Vanier, as follows,

“Community is not an ideal; it is people. It is you and I. In community we are called to love people just as they are with their wounds and their gifts, not as we would want them to be. Community means giving them space, helping them to grow. It means also receiving from them so that we too can grow. It is giving each other freedom; it is giving each other trust; it is confirming but also challenging each other. We give dignity to each other by the way we listen to each other, in a spirit of trust and of dying to oneself so that the other may live, grow and give.”

Ms. Bolduc said she really believes that Safe Haven Farms is going to be – a place of space, a place Of growth, a place to give and receive and a place of trust, challenge and dignity, and as parents that is what we want for our children and those who call Safe Havens home I know they will give back to the greater community in rich and measurable ways – not only in their work but their precious and unique personalities.

Ms. Melanie Moon said she and her husband are founding parents of Safe Haven Farms and have a daughter 25 years old with severe autism that still lives at home with them and are hoping to transition her to the farm in the near future. She said there are two points that she wants to hit on: we talk about kids and we are aging parents and our children are also aging so you need to think about the people that will be living there and realize that they are adults with aging bodies and it is very interesting to see

with severe disabilities you see maturity so the bouncing 8 year old that they once were and as they've matured and became adults they do settle down. The other point is that while this is going to be started by private funding, the money that we had set aside hopefully for our children's college education will go to Safe Haven Farms. She thanked the Planning Commission.

Ms. Connie Backs said she lives at the corner of Dickey Road and No Mans Road and her farm is the 40 acres that is on the south side of this and we have no opposition to Safe Haven Farms.

Mr. Alan Daniel said he is a Township Trustee and has been involved with this for two years and is also a Board of Zoning Appeals member and stated that the Township Trustees are not opposed to this.

Mr. Leap said he owns property within a half a mile from the proposed project and is also a realtor and represents Dr. James Puccio and would also like to say that this is going to be a great benefit to Madison Township because of the opportunities for employment, community involvement with the farm activities and endorses this 100 percent.

Mr. James Burnes said he lives on No Mans Road and has 25 years of experience in working with people with disabilities and have had the honor of working with many of these families and children and see the dedication they have, but more importantly he is a Madison Township resident and has no opposition to this.

IN OPPOSITION: Cindy Bridges, 5911 No Mans Road, Madison Township, Ohio

Ms. Cindy Bridges said she lives at the opposite end of where this house is and would like to ask the Planning Commission three major questions:

1. How is this different than any other nursing home or nursing facility
2. If you are to run it as agricultural – they will be making money and what is going to happen to that money? It is not going back in to the community, is it going to make somebody rich.
3. If this failed so badly and heard there is a great uprising in Wayne Township over this, why are they going to put it in Madison Township? Why don't they put it in Middletown City limits or some other community that is not close-knit like ours?

Ms. Bridges said today she is representing at least three families that could not be here because of work and said she would like those questions answered.

Mr. Potter asked if anyone else would like to speak in opposition.

Mr. Potter asked if anyone had any neutral comments. No reply.

Mr. Potter said in some political jurisdictions, a PUD basically is an overlay as opposed

to a zone and the proposal is extremely concrete relative to its approval by a Planning Commission and Zoning Board. From a standpoint of a re-zoning, and then the final approval for the development itself, how much latitude and how does that all fit together from the standpoint of the approval process – in other words, what we see there before us, if it were to be approved as a zone change, then is it etched in stone relative to the actual development.

Mr. Schmidt said the house area, the houses and any of the dwellings that we see have to be in that area so that is one thing we know for sure and will be in stone if indeed this were approved – another thing we would see is any landscaping and mounding buffering we would see that in the final stage, not seeing it now but in the final stage and see what types of trees or how high the mound would be, and any landscaping or mounding buffering issues that we see.

Mr. Schmidt said, as far as the location of the proposed day-hab building, proposed pool, and proposed green houses, those would have to be in that vicinity there (as shown on the map) and that general area would also have to be where they are showing the basketball court and baseball field if it were to remain out in the area that you could see from Dickey or No Man's road, it would have to be in that area but if they would like to have it by the houses for some reason, so it would be buffered away from, then they could change the layout but all of the other stuff would have to remain in that general area - the housing site is it and is where it has to be, right there (as indicated on the drawing).

Mr. Potter asked if it is illegal to qualify a zone change, in other words anything that you can ... if you do a zone change into say a commercial zoning and it is prompted by the petitioners' comments that they are going to be creating a certain type of Commercial use in there, once we re-zone it to Commercial use, that petitioner is under no obligation to do that commercial use, they can do any uses within that zone, so we can not qualify a zone change to say, " although we have 20 uses allowed in this one, we are going to change the zone and you can only use it for say, a widget factory", so we can not qualify a zone change. He then asked Mr. Schmidt if that is correct.

Mr. Schmidt said you would see that especially in a straight zoned area, so if it were a B-1 or B-2, or R-1, R-2 those types of uses, A-1 as it is right now.... Anyone that is in any one district can have those uses on the site right now. With a PUD you are allowed to restrict, and this is a Planned Conservation Development for example, when we saw the Dockum property on Route 73 in Oxford, we had requirements that said they could do these types of uses on the site and the owner agreed to that – so another thing that the owner agrees to adhere to.

Mr. Potter asked how many residential units are permitted.

Mr. Schmidt said, for single-family residential (which these would be considered) since they are one building and only have one kitchen area and one dining area, you are allowed to have up to 4 units per acre.

Mr. Potter asked how many acres are here and are they limited to the six units by the approval of this zone change.

Mr. Schmidt said there are about 60 acres and yes they are.

Mr. Potter said there is no other process beyond this relative to final approval.

Mr. Schmidt said no, for approving the six units, no. He added that it is not being subdivided so they would not see it as a subdivision plat so the final Planned Conservation Development is essentially like the subdivision process, but they are not splitting off any lots and it will remain one property and the conservation area will be an easement that will be recorded, so what we are doing today would be saying that only six units be allowed on this property. If the applicant wishes to increase the number of houses they would have to come again before the Board as a zone change. He added that it would be a major change to the Planned Conservation Development so then it would have the same process that it is going through right now.

Mr. Bullington said it was his understanding that the conservation district portion can never be changed – once it is designated conservation district they can not come back later and say they want to take some of it.

Mr. Schmidt said that is correct and especially because we are going to make sure that it is recorded as an easement also – and as far as it is zoned Planned Conservation Development the way it is right now, and if indeed they were to get that, then it would have to stay that way. He added the only way to change that would be for them to come back before the Planning Commission to change that.

Mr. Potter asked what the sheparding of the easement is.

Mr. Schmidt said the sheparding organization would be the easements themselves, and then if they were to break that as far as trying to develop it, it would be the zoning enforcement for the county. It does not have to go to any specific organization - it can stay with the property owners and they would have to keep that in that conservation.

Mr. Disney motioned to approve RZC 09-02 proposed zone subject to recommendations. Mr. Cooney seconded the motion. Motion carried.

AYES: Disney, Cooney, Brown, Tucker, Bullington, Nevel, Potter

NAYES: None

Resolution# 09.16

MTZ 09-01

Morgan Township Zoning Commission – Text Amendment
Morgan Township

Mr. Schmidt said the Planning Commission has seen the Morgan Township Text Amendments a number of times and we do have Mr. Ed Teets and some of the folks from the Commission that helped put this together in Morgan Township.

Mr. Schmidt said if for some reason this ends up being tabled again he would like to make sure that at least a couple of sections in here are approved or at least forwarded on to Morgan Township.

Mr. Schmidt said the first one would be on the first page, references Section 4.131, page 6 – the definition of “Condominium” and also the final page (page 10) Section 22.25 – page 147 in the Township Zoning Code – it refers to the final action for a zone change, the State law changed within the last year with final say for the majority vote in Zoning, the way it used to work was that the Township Trustees would hear what the Zoning Commission had to say and they would have to and have a unanimous decision, but now the state changed that and it is now the majority vote and also goes before County Commissioners but the ultimate authority would go back to the Township Trustees as a majority not unanimous decisions. He added that those are the two areas that he wants to make sure they are forwarded.

Mr. Schmidt said as far as Planned Conservation Development, we had talked about this a lot, and Morgan Township is also looking into it, but it’s a little different because what they would like to do is include as part of the A-1 District so they would not have to go through a zone change but they would allow this type of development in the A-1 District.

Mr. Schmidt said we have had a number of Planning Commission and Staff suggestions brought to Morgan Township as well as the Home Builders Association and the Ohio Valley Development Council making suggestions and Morgan Township has taken all of those into account but they decided not to on couple of them but they have taken all of that into account and he and Staff have provided more suggestions to them and today he is recommending approval.

Mr. Schmidt said Mr. Ed Teets, Morgan Township Zoning Administrator is here if anyone has any questions for him.

Mr. Ed Teets, Morgan Township Zoning Administrator, said he spoke to the Planning Commission last year and missed the March meeting. He said the document the Board has in front of them have marked changes that we’ve made since March meeting and they had input and suggestions from the Planning Commission, Mr. Schmidt (Planning Staff), Mr. Pottenger (County Engineers Office) and the Home Builders Association also, and we have discussed all of it, incorporated some, chose to leave some the same, but changed quite a bit of it to make it more viable.

Mr. Teets said Mr. Schmidt mentioned a couple of items that he would like for the Planning Commission to act on today. The Planning Commission was also given text amendment 2009-2 which talked about land-locked lots and said we do not want to forget that one too.

Mr. Schmidt replied yes, he is correct, and thanked Mr. Teets.

Mr. Bullington asked Mr. Teets, regarding the minimum lot size is $\frac{3}{4}$ of an acre, and then you are saying the front of the house needs to be at least 50 or 55 feet from the center of the road.

Mr. Teets said they changed that, and it is now from the edge of the road. One of the recommendations that was made to us on March 10.

Mr. Bullington asked Mr. Teets, regarding the minimum lot size is $\frac{3}{4}$ acre and then you are saying the front of the house needs to be at least 50 – 55 feet from the center of the road.

Mr. Teets said they changed that, it is now from the edge of the road and was one of the recommendations made to use on March 10.

Mr. Bullington asked if it would be 55 feet from the right-of-way or the edge of the road.

Mr. Teets said item 7B.077 reads, "Home shall be set back a minimum of fifty-five feet from the center of the road." He added that it was utility boxes that they moved back.

Mr. Bullington said the utilities need to be fifty feet from the center of the road, and then it says, "this shall be (inaudible), and asked if that was taken out.

Mr. Teets replied yes.

Mr. Bullington asked where the utilities would be.

Mr. Teets said we had anticipated that they would be as close to the road as possible because we figured the transformer box is going to be sitting on the ground and be placed by a boom truck so we decided to have them relatively close to the road.

Mr. Bullington asked if then the utility would be next to the road or behind the ditch line.

Mr. Teets said the ditch line would be behind the (inaudible).

Mr. Teets asked County staff if they could help verify that.

Mr. Pottenger, Butler County Engineers Office, said there is typically a ten-foot utility easement.

Mr. Bullington said usually there is a sixty-foot right-of-way and a ten-foot easement.

Mr. Pottenger said from the center of the road out there is a thirty-foot right-of-way so that (inaudible) be placed just inside the right-of-way or within that ten-foot utility easement and it is usually thirty to forty feet. He said he recalls there was an issue earlier as something was being called out "from center of the road" and another referenced "edge of the road" and "the right-of-way" line. The utility was further back to the hill or right up against it.

Mr. Teets said that was the issue: in the old one, the transformers were back 50 feet, it would be right next to the house and we did not want to do that and a recommendation made to us.

Mr. Bullington said he what he is trying to define is after you have your set back in the front of the building line, and then you have the dept of your house, which say is a straight line house on a 100 foot lot, you be somewhere around 30 to 35 feet depth – then asked is there enough space, roughly around half an acre or no less behind the house, to actually put in septic system.

Mr. Teets said yes, we did the mathematics and gave Mr. Schmidt some drawings that show where the septic systems would be and we can get the primary one on the lot easily and in some lots even a secondary one will fit.

Mr. Bullington asked Mr. Schmidt if it would perk easily.

Mr. Schmidt said he does not know as he can not speak for the Board of Health.

Mr. Bullington said his question is that he has never heard of any of being for residents especially if they have a four-bedroom house that is based on the number mixtures (inaudible) being able to be put on a half-acre lot.

Mr. Teets said but it is three-quarter acres.

Mr. Bullington said yes but the house is occupying one quarter of it.

Mr. Teets said he has discussed this with Mr. Brian Williams at the Board of Health and we worked on this and he was comfortable with it being on a three-quarter acre lot, with a house, in fact, with a three unit, two-bedroom condominium we can work with that and he was comfortable with that and then what we did is we changed this where we said that the secondary leach field could be in conservation area.

Mr. Bullington said we discussed that at the last meeting.

Mr. Bullington said the second item had to do with minimum road frontage of 20 feet at the cul-de-sac – and asked why is it- is that just a very low minimum the cul-de-sac has to be a 100-foot radius and thought they were only allowed three or four houses on a cul-de-sac.

Mr. Teets said right, it simply gives some flexibility is the only reason we did that.

Mr. Bullington asked if they would want to increase the minimum feet to maybe thirty or forty feet.

Mr. Teets said they had not discussed that but it's a minimum so we figured simply for irregular lot sizes it would accommodate that, but there wasn't any particular reason – just simply did not want to go less than twenty feet.

Mr. Teets said in the Zoning Resolution they have private road development standards and regulations in there and twenty foot frontage is one of them there so we just adopted it straight over, and added that was the only justification he give the Planning Commission.

Mr. Bullington said twenty feet would normally work for a 50-60-foot radius on a normal cul-de-sac but when you are bringing it out on such a larger one he is surprised that 20 feet was left in.

Mr. Teets said they discussed it and did not see a need to change it.

Mr. Potter said there has been some improvements.

Mr. Bullington made reference to a section of text, and read it, "... it will require all amenities to be installed when 25% of the houses are built" and asked wouldn't that be hard on those first 25 people that moved in – because they would be paying 100% of the payments on all of the amenities.

Mr. Teets said the Ohio Valley Development Council and Greater Cincinnati Home Builders' Association had that same question, and we left that we wanted to leave it at 25% because most of the amenities are conservation development that we had in mind would be such as hiking trails and would be very little cost, other than mowing or maybe putting down some gravel for hiking trails and that is why we felt it would be fair and not too much cost and keep it at 25%, and without that, those folks would have to go five to ten years to wait until it got to 50% homes built and go that long without having the amenities promised.

Mr. Bullington said if he were a resident he would rather have that than to be paying out the nose for maintenance of gravel walkways, the cutting of grass around the walkways, just any costs associated with that – when you get to the 50% the costs associated are only double what you should normally pay but when its at 25% , lets say there are 40 lots – and when 10 are in there, all of a sudden all of the amenities are

being paid by those ten people to cut the grass on the entire subdivision and along the streets.

Mr. Teets said they discussed it and felt the benefits outweigh the problem.

Mr. Potter said in some instances the market will dictate it – not the zoning. A developer will come along and so the consumer has the same problem so the developer says, “okay the amenities will all go in but there will be a pro-rated maintenance fee” charged by the developer and the market would dictate it to some degree but you would get opposition.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

Mr. Potter asked if there were any questions then asked if there was a motion.

Mr. Cooney made a motion to approve MTZ 09-01 subject to staff conditions. Mr. Tucker seconded the motion. Motion carried.

AYES: Cooney, Tucker, Disney, Potter, Nevel

ABSTAIN: Brown

NAYES: Bullington

Mr. Fehr said Mr. Teets wanted to know if there was another item that needed to be included with that motion.

Mr. Teets cited Section 2009-2 about land-locked lots and added that it was included in the original packet also.

Mr. Schmidt said let's include that also – it was in the original but for some reason it is not in the word file that Mr. Teets sent to me.

Mr. Schmidt said, what Mr. Teets is saying is there is a land-lock issue which we've seen before and he would like to make sure that we get a resolution approved on that also.

Mr. Schmidt asked Mr. Teets if he knows what the section number that is.

Mr. Teets said in the packet of March 10 it was section (inaudible- cell phone went off playing music).

Mr. Schmidt said Mr. Teets would like to have a motion for that – that we had seen previously but is not in the packet right here but it exists and we have seen it.

Mr. Bullington said if he remembers correctly, the generalities are that any land lots bought before the (inaudible) had to have an easement to a public road.

Mr. Schmidt said yes, and any lots before the date (November 28, 1988) shall be okay without having to do that.

Mr. Potter asked if there is a pressing issue on this.

Mr. Teets said yes, there is a gentleman who needs to have this acted upon so he can sell the property, there is a sale pending on whether he can get an easement – and is not that big of a deal – and admitted he did not bring copies of it today.

Mr. Potter said they would need a little more formality.

Staff reviewed their documentation to see if they had a copy but they did not.

Mr. Potter asked if there is any problem with this from a legal hearing standpoint.

Mr. Schmidt said it had been tabled – and that is why he has an issue with this because we've seen this before and it was tabled – it just is not in the packet.

Mr. Potter said he felt at the time it was tabled there were a number of members that are here were not and so there is a question of legality about it and felt they need a little more information on it and if they can hold it for a month so that those who were not here can see it – and asked if that would present a problem for Morgan Township.

Mr. Teets said no it is not a problem, and it is his fault too because he neglected to bring a copy with him so they will bring it back next month.

Mr. Potter said for all intent purposes, because it was not brought up today, that portion is still tabled.

Mr. Schmidt said it is in a separate section of the document.

Mr. Potter said hopefully it will be available for review and possible approval next month.

Resolution# 09.17

Liberty Township Board of Trustees, Text Amendment
Liberty Township

Mr. Schmidt said Liberty Township has overhauled the look and feel of their Zoning Resolution and there were some changes made also as far as the actual (inaudible) requirements and literally the whole resolution changed the way it was and there are a lot of good charts, drawings and graphs and makes it much easier for developers to look at developing in the Township.

Mr. Schmidt said he has reviewed it and did not see any major concerns that Butler County or the Planning Commission would have and said Mr. Meyer, Senior Planner from Liberty Township is here to speak.

Mr. Meyer said this resolution is the product of working over a year and half with the development community, Township resident, public work session to address certain concerns and then working with a consultant to overhaul the look and feel of the document and hopefully make it much more user-friendly.

Mr. Meyer said a lot of hard work has gone in to this and we feel it is a very good product. Mr. Meyer offered to answer any questions.

IN FAVOR: None

IN OPPOSITION: None

NEUTRAL COMMENTS: None

Mr. Disney made a motion to approve LTZ09-01. Mr. Brown seconded the motion. Motion carried.

AYES: Disney, Brown, Tucker, Bullington, Nevel, Potter, Cooney

NAYES: None

Resolution# 09.18

PRELIMINARY PLATS FOR APPROVAL:

None

FINAL PLATS FOR APPROVAL:

Princeton Crossing Commercial Subdivision

Section 3, Town 2, Range 2

West Chester Township

Mr. Fehr showed a map of the property and said we saw this last month as a preliminary subdivision plat and said it sits on the east side of Princeton Glendale Road/State Route 747.

Mr. Fehr said there is currently one building on the south side of the property. The property to the north is currently vacant.

Mr. Fehr said the preliminary plat was approved last month with some conditions attached and we have been working with West Chester Township and the developer and their engineers and have made some corrections to the plat and he pointed out a couple of those items that there were concerns with from last month's meeting.

Mr. Fehr said there had been discussion as to where they were going to show the easement and the existing billboards that were on the property, previously the developer showed the easement going around the billboards and West Chester preferred to show the easement where it will eventually end up and then pointed on the drawing the locations of where they will be and said they basically modified the drawing to show the easement and where it will eventually end up, so that was corrected. He added that they have also added an easement locations from the south coming up north and then up Port Union Rialto Road.

Mr. Fehr said staff does recommend approval of this final subdivision plat, one year subject to bond.

Mr. Bullington asked where the does the road (where it comes out at Port Union Rialto Road), where is it in relationship to the United Dairy Farmer's drive is across the street – and is it directly across the street.

Mr. Fehr said no, it is further east. He added that they did have to submit a site distance study to Butler County Engineers Office for that location already.

Mr. Chris Wunnenberg, Developer, Schumacher Dugan, 6385 Centre Park Drive, West Chester, Ohio asked to speak.

Mr. Wunnenberg said they are not owners of the property at this point, however, they are the contractual purchasers of Lot 3 (as he pointed out on the drawing) and that

location is not where we would be able to put the driveway and in fact, we had specifically had an agreement with West Chester Township that we were not going to put that connecting road from the second drive, over to Port Union Rialto Road until we determined where it would be able to be, and said he believes it is going to be very close to that intersection of those two angles and how we are going to bring it down through there, this is not anywhere near accurate to where it was going to be.

Mr. Wunnenberg said, in the preliminary development plan we simply said it would be determined at the point of time when we came in with the final on the build permits – now we just found out this morning that that was added in last week and said that is not where it is going to go – all it will do is confuse people and does not like what is added.

Mr. Wunnenberg said they would certainly like to see that dashed line (on the drawing) removed and the language that said the ingress/egress from Sutton Place to Port Union Road will be determined at final development of the property, rather than show something there that, in fact, a different property owner may assume he has some rights to a location that is not accurate and won't be that way. He added that is his concern because there is an owner of the property on Lot 1 and there will be another owner of Lot 2, and he does not want them to assume that that is where their ingress/egress will be across that property.

Mr. Fehr said he recommends tabling it if there are issues between Mr. Wunnenberg and the Engineer.

Mr. Wunnenberg said he did not know why it was added at the end, the Engineer said he was told to put it on there and he did not notify us until this morning.

Mr. Fehr said they can work that out if we table this.

Mr. Wunnenberg said they have no problem with easements from Lots 1 and 2 coming across Lot 3 for the full access movement on State Route 747.

Mr. Bullington said it was shown on the slide prior to this and there is an access to State Route 747 between Lots 1 and 2.

Mr. Wunnenberg said exactly – no problem with that. We are talking about the access easement before Port Union Rialto Road.

Mr. Wunnenberg said they have not determined where and how the Port Union Rialto Road access is going to be and his question is why does Lot 1 even need to have access to Port Union Rialto Road and full access to State Route 747 when they have full access from Sutton – it imposes on Lot 3.

Mr. EJ Foltz, Abercrombie & Associates, Cincinnati, Ohio said if you look at the text in the right-hand corner there (as he pointed to in the drawing), this text pretty much

says it all and if you look at the other slide prior to this, this road may not go in that location, it may be down here or in the middle, it may be along a sewer line easement back there. But if you look at the text on the prior pages, none of this access road is annotated – it is vague for a reason because it is subject to the final development plan once it is submitted for Lots 2 and 3. This may end up coming down through here and hanging around towards the easement line and coming out here (pointing on the drawing) towards the eastern boundary line and Port Union Rialto Road.

Mr. Foltz said this note has not changed since the preliminary plat and it showed, for illustration purposes, Mr. Fehr asked me to get it added on there from Sutton Place to Port Union Rialto Road just so that staff and the Recorder's Office and potential buyers of Lot 3, whether it be Schumacher Dugan or anyone else, to know that it could be accessed for the benefit of all Lots 1 -3 to get from the south end of the property to the north end of property.

Mr. Foltz said they have a letter from ODOT saying, "The proposed right-in/right-out access located approximately 370 feet south of the center line of Port Union Road will have to be approved through an access variance request per the State of Ohio Department of Transportation's State Highway Access Management Manual". They are going to approve where that access is going to be and the only thing different from the preliminary plat to this plat is that Mr. Fehr asked us to add this line from here to here (pointed to on the drawing) this makes your connection, and that is the same as both on the preliminary plat.

Mr. Foltz said the County just wants this to allow for movement from Lot 1 to Lot 2 to Lot 3 to State Route 747.

Mr. Potter asked if these are not easements in gross.

Mr. Foltz said there is an existing easement and the end wording had to be changed from the preliminary plat, He then pointed it out and that was for the benefit of future owners that we are giving access out here some where and we still do not know where and that is why none of this has been annotated because once the development plan is put in place, it comes back before this Commission for a review approval that this will be pulled up and Staff will make sure that there will be an access from this point to this point and from that point out to Port Union Rialto Road, but this easement can be anywhere – its vague for a reason because there is no development plan yet to be submitted so we've got to make an access for the benefit of all lots.

Mr. Potter asked Mr. Foltz why then did we end up with a drawing on here, rather than that comment. He added that he has done these before where, he believes, an easement would say we will provide access from "X" to "X" point blank.

Mr. Foltz replied and said Mr. Brian Behrmann, West Chester, originally wanted it drawn in for Lot 1 opposite Sutton Place and that is where we saw it on the preliminary plat before we handed in this revised plat yesterday, Mr. Fehr asked me on Thursday,

along with some other changes and certification changes, to continue to show that easement from Sutton Place to Port Union Rialto Road. The controlling note on the next page will change from that prior plat. It is merely here to show that access easements to Lot 2 and Lot 3; that Lot 2 being here first, so someone may walk in here tomorrow and beat Schumacher Dugan to the punch and said he has his own plans and has access from Lot 1 to Lot 3 and it is going to here (pointed to on the drawing). We don't know where it is but we need to provide an access and Lot 3 is going to have to pick it up for Lot 2 and take it over to Port Union Rialto Road.

Mr. Potter asked if it was just him, or do these two things seem to be in opposition to each other.

Mr. Foltz replied, probably so.

Mr. Potter said the location of it – it's drawn on here and then there is a note that says, "what is drawn on here is of no certainty and asked if that is what he is understanding.

Mr. Bullington said the note states there will be access, but then it says that access points will be recorded at a later date upon approval – but they've drawn a line just to show you.

Mr. Potter said we have a note right there, but then we have a little drawing that shows it.

Mr. Foltz said it is not annotated, it's just there.

Mr. Potter said that it really should not be on there.

Mr. Foltz said it was asked for by Mr. Fehr.

Mr. Fehr said it was actually from West Chester Township and their concern is the piece on the corner and that we get access from Port Union all the way through.

Mr. Potter asked does the note cover that.

Mr. Fehr said he will let Mr. Pottenger answer the question but he thought it is a lot more clear if you put the dashed line in there.

Mr. Potter said in his opinion, some times when you put something on paper, then it is hard to get it taken off.

Mr. Foltz said he is looking at it from an Engineer's and surveyor's standpoint that it is not annotated.

Mr. Potter said and he is looking it at from an approval standpoint and that he has been hit with, "well it is on there".

Mr. Wunnenberg said if the purchaser wants to build a building that will be located in the access way.

Mr. Brown said we know that is not going to happen but then again, maybe it should have been drawn down closer on the property line because basically that lot is useless.

Mr. Wunnenberg said he thinks it will be addressed when a developer comes in for lots 2 and 3, they are going to pull up as part of their approval and see what the conditions are and know that it is subject to change. That is what you've got the stamp for.

Mr. Brown asked, if lot 2 sells and development is going on, when does this have to be put in.

Mr. Foltz said when lot 3 develops.

Mr. Brown asked if that was stated somewhere – this access will not be put in until lot 3 is developed.

Mr. Foltz interrupted Mr. Brown and said he is not an attorney, just a surveyor but you can not extend the roadway if you don't own the property – its just like when you go to a new subdivision and there is vacant farm all around the subdivision, you record the stubbed street for future development – that is all lot 2 would have to do, stub the street out for future development.

Mr. Brown said but there is nothing stating once lot 2 is developed that that has to be put in until lot 3 is developed.

Mr. Foltz interrupted Mr. Brown and said when lot 3 comes in with a development plan or if lot 3 is done first then it would be stubbed out to lot 2.

Mr. Foltz said he is stuck between the Planning Commission and staff – staff wants one thing, the Planning Commission wants another thing and Mr. Wunnenberg wants another thing.

Mr. Wunnenberg said he has to agree with Mr. Berhmann, when it was submitted it was not on the preliminary and he was fine with that. He added he does not know what happened and Mr. Berhmann never called him to say he wanted it back on, because if Mr. Behrmann did, Mr. Wunnenberg would have said, “well, if you are going to put it back on, this is where we want it” – but that wasn't the case.

Mr. Pottenger said their understanding was eventually there would be access and connectivity and he was led more to the understanding that it was a little east of the present location and he is personally okay with leaving it as a condition of the plat – that it floats. The intent is shown, but the understanding of the intent could be questionable.

Mr. Bullington asked if the State has come back on the State Route 747 access points.

Mr. Wunnenberg said yes – and it should be confirmed from Ms. Christine Hilbert as far as the sub road, and driveway width and the right-in/right-out when we come in with a specific site then we will need their approval.

Mr. Foltz interrupted and said that has not been nailed down either – the right-in/right-out – that could be somewhere along that road.

Mr. Wunnenberg said they will have to go in and request specifically for a right-in/right-out or may be just a right-in.

Mr. Foltz said the same is true for the access on Port Union Rialto Road and we may have it there but the state can say, “okay, it goes here”.

Mr. Bullington said he is comfortable with the way it is worded on the document – that it is a requirement that be installed at some place to get from point A to point B.

Mr. Potter said his feeling is, this is more a concern of West Chester Township’s but as far as he is concerned they can leave part off if we accept it without that.

Mr. Foltz said if its fine and it does not matter to him if the Planning Commission approve it with a condition that we resubmit the plat and take that piece off. He added that he can bring a new set of plat paper down tomorrow.

Mr. Tucker said his personal opinion is that it really does not need to be on it – but if someone bought it and thought that was part of it.

Mr. Foltz said if conditioned approval needs to have a (new) drawing tomorrow and we’ll take that piece off then he will do that.

Mr. Bullington made a motion to approve the final plat for Princeton Crossing Commercial Subdivision, Section 3, Town 2, Range 2, West Chester Township subject to one year bond and the dashed-in ingress/egress easement shown on the plat from Sutton Place extending north to Port-Union Rialto Road shall be removed and final alignment of said easement shall be determined by the Final Development Plan approval. Mr. Brown seconded the motion. Motion carried.

AYES: Bullington, Brown, Tucker, Nevel, Potter, Cooney

ABSTAINED: Disney

NAYES: None

Resolution# 09.19

North Pointe at Union Centre Subdivision, Section 1,
Section 27, Town 3, Range 2
West Chester Township

Mr. Fehr said we saw this piece of property a couple of months ago as a preliminary subdivision plat and they are now ready to proceed with Section 1 final subdivision plat.

Mr. Fehr said this property included all of the old Queen City Speedway and softball area and on the south property line is by Union Center Boulevard and follows to the west by I-75, comes up to West Chester Road, skirts around the cemetery and the Township buildings and then comes all the way over to Cincinnati Dayton Road and is a rather large piece of ground.

Mr. Fehr said the applicant is asking for approval of Section 1 (as shown on an aerial map).

Mr. Fehr indicated where they have labeled lot 1 and lot 2 on a drawing, and said they have constructed two new, public streets – one coming in off of Union Center Boulevard and to the north and then the other running east to west, comes over Cincinnati-Dayton Road and forms a 4-way intersection at Dimmick Road.

Mr. Fehr said this will be the site of General Electric (GE) Aviations two new buildings. The footprints are shown on lot 1 and those buildings are already under construction and this will include a lot of the engineers and technical people that are currently housed in Sharonville. He added that there is a potential for 1,000 employees at this campus in the future. The initial phase will be just the two buildings.

Mr. Fehr said they have meet all of the staff comments based on the preliminary and staff does recommend final approval of one year subject to bond on section one.

Mr. Bullington asked if, at the end of the Imagination Boulevard, there would be a cul-de-sac installed.

Mr. Fehr said no, he believes they would have to bond on that because right now it is just a stub street and the reason why it is not a whole cul-de-sac is that the Butler County Engineer's Office wants the road to extend over a creek to form a connection, but that would be at a later phase, so they will probably end up looking like is a knuckle in the future – and basically it still stubs the adjoining piece, but at some point in the future, that will create a knuckle and that road will extend west and then cross the creek so it would have a connection.

Mr. Bullington made a motion to approve the final plat for North Pointe at Union Centre Subdivision, Section 1, Section 27, Town 3, Range 2, West Chester Township subject to one year bond. Mr. Cooney seconded the motion. Motion carried.

AYES: Bullington, Cooney, Tucker, Brown, Nevel, Potter

ABSTAIN: Disney

NAYES: None

Resolution# 09.20

Kyles Station Meadows, Section 8, Block B
Section 10, Town 3, Range 3
Liberty Township

Mr. Fehr said Kyles Station Meadows is located in Liberty Township and to the east is Interstate 75 and is near the rest area there and we are now up to Section 8 of this subdivision and the piece that they are requesting final approval on today is Parcel 42 (as shown on aerial map).

Mr. Fehr said this will be an extension of the street here (on map) and come north, there will be a stub street to the west, and then it will also tie in with Chandler Crossing here and complete this portion of the plat.

Mr. Fehr said the preliminary plat was already approved and they are asking for final approval today.

Mr. Fehr showed a map of the area and showed the stub street for future development, and how another road ties into an existing street.

Mr. Fehr said they have met all of Liberty Township's zoning requirements and all of the staff requirements and staff does recommend approval of this final plat.

Mr. Bullington made a motion to approve the final plat for Kyles Station Meadows, Section 8, Block B, Section 10, Town 3, Range 3, Liberty Township, subject to bond. Mr. Tucker seconded the motion. Motion carried.

AYES: Bullington, Tucker, Brown, Nevel, Potter, Cooney

ABSTAIN: Disney

NAYES: None

Resolution: 09.21

Fairfield Ridge, Section 4
Section 26, Town 2, Range 3
Fairfield Township

Mr. Fehr showed an aerial map of the area and said this property is located in Fairfield Township and is on the north side of Princeton Road. He pointed out its proximity to the Butler County Engineers Office and the new Board of Elections building.

Mr. Fehr said they are now in Phase 4 of the project and said that most of these homes have been constructed and said this photo is a bit outdated and that most of the homes on this street have already been constructed on this street and this street (pointed to on map) and some under construction elsewhere.

Mr. Fehr said the applicant is asking for approval for an extension of Arroyo Ridge Court (piece of property pointed out on map) a single cul-de-sac street.

Mr. Fehr showed a drawing of the property and showed the existing street and the existing homes and said it is a one single cul-de-sac street and the biggest concern staff had was the existing drainage way that runs between the backs of these lots and the storm sewer (here) heads down and gets down in the retention area (shown on map) so you will see that all of the lots that back on to that drainage area have minimum opening elevations and what that means is if there is an opening in to the home, whether it be a window or a door, we have to set that one foot above the base flood elevation so if there is a storm, water will not enter the homes and we only do this on lots that back onto the drainage easement like that.

Mr. Fehr said the applicant has done everything that staff requested on the preliminary and final and staff does recommend approval subject to bond.

Mr. Bullington asked what is in the burry area.

Mr. Fehr said the burry areas are used for things such as typical tree stumps, rocks, and things like that – it is not construction debris but we do note those on the plat simply because you do see a lot of settling and we will run into residents that put an in-ground pool in, start to dig and we are just trying to have full disclosure to potential buyers – typically those are never sites for homes, but it might be an area for a pool or outbuilding – and typically after a few years there will be some settling. He added that it has nothing to do with the construction process and is typically tree stumps and such.

Mr. Tucker made a motion to approve the final plat for Fairfield Ridge, Section 4 - Section 26, Town 2, Range 3, Fairfield Township, subject to bond. Mr. Cooney

seconded the motion. Motion carried.

AYES: Tucker, Cooney, Brown, Bullington, Nevel, Potter

ABSTAIN: Disney

NAYES: None

Resolution: 09.22

OTHER BUSINESS:

Appoint Michael Juengling as representative and David Fehr as alternate on the Intermodal Coordinating Committee (ICC) of the Ohio-Kentucky-Indiana Regional Council of Governments.

Mr. Fehr said this request is to appoint Mr. Juengling as representative (and himself as the alternate) on the Intermodal Coordinating Committee (ICC) of the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments.

Mr. Fehr said the ICC is for when different communities in our region want to get highway funds this committee actually reviews and evaluates the projects and there is a point system of ranking and this is a pretty important position at OKI because they control the dollars.

Mr. Fehr said Mr. Juengling has been on the committee as a representative for many years and if for some reason he would be unable to attend a meeting and there was an important bill coming up I would be called to step in as a replacement.

Mr. Bullington made a motion to appoint Michael Juengling as representative and David Fehr as alternate on the Intermodal Coordinating Committee (ICC) of the Ohio-Kentucky-Indiana Regional Council of Governments. Mr. Tucker seconded the motion. Motion carried.

AYES: Bullington, Tucker, Brown, Nevel, Potter, Cooney

ABSTAIN: Disney

NAYES: None

Resolution: 09.23

ADJOURNMENT:

Mr. Bullington made a motion to adjourn. Mr. Tucker seconded. 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
May 12, 2009

Chair

Secretary

Lee Margraf