



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

**MEETING MINUTES**

**MEETING:** Tuesday, May 13, 2014, 3:00 p.m.

**ROLL CALL:** Charles Bullington, Chair  
Steven Brown  
Kevin Cooney, Vice-Chair  
Bernard "Buck" Rumpke (arrived shortly after roll call)  
Beth Surber  
Shirley Wiant

**Absent:** Dave Baker  
G. Coe Potter

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

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**APPROVAL OF MINUTES:**

April 8, 2014 Meeting Minutes

Mr. Brown made a motion to approve the April 8, 2014 Meeting Minutes as submitted. Mr. Cooney seconded the motion. Motion carried.

**AYES:** Brown, Cooney, Surber, Bullington

**NAYES:** None

**ABSTAINED:** Wiant

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Mr. Rumpke arrived to the meeting shortly after roll call.

**ZONE CHANGES:**

**RZC 14-01**

Ross Trails/Brown Farm

A-1 (Agricultural) & R-2 (Single Family Residential) to R-PUD (Residential Planned Unit Development)  
Section 28, Town 3, Range 2

Ross Township

(Tabled in February 2014)

Mr. Acuff showed an aerial image and plat map of the proposed development and said the parcel is 96.4 acres and will consist of 95 single-family dwellings on the west, 36 patio “landominium” homes in the southeast portion and 11 four-plex residential units each with separate entries. Mr. Acuff read the staff comments and said staff does recommend approval subject to meeting all of the staff comments.

Ms. Etta Reed, Engineer, Bayer Becker, 6900 Tylersville Road, Mason, Ohio gave detailed information on the project including identifying where the 35% open space is located, where the three (3) detention basins will be located, and said a Flood Study was submitted and requires a Flood Plain Development Permit.

Applicant, Larry Thinner, 4101 Hamilton-Cleaves Road, Ross Township, showed a presentation on the proposed development and gave details on the structures, amenities, pricing structure, demographics as to who their target markets are for each type of residents, which roads will be public or privately maintained by the Home Owners Association (HOA), which structures will be maintained and landscaped by the HOA and the timeline for the development.

TESTIMONY IN OPPOSITION: Jerry Hilbert, 3663 Layhigh Road, Ross Township; Jeff Cornwell, 3443 Spyglass, Hamilton, Ohio;

Mr. Hilbert said he does not believe this proposed development conforms to the Ross Township Land Use Plan and questioned the density of the project, wanted to know if a flood study had been performed and questioned why the bridge abutments aren’t moved back to the 75 foot stream buffer line and wanted to know who will maintain the bridge.

Mr. Cornwell, a Ross Township citizen and lawyer, said the citizens want a smart development that conforms to the Land Use Plan and thinks the 4-unit structures do not conform to zoning regulations. He also said he is concerned about a potential increase in crime and it will put more strain on the existing police officer staffing and for the fire department as well.

TESTIMONY IN FAVOR: None

NEUTRAL TESTIMONY: Ms. Nan Rawlins, 4229 Dry Run Drive, Ross Township

Ms. Rawlins said she is concerned about the existing drainage issues in the area and shared photographs with the Board members of the area taken in April 2014 after some spring rains. She said she is concerned about the potential increased drainage issues with this development and wondered if a flood study had been done on the southern and western part of the dry run creek and said there are flooding issues already in the area.

Ms. Reed returned to the podium to address the concerns raised including drainage issues, said they did a preliminary flood study for the dry creek, clarified the density ratio; identified the location of the open space will be owned and maintained by the HOA; she said there will be by-laws that will not permit any rental of these residence and there will be no apartments in the development. She stated the smallest lot will be 15,000 square feet and they have not yet calculated what the maximum size lot will be. Ms. Reed indicated which roads will be public and maintained by the County/Township, and the others which will be privately owned and maintained by the HOA. She added there is a condition which requires the bridge to be built according to County standards and asked will it be maintained by the County.

Mr. Brown asked if there would be different HOA fees for the various properties.

Ms. Reed said yes, there would be a structured fee in the HOA and it would be different for the single family homes who do their own lawn care and have their streets maintained by the County/Township versus the patio homes and four-plex landominiums that have HOA maintained landscape and road maintenance, but it will all be monitored by one (1) HOA.

Ms. Wiant asked if it will have sewer and not septic.

Mr. Reed replied yes that's correct.

Ms. Surber if she is correct in understanding the Land Use Plan designates this area as Suburban Residential and would allow a density of 1:1.9 acre.

Ms. Reed replied that is correct and they are at 1 to .82 units per acre.

Ms. Wiant asked about sidewalk requirements.

Ms. Reed replied once they get all of the zoning settled the sidewalk locations will be indicated on the preliminary plat for review and added sidewalks are required along public streets for sure. Subdivision regulations require sidewalks along public streets. It will all be addressed in the preliminary plat process.

Ms. Surber asked when the Land Use Plan was last adopted.

Mr. Acuff replied 2008.

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Public portion of meeting closed.

Ms. Surber said it appears to be in conformance with the Land Use Plan and the surrounding uses and made a motion to approve zone change RZC14-01, Ross Trails/Brown Farm A-1 (Agricultural) & R-2 (Single Family Residential) to R-PUD (Residential Planned Unit Development) Section 28, Town 3, Range 2, Ross Township, subject to staff conditions. Ms. Wiant seconded the motion.

AYES: Surber, Wiant, Brown, Rumpke, Cooney, Bullington

**RESOLUTION #: 14.24**

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**WCTZ 14-03**

**Highland Square PUD Major Modification**

**Section 23, Town 3, Range 2**

**West Chester Township**

Mr. Acuff showed aerial images and plats of the property and described its location in West Chester Township and said the request is a zone change to allow them to open an automotive service facility. Mr. Acuff said the applicant is here and staff has no problem with this request apart from a few conditions, which he outlined

Mr. Jonathan Wakefield, Development Director, Christian Brothers, 15995 N. Barkers Landing Road, Suite 145, Houston, Texas 77079, gave details of their proposal their prototype facility, and gave background on building their facilities; their operations on the Christian Brothers Company and its values including their recycle efforts.

Mr. Rumpke asked what construction materials will be used on the rear of the building.

Mr. Wakefield replied it is all masonry - slab sided on back side. He added that double stack parking shown in the drawing will not be included.

TESTIMONY IN OPPOSITION: None

TESTIMONY IN FAVOR: John Kennedy, 2135 Dana Avenue, Cincinnati

Mr. Kennedy, owner of the property, said he feels this is a valid use of the property and this is something he feels would be successful and make a good fit.

Mr. Rumpke asked Mr. Kennedy what was the last development on this property.

Mr. Kennedy said it was the Chase Bank a few years ago.

Mr. Rumpke asked Mr. Kennedy if he was just selling the land or doing the construction.

Mr. Kennedy replied he will just sell the lot.

TESTIMONY IN OPPOSITION: None

NEUTRAL TESTIMONY: None

Mr. Cooney made a motion to approve zone change WCTZ 14-03, Highland Square PUD Major Modification, Section 23, Town 3, Range 2, West Chester Township, subject to staff conditions. Mr. Brown seconded the motion. Motion carried.

AYES: Cooney, Brown, Surber, Wiant, Rumpke, Bullington

**RESOLUTION # 14.25**

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**PRELIMINARY PLATS:**

**The Sanctuary of Liberty, Phase Two  
Section 33, Town 3, Range 3  
Liberty Township**

Mr. Acuff gave background information and showed aerial images of the property. Mr. Acuff said this was previously approved but expired then we have a final plat for the same property consisting of seven (7) lots. Mr. Acuff said staff comments are minor and staff does recommend approval.

Mr. Cooney made a motion to approve the preliminary plat for The Sanctuary of Liberty, Phase Two, Section 33, Town 3, Range 3, subject to staff conditions. Ms. Wiant seconded the motion. Motion carried.

AYES: Cooney, Wiant, Surber, Brown, Rumpke, Bullington

NAYES: None

**RESOLUTION #: 14.26**

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**FINAL PLATS:**

**The Sanctuary of Liberty, Phase Two  
Section 33, Town 3, Range 3  
Liberty Township**

Mr. Acuff gave details on this final plat application and reviewed the staff comments, and said staff recommends approval for this final plat subject to staff comments.

Mr. Bullington made a motion to approve the final plat for The Sanctuary of Liberty, Phase Two, Section 33, Town 3, Range 3, Liberty Township subject to staff conditions. Ms. Surber seconded the motion. Motion carried 6 – 0.

AYES: Bullington, Surber, Wiant, Brown, Rumpke, Cooney

NAYES: None

**RESOLUTION #: 14.27**

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Mr. Cooney exited the meeting.

**The Trails of Four Bridges, Phase Seven, Block C  
Section 8, Town 3, Range 3  
Liberty Township**

Mr. Acuff presented detailed information on the proposed final plat and summarized the four (4) staff comments. Mr. Acuff said staff recommends approval subject to staff conditions.

Mr. Brown made a motion to approve the final plat for The Trails of Four Bridges, Phase Seven, Block C, Section 8, Town 3, Range 3, Liberty Township, subject to staff comments. Ms. Wiant seconded the motion. Motion carried 5 – 0.

AYES: Brown, Wiant, Surber, Rumpke, Bullington

NAYES: None

**RESOLUTION #: 14.28**

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**Harbour Towne Park, Section Three  
Section 97, Town 2, Range 3  
Liberty Township**

Mr. Acuff showed an aerial image and plat images of the proposed final plat and reviewed staff comments including the need for a recorded subordination agreement. Mr. Acuff said staff recommends approval subject to staff conditions including, but not limited to, a required recorded subordination agreement.

Mr. Rumpke asked if the park will be part of the County park system or private.

Mr. Acuff replied he believes it will be accessible to subdivision residences.

Mr. Fehr said it will be just for the residence and they will pay to maintained it.

Mr. Rumpke made a motion to approve the final plat for Harbour Towne Park, Section Three, Section 97, Town 2, Range 3, Liberty Township, subject to staff conditions. Mr. Brown seconded the motion. Motion carried 5-0.

AYES: Rumpke, Brown, Wiant, Surber, Bullington

NAYES: None

**RESOLUTION #: 14.29**

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**The Sanctuary of Liberty, Phase One, Replat of Lot 30  
Section 27, Town 3, Range 3  
Liberty Township**

Mr. Acuff said this case was presented to this Board six (6) months ago wanting to replat the property, and the issue was it would create two (2) parcels (Lot 22 and open space) both crossing over two (2) separate zoning districts and that is not permitted in Liberty Township, so it was tabled for 180 days to get the zoning squared away with Liberty Township. Mr. Acuff said the 180-day time frame has passed and neither he, nor Liberty Township, has received any follow up communication from the applicant. Mr. Acuff said seeing the zoning issues have not been worked out staff is recommending denial of the request.

Mr. Bullington said because the zoning issues have not been worked out, he made a motion to deny the request for to replat The Sanctuary of Liberty, Phase One, Replat of Lot 30, Section 27, Town 3, Range 3, Liberty Township. Mr. Brown seconded the motion. Motion carried 5 – 0.

AYES: Bullington, Brown, Wiant, Surber, Rumpke

NAYES: None

**RESOLUTION #: 14.31**

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**Liberty Center, Phase One  
Section 13, Town 3, Range 3  
Liberty Township**

Mr. Acuff said this replat was on the April 2014 Planning Commission Agenda and was tabled due to multiple issues that needed to be resolved prior to approval, many of which have been worked out.

Mr. Acuff showed an aerial image of the property and gave detailed information on the proposed replat and many of the issues were relative to bonds and finance issues. He added county staff does recommend approval subject to staff comments printed in the Board members' packets. Mr. Acuff reviewed the 18 Staff comments to the Board including but not limited to the requirement that the Butler County Engineers Office must review all maintenance and operations covenants and restrictions before final approval of the plat by the County Commissioners. Mr. Acuff said staff does recommend approval of the final plat subject to all staff comments.

Ms. Wiant wanted additional details on anticipated parking.

Mr. Fehr said they have had Liberty Township, the County, the developer, the Port Authority and Liberty Community Authority, involvement and input; and each one's legal counsel as well, and can attribute to the plat being 21-pages in length which clarified a number of issues and put them in black and white.

Mr. Bullington asked about the staff condition prohibiting any building encroachments and how does that effect the easements proposed under the parking areas.

Mr. Acuff said the easements located under the parking garage on 19 and on 1 are sanitary sewer easements not storm sewer easements.

Mr. Rumpke asked about the utilities.

Mr. Acuff said not all of the utilities will be public: the water and sanitary will be with Butler County; the storm water detention & garage utilities will be held by the Liberty Community Authority; and gas and electric utilities will be separate. And the roads there will not be public so technically these will be easements.

Ms. Surber asked about the Liberty Association.

Mr. Fehr said there are two groups: "Liberty Center Holdings" is basically the developer and will certain requirements of the tenants and will charge rent, fees, leases and such to take care of building, pavement, roads and property maintenance; "Liberty Community Authority" will take care of the ownership of the garages but they have agreed with the developer to do the oversee things like sweeping the garages, changing light bulbs, garbage maintenance, etc. He added there will be a slight sales tax rate increase (0.5%) on purchases made at Liberty Center to fund the maintenance of the garages, etc.

Mr. Bullington asked if there will be any vehicle for the Township to reap any earnings tax from workers, including the construction workers who are there now.

Mr. Andy Meyer, Liberty Township Zoning, replied yes, there is a Joint Economic Development District (JEDD) in place on this property which all workers within this area will be included in this JEDD.



Mr. Fehr said a JEDD is an arrangement in Ohio where one or more cities and a township work together to develop land for commercial or industrial purposes, and each JED can be a little different from another, and in this case Liberty Township joined up with Mason & Middletown into a JEDD covering this area.

Mr. Brown made a motion to approval the final plat for Liberty Center, Phase One, Section 13, Town 3, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried 5 – 0.

AYES: Brown, Wiant, Surber, Rumpke, Bullington

NAYES: None

**RESOLUTION #: 14.31**

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**OTHER BUSINESS:**

**Appoint David Fehr as the Butler County Planning Commission’s representative, and Peter “Zeb” Acuff as alternate, to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Intermodal Coordinating Committee (ICC) for Fiscal Year July 1, 2014 through June 30, 2015.**

Mr. Rumpke made a motion to appoint David Fehr as the Butler County Planning Commission’s representative, and Peter “Zeb” Acuff as alternate, to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Intermodal Coordinating Committee (ICC) for Fiscal Year July 1, 2014 through June 30, 2015. Ms. Wiant seconded the nomination.

AYES: Rumpke, Wiant, Brown, Surber, Bullington

NAYES: None

**RESOLUTION#: 14.32**

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**ADJOURNMENT**

Ms. Wiant made a motion to adjourn seconded by Mr. Rumpke. 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  
May 13, 2014

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Chair

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Secretary

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Lee Margraf