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

MEETING MINUTES

MEETING: Tuesday, November 10, 2015, 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
David Baker
Kevin Cooney, Vice Chair
G. Coe Potter
Shirley Wiant

Absent: Steven Brown
Beth Surber
Bernard "Buck" Rumpke

Staff Present: Peter Z. Acuff, Dept. of Development
Lee Margraf, Dept. of Development

Meeting opened at 3:04 p.m.

APPROVAL OF MEETING MINUTES:

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

AYES: Wiant, Baker, Cooney, Bullington

NAYES: None

ABSTAIN: Potter

ZONE CHANGES:

RZC 15-03
Millville DOHP, LLC
A-1 District (Agricultural) to B-3 District (General Business)
Section 4, Town 3, Range 2
Ross Township

Mr. Acuff showed an aerial image of the property and said the applicant is requesting a rezoning of a portion of a parcel on Ross-Millville Road and changes to that portion from A-1 (Agriculural) to B-3 (General Business) District. Mr. Acuff showed a suggested site plan and said this being straight zoning, a site plan is not required at this time so this is not a fixed site plan. He presented additional details and said the applicants are proposing a 9,100 square foot retail use on the site with 31 parking spaces. Mr. Acuff provided additional details on the proposal and said with this being straight zoning this Board will make a recommendation on the zone change only and not on the site plan, and if approved it would be for uses only permitted in B-3 Zoning.

Mr. Acuff showed a zoning map of the area and the village zoning map and the Land Use Plan which was approved in August 2008 and read aloud the description of B-3 Zoning General Business District and the permitted uses within B-3.

Mr. Acuff stated staff comments are in the Board members' packets and Township Trustees were made aware of this request and there was discussion on this at their Trustees meeting held last week and they sent County staff a letter stating they are opposed to the zone change based on their concerns listed in their letter, including but not limited to: the proposed use does not coincide with the intent of the Land Use Plan; setbacks don't allow for future expansion on State U.S. Route 27; concerns about high speeds of traffic and history of auto accidents on that route; and he highlighted staff comments and said in light of the Township Trustees' opinion on this, staff recommends denial of the zone change request.

Applicant, Mr. Robert Gage, BGT Realty Corporation, 9010 Overlook Boulevard, Brentwood, TN 37027, stated when they first found this property they approached the Township Administrator, Mr. Bob Bass and asked him for recommendations on how to proceed on the zone change process and in an email dated September 22, 2015 Mr. Bass said there was good news with this property and with the Land Use Plan for the area is considered General Business and this zone change can be looked upon favorably provided all other zoning requirements are met and Mr. Bass recommended the applicants apply for a B-3 Zoning classification. He gave additional information on the process of this project and said after speaking with County staff we feel a B-1 District zoning would be more applicable for this business and if permitted he would like to change the request to go to B-1 instead of B-3.

Mr. Gage proceeded to respond to some of the comments/concerns raised at the Township Trustee's meeting held last week and added they have researched ten (10) different properties and this seemed to be the best match from the data and research conducted. Mr. Gage said they have no issues with meeting the requirements of the zoning and said they have contacted Ohio

Department Of Transportation and preliminarily they do not have any issues with the access and as they will submit a complete package for their review; the retailer that is looking to locate here has stated they will bring in traffic of 10 cars per hour all day long and is not really a destination location but rather takes advantage of the existing traffic and they do meet the basic requirements of Butler County Engineers Office and are comfortable with the drainage report data and they have contacted the Flood Plain Manager and there are no flood plain issues in the area, they have no issues and require of themselves to have a Geotechnical study done and that will be forthcoming and the applicants feel they do meet all of the requirements for the zone change and feel it would be a benefit to the community.

TESTIMONY IN FAVOR: None

NEUTRAL TESTIMONY: None

TESTIMONY IN OPPOSITION OF: Mr. Gary Haubner, 5881 Woodbridge Lane, West Chester, Ohio; Mr. Gary Dittman, 1589 Ross-Millville Road, Hamilton, OH; Ms. Toni Haiber, 1255 Ross-Millville Road, Hamilton, OH; Mr. Tom Willsey, 3421 New London Road, Hamilton, OH; Ms. Ellen Yordy, 2941 Layhigh Road, Hamilton, OH

Mr. Haubner said he is here to speak on behalf of his parents, Vernon & Esther Haubner, 1305 Ross-Millville Road, Hamilton, OH. They have lived in that house for nearly 50 years and it is located directly behind the property that is involved in this case and he grew up in that home as well. He stated they are opposed to this zone change and said they feel it should not be approved due to the following concerns: increased traffic and safety hazard; they feel the intent doesn't fit with intent of the Township's 2008 Land Use Plan; and it will change the rural culture in the area and feels the proposed building belongs in Millville with the other businesses or Ross Township and added the applicant's already proved they are not a good neighbor as they used his parents' driveway and drove across their yard to get to the site and they hope this zoning request is not approved.

Mr. Gary Dittman said his property is located across from this property and he said he witnessed the applicants trespassing on his neighbor's property and said this is farm land and any time farm land is taken he doesn't like it. He stated there is a culvert located on his property that presents a problem and the road is scheduled to be closed to traffic in June for culvert and road repair and he is concerned about the traffic in the area and there are no signs about slower moving vehicles and during heavy rain, water collects and the road has been closed at times due to the rain water and he feels new business should be developed in Ross and not in his backyard.

Ms. Toni Haiber said she feels it is a poor location for the proposed retailer and she is concerned about the potential of increased traffic and showed photographs she took during morning and evening rush hours and said the traffic backs up beyond one mile and feels this will increase the traffic congestion and this is a farm community and they do not need a business sitting in the middle of farmland.

Mr. Tom Willsey said he has been a Ross Township Trustee for thirty years and stated for the record the Trustees have met on the first and third Thursday of each month, consistently for 30

years in his experience, and that is a matter of public knowledge and the meeting was discussed openly in public. Mr. Willsey gave historical details on the Land Use Plan which was adopted back in 2008 and the members involved on the Land Use Plan Committee envisioned planned businesses development, not a single business development or spot zoning; he also touched on traffic concerns in the area stating that stretch of road is known as "Highway to Heaven" due to the number of fatal traffic accidents in the area, he touched on drainage issues when there are heavy rains and the Trustees do not want spot zoning set as a precedent and that was not the intent of the Land Use Plan for that area and they are opposed to the proposed zone change.

Ms. Yordy, also a Township Trustee, said she feels if Dollar General really did their due diligence and looked at the business section in downtown Ross they would find several properties available in the business area not in the middle of an agricultural area and feel this Board should consider our Land Use Plan and it's not that we don't want their business in Ross Township it's just that we don't want them there in that section and if they check Ross out further they will find a better location for their store and their business.

Mr. Potter asked Mr. Acuff how the proposal came up to be the configuration of an "L" shape and asked what the blue line outlines. Mr. Acuff replied we are looking only at rezoning the two (2) acres area up on the north – a smaller portion of a larger parcel.

Mr. Potter said he agrees with Mr. Willsey's comment about an awful lot of time and effort went into the Land Use Plan and at some point in time there will be development there eventually but not this incrementally and if it were to develop the Township would have to be greatly enamored by some sort of overall land use for a larger parcel where there isn't multiple access to the road from a safety standpoint and so forth so he has the same concerns that the Township has.

Mr. Bullington said in light of the Township Trustees' opposition to the zone change and the County staff recommendation to deny the zone change, he motioned to recommend denial of the rezoning petition. Mr. Potter seconded the motion.

Mr. Bullington made a motion to recommend denial of Zone Change RZC 15-03, Millville DOHP, LLC, A-1 to B-3 District, Section 4, Town 3, Range 2, Ross Township. Mr. Potter seconded the motion.

Mr. Gage asked if it would be possible to table this tonight and give the applicants a chance to go back to the Township and attend a Trustees' meeting to answer some questions and bring this to the next step.

Mr. Baker asked the applicant why this parcel is so important to them and he knows the area and how terrible the traffic is there and they are building down the street. Mr. Gage responded and said they actually looked at ten (10) parcels in the area and some were not large enough of in flood plains but this one (1) will work for them and they did look extensively in the area and added the comment about this being spot zoning is somewhat baffling to him because this is for business development and that is what they are asking for and they have no control over the development of the remaining 36 acres and would be happy to put in a cross access road to the south to connect to the remaining 36 acres if and when it is developed, and feel they are

following the development plan set by the Township and the County, but if your inclination is to deny this today he asked if they could table it and go back to the Township and attend one of their meetings and make it to the next step and if they can't get to that point then we will not come back.

Mr. Potter said to Mr. Gage he will vote as the motion is, and in having worked with Ms. Yordy and Mr. Willsey over the years, if you feel you can come up with a plan that satisfies the Township Trustees then go ahead and go see them but as far as this zone change situation is presented before us today, he can't back it and added the applicant can always resubmit before this Board.

Mr. Acuff said if the Planning Commission recommends denial this afternoon it is not the end of the process; today's recommendation will move forward to the Rural Zoning Commission for their review at their next meeting, Monday, November 16, 2015, and their recommendation will be passed onto the Butler County Commissioners and that will be the ultimate endpoint of this application unless the application is withdrawn.

Mr. Gage responded and said they would like to proceed as planned.

Motion to recommend denial was carried 4 – 1.

AYES: Bullington, Potter, Baker, Wiant

NAYES: Cooney

RESOLUTION: #15.67

PRELIMINARY PLATS:

Grace Meadows, Phase One, Block B
Section 36, Town 3, Range 2
West Chester Township

Mr. Acuff said you can see we have both the preliminary plat and final plat for Grace Meadows, Phase One, Block B on today's agenda and this preliminary plat was actually approved back in 2011 and approvals were good for two (2) years at that time and has since expired. He also stated shortly after this preliminary plat expired in 2013 the County Subdivision Regulations were revised and extended the term of preliminary plats from two (2) years to five (5) years so that is why both the preliminary plat and final plat are being submitted on behalf of this parcel today.

Mr. Acuff showed an aerial image of the property and the plat map and gave details on the plat and highlighted staff comments and said staff does recommend approval of the preliminary plat

for Grace Meadows, Phase One, Block B, Section 36, Town 3, Range 2, West Chester Township as submitted.

Mr. Cooney made a motion to approve the preliminary plat for Grace Meadows, Phase One, Block B, Section 36, Town 3, Range 2, West Chester Township as presented. Ms. Wiant seconded the motion. Motion carried unanimously.

AYES: Cooney, Wiant, Baker, Potter, Bullington

NAYES: None

RESOLUTION: #15.68

FINAL PLATS:

Grace Meadows, Phase One, Block B
Section 36, Town 3, Range 2
West Chester Township

Mr. Potter said he applauds Mr. Acuff's actions in not making this any more cumbersome than necessary by having the preliminary and final plat reviewed here today otherwise it would drag on and he applauds his action. Mr. Acuff said this situation has occurred in the past and this will streamline the process.

Mr. Acuff showed the same aerial image and plat map from the preliminary plat for the final plat of Grace Meadows, Phase One, Block B, Section 36, Town 3, Range 2, West Chester Township and reviewed staff comments and stated staff recommends approval subject to staff comments.

Mr. Cooney made a motion to approve the final plat for Grace Meadows, Phase One, Block B, Section 36, Town 3, Range 2, West Chester Township, subject to staff comments. Ms. Wiant seconded the motion. Motion passed unanimously.

AYES: Cooney, Wiant, Potter, Baker, Bullington

NAYES: None

RESOLUTION#: 15.69

The Streets of West Chester Replat of Common Area
Section 27, Town 3, Range 2
West Chester Township

Mr. Acuff showed an aerial image of the property and said this is a request to replat the common area of The Streets of West Chester, which surrounds the residential parcels (does not include them) in Section 27, Town 3, Range 2 in West Chester Township. Mr. Acuff gave details on the proposed replat to take three (lots) and combine them into two (2) lots and highlighted staff comments and said staff recommends approval of this replat to reconfigure the common areas.

Mr. Potter made a motion to approve the replat for The Streets of West Chester, Replat of Common Area, Section 27, Town 3, Range 2, West Chester Township subject to staff comments. Mr. Baker seconded the motion. Motion passed unanimously.

AYES: Potter, Baker, Cooney, Wiant, Bullington

NAYES: None

RESOLUTION#: 15.70

Turnbridge, Section Two, Block A
Section 33, Town 3, Range 3
Liberty Township

Mr. Acuff showed an aerial image of the property for the final plat for this section of Turnbridge consisting of 36 proposed lots on 17 acres and a plat map of the project. Mr. Acuff said the layout has not changed but the lot numbers do not run in sequence with the preliminary plat so staff is requesting renumbering the lots starting with Lot #11 and highlighted staff comments and said staff recommends approval subject to staff comments.

Mr. Bullington made a motion to approve the replat of Turnbridge, Section Two, Block A, Section 33, Town 3, Range 3, Liberty Township, subject to staff comments. Ms. Wiant seconded the motion. Motion carried. 5-0.

AYES: Bullington, Wiant, Potter, Baker, Cooney

NAYES: None

RESOLUTION#: 15.71

Walden Ponds, Section 14, Block B
Section 20, Town 2, Range 3
Fairfield Township

Mr. Acuff said this is ultimately the final section of Walden Ponds Subdivision and showed an aerial image of the property and a plat map for the 27 lots on less than seven (7) acres. Mr. Acuff said it is a pretty standard plat and basically a continuation of the subdivision then highlighted staff comments and said staff does recommend approval subject to staff comments.

Mr. Baker made a motion to approve the final plat for Walden Ponds, Section 14, Block B, Section 20, Town 2, Range 3, Fairfield Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried unanimously.

AYES: Baker, Wiant, Potter, Cooney, Bullington

NAYES: None

RESOLUTION#: 15.72

ADJOURNMENT

Ms. Wiant made a motion to adjourn seconded by Mr. Baker. 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
November 10, 2015

_____
Chair

_____
Secretary

_____
Lee Margraf