

BUTLER COUNTY PLANNING COMMISSION  
Butler County Administration Center  
Hamilton Ohio

REGULAR MEETING: Tuesday, October 13, 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  
Charles Bullington, Co-Chair  
Kevin Cooney  
Charles Disney  
Lynn Nevel  
Joseph Tucker

MEMBERS ABSENT: Steven Brown  
Chris Flaig

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

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CALL TO ORDER:

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

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**APPROVAL OF MINUTES:**

Mr. Bullington motioned to approve the September 8, 2009 meeting minutes. Mr. Tucker seconded the motion. Motion carried.

AYES: Bullington, Tucker, Cooney, Disney, Potter

ABSTAINED: Nevel

NAYES: None

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**ZONE CHANGES:**

None

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**PRELIMINARY PLATS FOR APPROVAL:**

**Meadows of Aspen Trails, Section 4, Block C  
Section 4, Town 2, Range 3  
Liberty Township**

Mr. Fehr said there are actually two requests for this: a request on the preliminary plat itself and also the request to extend the preliminary plat approval period from two years to three years, and he would like to have two separate votes, one for each item.

Mr. Fehr showed an aerial map of the area and said the property is outlined in blue on the photograph and indicated its proximity to Kyle Station Road and State Route 747 and said this phase of the project will be accessed by a stub street here (pointed to on a drawing) and the road layout will wrap around and there is also a stub street here (as noted on drawing) and will basically form a loop.

Mr. Fehr said Staff did not have the developer put in any stub streets to the west because that property is zoned for Business Use and Industrial Use and to the north, Mercedes Drive was already existing and there were no stub streets provided to the south, so that is why there basically a loop configuration and no connection to north or west properties.

Mr. Fehr said Staff comments are in the Board packets and under item 7 – the Soil & Water Conservation Office wanted a note placed indicating there are high water tables in this area and Liberty Township wanted a note that there are 30-foot rear building setbacks on the lots and the Water and Sewer Department wanted a couple of easements shown on the final plat between Lots 136/137 and there is a sewer easement, and between Lots 135/136 there is a water main easement.

Mr. Fehr said Staff does recommend approval subject to the Staff comments.

Mr. Bullington asked if the water and sewer easements facilitate utilities to the vacant properties to the west.

Mr. Fehr said yes, to the vacant properties to the west.

Mr. Disney made a motion to approve the preliminary plat for Meadows of Aspen Trails,

Section 4, Block C, Section 4, Town 2, Range 3, Liberty Township, subject to all Staff comments. Mr. Tucker seconded the motion. Motion carried.

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

NAYES: None

**Resolution # 9.46**

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**Meadows of Aspen Trails, Section 4, Block C  
Section 4, Town 2, Range 3  
Liberty Township  
Request to extend preliminary plat approval period from two years to three years**

Mr. Fehr said there is a letter in the Board packet from Bayer & Becker, the Engineer, requesting that the preliminary plat approval period be extended from the normal two year period to a three year period.

Mr. Disney made a motion to approve the request to extend the preliminary plat approval period from two years to three years for Meadows of Aspen Trails, Section 4, Block C, Section 4, Town 2, Range 3, Liberty Township. Mr. Tucker seconded the motion. Motion carried.

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

NAYES: None

**Resolution #09.47**

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**FINAL PLATS FOR APPROVAL:**

**Winding Creek, Section 1  
Replat Lots 10 & 11  
Section 32, Town 2, Range 3  
Liberty Township**

Mr. Schmidt showed an aerial map of the plat area and said this plat is actually two lots and the property owner is requesting to combine the two lots into one. As part of this replat an easement between the two lots will be removed.

Mr. Potter asked Mr. Schmidt if he had any idea why it was there originally.

Mr. Schmidt said it is part of the regular final plat process on the back property line to include an easement as you see in many of the lots.

Mr. Bullington asked which is the back property line.

Mr. Schmidt said in this case the back property line was this area (as pointed to on the map).

Mr. Schmidt said they are combining two lots and removing the easement.

Mr. Bullington asked if they were removing the easement.

Mr. Schmidt said yes, they are removing the easement. He added that Staff is recommending approval for this final plat.

Mr. Tucker made a motion to approve the final plat for Winding Creek, Section 1, Replat Lots 10 & 11, Section 32, Town 2, Range 3, Liberty Township. Mr. Cooney seconded the motion. Motion carried.

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

NAYES: None

**Resolution #09.48**

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**Brindle Ward Estates, Replat Lot 20,  
Section 6, Town 4, Range 2  
Hanover Township**

Mr. Schmidt showed an aerial map of the plat area and said the owner is looking to change the setback line. The setback line was determined by the final plat the builder built ten (10) feet over the setback line. This is not against zoning setbacks, it is still set back far enough away from the right-of-way.

Mr. Schmidt said right now they are showing a 110-foot setback from the road. The setback on the plat was 120 feet and this is still zoned A-1 Agricultural District.

Mr. Schmidt said since this is a subdivision plat issue setback and this is a larger lot subdivision, it is not as big of an issue as far as visual concern if it were in a smaller lot subdivision. Staff is recommending approval. He added that it is the same setback line as lot #19.

Mr. Bullington asked if this is a three-bedroom house.

Mr. Schmidt said he has not been through the house so he does not know.

Mr. Potter asked what the legality is – this was not determined by us originally, it was determined by the developer.

Mr. Schmidt said setbacks were approved by Planning Commission.

Mr. Potter asked the question, does that prove to be a covenant within the subdivision that affects all of the people in the subdivision.

Mr. Schmidt said that would be another issue that they have to take up, but as far as plats are concerned, that is something that is in the scope of the Planning Commission, therefore they can change this on the plat but there is something in the covenants and restrictions then the property owner would have to take that up with the Home Owners' Association.

Mr. Potter said we could change it but that does not necessarily negate any legal recourse of anybody else the subdivision might have against.

Mr. Schmidt said that is true if it is a part of covenants and restrictions recorded at the Recorders' Office.

Mr. Nevel asked if the Planning Commission is approving this moving of the setback line for just this lot.

Mr. Schmidt said yes, just this lot.

Mr. Schmidt said the legal issues – that is something that they would have to worry about as far as the setback distance.

Mr. Tucker made a motion to approve the final plat for Brindle Ward Estates, replat of Lot 20, Section 6, Town 4, Range 2, Hanover Township. Mr. Disney seconded the motion. Motion carried.

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

NAYES: None

**Resolution #09.49**

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

Mr. Fehr showed an aerial photograph of the plat and said this is a replat of Lot 1 and said it is at the site of the new GE Aviation Office Complex and showed its proximity to Interstate Route 75 and Union Centre Boulevard, the Rave Theater and the two buildings that were recently completed for GE Aviation.

Mr. Fehr said the existing lot configuration is outlined in blue and what they want to do is to take off three (3) acres off the back (as pointed to on the map) and sell that and transfer that to West Chester Township and the Township owns the cemetery here and also the collection of Township buildings – the fire house and administration building so basically it is a land swap between two adjoining property owners.

Mr. Fehr displayed the original plat and indicated where Lots #1 and 2 were located originally and where they are now.

Mr. Fehr said the new Lot 4 will be a little over three (3) acres and runs along the northern property line and all of this property (as pointed to) will be transferred over to West Chester Township's ownership.

Mr. Fehr said Staff does recommend approval for this replat.

Mr. Bullington asked if the detention basin on Lot 4 for the benefit of the Township or

for the commercial development.

Mr. Fehr said that was put in for the commercial development to the south for this piece and there are actually multiple detention basins. So it is detention but does not take majority of the water.

Mr. Fehr said the basin itself will be outlined in this area (as pointed to on the plat) and also indicated the location for the easement of the basin.

Mr. Disney made a motion to approve the final plat for North Pointe at Union Centre Subdivision, Section 1, Replat Lot 1, West Chester Township. Mr. Cooney seconded the motion. Motion carried.

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

NAYES: None

**Resolution # 09.50**

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**OTHER BUSINESS:**

None

**ADJOURNMENT:**

Mr. Bullington made a motion to adjourn. Mr. Tucker seconded. All in favor. Meeting adjourned.

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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  
October 13, 2009

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Chair

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Secretary

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Lee Margraf