



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

**MEETING MINUTES**

**MEETING:** Tuesday, September 8, 2015, 3:00 p.m.

**ROLL CALL:**

**Present:** Charles Bullington, Chair  
Steven Brown  
Kevin Cooney, Vice Chair  
G. Coe Potter  
David Baker Bernard "Buck" Rumpke  
Beth Surber  
Shirley Wiant

**Staff Present:** Peter Z. Acuff, Dept. of Development  
James Fox, Dept. of Development

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**APPROVAL OF MEETING MINUTES:**

Mr. Potter made a motion to approve the August 11, 2015 draft Meeting Minutes as submitted. Ms. Wiant seconded the motion. Motion approved.

**AYES:** Potter, Wiant, Brown, Surber, Rumpke, Bullington

**ABSTAIN:** Baker, Cooney

**NAYES:** None

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Mr. Rumpke arrived after approval of Minutes.

**ZONE CHANGES:**

**LTZ 15-07      San-Ste Properties, 6520 Cincinnati-Dayton Road**  
Change R-1 to B-2  
Section 14, Town 3, Range 3  
Liberty Township

Mr. Acuff presented an aerial image of the property, a plat map, current zoning map of the area and the proposed Land Use Map for the area and provided details on the property and request for zone change. Mr. Acuff stated staff has reviewed the proposed zone change and recommends denial based on the Liberty Township Land Use Plan vision and doesn't feel it is the best use or interest for the Township and area and highlighted staff comments.

Applicant, Mr. Steve Roach, 4875 Beaver Court, Liberty Township said he believes the zone change request should be approved as most of the property around it is commercial use and while most people are waiting for something to happen here while he is one of the first to do anything and he has a buyer for it with a contingency and he is really surprised and it seems to make a lot of sense to be developed and it takes one or two at a time and feels it's a great idea. He showed photos of what it looked like in the past and how it looks now and said the Township seems to be on board with it.

Based on the existing zoning map, Mr. Potter said it appears most of it is zoned commercial in the area and when he looks at the Land Use Plan, and asked if the applicant has discussed this with the two properties around him. The applicant said they have reached out to all but two, as those were not reachable but no one has had any objections. Mr. Potter said if some of the surrounding property owners were to get on board with this and commented if that could happen simultaneously it might be more favorable and substantially better if they were all the same zoning.

Ms. Surber asked the location of the proposed point of access for the area shaded in purple and what the intended use will be by the potential buyer. Mr. Roach responded to both questions and added the buyer is proposing office space and said the Township has earmarked this as one of the 52 specific properties to protect and a picture of it is actually on the cover of Liberty Township's Downtown Bethany vision Plan and they are hoping to see it saved as part of 54 properties they consider to have significant historical value.

Ms. Surber commented in driving through the area this is one of the nicer properties and said they use doesn't appear to be in conflict.

Mr. Acuff said the proposed use is new information - he wasn't aware of the buyer's intended use or the Township's stance as for protection.

Ms. Surber said if there is an allowance for access from Liberty Lane than she doesn't have an objection.

Mr. Potter asked Mr. Acuff if this is not a PUD is the requirement for the access plan qualifying a zone change or not – we can't qualify zone change, correct?

Mr. Acuff said you cannot qualify a zone change but the comment is strictly from the Engineers office so the requested easements may be enforceable via the access management plan.

Mr. Roach said Liberty Township's idea was that each property to work with one another and come up with a cross easement so each property can improve and they will grant the easement to avoid the issue at old West Chester's back access road.

Mr. Rumpke asked if this is granted B-2 zoned it has more options that under a PUD which would be more controlled and Mr. Acuff replied that is correct.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

Mr. Potter asked Mr. Acuff if they table this might there be any improvement on a petition. Mr. Acuff said he didn't feel tabling would be to anyone's benefit and this is just a recommendation to the Township and they will have the final say and we are looking at the individual property in this case and there are just two different options and he could argue for both sides. He added the Bethany overlay may introduce additional restrictions.

Mr. Brown asked if the Township has to follow staff comments and are they bound by them. Mr. Acuff said neither the Planning Commission nor the Township is bound by staff comments are only staff recommendations.

Mr. Potter said he feels staff is between a rock and hard place and in instances like this he personally feels compelled to try and protect the rights of the property owners, both the petitioners and the adjacent property holders; and we have not heard any objections from the properties so from, what we know they must they must not feel it will reduce their property values so he is inclined to be in favor of the zone change and is going to vote in favor of the request.

Mr. Potter made a motion to recommend approval of zone change LTZ 15-07, Change R-1 to B-2, San-Ste Properties, 6520 Cincinnati-Dayton Road, Section 14, Town 3, Range 3, Liberty Township subject to staff comments. Mr. Cooney seconded the motion. Motion carried 7-1.

AYES: Potter, Cooney, Brown, Baker, Surber, Wiant, Bullington

NAYES: Rumpke

**RESOLUTION: #15.51**

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**LTZ 15-08      Tarik Daoud, 5530 Horseshoe Bend Road**  
Change R-RE to B-2  
Section 9, Town 2, Range 3  
Liberty Township

Mr. Acuff showed an aerial image of the property involved and a plat map and said this is a rezoning for two (2) parcels behind the LaRosa's restaurant and gave details on the request for a zone change from R-RE to B-2 and both properties are currently split zoned and the purpose is to expand the parking area towards Horseshoe Bend Road. Mr. Acuff highlighted staff comments and said staff recommends approval of the rezone request.

Ms. Etta Reed, Bayer and Becker, 6900 Tylersville Road, Mason, Ohio introduced herself and Mr. Sam David, one of the owners of the LaRosa’s restaurant, and said LaRosa’s is in need of additional parking and that is the sole purpose for this rezone request to increase the parking lot about 20 – 35 additional spaces but the exact layout isn’t finalized yet but they are aware a variance will be required if they do not meet the 50 foot buffer requirement. Ms. Reed stated this request does conform to the Liberty Township Land Use Plan and it will also clean it up to a straight zone rather than the current split zoning on the individual parcels.

Mr. Potter commented if we rezone it as a business use rather than a buffer standpoint, then we are only allowing half of it to be used from a commercial standpoint without a variance.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Mr. Rumpke asked the applicant if the new parking plan going to stay within the north and south lines of the property they have or expand over and Ms. Reed responded there is a good possibility it will expand toward the west.

Mr. Cooney made a motion for approval of Zone Change LTZ 15-08 change R-RE to B-2, Tarik Daoud, 5530 Horseshoe Bend Road, Section 9, Town 2, Range 3, Liberty Township, subject to staff comments.

Applicant, Mr. Potter seconded the motion. Motion carried 8-0.

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

NAYES: None

**RESOLUTION: #15.52**

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**LTZ 15-09      Muncy Farm, 5695 Princeton Glendale Road**  
Change RA-1 to MU-PUD  
Section 3, Town 2, Range 3  
Liberty Township

Mr. Acuff showed an aerial image and plat map of the property and provided details on the zone change request. Mr. Acuff highlighted staff comments and said staff recommends approval of the zone change.

Applicant was not present at the meeting.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Ms. Surber made a motion for approval of Zone Change LTZ 15-09, change RA-1 to MU-PUD, Muncy Farm, 5695 Princeton Glendale Road, Change RA-1 to MU-PUD, Section 3, Town 2, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried 6-2.

AYES: Surber, Wiant, Potter, Brown, Baker, Bullington

NAYES: Cooney, Rumpke

**RESOLUTION: #15.53**

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**WCTZ 15-06 Tekulve/West Chester Office Park, 8900 Cincinnati-Columbus Road**  
Change B-2 & R-1A to C-PUD  
Section 10, Town 3, Range 2  
West Chester Township

Mr. Acuff showed an aerial image of the property and the zoning map for the area and said it is currently split zoned and they are looking to rezone it to C-PUD to add two (2) warehouse storage units on the back of the parcel. Mr. Acuff said a newer plan was submitted today and too late to include in the information packets. Mr. Acuff highlighted staff comments and said staff does recommend approval of the rezone request subject to staff comments.

Applicant, Mr. Joe Tekulve, 6120 Branch Hill Guinea Pike, Milford, OH, offered to answer any questions and said he spoke with all but one of the surrounding residents in the back and there were no objections.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Mr. Rumpke wanted to know how close the houses are on the cul-de-sac and the applicant replied about around 180 feet and the setback is 25 feet from the property line and offered to show the plans for his proposed development that includes the landscape.

Mr. Rumpke made a motion for approval of Zone Change WCTZ 15-06, Change B-2 & R-1A to C-PUD, Tekulve/West Chester Office Park, 8900 Cincinnati-Columbus Road, Section 10, Town 3, Range 2, West Chester Township, subject to staff comments. Mr. Brown seconded the motion. Motion carried 8-0.

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

NAYES: None

**RESOLUTION: #15.54**

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**WCTZ 15-07 Springs at West Chester**  
Change M-2, to R-PUD  
5623 West Chester Road

Section 33, Town 3, Range 2  
West Chester Township

Mr. Acuff showed an aerial image and a plat map of the property and said this was seen earlier this year for the old greenhouse which Continental 323 Fund LLC proposal for an apartment complex similar to what was recently approved on Hamilton Mason Road in Liberty Township and we saw this in April. Mr. Acuff said when it came through our recommendation was for denial based on the Township's Land Use Plan and is currently zoned industrial to be rezoned residential. Since this was initially proposed, the proposed plan has been slightly modified and Liberty Township has revised their Land Use Plan and what is proposed currently is consistent with the new Land Use Plan and this would fit.

Mr. Acuff provided details on the proposed development and highlighted staff comments. Mr. Acuff highlighted staff comments and said staff does recommend approval of the rezoning subject to all staff comments.

Applicant, Ms. Sara Johnson, representing Continental Properties, W. 134 N. 8675 Executive Parkway, Menominee Falls, WI, was here in early March to present this and said they eventually pulled their application and they have modified their proposed development based on the Township's desire for it to have a more-urban feel to it. She presented more detail and renderings and photographs of the proposed development and gave details to address a few of the staff comments and offered to answer any questions.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Ms. Surber said she didn't understand the reasoning of why they would want to construct a residential development in a commercial area. Ms. Johnson responded and said it is a great location as far as access to Route 75 and the jobs and retail in the vicinity within walking distance is very attractive.

Mr. Brown made a motion for approval of Zone Change WCTZ 15-0-07, Change M-2, to R-PUD, Springs at West Chester, 5623 West Chester Road, Section 33, Town 3, Range 2, West Chester Township, subject to staff comments. Mr. Baker seconded the motion. Motion carried 8-0.

AYES: Brown, Baker, Cooney, Potter, Rumpke, Wiant, Bullington

NAYES: Surber

**RESOLUTION: #15.55**

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## **PRELIMINARY PLATS:**

**Reserves at Indian Springs**  
Section 14, Town 3, Range 2  
West Chester Township

Mr. Acuff showed an aerial image of the property and gave details on the proposed. Mr. Acuff highlighted staff comments including their concern about lead levels on the site due to its prior shooting range activity and said staff does recommend conditional approval subject to staff comments and contamination issues can be sorted out.

Mr. Brown asked if the Planning Commission recommends conditional approval at this time, will the applicant have to conduct the studies prior to the start construction and Mr. Acuff said we would want to see the studies prior to construction drawings being submitted and they may end up modifying their plans and potentially losing a few lots but he doesn't know what the results would be.

Applicant, Bob Rothert, Abercrombie & Associates, 3377 Compton Road, Suite 120, Cincinnati, OH 45251, introduced himself and said they are in the process of having an expert analyze that and are hoping to hear results soon as to remediation recommendations and what needs to be done. He gave additional details on their communications with county staff and said they are fine with the requirements of staff and offered to answer any questions.

Mr. Rumpke asked how long it's been since it was an active shooting range and Mr. Rothert replied forty years and said the preliminary studies show it to be concentrated in certain areas.

Mr. Rumpke made a motion to recommend approval of the preliminary plat for Reserves at Indian Springs, Section 14, Town 3, Range 2, West Chester Township subject to staff comments. Mr. Brown seconded the motion. Motion carried unanimously.

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

NAYES: None

**RESOLUTION: #15.56**

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## **FINAL PLATS:**

### **Oaks of West Chester, Section Two**

Section 22, Town 3, Range 2

West Chester Township

Mr. Acuff showed an aerial image of the 7.5 acre parcel and plat map for this final plat and gave details on the proposed development, slated as Homearama 2016. Mr. Acuff highlighted staff comments and said staff received revised plans so the staff comments have been almost cut in half.

Mr. Cooney made a motion to approve the final plat for Oaks of West Chester, Section Two, Section 22, Town 3, Range 2, West Chester Township subject to staff comments. Ms. Surber seconded the motion. Motion passed unanimously.

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

NAYES: None

**RESOLUTION#: 15.57**

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**Treillage, Section 2-A, Replat of Lots 148 & 149**

Section 13, Town 3, Range 3  
West Chester Township

Mr. Acuff showed an aerial image of the property and a combination of two (2) lots and showed a plat map and highlighted staff comments and said staff does recommend the replat for Treillage, Section 2-A, Replat of Lots 148 & 149.

Mr. Rumpke made a motion to approve the replat for Treillage, Section 2-A, Replat of Lots 148 & 149, Section 13, Town 3, Range 3, West Chester Township subject to staff comments. Mr. Brown seconded the motion. Motion passed unanimously.

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

NAYES: None

**RESOLUTION#: 15.58**

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**Glenview Farm Estate at Foxborough, Phase 2B**

Section 6, Town 2, Range 2  
West Chester Township

Mr. Acuff showed an aerial image of the property proposing 13 lots on 6 ½ acres and showed a plat map of the proposal. Mr. Acuff highlighted staff comments and said staff does recommend approval of Glenview Farm Estates Phase 2B final plat.

Mr. Brown made a motion to approve the final plat for Glenview Farm Estate at Foxborough, Phase 2B, Section 6, Town 2, Range 2, West Chester Township subject to staff comments. Ms. Wiant seconded the motion. Motion passed unanimously.

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

NAYES: None

**RESOLUTION#: 15.59**

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**Kyles Station Subdivision**

Section 10, Town 2, Range 3  
Liberty Township

Mr. Acuff showed an aerial image of the property and said this is a final plat for six (6) commercial lots on 50+ acres at the intersection of Kyles Station Road and State Route 4 in Liberty Township. Mr. Acuff said staff received a revised plat after the staff comments were distributed so a number of the staff



comments have been addressed and staff does recommend approval subject to the remaining staff comments.

No questions from the Board.

Mr. Cooney made a motion to approve the final plat for Kyles Station Subdivision, Section 10, Town 2, Range 3, Liberty Township subject to staff comments. Ms. Surber seconded the motion. Motion passed unanimously.

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

NAYES: None

**RESOLUTION#: 15.60**

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**Knolls of Aspen Trails, Block B**

Section 4, Town 2, Range 3  
Liberty Township

Mr. Acuff showed an aerial image and plat map for the proposed 9 lots on 6 1/4 acres and highlighted staff comments. Mr. Acuff highlighted staff comments and said staff recommends approval.

Mr. Brown made a motion to approve the final plat for Knolls of Aspen Trails, Block B, Section 4, Town 2, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion passed unanimously.

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

NAYES: None

**RESOLUTION#: 15.61**

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## **ADJOURNMENT**

Mr. Potter made a motion to adjourn seconded by Ms. Wiant. 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  
September 8, 2015

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Chair

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Secretary

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Lee Margraf

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