



Butler County Planning Commission

Government Services Center, Conference Room #1
315 High Street, Hamilton, Ohio

Meeting Minutes

MEETING: Tuesday, September 13, 2016, 3:00 p.m.

ROLL CALL:

Present: Steven Brown
Kevin Cooney, Vice Chair
G. Coe Potter
Beth Surber
Shirley Wiant

Absent: David Baker
Charles Bullington, Chair
Bernard "Buck" Rumpke

Staff Present: Peter Z. Acuff, Dept. of Development
David Fehr, Dept. of Development
Lee Margraf, Dept. of Development
Eric Pottenger, Butler County Engineers Office
Roger Gates, Butler County Prosecutors Office

Meeting opened at 3:06 p.m.

APPROVAL OF MEETING MINUTES:

June 14, 2016 Meeting
July 12, 2016 Meeting
August 9, 2016 Meeting

Mr. Potter made a motion to approve the Minutes listed above and Mr. Brown seconded the motion.

AYES: Potter, Brown, Wiant, Cooney

ABSTAIN: Ms. Surber abstained; Ms. Wiant abstained from the June meeting minutes only

NAYES: None

ZONE CHANGES:

LTZ16-05: MVG Liberty

8000 Liberty Way

O-1(Office District) and O-2 (Office/Limited Industrial) to B-PUD (Business Planned Unit Development)

Section 7, Town 3, Range 3

Liberty Township

Mr. Acuff introduced the case and mentioned that it had been presented twice previously to the Planning Commission in May and June of this year. Both times the case had been tabled at the applicant's request to allow more time to work with the County Engineer's office. He showed the location of the proposed development and described a rendering of the various uses proposed for the site, and then noted that there are two sets of comments – one from Planning staff and one from BCEO – in the packets for review.

Mr. Acuff reviewed the staff comments and stated that staff recommends denial of the zone change, due to a number of outstanding issues and no movement toward resolving them in the many months that this case has been active.

Mr. Potter asked for staff comments from the Engineer's Office.

Eric Pottenger, BCEO, rose to speak and stressed that there are “multiple concerns and issues with the proposed plan, both environmentally and transportation/safety related.” He stated that his office has yet to receive any study or report from the applicant identifying the amount of traffic being generated, the potential safety and economic impacts of that traffic, and plans for mitigation of those impacts.

Mr. Potter asked if the preliminary plan provided for water runoff. Mr. Pottenger responded that a drainage plan was submitted to evaluate both the quantity and quality of water runoff from the site. Mr. Potter noted that due to the large amount of impervious area proposed, he feels that a drainage plan needs to be approved and in place before we can proceed with the development.

Ms. Surber inquired as to the anticipated difference between the proposed development plan and development as would be permitted by existing zoning. Mr. Pottenger replied that the applicant has not provided that study; BCEO has developed estimates based on the ITE manual for trip generation for the stated uses on the plan. We know there will be increased volumes, but we don't know how they will impact the existing infrastructure.

Mr. Cooney asked for the applicant to make a presentation.

Matthew Fellerhoff, attorney with Strauss Troy (150 E. Fourth Street, Cincinnati), stated that his firm is representing the developer. They request that the application be approved, subject to any conditions the Planning Commission sees fit. The application was first filed in April of this year and they have tried to work with the County on their concerns. There have been traffic issues discussed, but these primarily fall off-site and the developer has no control over them. Mr. Fellerhoff said that they were told not to submit a traffic study because the County was working on an area-wide traffic study, which will not be completed until 2018. This project has been stalled for months and they can't wait any longer.

Brian Copfer with Miller Valentine Group (9349 WaterStone Blvd, Cincinnati), the applicant, came to the podium to address the Commission and explain the history of the project to this point. Aside from the traffic issues, this plan complies with the Township's long-term vision and zoning requirements for the area. They have had 10-15 meetings with Liberty Township and have developed a very well-thought-out plan. There are still some details to be worked out, but the traffic issues are holding everything up.

Mr. Copfer then addressed the traffic issues raised by BCEO, taking exception to the statements put forth in the letter regarding the applicant's reluctance to meet and develop solutions. He said that the whole development deal hinges on whether we work out a traffic solution that works for everyone – Miller Valentine, Brandicorp, Tri-Health, the County, and the Township. They know that the deal is contingent on transportation; what they would like today is simply for the Planning Commission to vote up or down on the application, preferably to approve with whatever conditions the Commission deems necessary.

Mr. Copfer continued to discuss the traffic impact study and the anticipated area-wide traffic study that was to have been performed by BCEO. He stated that the nearby Christ Hospital project, despite having a traffic study that showed impacts on the interchange, did not have to mitigate their impacts to the interchange. He is aware that there are financial arrangements (e.g., minimum service payments) that still need to be worked out, but he is confident that discussions are moving forward and that this project will be an asset to the area.

Ms. Surber asked what the difference in traffic counts would be between the proposed plan and the level of development that would be permitted under the current zoning. Mr. Copfer replied that he didn't know it off the top of his head, but all their traffic data was submitted to Butler County. There is no question that our development will impact the area, but not sure what percentage would already be there without the proposed project.

Ms. Surber followed up with a question as to whether the proposed project represented a similar density to the Township's plans for the area. Jose Castrejon, McGill Smith Punshon, addressed the question, stating the project is very similar to what the Township envisions for the area.

Mr. Brown asked Mr. Pottenger if the traffic study they are waiting on will adequately address what needs to be done – do we continue to table this or can we move it along with contingencies. Mr. Pottenger replied that the regional study will provide us a picture of what needs to be done. How that will be achieved is a whole separate plan that is beyond BCEO's control. The timing is the major issue, and we are waiting on responses at the state and federal level regarding changes to the interstate. We are moving forward with the studies, but today we do not have a strategy to mitigate the degradation of the system.

Ms. Surber said that she believes it's more favorable to work toward resolution for a more cohesive development rather than allowing the parcel to develop building by building in a piecemeal fashion.

Mr. Cooney asked if part of the fear of this development is that it accelerates the "tipping point" of traffic infrastructure failure (e.g., Fields Ertel), and if that's the case, he has a hard time seeing that there will be a solution in place before then. Mr. Pottenger described the situation as a "ticking time bomb."

Mr. Copfer replied that most of this comes down to who funds which improvements. They have a lot of money tied up in this project and they have to make it work from their side.

Mr. Potter stated that the level of frustration in this case is obviously high, both from Mr. Copfer and from the Engineer's Office. He said that he's not sure that approving this with conditions that the issues be resolved doesn't just push off the discussion to another venue.

Mr. Fellerhoff replied that an approval, even with conditions, would be preferable to denial. The regional problems are such that development on this site, regardless of zoning, won't happen without working out the traffic issues, but if the zoning is not approved, this project will go away and make it that much harder to work on the regional solutions. He stated that it's not appropriate to hold up this otherwise-acceptable development because of the regional issues. The applicant will not be able to do this project if these issues cannot be worked out, but we cannot work out the issues if the zoning is not approved.

Mr. Pottenger stated that BCEO's position remains the same; approval with conditions just kicks the can further down the road. Mr. Potter said that it seems like there is no resolution to this in a timely-enough matter for the applicant to ever develop this property.

Ms. Surber said that traffic will always be an issue and it seems unfair to hold up the initial step of the zone change.

Mr. Copfer said that there are multiple parts of this moving in parallel – zoning, negotiation of funding, and the preliminary results of the IMS – and the client can't wait for one part to be done before moving on to the next. This application has been tabled twice; today, they want a yes or no vote.

Mr. Cooney asked for testimony in favor; none heard.

Mr. Cooney asked for testimony in opposition.

Roger Gates, chief of the civil division of the County Prosecutor's office, rose to speak to the responsibility of the Planning Commission, which is to look beyond the boundaries of a specific project and give a recommendation on the regional impacts of the proposal to the Township. The intersection is already on the verge of failing with regard to traffic flow, and BCEO is expressing their concerns about the traffic that is going to be generated by this proposal, especially at rush hours. Mr. Gates mentioned the history of the Christ Hospital project, which did not require a zone change, and that their traffic study for their one building suggested some turn lane improvements, which they completed. In this case, we are dealing with 100+ acres with much higher traffic counts, hence the need for a more regional study. We need to look at these issues in a broader sense to determine the appropriate timeframe for development and for infrastructure improvements.

Mr. Cooney asked for any neutral testimony; none heard.

Mr. Potter asked Mr. Gates if the zoning issue was crucial to the traffic issues. Mr. Gates pointed out that the property is already zoned for office use; we are just trying to bring to the Planning Commission's attention that there are significant issues here that need to be considered in making a recommendation to the Township. The County has no desire to stop development here, but we need to work together to mitigate the anticipated impacts. Mr. Potter stated that he thinks the PUD approval and traffic mitigation are two separate hurdles that can each be cleared in time, but one is not dependent on the other.

Mr. Brown asked how many cars the site would generate under the current office zoning. Mr. Copfer replied that most of the proposed PUD is office uses, so the traffic counts would be about the same. Mr. Brown clarified that his question was to point out that the traffic issue would be roughly the same regardless of the PUD or development under the current O-1/O-2 zoning. If we vote on the PUD with the comments from BCEO, we can at least move the project forward.

Ms. Surber asked if it is fair to say that most of the traffic concerns aren't based on the interior roads, but the highway interchange. From that point of view, she would have a hard time denying the PUD because the timeframes for the development and the interchange fixes are on different scales.

Mr. Potter made a motion to recommend approval of LTZ 16-05 MVG Liberty, subject to staff conditions and a satisfactory agreement between the developer and the County Engineer that addresses the impact of the development on traffic. Mr. Brown seconded the motion. Motion passed 5-0.

AYES: Potter, Brown, Surber, Wiant, Cooney

NAYES: None

RESOLUTION#: 16.53

PRELIMINARY PLATS:

Carriage Hill (aka Winding Creek), Section 15

Section 2, Town 2, Range 3

Liberty Township

Mr. Acuff showed the location of the eight-acre Carriage Hill Section 15 preliminary plat at the northwest corner of the community. Twenty residential lots are proposed. In addition to the typical comments, the proposed pedestrian path located between lots 395 and 396 should be shown on the plat and the open space incorporated into this section.

Mr. Brown made a motion to approve the preliminary plat of Carriage Hill, Section 15, subject to staff comments. Ms. Wiant seconded the motion. Motion passed 5-0.

AYES: Brown, Wiant, Potter, Surber, Cooney

NAYES: None

RESOLUTION#: 16.54

Sidewalk Waiver

Carriage Hill (aka Winding Creek), Section 15

Section 2, Town 2, Range 3

Liberty Township

Mr. Brown made a motion to waive the requirement for double-loaded sidewalks within Carriage Hill, Section 15, per the preliminary plat. Mr. Potter seconded the motion. Motion passed 5-0.

AYES: Brown, Potter, Surber, Wiant, Cooney

NAYES: None

RESOLUTION#: 16.55

FINAL PLATS:

Vista Verde, Section One, Block A

Section 3, Town 2, Range 3

Liberty Township

Mr. Acuff described the plat as the first section of a new subdivision on Millikin Road; this section consists of a single building lot for the model home, two open space lots, and a new entrance road. He highlighted comments in the staff report provided for review and stated that staff recommends approval of the plat.

Ms. Wiant made a motion to approve the final plat of Vista Verde, Section One, Block A, subject to staff comments. Ms. Surber seconded the motion. Motion passed 5-0.

AYES: Wiant, Surber, Brown, Potter, Cooney

NAYES: None

RESOLUTION#: 16.56

Crossings of Beckett, Section One

Section 5, Town 2, Range 2

West Chester Township

Mr. Acuff noted that this commercial subdivision at the corner of SR 747 and Tylersville Road would be the site of a future Kroger Marketplace. The plat includes an open space lot along Tylersville Road and three outlots along SR 747, in addition to the main Kroger site. Cross-access is being provided to the medical office parcel to the south.

County staff had initially recommended denial based on a long list of outstanding items, but a revised plat cleaned up a number of the issues, and subject to the remaining staff comments, staff now recommends approval of the plat.

Mr. Brown made a motion to approve the final plat of Crossings of Beckett, Section One, subject to staff comments. Ms. Wiant seconded the motion. Motion passed 5-0.

AYES: Brown, Wiant, Potter, Surber, Cooney

NAYES: None

RESOLUTION#: 16.57

Kingsgate Addition #6, Replat of Lot 114

Section 17, Town 3, Range 2
West Chester Township

Mr. Acuff described the replat as a split of a single parcel near I-75 and Tylersville Road to create two commercial sites; a restaurant is proposed for the rear site. He highlighted comments in the staff report provided for review and stated that staff recommends approval of the plat.

Mr. Potter made a motion to approve the replat of Lot 114, Kingsgate subdivision, Addition #6, subject to staff comments. Mr. Brown seconded the motion. Motion passed 5-0.

AYES: Potter, Brown, Surber, Wiant, Cooney

NAYES: None

RESOLUTION#: 16.58

Fehring Services, Final PUD

Morgan Lane
Section 33, Town 3, Range 2
Ross Township

Mr. Acuff showed the location of this commercial site in Ross Township, just south of “downtown” on SR 128. The applicant is proposing to construct a single warehouse/office building. Staff comments include a desire to review the proposed exterior building materials and clarification regarding some notes on the PUD plan. Subject to the comments, staff recommends approval of the final PUD plan.

Mr. Potter asked how the property was zoned. Mr. Acuff replied that the property is zoned B-PUD.

Mr. Potter inquired if the issues raised years ago regarding elevations and floodplain had been addressed. Mr. Acuff replied that Jim Fox, Butler County Floodplain Administrator, did not have any concerns regarding the proposed site plan; the building would be elevated above the floodplain.

Mr. Brown made a motion to approve the Final PUD plan for Fehring Services, subject to staff comments. Ms. Wiant seconded the motion. Motion passed 5-0.

AYES: Brown, Wiant, Surber, Potter, Cooney

NAYES: None

RESOLUTION#: 16.59

ADJOURNMENT

Ms. Wiant made a motion to adjourn seconded by Mr. Potter. 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 and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting.

Hamilton, Ohio
September 13, 2016

Chair

Secretary