



Butler County Planning Commission

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

Meeting Minutes

MEETING: Tuesday, June 9, 2020, 3:00 p.m.

ROLL CALL:

Present: Bruce Jones, *Chair*
Steve Brown
Amy Updike
Lonnie Lewis
Bernard "Buck" Rumpke
Beth Surber

Absent: Dave Baker
Kevin Cooney

Staff Present: Peter Z. Acuff, Dept. of Development
Stephanie Foley, Administrative Secretary
James Fox, Zoning Administrator

Mr. Jones called the meeting to order with roll call at 3:00 p.m.

APPROVAL OF MEETING MINUTES

Mr. Brown made a motion to approve the March Meeting Minutes. Mr. Lewis seconded the motion. Motion carried 5-0.

AYES: Brown, Lewis, Surber, Updike, Jones

NAYES: None

ABSTAIN: None

Mr. Rumpke arrived at the meeting after the vote was taken for approval of May Minutes, but prior to the presentation of the first zone change.

ZONE CHANGES

RZC 20-01 Land of Illusion, A-1/R-1/B-3 to B-PUD

8762 Thomas Road

Section 1, Town 2, Range 4 and Section 36, Town 3, Range 4

Madison Township

Mr. Acuff introduced this zone change in Madison Township. The property involves approximately 225 acres of land. The request is a rezoning of three different districts to an overall Business Planned Unit Development (B-PUD). There are a total of 10 parcels included in this request (1 with B-3 zoning where the current Land of Illusion park is located, 3 agriculturally zoned parcels, and the rest zoned residential. The future land use plan calls for mostly agricultural use with one parcel planned for public private recreation. The applicant submitted an overall PUD plan, which is the basis for the zone change. The applicant is proposing a large expansion complete with the addition of a campground, an outdoor adventure area, an indoor waterpark, an indoor theme hotel, amusement park, and parking areas. The rollout of this plan is set to be done in phases. Phase One would bring in the campground, planned for 2021. In 2022, minor adjustments would be made in the current park in preparation for future phases. The indoor water park, theme hotel and the indoor family entertainment center are planned for 2023/24. The rest of the areas would be approximately 5-20 years out for development. One of the topics worth discussion is the proposed heights map. The entirety of the area would be a maximum of 40 feet, which the B-PUD allows. The applicant is requesting an allowance for increased heights in three zones, stepping up to 100 feet, 200 feet, and 350 feet.

Mr. Acuff described the property and reviewed the staff report with the board. He stated that Land of Illusion sits in a generally rural and residential area of Madison Township. Single-family homes border the PUD sight to the south and east. To the north, there is a large area owned by a fraternal organization and used for recreational purposes.

Staff finds that the requested uses are consistent with a B-PUD zoning. The land use plan was last updated in 2006. The proposed 50-foot landscape buffer around the perimeter complies with minimum requirements. Site soils are mostly well-drained, but such areas as the parking lots will require significant storm water management. Nearly 2/3 of the property is to remain open spaces, which is well above the 25% requirement for the B-PUD.

Mr. Acuff reviewed staff comments with the board. Staff asks that the applicant consider wider and/or denser buffers for parking areas adjacent to residential uses. Regarding Area 13, the outdoor adventure area, staff is requesting that the area remain in as natural a state as possible. With that property located so close to residential properties, staff recommends that no outdoor concerts take place

outside of Area 3, and all activities in Area 12, the theme park area should cease at 10:00 PM. No fireworks displays should be permitted after 11:00 PM. Parking lot lights should be turned off from midnight to 7:00 AM. The campground stays should be temporary only, and the applicant should establish time limits or an open season to prevent subjects from occupying the campground year round.

Staff recommends that the proposed height limits be reduced, with a maximum height being 200 feet. All enclosed building heights should be reviewed by local emergency officials to ensure accurate lifesaving coverage. All parking lots and roads, except the service road, should be paved.

The applicant responded to the staff report, and that response was received by staff on 6/9/2020.

Staff finds that this application and the proposed B-PUD plan are ambitious and broad in both physical and temporal scope. Potential impacts of this development are large and may be positive, negative, or both. Mr. Acuff stated that he sent out the public notices for this same case for a separate meeting, and since then has received a steady stream of messages from the neighbors. He has received approximately 30 calls and 81 emails in the last week regarding this project, with the bulk of them being in opposition to the project. Those emails were forwarded to the board.

Mr. Jones acknowledged receiving those emails and stated that he read each one.

Ms. Surber asked staff what the current B-3 zoning covers. Mr. Acuff stated that the current B-3 zoning only covers the existing park. Ms. Surber asked if the B-3 permits most of the types of uses that are proposed in the application. Mr. Acuff stated that the uses would be permitted in a B-3 district. Ms. Surber also asked for an explanation of the reason for the request for increased height limits. Mr. Acuff deferred to the applicant for that question.

Mr. Jones asked if there would be direct access onto Route 4. Mr. Acuff stated that this topic was discussed a number of months ago and Ohio Department of Transportation (ODOT) stated that Route 4 was a limited access along that area and no additional access would be permitted.

Ms. Surber asked if the hours of operation would be incorporated into the PUD. Mr. Acuff stated that they would if the board so chooses to include them in their recommendation. Ms. Surber asked if there could be any restriction on hours for concerts to be permitted. Mr. Acuff stated that was something that could be negotiated if there is a concern.

Testimony in favor: Jonathan Wocher, planner with McBride Dale Clarion, is representing the applicant on this zone change request. He stated that in addition to himself and Mr. Brett Oakley (applicant), he has additional members of his team there to assist and answer questions if needed, including the project architect, civil engineer, traffic consultant, and legal counsel. Mr. Wocher stated that the property actually consists of 227.5 acres, all of which are owned by Mr. Oakley. He stated that Land of Illusion is a family-oriented place that has been successfully operating for a number of years already. He believes that by Butler County establishing a

preliminary plan and PUD, it establishes control over how the project is regulated, reviewed, and approved. He stated that there would be a rigorous process to which the applicant and his team would have to follow to move the project forward. Originally, the property was issued a conditional use and operated as a commercial recreation facility. This required an annual review and approval by the Board of Zoning Appeals (BZA). Through a later zone change to B-3, that condition was eliminated. Mr. Wocher stated that the current business has seasonal draw, but the applicant wishes to create a year-round attraction for the area. Mr. Wocher stated that the B-PUD is the appropriate zoning for this kind of project due to the allowance for county control and the uniqueness of the requested use of the area. Mr. Wocher gave a presentation that depicted a visual of the requested areas and what they would entail. He stated that he is aware that the land use plan does not call for this particular kind of use, but he also stated that he would not expect there to be a designated theme park use included, since it is such a unique kind of request. He requests that with the uniqueness of this project, the county approve the zone change.

Mr. Jones asked who all was in attendance of the meeting. Mr. Wocher stated that John Schaefer (architect), Jake Rudemiller (civil engineer), Wardell Wilcox (traffic consultant), Jay Bennett (legal counsel), and Brett Oakley (applicant).

Mr. Rumpke asked about the five visions within the present scope. Mr. Wocher stated they are the scare park, lake, Christmas club, soundstage, and the fifth is miscellaneous events.

Mr. Jones asked if the campground would have campers and RVs. Mr. Wocher stated there would be both. Land of Illusion has an agreement with a national camping facility who would come in and manage the campground. Mr. Jones asked if the only access is through Thomas Road. Mr. Wocher stated that was correct. He also said that Mr. Oakley has had conversations with ODOT about access on to Route 4 repeatedly. He explained that he intends to continue to ask for access.

Mr. Jones asked if there were any adjoining property owners present to speak on behalf of the project. Mr. Wocher said there were not.

Ms. Surber asked how long the operation has been at its present location. Mr. Oakley stated that he started the park in 1997, but it wasn't moved to the current location until 2004. He obtained the B-3 zoning in 2005, because it fit the zoning at that time. Ms. Surber asked if the entirety of the land was purchased at that time. Mr. Oakley stated he purchased 55 acres originally, purchased another 55 acres within the next two years, and then gradually began purchasing additional surrounding parcels to add to the acreage of the land. He stated the business is open approximately 120 days a year, and relying on seasonal work along is hard on a business.

Ms. Surber asked what the current attendance is and what the estimated attendance would be with a year-round park. Mr. Schaefer stated that last year's number was about 48,000 people who showed up for the Aqua Adventures and about 30,000 showed up for the seasonal portion. He also stated that seasonal work is also heavily dependent on weather cooperation.

Mr. Oakley stated that he has hired 70 full time employees for the Aqua Adventures, and 150-250 employees are usually on board during the haunt season. He stated that much of the reason for the requests he has made is due to customer feedback, and a lack of available activities in the local area.

Mr. Jones asked what the average wage offered was, to which Mr. Oakley stated a range between \$9-\$30 per hour, depending on the trade. Mr. Jones asked if the employees receive benefits. Mr. Oakley stated that they would in the future.

Ms. Surber asked about the proximity to the existing homes, referencing the emails from the community. She asked for a clarification about the proposed concrete wall in the buffer. Mr. Wocher stated that a decorative concrete wall about 6-10 feet from the property line was proposed, and that the wall would be built within the 50 foot buffer span. He explained that even after the wall, there would be a landscape strip and a service road before the parking lot would begin. The estimated distance from any residential neighbor would be 100 feet.

Mr. Jones exited the meeting at 4:15 PM, prior to the final vote being taken. Mr. Rumpke assumed control of the meeting for the remainder.

Mr. Rumpke asked about the proposed countering of the height requirements. He stated that the original ask had been for 500 feet, 300 feet, and 200 feet. The county responded with a 200 foot limit. The counter is an attempt to meet the county's needs primarily. Mr. Schaefer explained that the numbers requested were not arbitrary, and the need for higher limits comes from the height of roller coasters and other rides. He stated that certain platforms, rides, and bungee drops can get up in to the 300 foot range. He said there is not anything in mind in that area as of now, but when the time comes to purchase rides, something may become available at a decent price, and they want the flexibility to be able to take up the offer if presented.

Mr. Schaefer stated that the intent is not to have buildings that tall. Mr. Rumpke asked how high the buildings were expected to be. Mr. Schaefer stated that any building would fall in that 200 foot limit.

Mr. Rumpke asked about the exception of the entertainment venues to escape the B-3 area. Mr. Wocher stated that the expectation is that there could be an outdoor music area as part of the outdoor water area. Mr. Rumpke asked if presently, on the current property, the applicant is able to build an outdoor entertainment venue in the B-3 area. Mr. Wocher stated that he can.

Testimony in opposition: None

Neutral testimony: None

Mr. Rumpke asked staff if the vote will be for the staff comments as they were presented or the applicants response. Mr. Acuff stated that the vote is for neither, and that any items included or not included are at the discretion of the board.

Ms. Surber asked if those kinds of discrepancies would usually be determined by the township, or if the township just relies on the decision of the Planning Commission. Mr. Acuff stated that the township does not have their own zoning authority, so after

the Planning Commission, the issue will go before the Rural Zoning Commission, and then the County Commissioners. Mr. Acuff stated that many things can be determined at the Final PUD level, but this vote opens the conversation.

Mr. Acuff stated that in response to the applicants newest staff report response, he will work with the applicant.

Ms. Surber made a motion to approve **RZC 20-01 Land of Illusion, A-1/R-1/B-3 to B-PUD** per staff comments. Mr. Brown seconded this. Motion carries 5-0.

AYES: Surber, Brown, Lewis, Updike, Rumpke
NAYES: None
ABSTAIN: None

RESOLUTION#: 20.29

FINAL PLATS

Bel Haven, Phase One

*Section 5, Town 2, Range 2
West Chester Township*

Mr. Acuff introduced this as 32 new lots on just shy of 15 acres. He reviewed staff comments with the board and recommended approval per those comments.

Mr. Brown made a motion to approve **Bel Haven, Phase One**. Mr. Lewis seconded this. Motion carries 5-0.

AYES: Brown, Lewis, Surber, Updike, Rumpke
NAYES: None
ABSTAIN: None

RESOLUTION#: 20.30

Westview Meadows, Section Three

*Section 9, Town 3, Range 2
West Chester Township*

Mr. Acuff stated this is a new residential development covering 23 lots on 8.5108 acres. He reviewed staff comments with the board. Subject to those comments, staff recommends approval of this final plat.

Mr. Acuff reviewed staff comments with the board and recommended approval per those comments.

Mr. Lewis made a motion to approve **Westview Meadows, Section Three**. Mr. Brown seconded this. Motion carries 5-0.

AYES: Lewis, Brown, Surber, Updike, Rumpke
NAYES: None
ABSTAIN: None

RESOLUTION#: 20.31

Reserves at Elks Pointe, Section Three

*Section 10, Town 2, Range 3
Liberty Township*

Mr. Acuff introduced this as 17 new lots on 13.2 acres of land for a residential facility.,
Mr. Acuff reviewed staff comments with the board and recommended approval per those comments.

Mr. Lewis made a motion to approve **Reserves at Elks Pointe, Section Three**. Ms. Surber seconded this. Motion carries 5-0.

AYES: Lewis, Surber, Updike, Brown, Rumpke
NAYES: None
ABSTAIN: None

RESOLUTION#: 20.32

REPLATS

Cloverdale, Replat of Lot 224

*Section 14, Town 2, Range 3
Fairfield Township*

Mr. Acuff introduced this as a lot that was previously consolidated, and is now coming before the board to be split to carve off a new buildable parcel. The replat was prepared a decade ago, but the homeowner didn't proceed until now.

Mr. Acuff reviewed staff comments with the board and recommended approval per those comments.

Mr. Brown made a motion to approve **Cloverdale, Replat of Lot 224**. Mr. Lewis seconded this. Motion carries 5-0.

AYES: Brown, Lewis, Surber, Updike, Rumpke
NAYES: None
ABSTAIN: None

RESOLUTION#: 20.33

ADJOURNMENT

Mr. Jones made a motion to adjourn, seconded by Mr. Brown. 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

June 9, 2020

Chair

Secretary