



# Butler County Planning Commission

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

## Meeting Minutes

**MEETING:** Tuesday, December, 12, 2017, 3:00 p.m.

**ROLL CALL:**

**Present:** Kevin Cooney, *Vice-Chair*  
Bruce Jones  
G. Coe Potter  
Amy Updike  
Bernard "Buck" Rumpke

**Absent:** Beth Surber, *Chair*  
David Baker  
Steve Brown

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

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

**APPROVAL OF MEETING MINUTES:**

None

**ZONE CHANGES:**

**WCTZ 17-10 Township Trustees' Text Amendments – Permissible Uses**  
West Chester Township

Mr. Acuff presented the proposed zoning resolution amendment to prohibit the cultivation, processing, and distribution of marijuana in all jurisdictions. Mr. Acuff informed the board that

the staff takes a neutral position and has no comments, but that staff sees no reason not to approve.

*No Testimony in Favor*  
*No Testimony in opposition*  
*No Neutral testimony*

Motion was made to approve **WCTZ 17-10** by Mr. Rumpke; motion was seconded by Ms. Updike. Motion carried 4-0.

**AYES:** Rumpke, Updike, Potter, Cooney  
**NAYES:** None  
**ABSTAIN:** Jones

**RESOLUTION#:** 17.74

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**WCTZ 17-11 Farmer Property, A-1 to O-1**  
7249 Liberty Way  
Section 18, Town 3, Range 2  
West Chester Township

Mr. Acuff introduced the zone change by stating that the applicant wishes to rezone the parcel from agriculture to a limited office district. Mr. Acuff informed the board that the request is consistent with the adjacent zoning and the land use plan for the entire area. The parcel is surrounded by land zoned R-PUD in West Chester Township, and the land across the street in Liberty Township is zoned community business.

Mr. Acuff reviewed staff comments. Applicant is to ensure suitable screening where the residential area is. The existing trees are to be retained as much as possible. Any lighting is to be directed away from the residences. Subject to those comments, staff recommends approval.

TESTIMONY IN FAVOR OF: Kim Daugherty, 7411 Walnut Creek Dr. West Chester, OH 45069, stated that this is her mother's property that herself and brother inherited. They wish to be consistent with the surrounding area.

*No Testimony in opposition*  
*No Neutral Comments*

Motion was made to approve **WCTZ 17-11** per staff comments by Mr. Rumpke; motion was seconded by Mr. Jones. Motion carried 5-0.

**AYES:** Rumpke, Jones, Cooney, Potter, Updike  
**NAYES:** None  
**ABSTAIN:** None

**RESOLUTION#:** 17.75

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### **RZC 17-05 Rural Zoning Resolution Text Amendments**

Butler County

Mr. Acuff introduced the proposed amendments to the Rural Zoning Resolution text and that the changes were in response to questions from the townships. Mr. Acuff highlighted the proposed changes.

- He stated that a perennial topic that the permissible size for accessory buildings be increased and their required setbacks be decreased. There is a proposed change to the keeping of small farm animals in residential districts. The current allowance is one (1) animal per one (1) acre.
- The proposed change would allow for up to 10 small farm animals (i.e. chickens, rabbits, or ducks) per 0.5 acre, as long as each animal is under the 10 pound maximum maturity weight.
- A change was proposed to include above ground swimming pools in the text regarding the required setbacks for swimming pools. Currently, only in ground pools are referenced. The change clarifies the definition and requires all pools, sans children's pools, to abide.
- Mr. Acuff proposed an added amendment to add a new district for the planned conservation development district (PCD) to allow for clustered residential development that preserved significant amounts of open space in agricultural land of 20 acres or more.
- A change is proposed regarding front-yard parking restrictions. The change would allow the percentage for B2 districts to be raised to 25% (current is 10%), and in B3 districts, there would be no restrictions. The percentage for B1 and B4 districts would remain at 10%. Parking would also no longer be allowed in residential front yards.
- Ground sign restrictions would change under the new amendments. The height allowance would rise from 4 feet to 6 feet, ground to the top of the sign. The sign bottom would be required to match the architecture of the building it is in front of.
- Under the amendments, any short term rental housing (i.e. Air BnB) would be required to register with the Auditor's Office.

- The final change would be to update some of the various definitions that have become outdated.

Mr. Potter then asked when the last time the document was updated, to which Mr. Acuff responded that 2013 and that it applied to entities without their own specific zoning. Mr. Jones expressed a concern for the possibility that future townships may split off and pursue their own zoning. Mr. Acuff stated that he had not heard anything that would suggest that a split like that was on the horizon. Mr. Fox then mentioned that the proposed changes were welcomed by the township trustees in hopes of saving money on zoning variances.

*No Testimony in favor*

*No Testimony in opposition*

*No Neutral Comments*

Motion was made to table **RZC 17-05** to next month by Mr. Jones; motion was seconded by Mr. Rumpke. Motion carried 5-0.

**AYES:** Jones, Rumpke, Cooney, Potter, Updike

**NAYES:** None

**ABSTAIN:** None

**RESOLUTION#:** 17.76

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**RCZ 17-06 Rossgate PNC, A-1 to B-3**

Section 27, Town 3, Range 2

Mr. Acuff proposed the zone change for the PNC Bank location from A-1 to B-3 to match the surrounding areas. This building has been in commercial use for several years, and the owner wishes to rezone for possible future business use.

Mr. Acuff had only a few staff comments. The applicant is to follow the guidance of the zoning resolution regarding placement of new structures, lighting, landscaping, parking, etc. Site plan approvals area required prior to any change of the use of the property. Applicant is to comply with OEPA permits for storm water discharges and must submit a drainage report at the time of the building permit review. Subject to those comments, staff does recommend approval.

Mr. Jones did question how the bank was allowed to operate under the A-1 zoning, to which the answer was unknown.

*No Testimony in Favor*

*No Testimony in opposition*

*No Neutral Comments*

Motion was made to approve **RZC 17-06** per staff comments by Mr. Potter; motion was seconded by Mr. Jones. Motion carried 5-0.

**AYES:** Potter, Jones, Cooney, Rumpke, Updike

**NAYES:** None

**ABSTAIN:** None

**RESOLUTION#:** 17.77

**PRELIMINARY PLATS:**

**Hidden Falls**

Section 5, Town 3, Range 1  
Morgan Township

Mr. Acuff introduced the proposed plat as a 27 acre parcel to be divided into 6 residential lots with a new private drive. The lots will be on septic systems using Southwest Regional Water.

Mr. Acuff reviewed several staff comments. Prior to the final plat, the Health Department wants additional information on specific septic field locations with soil testing to assure that ground water will not be polluted. The applicant is to comply with all requirements of the Morgan Township Fire Department regarding fire protection, including revision of the draft Home Owners Association documents and a sample notification letter to the residents regarding fire service in the area.

A note must be added stating that fire service in the area is limited and showing hydrants available in the area. Approval to extend the water service from Southwest Regional Water must be obtained before construction plans are approved. Staff requires clarification as to whether an access ingress egress easement on a prior plat in the northwest corner of the property will remain in place.

A drainage report must be submitted to the Engineer's Office. A part of lot 5 on the opposite side of the road must have a dedicated right of way. A note needs added to the plat that Lots 1, 5, and 6 are not to have direct access to South Weaver Rd. The lots with steep slopes need a setback from those slopes with buildable lot areas shown on the plat. Note a high water table on the final plat. The representative geotechnical study must be approved by the storm water conservation district prior to construction approvals for lots 5 and 6.

Subject to those comments, staff recommends approval.

Ms. Updike noted that Morgan Township has very few fire hydrants due to the small water lines, and asked if the 3 inch line proposed would be enough to sustain a hydrant. Mr. Acuff did not believe it would. Mr. Potter asked if there would be flush hydrants. Mr. Acuff said that there were valves noted were for the water system.

TESTIMONY ON BEHALF: Jeff Galloway, Fire Chief of the Morgan Township Fire Department, informed the board that the state requires a water line to be 6 inches or larger to sustain a fire hydrant system. He said that the Colerain district had the same issue and required the developer to provide a letter to all buyers that states that the lot has inadequate fire protection. Mr. Galloway said he would be fine with the current plans if the developer distributed that letter. Mr. Potter asked if the existing hydrants would provide any help. Mr. Galloway said that the hydrants would not be enough to fill up a tanker.

Terri Corner, 6900 Tylersville Rd. Mason, OH 45050, stated she was present with Ben House, who is the property owner, developer, and contractor. She said they are aware of the lack of fire coverage and Mr. House is fine with providing a letter that will be signed by each buyer. Ms. Corner said that there will not be any hydrants on the property. The ingress egress easement mentioned in the staff comments would remain and all lots will have driveway access onto the private drive only.

Mr. Rumpke asked Mr. Galloway if any of the houses on South Weaver Rd had firefighting ability at that 3 inch line. Mr. Galloway said there were no fire hydrants on South Weaver Rd, only flush and trash hydrants, but there are hydrants within a 5 mile radius that are adequate for refilling of the tanker. He also stated that it is common practice for rural fire departments to shuttle water and that the Morgan Township Fire Department has become rather proficient at it.

Mr. Rumpke requested that the staff include the disclosure letter as an obligation for approval, to which Mr. Acuff responded that he would include it.

Motion was made to approve **Hidden Falls** per staff comments by Mr. Rumpke; motion was seconded by Mr. Jones. Motion carried 5-0.

**AYES:** Rumpke, Jones, Cooney, Potter, Updike  
**NAYES:** None  
**ABSTAIN:** None

**RESOLUTION#:** 17.78

**Fairfield Ridge, Section Seven**

Section 26, Town 2, Range 3  
Fairfield Township

Mr. Acuff told the board that this plat had been previously approved, but had expired this past summer. The plat covers a total of 22 lots, and the proposed plat remained largely unchanged from its first approval.

Mr. Acuff reviewed staff comments regarding some changes that need to be made to the water and sewer portion of the plans, and a few basic corrections regarding format of the plat. Subject to those comments, staff does recommend approval.

Motion was made to approve **Fairfield Ridge, Section Seven** per staff comments by Mr. Rumpke; motion was seconded by Mr. Potter. Motion carried 5-0.

**AYES:** Rumpke, Jones, Cooney, Potter, Updike  
**NAYES:** None  
**ABSTAIN:** None

**RESOLUTION#:** 17.79

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**Fairfield Ridge, Section Seven, Sidewalk Waiver**

Section 26, Town 2, Range 3  
Fairfield Township

Mr. Acuff introduced this plat as a request for a sidewalk waiver for Fairfield Ridge. Current regulations state that a sidewalk must be on both sides of a new street, and that it must be 5 feet in width. The old regulations called for 4 foot widths, and to maintain consistency with the already existing sidewalks, it is proposed that Fairfield Ridge be allowed 4 foot wide sidewalks. Staff recommends approval.

Motion was made to approve **Fairfield Ridge, Sidewalk Waiver** by Mr. Potter; motion was seconded by Ms. Updike. Motion carried 5-0.

**AYES:** Potter, Updike, Jones, Cooney, Rumpke  
**NAYES:** None  
**ABSTAIN:** None

**RESOLUTION#:** 17.80

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**Shannon Ridge**

Section 33, Town 3, Range 3  
Liberty Township

Mr. Acuff introduced this plat as a 58 acre parcel for 84 residential lots. Mr. Acuff reviewed staff comments. Applicant is to dedicate proper right of way and comply with discharge permit for storm water. Applicant must submit a preliminary drainage report and provide compaction testing information for lots 83, 84, and the road. The Engineer's Office wants to meet with the developer and Liberty Township to discuss the proposed path. Flood plan approval information is required and a flood permit is to be obtained from the county. Public access easements need to be provided on parts of the sidewalk. The narrowed streets need to be constructed in accordance with the Engineer's Office standards. A no parking sign needs to be erected on the hydrant side on the narrow streets. The street names need to be moved to the center lines on the plat. The concrete paths on the open space must be installed at the same time as the streets. A high water table note must be added. The sanitary sewer lateral needs extended to the property to the west. Subject to those comments, staff recommends approval.

Motion was made to approve **Shannon Ridge** per staff comments by Mr. Jones; motion was seconded by Mr. Potter. Motion carried 5-0.

**AYES:** Jones, Potter, Rumpke, Cooney, Updike

**NAYES:** None

**ABSTAIN:** None

**RESOLUTION#:** 17.81

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**Shannon Ridge, Sidewalk Waiver**

Section 26, Town 2, Range 3  
Fairfield Township

Mr. Acuff introduced this as a request to waive the requirement of a sidewalk on both sides of the street. Their justification for this request is that because they are offering the large pedestrian network in the open space, they want to reduce the foot traffic on the streets. This would call for only one sidewalk on one side of the road that would be 6 feet wide instead of the required 5 feet width. The layout has already been approved by the township. Mr. Acuff



stated that as a planner he would like to see the addition of a double sidewalk along the areas that will have an anticipated increase in traffic volume.

Mr. Potter commented that the open space concept seems to be the direction people want to go, and that the applicant is putting a lot of extra expense into that open space.

Motion was made to approve **Shannon Ridge, Sidewalk Waiver** by Mr. Potter; motion was seconded by Mr. Rumpke. Motion carried 4-1.

**AYES:** Potter, Rumpke, Cooney, Updike

**NAYES:** Jones

**ABSTAIN:** None

**RESOLUTION#:** 17.82

## **FINAL PLATS**

### **Turnbridge, Section Three, Block B**

Sections 33, Town 3, Range 3

Liberty Township

Mr. Acuff introduced a final plat for the pickup of 2 additional parcels of land that were originally passed over with the original plat. He then reviewed staff comments with the board. A utility easement note needs added to the plat. The sidewalk performance bond must be required for this section of development. The new proposed flood limits must be shown on the plat. The plat will not be recorded until the Letter of Map Amendment (LOMA) is approved by FEMA. The total acreage needs to read exact. The remaining acreage of parcel 51 needs to be listed on the plans. The applicant must pay the Water and Sewer platting fees and the Health Department review fee. An acceptable as-built plan must be submitted for water and sewer plans to be approved for connection. Subject to those notes, staff did recommend approval.

Mr. Rumpke questioned whether the low ground had been filled in. Mr. Acuff explained that there might not have been a whole lot of fill, but the lines were straightened out a bit. He also said that there had been enough of a change that approvals were needed prior to recording.

Motion was made to approve **Turnbridge, Section Three, Block B** by Mr. Rumpke; seconded by Mr. Jones. Motion carried 5-0.

AYES: Rumpke, Jones, Cooney, Updike, Potter  
NAYES: None  
ABSTAIN: None

**RESOLUTION#:** 17.83

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**Liberty MOB – Replat of Part Lots 30 & 54 of Village of Bethany and 1.3523 Acres**  
Section 13 & 14, Town 3, Range  
Liberty Township

Mr. Acuff introduced this as a replat to combine Lots 30 & 54 to create a single lot. The purpose of the larger lot would be for construction of a medical office. Mr. Acuff reviewed staff comments with the board. The proposed REA for access easements needs to be noted on the plat with reference to the recording information. The Engineers Office is requiring that the limits to the proposed underground detention basin location needs to be confirmed for the final plat. The Engineers Office is waiting for confirmation from the adjacent property owner regarding the northern access easement and connection. The improvements to Cincinnati-Dayton Rd. must be completed prior to the certificate of occupancy being issued. Access Easements need to be provided prior to the zoning certificate issuance. A construction easement is needed along the south property line for future connection to properties. The certification title needs to be provided for the road rededication along Cincinnati-Dayton Rd. Any unused water and sewer services need to be properly abandoned. The Health Department Review fee is due, and a topographic error on the label for Lot 1 must be corrected to reflect the correct spelling of “acres”. Subject to those comments, staff recommended approval.

Mr. Rumpke questioned what the property was currently zoned, and Mr. Acuff responded that the property had a B-2 zoning.

Motion was made to approve **Liberty MOB, Replat of Part Lots 30 & 54 of Village of Bethany and 1.3523 Acres** by Mr. Jones; seconded by Mr. Rumpke. Motion carried 5-0.

AYES: Jones, Rumpke, Potter, Cooney, Updike  
NAYES: None  
ABSTAIN: None

**RESOLUTION#:** 17.84

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**ADJOURNMENT**

Mr. Potter made a motion to adjourn seconded by Mr. Rumpke. 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

December 12, 2017

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Chair

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Secretary