



Butler County Planning Commission

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

Meeting Minutes

MEETING: Tuesday, July 9, 2019, 3:00 p.m.

ROLL CALL:

Present: Bruce Jones, *Chair*
Bernard “Buck” Rumpke, *Vice-Chair*
Kevin Cooney
Amy Updike
Beth Surber
Steven Brown
Lonnie Lewis

Absent: Dave Baker

Staff Present: Peter Z. Acuff, Dept. of Development
Stephanie Foley, Administrative Secretary

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 June Meeting Minutes as submitted. Mr. Rumpke seconded the motion. Motion carried 5-0.

AYES: Brown, Rumpke, Updike, Cooney, Jones

NAYES: None

ABSTAIN: None

ZONE CHANGES

FTZ 19-04 Community Health Alliance, R-2 to B-PUD

2470 Princeton Road
Section 26, Town 2, Range 3
Fairfield Township

Mr. Acuff introduced this as a request for a single parcel in Fairfield Township. The property in question is a church property across from Rose Hill Cemetery. He explained the changes that would be made to the property to update it. The purpose for the B-PUD is to convert the property into a licensed in-patient rehabilitation center. The property will serve as a base of operations to consolidate a number of outside residential treatment centers that are scattered around the county. Mr. Acuff stated that the proposed use can be likened to a hospital, and he believes that a facility of this nature in this spot is consistent with the land use plan for the township.

Mr. Acuff reviewed staff comments and recommended approval per those comments. Beth Surber arrived during the presentation of the staff report.

Testimony in favor: Sean Suder, attorney for the applicant, explained that the property is about 13 acres. He stated that he has no objection to any of staff comments.

Scott Gehring, president of the Community Health Alliance, explained that his company is a parent company for Sojourner Recovery Services and Transitional Living. Currently, the locations are scattered throughout the county and they wish to consolidate all their other locations into the one. They operate 96 beds now, but the new facility would allow them to increase that number to between 120-140 beds.

Mr. Jones asked if the outside locations would be eliminated after the facility opens. The applicant stated that they would be.

Mr. Brown asked if the facility would have a fence across the front of the property, and Mr. Gehring stated that there would not be.

Testimony in opposition: None

Neutral testimony: None

Mr. Cooney made a motion to approve **FTZ 19-04 Community Health Alliance, R-2 to B-PUD**. Mr. Brown seconded this. Motion carries 5-0.

AYES: Cooney, Brown, Rumpke, Updike, Jones

NAYES: None

ABSTAIN: Surber

RESOLUTION#: 19.47

LTZ 19-05 Redwood, RA-1 to MU-PUD

*5695 Princeton Glendale Road
Section 3, Town 2, Range 3
Liberty Township*

Mr. Acuff introduced this as a zone change request for a single site on SR 747. The future land use plan calls for planned community mixed use in the proposed area. The county thoroughfare plan depicts the proposed collector roads, and there are a few going directly through the property that the proposed zone change does not coincide with. The proposed use is for 170 units of apartment style residential. Aside from one north-south public road, all proposed roads are private.

Mr. Acuff reviewed staff comments and recommended denial.

Mr. Jones asked about the possibility of using a private road as the neighborhood collector road. Eric Pottenger, from the county engineer's office, explained that the thoroughfare plan is used as a planning tool for the public road network. He stated that private streets could be gated, the county and township have no jurisdiction over private property, and maintenance of the road could be an issue if there is public traffic going through the private property, as this could heighten the need for maintenance.

Testimony in favor: Gregory Thurmon, division manager for Redwood USA, explained that he has a long history of operating in the area. He explained that his neighborhoods have an age restriction to help soften the transition from the surrounding neighborhoods.

Todd Foley, principal of POD design, explained that his company is a developer for low-density apartments. He stated that the typical resident at these places are empty nesters and young professionals. Every unit is a two bedroom, two-bath unit with an attached two-car garage. Mr. Foley reviewed other details of the property and planned development, and answered questions from the board about the visual aspects of the development.

Lonnie Lewis arrived during the applicant's presentation.

Testimony in opposition: Keith Taylor, 5873 Eldon Drive, stated that he is opposed due to the concern with property values and the increased traffic through the already existing neighborhoods.

Neutral testimony: Suzanne Bruce, 4985 Snow Valley Lane, stated that she appreciates the lower density of this development, but she is concerned about the rent by choice next to single-family homes. She is concerned that this kind of development might bring other rental options to the area.

Mr. Cooney stated that no movement on this would mean no movement on the thoroughfares.

Mr. Rumpke agreed with Ms. Bruce's comment that there would be no buffer or transition from the single-family homes to the apartments. He is not sure that the Planning Commission should overrule the thoroughfare plan.

Mr. Rumpke made a motion to deny **LTZ 19-05 Redwood, RA-1 to MU-PUD**. Mr. Lewis seconded this. Motion carries 5-1.

AYES: Rumpke, Lewis, Brown, Updike, Jones
NAYES: Surber
ABSTAIN: Cooney

RESOLUTION#: 19.48

LTZ 19-06 Mersch/Clawson, R-1 to B-2

*5910 Princeton Glendale Road
Section 3, Town 2, Range 3
Liberty Township*

Mr. Acuff introduced this as a single parcel on Princeton Glendale Road. The parcel is currently split zoned, with part of it being zoned B-2 and the rest being zoned R-1. The proposal is to continue the B-2 zoning throughout the entire parcel.

Mr. Acuff reviewed staff comments and recommended approval per those comments.

Testimony in favor: Roger Mersch, property owner, explained that he just wants to have consistent zoning throughout the property. He doesn't currently have any plans to do anything with it. There is a single-family home on the property now that he rents out. The property is in Liberty Township where you cannot have split zoning, and the property had split zoning when he bought it.

Testimony in opposition: None
Neutral testimony: None

Mr. Rumpke made a motion to approve **LTZ 19-06 Mersch/Clawson, R-1 to B-2**. Mr. Brown seconded this. Motion carries 7-0.

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

RESOLUTION#: 19.49

PRELIMINARY PLATS

Carriage Meadows, Section 1

5180 Millikin Road

Section 3, Town 2, Range 3

Liberty Township

Mr. Acuff introduced this as a plat for three parcels. It came through the Planning Commission for a zone change three months ago as John Candle Homes, and approval was recommended. The township recommended denial, so the applicant withdrew their application before going to the township trustees. They are proposing 15 lots total, but the full plat is not presented for the property to the north.

Staff recommends postponement of the preliminary plat until they receive the complete plan for the site. Without having the entire plan for the site, it is difficult to see how roads, drainage and other things of that nature will tie in with the areas around the development. Staff recommends a revised plat be submitted with the entirety of the parcel and the inclusion of the comments staff has given to the applicant.

Mr. Rumpke asked if this was submitted as John Candle Homes. Mr. Acuff stated that the applicant is named different on the plat.

Ms. Surber made a motion to postpone **Carriage Meadows, Section 1** until the August meeting. Mr. Rumpke seconded this.

After the motion and second, and prior to the voting of the board, a member of the audience asked to speak on behalf of the applicant. Richard Arnold, with McGill Smith Punshon, stated that the zone change referenced previously was to go from 100-foot lots to 90-foot lots. He stated that previously, he had presented to the board what they plan to do with the property, but in this particular case, they have 100-foot lots instead of the 90-foot lots. He asked the commission to reconsider the drawing that was presented to them previously, rather than postponing.

Mr. Acuff commented that the rezoning that was presented before was a straight rezoning, not a PUD, so the drawings that were submitted were one potential case that could be developed under that zoning, but it was not tied to any previous layouts seen before. There was no assurance that another development that falls under that zoning would take place.

In response to the previous motion and second, the board entered discussion. Mr. Rumpke stated that the applicant is familiar with the township and the area and that he does not think it is a risk to approve. Mr. Acuff stated that staff thinks it is irregular for a preliminary plat to come in that does not show the complete plan.

Motion to postpone to the August meeting carries 4-2.

AYES: Surber, Lewis, Updike, Jones
NAYES: Rumpke, Cooney
ABSTAIN: Brown

RESOLUTION#: 19.50

Venice Crossing, Renewal of Unexpired Preliminary Plat

*Layhigh Road at School Road
Sections 28 & 30, Town 3, Range 2
Ross Township*

Mr. Acuff introduced this as a large development on 96 acres, of which 78 are yet to be developed. There are patio homes, a four-plex, and a handful of single family lots so far. The original preliminary plat was approved in August of 2014. The purpose of the request is to extend the previously granted approval for another 5 years. The plan is largely unchanged, but for the already developed portions.

Mr. Acuff reviewed staff comments and recommended approval per them.

Mr. Brown made a motion to approve **Venice Crossing, Renewal of Unexpired Preliminary Plat**. Ms. Updike seconded this. Motion carries 7-0.

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

RESOLUTION#: 19.51

Venice Crossing – Sidewalk Waiver

*Layhigh Road at School Road
Sections 28 & 30, Town 3, Range 2
Ross Township*

Mr. Acuff explained that this was a request to continue the already existing sidewalk waiver into the rest of the development in the patio home section. This would be consistent with the current approval already granted.

Mr. Cooney made a motion to approve **Venice Crossing – Sidewalk Waiver**. Mr. Brown seconded this. Motion carries 6-0.

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

RESOLUTION#: 19.52

FINAL PLATS

Carriage Hill, Section 26

*Carriage House Boulevard
Section 2, Town 2, Range 3
Liberty Township*

Mr. Acuff informed the board that this plat is for 12 new lots on a little over 12 acres. He explained that the plat was pretty straight forward.

Mr. Acuff reviewed some general and technical staff comments and recommended approval per those comments.

Mr. Lewis made a motion to approve **Carriage Hill, Section 26**. Mr. Brown seconded this. Motion carries 7-0.

AYES: Lewis, Brown, Surber, Rumpke, Cooney, Updike, Jones

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.53

Shannon Ridge, Section 3

*Watoga Drive
Section 33, Town 3, Range 3
Liberty Township*

Mr. Acuff introduced this plat to the board as 14 new lots on a little over 6.5 acres. He explained that when staff met back on June 26, they generally concurred with a recommendation for approval with some general staff comments. Since that time, it has come to staff's attention and the attention of the county engineer's office that there is a stream crossing at the south end of the development. Permits were applied for through the Army Corps of Engineers, but those permits have not been approved yet. The preliminary plat was approved based on a connection to Watoga Drive. Without the permit, the stream cannot be crossed and the neighborhood collector road cannot be connected. With the new information, staff changed its recommendation of approval to a recommendation for postponement until that permit is issued. All the staff comments still stand, but staff feels that it is premature to approve the final plat of the section until there is clarification on the permit.

Mr. Jones asked when staff might be expecting to hear from the Army Corps of Engineers about the permit, to which Mr. Acuff stated he was not working with them directly, but he is told it could be 1-2 months.

David Wittekind, In Line Development, explained that they are in the process of doing the construction of the street. He stated they have every intention of having

the section completed. He asks for approval of the plat so they can move on with recording the lots with the normal process of bonding any area that could not be completed.

Etta Reed, Bayer Becker, explained that the applicant is going for a nationwide permit versus an individual permit. The nationwide permit means there's a lot less impact to that stream. The total impact is less than 200 feet of impact, and in her experience, those are more likely to get approved.

Mr. Wittekind stated that he is subject to his contract to provide lots, and they put Shannon Ridge, Section 2 before the commission just last month and was only able to do 10 lots. All the sanitary sewer has already been put in.

Mr. Rumpke asked if there was a sewer going across Watoga Drive, to which Mr. Wittekind said it was just a water main.

Mr. Jones asked Mr. Acuff if the board had the ability to approve the plat subject to the approval of the Army Corps of Engineers, and Mr. Acuff said that the board could do that if they so choose.

Mr. Wittekind stated that would not work for them, as they'd still have to wait.

Mr. Brown asks what happen if the Corps of Engineers turns down the permit. Mr. Pottenger, from the Engineers Office, stated that it was a possibility, but his experience is that typically issue permits, but the main concern is the timing in which they are issued. Mr. Pottenger brought up that this has been a requirement since the approval of Section 1. He believes the timing of when the application was submitted and the approval of Section 1 should be taken into consideration. Mr. Pottenger stated that he understood the developers desire to get a bond to guarantee his work, it's just the question of not knowing the approval will be granted positively, especially when there has been ample time prior to this to apply for and receive the permit from the Army Corps of Engineers.

Mr. Brown asked what the condition was in the original approval. Mr. Pottenger stated that the preliminary plat required a turn lane be constructed with a connection of Watoga Drive. It was the only preliminary plat requirement for this section. He explained that the positive side could be that the Corps issues the permit and the developer comes back at a later date to finish the section. The negative side would be that the Corps denies the permit, and now the neighborhood is left with a road of record that does not and cannot ever exist.

Mr. Rumpke asked if crossing the stream and getting the permit was specifically referenced in the preliminary plat requirements. Mr. Pottenger stated that it wasn't, but that the developer is required to comply with all state and local requirements, and permitting is one of those. On behalf of the Engineer's Office, he stated that they are not comfortable going through with this prior to the issuance of the permit. Attempts to meet and discuss options were not met by the developer prior to the planning commission meeting.

Mr. Jones asked who was responsible to address the permitting. Mr. Pottenger stated it was up to the developer.

Mr. Wittekind informed the board that he reached out to the Engineers Office to inform them that he did not have the approved permit as required, and they asked that the turn lane be postponed to the next section. He stated that if for some reason the permit is denied, he would go back and replat.

Mr. Cooney left prior to motion and voting, and therefore did not participate in any further voting.

Mr. Jones made a motion to postpone **Shannon Ridge, Section 3** to the August meeting. The motion did not receive a second and therefore did not pass.

Mr. Rumpke made a motion to approve **Shannon Ridge, Section 3**. Mr. Lewis seconded this. Motion carries 7-0.

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

RESOLUTION#: 19.54

The Woods at West Chester Village, Phase B

*Hutzelman Way
Section 11, Town 2, Range 2
West Chester Township*

Mr. Acuff introduced this as 35 new attached residential lots on 5 acres. This is the final section of this development. He reviewed staff comments and recommended approval per those comments.

Mr. Brown made a motion to approve **The Woods at West Chester Village, Phase B**. Mr. Rumpke seconded this. Motion carries 6-0.

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

RESOLUTION#: 19.55

Westview Meadows, Section 2

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

Mr. Acuff explained this as 21 new lots on 9 acres. He reviewed staff comments with the board and recommended approval subject to those comments.

Mr. Lewis made a motion to approve **Westview Meadows, Section 2**. Mr. Rumpke seconded this. Motion carries 7-0.

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

RESOLUTION#: 19.56

REPLATS

Circle Freeway Industrial Center, Replat of Part Lot 8 & Lot 9

*Circle Freeway Drive
Section 8, Town 2, Range 2
West Chester Township*

Mr. Acuff introduced this as a combination of 2 existing lots. There is a building built on the property line between the two lots. The combination would erase that property line creating one new lot surrounding the building.

Mr. Acuff reviewed two staff comments and recommended approval per those two comments.

Mr. Brown made a motion to approve **Circle Freeway Industrial Center, Replat of Part Lot 8 & Lot 9**. Mr. Rumpke seconded this. Motion carries 6-0.

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

RESOLUTION#: 19.57

ADJOURNMENT

Mr. Rumpke made a motion to adjourn, seconded by Mr. Lewis. 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

July 9, 2019

Chair

Secretary