



Butler County Planning Commission

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

Meeting Minutes

MEETING: Tuesday, March 12, 2019, 3:00 p.m.

ROLL CALL:

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

Absent: Dave Baker
Kevin Cooney

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. Lewis made a motion to approve the February Meeting Minutes as submitted.
Mr. Rumpke seconded the motion. Motion carried 5-0.

AYES: Lewis, Rumpke, Updike, Surber, Jones

NAYES: None

ABSTAIN: Brown

ZONE CHANGES

RZC 19-03 Barnes Event Venue, A-1 to B-2

1901 Millville Oxford Rd

Sections 17 & 18, Town 4, Range 2

Hanover Township

Mr. Acuff introduced this as a zone change located on Millville Oxford Road. The property has a panhandle running along a residential lot with the bulk of the square footage in the rear of the property. The purpose of the rezoning request is to construct an event venue. The land use plan calls for a mixture of proposed land uses including agricultural use and planned general business.

Mr. Acuff reviewed staff comments for the board and recommended approval for this zone change.

Testimony in favor: Etta Reed with Bayer Becker, representing the applicant, testified that the property directly to the north and east of the parcel in question are operating commercially, and the request would not be out of character for the area. She stated that there are no objections to the staff report.

Testimony in opposition: None

Neutral testimony: None

Mr. Rumpke asked Mr. Acuff to point out the blue line stream again on the map. Mr. Acuff said that it runs along the western property line, and that there was a steep incline on that side, so the buffer should not be an issue.

Mr. Rumpke asked if there were previous buildings on the property. Mr. Acuff said there would not.

Mr. Brown made a motion to approve **RZC 19-03 Barnes Event Venue, A-1 to B-2** inclusive of staff comments. Mr. Lewis seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.10

RZC 19-04 TPC Electric, A-1 to B-2

2145 Millville Oxford Rd

Sections 17 & 18, Town 4, Range 2

Hanover Township

Mr. Acuff introduced this as a zone change for a parcel in Hanover Township. The intent for the zone change is to construct an electrical contractor shop. The property is surrounded on three sides by A-1 zoning but there is a parcel up by the street zoned B-2. The land use plan calls for planned general business/industrial mixed use, so the requested use is within that.

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

The applicant was not present at the meeting.

Testimony in favor: None

Testimony in opposition: None

Neutral testimony: None

Mr. Rumpke made a motion to approve **RZC 19-04 TPC Electric, A-1 to B-2**. Mr. Brown seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.11

WCTZ 19-03 Westfall Preserve, R1-A to R-PUD

R.E. Smith Blvd

Section 11, Town 2, Range 2

West Chester Township

Mr. Acuff introduced this as a zone change for a site in the western portion of West Chester Township. The surrounding area is already zoned R-PUD, so the rezoning would be consistent.

Mr. Acuff stated that the major concern for this property is flood plain and flood way. The flood way runs through the property, and there are multiple flood plains coming into the property. This project would be the third or fourth project proposed for this site. In the past, preliminary plats have been approved, but they have not moved forward.

The project proposed is a small-sized lot subdivision that will be built on the high ground of the lot to avoid the flood plains.

Mr. Acuff reviewed staff comments with the board. Jim Fox, the county flood plain manager, requested a meeting between the county, the township, and the developer prior to development to discuss the flooding issues and required mitigations. Subject to that and the remainder of the comments, staff recommends approval.

Mr. Jones asked staff to verify that all 11 staff comments were currently open and active, to which staff said they were.

Ms. Surber asked if the previous approvals that did not move forward failed to move past the staff comment regarding the meeting between all the agencies. Mr. Acuff stated that there had been plenty of meetings, and the developers have chosen to not move forward with those projects.

Testimony in favor: Hillary Laffin, project planner for Grant Communities, LLC, is representing the applicant. She stated that due to the surrounding amenities of the area, the proposed location is ideal for prospective home buyers. She stated that they have met with county and township representatives and have incorporated their input into the site plans. There are 102 proposed home sites for this project. Ms. Laffin stated that the majority of the lots will be built on slabs rather than basements.

Mr. Rumpke asked if the ponds on the property are retention or detention ponds, and who maintains them. Ms. Laffin stated that they are retention ponds that will be maintained by the HOA.

Testimony in opposition: None

Neutral testimony: Tim Dawson, from West Chester Township, explained that he had convened a land use committee to discuss the intent of the original land use recommendation in 2013. He stated that although the project was meeting the density requirements, the lot sizes were different. The land use committee have recommended an amendment to that land use recommendation. The zoning commission for the township will consider the recommended amendment and the preliminary plan going forward.

Mr. Lewis made a motion to approve **WCTZ 19-03 Westfall Preserve, R1-A to R-PUD**. Ms. Surber seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.12

LTZ 19-01 Sunburst Storage, R1/B-2 to O-2

5174 Hamilton Middletown Rd

Section 4, Town 2, Range 3

Liberty Township

Mr. Acuff introduced this as a zone change for property in the northwest corner of Liberty Township. There is office district across the street, so the proposed zoning

would not be out of character for the area. The proposed land use plan calls for office/retail/light industrial use, under which the request zone change is consistent. The request is to be able to construct a climate controlled storage facility that will also be able to store RVs that cannot be stored at local residences.

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

Testimony in favor: Jeremy Million, 5174 Hamilton Middletown Rd, explained that he is a co-owner of the property. He stated that there is a need for RV storage in the area as he found out by calling around that there were no vacancies in the already existing facilities. He is currently already constructing one other facility in the area.

Testimony in opposition: None

Neutral testimony: None

Mr. Brown made a motion to approve **LTZ 19-01 Sunburst Storage, R1/B-3 to O-2**. Ms. Surber seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.13

LTZ 19-02 John Candle, R-SE to R-RE

5180 Millikin Rd

Section 2, Town 2, Range 3

Liberty Township

Mr. Acuff introduced this as a zone change for 3 lots on Millikin Road in Liberty Township. The change would be from suburban estate residential to rural estate residential. With public water and sewer available to the properties, this would allow for smaller lot sizes under the R-RE zoning. The properties are surrounded by residential zoning. The proposed R-RE district doesn't align with the land use plan, which calls for a portion of one lot to be planned community mixed use, and the remainder of the properties to be single family residences on half-acre minimum lots. However, the zone change would provide a transition from the residential lots to the east and the future business use along 747.

Mr. Acuff reviewed staff comments with the board. One such comment was that the soil should be tested prior to building due to the northern neighboring property encountering almost quicksand-like soils during construction. Staff recommended approval per the 8 total comments.

Mr. Jones noted that the requested change doesn't align with the land use plan. He referenced back to a previous zone change a few months prior on Mercedes Drive

with a vacant property located between two properties with duplexes. The recommendation of staff for that case was a denial due to the failure to comply with the land use plan. Mr. Jones questioned why the recommendation for that property would be a denial, but the recommendation for this property would be an approval.

Mr. Acuff stated that the land use plan is a guidance document, and that zoning is the controlling factor. As a guidance document, whoever makes the decision has the freedom to follow that guidance or to make justification to go a different direction.

Mr. Acuff stated that ultimately, staff recommendation is just that, a recommendation to the township, and the township has final say on approval or denial of the zone change.

Mr. Jones expressed concern for the lack in consistency in staff approval regarding these two zone changes.

Mr. Rumpke advised that the existing duplexes were constructed long before the land use plan was put into place, and that moving forward, Liberty Township said that the area should be industrial moving forward.

Testimony in favor: Richard Arnold, with McGill Smith Punsheon, is representing the applicant. He stated that the vision plan has been discussed. In response, he explained that the site plan submitted was based on the land use plan. He stated that he would be taking the staff comments about the soil seriously and will do further testing.

Mr. Rumpke asked Mr. Arnold if the existing pond on the property was in a building site or if it is a detention site. Mr. Arnold stated that it is in a building area. He added that a stream evaluator looked at that area and determined that the current layout would not have an impact. He said there would be three total detention ponds.

Testimony in opposition: None

Neutral testimony: None

Mr. Jones stated that he believes there are issues problematic for the township regarding inconsistency, and would therefore be voting in opposition.

Mr. Rumpke said that the zone change could be approved and let Liberty Township deal with the future use.

Ms. Surber said that she does not see a huge deviation between R-SE and R-RE to where it creates an issue of inconsistency.

Mr. Rumpke made a motion to approve **LTZ 19-02 John Candle Homes, R-SE to R-RE**. Mr. Brown seconded this. Motion carries 5-1.

AYES: Rumpke, Brown, Lewis, Surber, Updike

NAYES: Jones

ABSTAIN: None

RESOLUTION#: 19.14

PRELIMINARY PLATS

Carriage Hill, Section 26

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

Mr. Acuff introduced this as a section in the middle of the Carriage Hill development with 14 new residential lots proposed. The request is pretty standard and consistent with what has been submitted for Carriage Hill in the past.

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

Mr. Lewis made a motion to approve **Carriage Hill, Section 26**. Mr. Rumpke seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.15

Carriage Hill, Section 26 – Sidewalk Waiver

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

Mr. Acuff stated that this sidewalk waiver is to waive the sidewalk requirement for both sides of the street, as would be consistent with the rest of the Carriage Hill development.

Mr. Lewis made a motion to approve **Carriage Hill, Section 26 – Sidewalk Waiver**. Mr. Brown seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.16

FINAL PLATS

The Overlook Landominiums, Phase 4, Block A

Muhlhauser Rd
Section 3, Town 2, Range 2,
West Chester Township

Mr. Acuff introduced this as a request for 9 new lots. There would be 2 buildings (a 5-unit and a 4-unit).

Mr. Acuff stated that staff originally only had a few comments that have since been reconciled. Therefore, staff recommends approval with no comments.

Mr. Brown made a motion to approve **The Overlook Landominiums, Phase 4, Block A**. Mr. Lewis seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.17

Shannon Ridge, Section Two

Kyles Station Rd
Section 33, Town 2, Range 2,
West Chester Township

Mr. Acuff introduced this as 11 new lots on about 5.5 acres. Included in that would be a community path system running through a designated open space lot.

Mr. Acuff reviewed staff comments, including one that states that after this section is recorded, no other sections may be recorded until the improvements to Kyles Station Road have been constructed. Per all staff comments, staff recommends approval.

Mr. Rumpke made a motion to approve **Shannon Ridge, Section Two**. Mr. Brown seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.18

OTHER BUSINESS

Election of Chairperson

Butler County

Bruce Jones was nominated by Mr. Rumpke to serve as Chairperson of the Butler County Planning Commission for the next 12 months. No other persons volunteered. No other persons were nominated.

Mr. Rumpke made a motion to elect **Bruce Jones as Chairperson** for a 12 month term. Ms. Surber seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.19

Election of Vice-Chairperson

Butler County

Buck Rumpke was nominated by Mr. Brown to serve as Vice-Chairperson of the Butler County Planning Commission for the next 12 months. No other persons volunteered. No other persons were nominated.

Mr. Brown made a motion to elect **Buck Rumpke as Chairperson** for a 12 month term. Mr. Lewis seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.20

Notification for Denial

Butler County

Mr. Jones addressed staff prior to the adjournment of the meeting to note that it is infrequent of staff to recommend a denial, and that it is practice of staff to leave it to the jurisdiction to notify the applicant of meetings. Mr. Jones said that he felt it would be appropriate in the instances of denial that

the applicant receive notification of the meeting date and that there is a recommendation for denial from staff.

Mr. Rumpke stated that it would improve relations between builders and developers if there was a notice.

Mr. Brown stated that there is some level of responsibility with the applicant to find out when the project will be set before the Planning Commission. He said that as long as the deadlines set by staff are met, the application will be on the agenda for the following month as planned.

Mr. Jones made a motion to elect **Notify the Applicant by email or US mail if there is a recommendation for denial.** Mr. Rumpke seconded this. Motion carries 6-0.

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

NAYES: None

ABSTAIN: None

RESOLUTION#: 19.21

ADJOURNMENT

Mr. Rumpke 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

March 12, 2019

Chair

Secretary