



# Butler County Planning Commission

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

## Meeting Minutes

**MEETING:** Tuesday, September 8, 2020, 3:00 p.m.

**ROLL CALL:**

**Present:** Bruce Jones, *Chair*  
Amy Updike  
Beth Surber  
Lonnie Lewis  
Dave Baker

**Absent:** Kevin Cooney  
Steve Brown  
Bernard “Buck” Rumpke

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

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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 August Meeting Minutes. Mr. Baker seconded the motion. Motion carried 4-0-1.

**AYES:** Lewis, Baker, Surber, Jones

**NAYES:** None

**ABSTAIN:** Updike

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### **ZONE CHANGES**

**WCTZ 20-09, West Ridge, A-1 to R-PUD**

6856 Dimmick Road  
Section 21, Town 3, Range 2  
West Chester Township

Mr. Acuff introduced this as a zone change request for a parcel of land currently zoned agricultural. The surrounding land is all zoned residential. The proposed plan is for 40 single-family residential lots. Detention is planned for the northern end of the site, as well as a walking path along the creek.

Mr. Acuff reviewed the staff report with the board and recommended denial based on those comments.

Mr. Jones asked which staff comments were amongst the top of the list for the denial recommendation. Mr. Acuff stated that items 1 and 2 regarding the geotechnical report.

*Testimony in favor:* None

*Testimony in opposition:* None

*Neutral testimony:* None

Mr. Lewis made a motion to deny **WCTZ 20-09 West Ridge, A-1 to R-PUD** per staff comments. Ms. Surber seconded this. Motion carries 5-0.

**AYES:** Lewis, Surber, Baker, Updike, Jones

**NAYES:** None

**ABSTAIN:** None

**RESOLUTION#: 20.41**

**RZC 20-02, CDDG Middletown Eaton LLC, R-1 to B-1**

*1132 Middletown Eaton Road*

*Section 16, Town 2, Range 4*

*Madison Township*

Mr. Acuff introduced this as a request for a zone change in Madison Township. The request is for a single parcel at the corner of Middletown Eaton Road. There are two churches and a gas station across the street. There are a string of residential properties on the northwest corner of a nearby intersection. The intended use for the application is to construct a retail store of less than 10,000 square feet. The site is 1.83 acres and currently has a house and garage on site. There will be road access from West Alexandria Road, and water service is provided by Southwest Regional Water. The applicant intends to reuse the existing septic on the site. The Madison Township land use plan calls for the subject site and neighboring properties to the north and west to be suburban residential, with a home density of 1-4 homes per acre. There is B-1 and B-2 zoning nearby.

Mr. Acuff reviewed staff comments with the board and recommended approval subject to those comments. Mr. Acuff also stated that he has received a handful of comments both opposed and in favor. He has provided staff with a summary of the

comments. The comments were as of noon today. He stated that 8 people have contacted him in favor of the zone change and 15 against. The primary concerns that were brought up were traffic at the corner of West Alexandria and SR 122, as well as the general concern of there being commercial development in the township.

*Testimony in favor:* Andrew Zofkie, CDDG Middletown Eaton LLC, commented on some of staff's comments regarding traffic or access. He reiterated that the applicant will comply with the access management regulations of Butler County. The drive will be shifted as far down Middletown Eaton as the business allows. He also stated that the septic system has been inspected and EPA has approved it for use.

Mr. Jones asked for clarification about the driveway shift being "as far as the business would allow". Mr. Zofkie stated that first and foremost, they would be confined to the access management regulations of Butler County.

Ms. Surber asked how long the current residence located on the property has been vacant. Mr. Zofkie stated that it has been vacant almost a decade. The property owner, Robert Davis, interjected stating that when he purchased the property, there was an outstanding utility bill from 2011. He also stated he has owned the property for the past 2 years.

Ms. Surber asked if there was any attempt to rent the vacant property. Her opinion is that based on the length of vacancy time, it appears as if the property does not have much appeal as a residential site. Mr. Davis stated that the foundation has deteriorated and is in very bad shape.

Mr. Zofkie stated that the existing building would be demolished.

Mr. Davis stated that he and his wife own the property in question. He stated that he has a historical tie to the land, having been born on the land, and three generations of his family resided there as well. He explained that both he and his wife are Madison Township locals and have invested heavily in the area, and would like to continue to do so.

He stated that they reached out to see how the community felt about the project and he presented a petition from the residents containing 236 signatures, including 2 of the 3 Madison township trustees, saying that they are in favor of the project.

Mr. Baker asked if the applicant would control the retail store. Mr. Davis stated that he would not, he was simply the property owner. He also stated that he just wants to provide a place within the community for people to buy things. Mr. Baker asked if there is a stipulation on who can buy that property. He asked the applicant if he wants a Dollar General, a small grocery store, or something different. Mr. Davis stated that he would prefer anything that is a retail store where residents can go to purchase things. He stated that there are some who have shown interest in wanting to build on the property, but from the property owner standpoint, he wants a retail store. He explained that there is not much property in Madison Township that fits the criteria that this property fits.

Mr. Baker explained that his question was what kind of retail would the owner entertain. Mr. Davis explained he would only entertain offers for a retail store where people can do their shopping.

Ms. Surber stated that the zone change was for a B-1, so any purchaser could develop the land into any use within the B-1. She asked Mr. Acuff what kind of uses are permitted in a B-1 zoning. Mr. Acuff stated that a B-1 zoning allows for general retail and services, restaurants (not including drive-thru's), bars, banks, and childcare facilities. He stated that the use cannot be heavily automotive or a car wash.

*Testimony in opposition:* None

*Neutral testimony:* None

Mr. Jones stated that while the B-1 zoning does allow a variety of uses, he believes that the property will self-limit the kind of use that can be placed there. Ms. Surber agreed, stating that the site size would limit the types of uses that can go on the property.

Ms. Surber made a motion to approve **RZC 20-02, CDDG Middletown Eaton LLC, R-1 to B-1** per staff comments. Ms. Updike seconded this. Motion carries 4-0-1.

**AYES:** Surber, Updike, Lewis, Jones

**NAYES:** None

**ABSTAIN:** Baker

**RESOLUTION#:** 20.42

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## FINAL PLATS

### **Westfall Preserve, Section One**

*Section 11, Town 2, Range 2*

*West Chester Township*

Mr. Acuff introduced this as 18 new residential lots on just over 5 acres. This property is located up in the west side of West Chester Township. The applicant submitted a revised plan that addressed a number of staff comments, leaving them with only two.

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

Mr. Lewis made a motion to approve **Westfall Preserve, Section One**. Ms. Surber seconded this. Motion carries 5-0.

**AYES:** Lewis, Surber, Updike, Baker, Jones

**NAYES:** None

**ABSTAIN:** None

**RESOLUTION#: 20.43**

**The Oaks of West Chester, Section Six**

*Section 22, Town 3, Range 2*

*West Chester Township*

Mr. Acuff introduced this as 45 new residential lots on just over 37.5 acres.

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

Mr. Baker made a motion to approve **The Oaks of West Chester, Section Six**. Mr. Lewis seconded this. Motion carries 5-0.

**AYES:** Baker, Lewis, Surber, Updike, Jones

**NAYES:** None

**ABSTAIN:** None

**RESOLUTION#: 20.44**

**Fieldstone Farms, Section Three, Block A**

*Section 15, Town 3, Range 3*

*Liberty Township*

Mr. Acuff introduced this as 44 new lots, a mix of single-family and attached single-family housing on 9 acres. The attached units are west of the bond off Shady Brook Bend, and the single-family homes will be located at the extension of Caitlyn Rose Lane.

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

Mr. Lewis made a motion to approve **Fieldstone Farms, Section Three, Block A**. Ms. Updike seconded this. Motion carries 5-0.

**AYES:** Lewis, Updike, Surber, Baker, Jones

**NAYES:** None

**ABSTAIN:** None

**RESOLUTION#: 20.45**

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## **ADJOURNMENT**

Mr. Jones 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

September 8, 2020

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Chair

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Secretary