



BUTLER COUNTY PLANNING COMMISSION
Butler County Administrative Center
315 High Street, Conference Room #1
Hamilton, Ohio

MEETING MINUTES

MEETING: Tuesday, June 10, 2014, 3:00 p.m.

ROLL CALL: Charles Bullington, Chair
Steven Brown
Kevin Cooney, Vice-Chair
G. Coe Potter
Bernard "Buck" Rumpke
Shirley Wiant (arrived shortly after roll call)

Absent: Dave Baker
Beth Surber

Staff Present: Peter Z. Acuff, Dept. of Development
Constance Kepner, Water & Sewer
Lee Margraf, Dept. of Development

APPROVAL OF MINUTES:

May 13, 2014 Meeting Minutes

Mr. Brown made a motion to approve the May 13, 2014 Meeting Minutes as submitted. Mr. Rumpke seconded the motion. Motion carried.

AYES: Brown, Rumpke, Cooney, Potter, Bullington

NAYES: None

Ms. Wiant arrived to the meeting shortly after roll call.

ZONE CHANGES:

LTZ 14-05 Trustees Map Amendment (R-SE to B-1)

5555, 5563, and 5573 Cincinnati-Dayton Road – Proposed Fire Station #114

Section 15, Town 3, Range 3

Liberty Township

Mr. Acuff gave some background on this case initiated by Liberty Township and showed a drawing of a potential site plan for the proposed fire station which will likely come in approximately three to four (3 – 4) years down the road. Mr. Acuff reviewed the comments made by staff and said staff does recommend approval of the zone change.

Mr. Andy Meyer, Senior Planner, Liberty Township, spoke on behalf of the Township and said Liberty Township is planning for a fourth fire station as the Township currently has four (4) fire districts but only three (3) fire stations and as residential development expands as expected there will be a need for a fourth fire department and said the Township is currently under contract to purchase the property and would like to rezone it for use as a fire station and added the Township Trustees held a work session on May 14th, for which all properties within 200 feet were given direct mail notification on this and they presented this same site plan.

Mr. Potter commented that he thought government was excluded from zoning and applauded the Township for going through this process seeing that government is not subject to zoning laws but is abiding by the zoning code as well and asked Mr. Meyer if he expects this zone change to be done prior to the Township purchase.

Mr. Meyer replied he is not privy to when the closing might be and said it may be before or after the zone change process is completed and that it would have to be rezoned for commercial use and added it will take another three (3) months before the zone change.

Mr. Potter said if he is not mistaken, even though it's under contract, it would have to be rezoned for commercial purposes while it's still under private ownership, but, once you all own it it's a matter of courtesy for the Township residents that you're going through the exercise.

Mr. Meyer said as residential, a government use is permitted as a conditional use; but since this is a transitional area and the commercial zoning fits the Land Use Plan, then that would permit the government use by right.

Mr. Potter said he applauds what Liberty Township for doing this – although it is not necessary.

Mr. Bullington said he thinks it's a good idea to do the mounding and fencing just for the sound basis.

Mr. Meyer said during work session the main concerns surfaced: noise and lights - especially during evening hours and these were addressed by the chief and said activities during the evenings will be kept to a minimal and only emergency runs as needed.

TESTIMONY IN FAVOR: None

TESTIMONY IN OPPOSITION: None

NEUTRAL TESTIMONY: None

Mr. Rumpke made a motion to approve LTZ 14-05 Trustees Map Amendment (R-SE to B-1), 5555, 5563, and 5573 Cincinnati-Dayton Road – Proposed Fire Station #114, Section 15, Town 3, Range 3, Liberty Township subject to the staff comments. Mr. Cooney seconded the motion. Motion carried.

AYES: Rumpke, Cooney, Brown, Potter, Wiant, Bullington

NAYES: None

RESOLUTION: 14.33

**WCTZ 14-02 Town Centre Mixed Use - 9120 Union Centre Boulevard
CBD/C-PUD to SP-PUD**
Section 33, Town 3, Range 2
West Chester Township

Mr. Acuff said this was presented a couple of months ago and was tabled and gave details on the location and showed renderings of the proposal for mixed use with residential, office space, retail space and parking garages. He added the plan is unchanged since it was presented in April 2014.

Mr. Acuff said with no changes to the plan, staff said parking is a zoning issue but is confident the applicant and the Township will come to an agreement.

Mr. Acuff went over staff comments and said staff does recommend approval for this zone change.

Applicant, Mr. Tony Birkla, Anderson Birkla Investment Partners, 301 Pennsylvania Parkway, Indianapolis, Indiana said they are requesting a map amendment and gave background history and information on the company and gave details on the proposed project. Mr. Birkla showed three-dimensional renderings of the proposed development of this community which offers the opportunity for a downtown district which offers a working, living and entertainment environment. He added they have been working closely with the Township and are looking for opportunities for additional parking and may increase the parking garage.

Mr. Cooney asked if the parking garage would be available to the public.

Mr. Birkla replied yes.

Mr. Bullington asked about the capacity of the garage.

Mr. Birkla replied right now it is 406 spaces and is a three-story garage that may expand towards the courtyard or possibly add an additional level.

Mr. Brown asked Mr. Birkla what his thoughts are on how to minimize storm water runoff.

Mr. Birkla introduced Mr. Brian Smallwood, 4457 Idea Center Boulevard, Dayton, Ohio, Site Engineer for this project, to respond to Mr. Brown's question.

Mr. Smallwood said they've had several conversations with Butler County Engineers Office and they are working together to ensure they are maintaining the correct amount of drainage water shed and goes to the right pond there.

Mr. Rumpke asked if all of the detention will be off site.

Mr. Smallwood said it is across the street and is a component of entire region's master plan to have regionalized detention basins next to the library and they are meeting the requirements of the original master plan.

Mr. Rumpke asked Mr. Smallwood what his thoughts are on the County Engineer's requirements and their requirements for turning lanes, traffic, etc.

Mr. Birkla said they received those yesterday and scrambled on how to try to understand the financial impact on this development and, at quick glance, he believes they can absorb the impact financially and his initial thought is they are ok with it, provided they can get some ability to get some right-of-way to do the turning lane that is being requested.

Mr. Brown asked if this falls back on West Chester Township and doesn't involve the Butler County Planning Commission.

Mr. Acuff said this would not involve Butler County Planning Commission.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL TESTIMONY: None

Mr. Brown made a motion to approve WCTZ 14-02 Town Centre Mixed Use - 9120 Union Centre Blvd, CBD/C-PUD to SP-PUD, Section 33, Town 3, Range 2, West Chester Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried.

AYES: Brown, Wiant, Cooney, Potter, Rumpke, Bullington

NAYES:

RESOLUTION: 14.34

PRELIMINARY PLATS:

None

FINAL PLATS:

The Streets of West Chester, Replat of Lot 58
Section 27, Town 3, Range 2
West Chester Township

Mr. Acuff showed aerial images of the property and gave details on the multifamily residential proposed. Mr. Acuff showed a plat map and highlighted staff comments. Mr. Acuff said the applicant will need to work with Mr. Jim Fox, Butler County Flood Plain Manager, to address the parking lots elevation for those which fall in the 100-year flood plain area and they will have to apply for Flood Plain Permits. Aside from that, staff does recommend approval.

Mr. Bullington asked if the parking spaces that are located in the flood plain already exist or do they have to be built.

Mr. Acuff said he believes they have done some grading out there but have not put any asphalt down yet.

Mr. Bullington made a motion to approve The Streets of West Chester, Replat of Lot 58, Section 27, Town 3, Range 2, West Chester Township, subject to staff comments. Mr. Brown seconded the motion. Motion carried.

AYES: Bullington, Brown, Cooney, Potter, Rumpke, Wiant

NAYES: None

RESOLUTION: 14.35

Villages of Providence, Section 3, Replat of Lot 434

Section 12, Town 2, Range 2

West Chester Township

Mr. Acuff showed an aerial image of the property and said the applicant negotiated with the Home Owners Association to purchase the crescent shaped corner portion and combine it with her existing lot to put in a swimming pool and vacate the drainage easement that ran across the back.

Mr. Acuff showed a plat map and said staff has no comments but does recommend approval.

Mr. Brown asked if they would put a new drainage easement in to replace the one they are vacating.

Mr. Acuff said yes.

Mr. Potter made a motion to approve replat for Villages of Providence, Section 3, Replat of Lot 434, subject to staff comments. Mr. Cooney seconded the motion. Motion carried.

AYES: Potter, Cooney, Brown, Rumpke, Wiant, Bullington

NAYES: None

RESOLUTION: 14.36

Kyles Station Meadows, Section Nine

Section 10, Town 3, Range 3

Liberty Township

Mr. Acuff said this is the last section of Kyles Station Meadows and showed aerial images and plat maps of the area.

Mr. Acuff summarized the staff comments and stated staff recommends approval.

Mr. Potter asked who will monitor the conservation easement.

Mr. Acuff replied it is the responsibility of the home owners and an area noted on the plat for protection like the buffer easement on the side.

Ms. Terri Corner, Bayer Becker, 6900 Tylersville Road, Mason, Ohio, said they are private easements and will be maintained by home owners, and any changes the homeowner might want

to make in the private easement will require review and approval by Butler Soil & Water Conservation.

Mr. Rumpke asked if they are only allowed to build on the land that is outside of the easement.

Mr. Acuff replied yes and added there is room for a house back here (pointed to on map).

Ms. Corner said it depends on the size of the house; on Lot 324 it can be in the back or the front; but on Lot 325 it will have to be built on the easement.

Mr. Brown made a motion to approve Kyles Station Meadows, Section Nine, Section 10, Town 3, Range 3, Liberty Township, subject to staff comments. Mr. Cooney seconded the motion. Motion carried.

AYES: Brown, Cooney, Potter, Rumpke, Wiant, Bullington

NAYES:

RESOLUTION: 14.37

Aspen Trails, Section Four
Section 4, Town 2, Range 3
Liberty Township

Mr. Acuff showed an aerial image of the property and said this is a revised plat and reviewed the staff comments and said subject to the comments, staff does recommend approval of the final plat.

Ms. Wiant made a motion to approve replat for Aspen Trails, Section Four, Section 4, Town 2, Range 3, Liberty Township subject to staff comments. Mr. Brown seconded the motion. Motion carried.

AYES: Wiant, Brown, Potter, Cooney, Rumpke, Bullington

NAYES: None

RESOLUTION: 14.38

Allen Estates, Section Three, Replat of Lot 177

Section 21, Town 3, Range 3,
Liberty Township

Mr. Acuff showed an aerial image of a vacant lot and said since the image was taken a house on the right is either under construction or has been built and when Allen Estates was originally platted there was a wide drainage easement that was platted here; with the construction of Bridle Farms Subdivision just to the east the drainage patterns have changed and a larger pipe has gone in and the wider drainage easement is no longer needed required. The purpose of this replat is to vacate this portion of the drainage easement along the east side of the lot and this has been reviewed by the Butler County Engineers Office for concerns about drainage and they are happy with it, and staff has no comments.

Mr. Cooney made a motion to approve replat for Allen Estates, Section Three, Replat of Lot 177, Section 21, Town 3, Range 3, Liberty Township subject to staff comments. Ms. Wiant seconded the motion. Motion carried.

AYES: Cooney, Wiant, Brown, Potter, Rumpke, Bullington

NAYES: None

RESOLUTION: _____

Snowholm Tracts, Replat of Lot 19

**Section 22, Town 4, Range 2,
Hanover Township**

Mr. Acuff showed an aerial image of the property located in Hanover Township which has very narrow frontage. The applicant is looking to buy the large lot here and divide it into two (2) parcels; this went to the Board of Zoning Appeals back in December for variance on road frontage requirements and the variance was granted for them to create a lot without frontage provided they gave access to this lot here (pointed to on map) and provide an access easement to this land-locked parcel (pointed to on map). Mr. Acuff summarized the staff comments and said staff does recommend approval of the replat subject to staff comments.

Mr. Bullington made a motion to approve the final plat for Snowholm Tracts, Replat of Lot 19, Section 22, Town 4, Range 2, Hanover Township subject to staff comments. Mr. Brown. seconded the motion. Motion carried 6 – 0.

AYES: Bullington, Brown, Wiant, Rumpke, Cooney, Potter

NAYES: None

RESOLUTION #: 14.40

ADJOURNMENT

Ms. Wiant made a motion to adjourn seconded by Mr. Rumpke. All in favor. 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 by Lee Margraf and may be obtained upon written request. Any charges associated with preparing such transcript shall be borne by the person requesting.

Hamilton, Ohio
June 10, 2014

Chair

Secretary

Lee Margraf