

**Butler County Department of Development
Planning Commission
Hamilton, Ohio**



Meeting Minutes

MEETING: Tuesday, November 9, 2010; 3:00 p.m.

ROLL CALL:

Present: Charles Bullington, Chair
Kevin Cooney, Vice-Chair
Steven Brown
Lynn Nevel
G. Coe Potter
Joseph Tucker
Shirley Wiant

Absent: Chris Flaig

STAFF PRESENT: David Fehr, Planning Director
Lee Margraf, Department of Development
Constance Kepner, Butler County Water & Sewer
Eric Pottenger, Butler County Engineers Office
Teresa Barnes, Butler County Engineers Office

APPROVAL OF MINUTES:

October 12, 2010 Minutes

Mr. Brown made a motion to approve the October 12, 2010 minutes as submitted.
Mr. Nevel seconded the motion. Motion carried.

AYES: Brown, Nevel, Cooney, Bullington

ABSTAIN: Tucker, Potter

NAYES: None

Ms. Wiant arrived shortly after approval of the minutes.

ZONE CHANGES:

WCTZ 10-02

Evan Eagle, glaserworks Architecture & Urban Design
Change from R-1A (Suburban Residence District) to SP-PUD (Special Purpose Planned Unit Development District)
West Chester Township

Mr. Fehr said this is a rezoning application request located in West Chester Township and the request is to rezone property from current R-1A, Suburban Residence District, to SP-PUD, which is Special Purpose Planned Unit Development, something that West Chester Township has in their code. A copy of the application is in the Board members' packet which was mailed to the Planning Commission members previously.

Mr. Fehr showed an aerial map of the property and said it is the old West Chester library on Cox Road, and is outlined in blue in this aerial image – the old library building with the parking lot to the north and there are actually two (2) parcels of land; the first one runs along Cox Road and the second piece is located towards the rear. To the south of the property is an existing church, and there are multi-family residences across the street on Cox Road and to the north is retail and commercial development.

Mr. Fehr showed a site plan drawing of the property and pointed out the building and parking area and the outline of the property.

Mr. Fehr showed a diagram of some improvements that the applicant wants to make to the property: new driveway location, some expanded paving and patio areas, and a new entrance to the north and this location would connect to the commercial development to the north.

Mr. Fehr said there is also a copy in the members' packet of the West Chester Township's Comprehensive Land Use Plan, which does call out this as Public and Institutional.

Mr. Fehr said as far as the current zoning of the property, it is R-1A; across the street and to the north is zoned Commercial and to the north is actually zoned R-PUD, which is something West Chester did when they adopted zoning but as far as the use it is Commercial zoning.

Mr. Fehr said the Staff Report was also in the packet and the applicant is here and wanted to make a brief presentation.

Mr. Stephen Schnabl, Chief Executive Officer of *Partners in Prime*, 140 Ross Avenue, Hamilton, Ohio 45013, and they are the tenant of the building and have driven the uses that are being proposed. Evan Eagle is one of the Staff Architects at glaserworks with whom Partners in Prime had worked with. Our organization, formerly known as Senior Citizens, Inc. has been a non-profit service provider to older adults in southern Butler County since 1954, primarily located in Hamilton, however services have been provided in the West Chester area since 1990 and they were a tenant at space further south on Cox Road for the past ten (10) years and when this building became available we negotiated with West Chester Township to become tenants and users of the property. The Township has leased the building to us for one dollar (\$1.00) per year for ten (10) years however it is now our responsibility to maintain the

grounds, the building and to provide any further renovations. The Township asked that we provide a Business Plan to show self-sufficiency and in that regard one of our ideas was to take a portion of the 17,000 square foot building, we had been in 3,000 square feet so 3,100 has been set aside to be rented to a third party tenant for the first ten (10) year period of our lease, the idea being that we are going to be long-term tenants at the location and that space would eventually be turned into a ballroom and commercial kitchen, similar to space that they have at our main location here in Hamilton.

Mr. Schnabl said they were all quite surprised, including the Township Trustees, after the lease had been signed, their rental sign went up and they realized that the R-1 District zoning was in place for the area which prohibited them from moving forward on the initial plans and therefore, at this point they have taken the design and enhancement considerations and have worked with the Township Zoning Department to develop this SP-PUD application and have really tried to project forward for the other kinds of enhancements that we would anticipate making on the property. One of the most interesting design ideas was to add a new entrance drive, however you are well-aware that the Butler County Engineer requires that there be driveway permits and so that effort is something that we would like to undertake in the first 8 – 10 years but will also require a small, expansion/widening of Cox Road and these would be issues where our non-profit organization would be involved in raising the funds to pay for those changes and we are also working very closely with the church immediately to our south, with the idea that we might combine the driveway entrance so that discussion is there too so you are not seeing a final drawing here but an idea of that major change to the front of the building.

Mr. Schnabl said the rear entry proposal is one that came up very early in their ideas because of the safety concern, especially a left turn into this property and a left turn out of it, however, they would need to get the permission and cooperation of the Regency Real Estate company that owns the commercial development there to do anything and at this point they have held back. So once again we've tried to include a number of enhancements to the grounds that we anticipate doing in the next ten (10) years so we can be as inclusive as possible in bringing forward this proposal.

Mr. Schnabl offered to answer any questions and encouraged and welcomed the Planning Commission members' recommendation in supporting this.

Mr. Bullington asked if the request is for both of the parcels to be rezoned.

Mr. Fehr said that is correct.

Mr. Potter questioned that, said seeing that this is owned basically by a government, when and how are they subject to zoning.

Mr. Fehr said his interpretation is since this is no longer a public use anymore -not like it is a Township hall or police station, it is a non-profit group using this facility, they would have to abide by local zoning – if it were a Township Police station or Fire station that would be different, they do have an attorney on the West Chester Planning & Zoning staff; he would assume it would all be above board.

Mr. Potter said this is certainly above board and they confront this in the City of Oxford and there, with a quasi-governmental ownership, but the State of Ohio owns Miami University, but they are not subject to zoning in any way shape or form – they have private operations for business purposes on Miami’s campus so he was interested in when governmental agencies are subject to zoning and when they are not – and feels this is much to do about nothing – not that the project is nothing, but he does not see that the government need to jump through so many hoops that they did.

Mr. Fehr said he would forward that on to West Chester Township for their consideration.

TESTIMONY IN FAVOR: None

TESTIMONY IN OPPOSTION: None

NEUTRAL COMMENTS: None

Mr. Tucker made a motion to approve the zone change application for WCTZ10-02, . Evan Eagle, glaserworks Architecture & Urban Design, Change from R-1A (Suburban Residence District) to SP-PUD (Special Purpose Planned Unit Development District), West Chester Township. Ms. Wiant seconded the motion. Motion carried.

AYES: Tucker, Wiant, Potter, Cooney, Brown, Nevel, Bullington

NAYES: None

Resolution # 10.42

STZ 10-03

St. Clair Township Zoning Commission

Change from A-1 (Agricultural District) and M-2 (General Industrial District) to M-2 (General Industrial District)

St. Clair Township

Mr. Fehr said the next application is by the St. Clair Township Trustees and is to rezone property at 2251 Wayne Madison Road, St. Clair Township.

Mr. Fehr said there is a copy of the application and an aerial image of the property in the Board members’ packets and the property is approximately 244 acres and currently is under one (1) ownership, Mr. Ron Watson.

Mr. Fehr identified the location of the property in the aerial image and its proximity to Wayne Madison Road and the Miller Brewing property and said the property is outlined in yellow. The portion of the property that is being requested to be rezoned is the southern portion

(rectangle area) and is all one (1) lot but has split zoning on it. The larger rectangular area is currently zoned M-2 (Industrial) and the smaller rectangle toward the bottom is zoned A-1 (Agricultural) so the request is to put the single property under single ownership all into the same, M-2 zoning District.

Mr. Fehr showed a survey of the property (which was also in the packet) and a current zoning map, the area in green is the A-1 District, and said he believes the original zoning of the Township they likely followed the quarter section line and made them both Industrial and then everything south of the line is zoned A-1, however, the property itself is owned under single ownership.

Mr. Fehr showed the St. Clair Township's Long Range Plan and said the Township is showing this area (pointed to on map) is Planned Industrial Zoning, which is the area in purple – with a small portion of the property in the south shown as Low Density Residential Development.

Mr. Fehr said Staff Comments are in the packet and Mr. Jerry Lanich is here representing St. Clair Township Zoning Commission and will give him the opportunity to speak in front of the Planning Commission.

Mr. Jerry Lanich, St. Clair Township, said back in the 1970s Miller Brewing announced opening their brewery in Butler County and a gentleman by the name of Gordon Smith, City of Hamilton, Ohio, was very instrumental in zoning over 1,000 acres in St. Clair Township starting at Wayne-Madison Road and going west, being zoned at M-2 General Industrial under Butler County Zoning. St. Clair Township adopted its own zoning in 1994, they inherited the Zoning Map from Butler County and as Mr. Fehr mentioned, the quarter-section line went straight on back and everything south of this property is zoned Residential and everything in that yellow area (on the map) to Gephart Road is Residential Zoning.

Mr. Lanich said he is not sure if the Township or the Planning Group overlooked it a year and a half ago when the Land Use Plan was established, but we allowed the approximately 190 acres to remain as M-2 (General Industrial District) and everything else south was Low Density Residential and we feel that it makes good sense to let approximately 54 acres to join the 190 acres to be zoned the same way so possible future development and get rid of the split zoning of that property and unify it in to General Industrial District.

TESTIMONY IN FAVOR: None

TESTIMONY IN OPPOSITION: None

NEUTRAL TESTIMONY: None

Mr. Fehr said a Staff Report is in the Board members' packet. Mr. Fehr added that even though St. Clair Township's Long Range Plan has this portion of the property (light yellow on the map shown) as Low Density Residential, we feel that it does make sense to rezone that property which is basically landlocked and the only way to get to it would be through the industrial property that Mr. Watson has and we do not think that is very practical that you would have to drive through an industrial area to get to a residential property and it would make the property all one (1) zone classification rather than split zoned and we think there is a

high probability that this will be developed for industrial purposes at some time in the future and Staff does recommend that this property be rezoned.

Mr. Potter said in his experience with a piece of property he owned that had split zoning on it, and in the process of developing it for a consumer, the split zoning became very problematic and would encourage the Planning Commission to merge this all into the same zone.

Mr. Potter made a motion to approve STZ 10-03, St. Clair Township Zoning Commission, Change from A-1 (Agricultural District) and M-2 (General Industrial District) to M-2 (General Industrial District), St. Clair Township.

Mr. Tucker seconded the motion. Motion carried.

AYES: Potter, Tucker, Nevel, Cooney, Brown, Wiant, Bullington

Resolution: 10.43

NAYES: None

Resolution # 10.43

STZ 10-04

St. Clair Township Zoning Commission
DRASTIC Overlay District
St. Clair Township

Mr. Fehr said this application is by the St. Clair Township Zoning Commission but Mr. Pottenger, Butler County Engineers Office (BCEO) Storm Water District (SWD), and Mr. Lanich did a lot of leg work on that so he offered Mr. Pottenger and Mr. Lanich to speak on this.

Mr. Fehr said they are proposing an amendment to the St. Clair Township Zoning Code and it would create an overlay zone, the Zoning map of the Township stays the same and there would be no change to that, but then on top of that Zoning map they would add this new "overlay" – with different colors, and depending on whether the color is yellow (for moderate), orange (for high) or red (for extreme) there would be additional requirements on those colored properties and this has to do with groundwater protection.

Mr. Fehr said the term, "DRASTIC", which they are using for the DRASTIC overlay district, is an acronym which has to do with a study of the groundwater pollution in Butler County and was started in 1991. The DRASTIC Study looked at all of Butler County. Mr. Fehr passed around a map of the study in Butler County. Mr. Fehr said the study and corresponding map looked at the aquifers in Butler County and find those that were most susceptible to pollution potential and the term DRASTIC stands for: depth of water (D), net recharge (R), aquifer media (A), soil media (S), topography (T), impact (I), conductivity (C). Based on those factors, a map was created to show the areas with the highest pollution potential and this is supposed

to be for Land Planning purposes, Economic Development purposes and Land Preservation purposes. Mr. Pottenger and Mr. Lanich created a set of overlay regulations that will correspond to the map.

Mr. Fehr showed a map of the St. Clair Township area as part of the study and said a copy of this map was mailed to the Planning Commission members along with the Regulations and invited Mr. Lanich and Mr. Pottenger to speak.

Mr. Lanich said this work was done by Mr. Pottenger's group, the BCEO SWD. St. Clair Township asked them to assist them in this matter and said about 45% of the Township sits over the Great Miami Aquifer and from that there are five (5) public sources of drinking water are taken and supplies water for about half a million people and we guard the source water beneath and that includes the Southwest Regional Water District and they are a public water provider and are licensed by the State of Ohio. One of the things the Township asked the Butler County Stormwater District was to develop heavy controls for storm water in areas that there would be great impervious areas, such as roofs, industrial areas, parking areas and places like that.

Mr. Lanich said when they adopt this, which will be up to the Zoning Commission and Board of Trustees, they will probably put in a statement that it is only applicable to Industrial and Business zones, meaning Residential and Agricultural are out of it and it would put a definite hardship on policing the program if we were to leave it in Agricultural zones because there are a number of large farms that this would effect. Mr. Lanich turned it over to Mr. Pottenger.

Mr. Pottenger said the driving factor was looking at impervious areas due to development and redevelopments and the soil characteristics in St. Clair Township – once you remove the 2 feet of top soil there is sand and gravel all the way down so there is a high infiltration rate and a high recharge rate and typically we look at impervious surfaces as industrial and manufacturing can have a lot of heavy metals and other pollutants and we look at the ground water pollution potential and they are fairly high in those areas; and there are certain areas that have absolutely no natural outflow or positive grade and all the storm water actually infiltrates and recharges within the aquifer and currently there are no pollution controls within the Township or within the Storm Water Regulations that require these developments to address the potential pollutant sources from their property.

Mr. Pottenger said with this overlay district we start to look at heavy metals and other pollutant source such as fertilizers, pesticides and this would reduce the chance of those from entering the aquifer so in conjunction with the Township's new Comprehensive Plan, the buffer protection zones and also this DRASTIC overlay we feel this will give a comprehensive tool box to protect the aquifer from the potential pollutants.

Mr. Bullington said this is marked as a "draft" and he has found several errors, errors in the way it was actually written and proposed, and the way he understands it in reading the document, it is actually the Zoning Inspector or the Administrator that is the one that is going to be enforcing this.

Mr. Pottenger said yes, unless the Township Trustees or Zoning Commission authorizes another agent, such as the County Storm Water District to enforce those rules and regulations.

Mr. Pottenger said he believes the intent of it is that Mr. Lanich will still be the ultimate enforcement agency but allow the Storm Water District of the Butler County Engineers Office to be able to say, "hey, this is indeed a violation."

Mr. Lanich said in their source water protection section of the St. Clair Township Zoning Resolution, it is worded *agent*, however, he has the Hamilton to New Baltimore Groundwater Consortium Management to call on and he has the inventory of all of the potential pollutant sources in the wellhead protection area and certainly a lot of them overlap with these areas and he would have him to call on and certainly he would not be able to make some judgments in some of the technical aspects.

Mr. Bullington said that is his point, is Mr. Lanich going to be trained in this.

Mr. Pottenger said Mr. Lanich will still be the ultimate person for enforcement unless the Zoning Commission determines otherwise, and we are here to support Mr. Lanich or whoever is selected to do the enforcement.

Mr. Bullington made reference to the Township Zoning, page 6, item 30.05.1, "Development within a Moderate Risked Zone", it requires 30% of the parking be impervious – and asked if that is correct, because if you turn the page, the high risk zone is only 15%.

Ms. Teresa Barnes, Design Engineer, BCEO, said it seems backwards. The reason why we are asking for additional impervious areas in the moderate zone is because we want the water to infiltrate in those areas; but those are the areas with less pollutant potential. We only want 15% in the high zones because now there is an increase in the potential for pollutant because of all the DRASTIC factors, the pollution potential increases, so we still want to allow infiltration because of the way that the storm water systems function we want to allow infiltration to occur but we want to limit that amount of infiltration in the areas where the pollutant potential is increased. In the Extreme zones we want to limit the infiltration that occurs because the pollutant potential is so great.

Mr. Bullington asked if, in a high risk area, the goal is to have little percolate in, the majority to runoff to some place else.

Mr. Pottenger said right, as it relates to parking areas because that is typically where you'll find heavy metals and if you look at item C that is not necessarily the entire property – like pervious concrete and pervious asphalt areas we'll want to minimize it because you'd like to get vegetated swales with soil that be native to get that natural filter mechanism. Excavating the top soil during development and getting down into the sand and gravel takes the filter away and it is going straight down into the aquifer.

Mr. Bullington said it was mentioned that this would apply only to Commercial and Industrial areas – as part of this you would be exempting the farmers which use more herbicides that any manufacturer uses, and could that be a potential problem down the road.

Mr. Pottenger said that opens many questions like how do you regulate all of the farms and equipment, what are necessary herbicides for crop production versus Industrial facilities and could very well be an issue and that is why the SWD has had discussions with the Soil & Water

Division, Conservation District and there is a partnership that already exists and he does not perceive agriculture being a source pollutant at this point in time.

Mr. Bullington stated for the record that the Planning Commission did receive an email from Mr. Dan Dressman, the Executive Director of Home Builders Association of Greater Cincinnati, Cincinnati, Ohio, which Mr. Bullington read out loud, requesting that this item be tabled for 30 days so that their Development Counsel can review the Amendment, provide thoughtful input on its impact on the County. Mr. Bullington added that since this proposal does not impact housing, he did not know if it would be necessary.

Mr. Lanich said the reason why they are keeping residential district out is because it is difficult to enforce.

Mr. Potter asked if it is specifically spelled out about the Commercial and Industrial and that verbiage should be added if it is not.

Mr. Pottenger said they will have to get an exemption section in there and update that.

Mr. Potter requested that verbiage be added that the districts that are affected by this DRASTIC Overlay are Commercial and Industrial only.

TESTIMONY IN FAVOR: None

TESTIMONY IN OPPOSITION: None

NEUTRAL COMMENTS: None

Public portion of the meeting closed.

Mr. Tucker made a motion to approve STZ 10-04, St. Clair Township Zoning Commission, DRASTIC Overlay District, St. Clair Township with the additional verbiage stating that only Commercial and Industrial areas are affected. Ms. Wiant seconded the motion. Motion carried.

AYES: Tucker, Wiant, Potter, Cooney, Brown, Nevel, Bullington

NAYES: None

Resolution # 10.44

MTZ 10-01
Morgan Township Zoning Commission
Text Amendment
Morgan Township

Mr. Fehr said this Amendment is to make revisions to the Morgan Township Zoning Code and Mr. Ed Teets from Morgan Township is here to present this information.

Mr. Fehr said he did mail the packet of information out to the Planning Commission prior to this meeting indicating the changes and revisions involved to the sign ordinance; revisions to the Violation and Penalty Section; a couple of definition changes. Mr. Fehr said the yellow sheets are the existing code as written now for reference as opposed to what the proposed changes are.

Mr. Teets said he has no formal presentation other than to say these changes are in response to their philosophy that the Township Zoning Resolution needs to be a viable and appropriate document and some changes were precipitated by him to avoid confusion and we are trying to make clear and precise and for it to be a workable document.

Mr. Fehr said that the Township sent this to Mr. Roger Gates, Butler County Prosecutor's Office, for review and he suggested a couple of tweaks so it has been reviewed by the County Prosecutor's Office.

Mr. Bullington asked if those tweaks are included in this.

Mr. Teets replied yes, they are.

Mr. Bullington commented that in the definitions it does not really signify between the different types of signs, such as a real estate sign and asked if they would be exempt.

Mr. Teets replied yes – there on the bottom line it says, "Section 18.2, Temporary Signs have to have a permit and real estate signs do not require a permit so therefore, real estate sign, even though they are up longer than sixty days (60), they would not be involved here because it never was required to have a permit.

Mr. Cooney said the way he reads this would be: now, after 60 days, regardless what type of sign it is, it does require a permit – regardless of what type of temporary sign it is, it does now require a permit.

Mr. Bullington agreed and said that is the way he reads in to it as well.

Mr. Cooney asked how they measure the 60 days. What about putting a sign in for 59 days, then take it out for one (1) day then and put it up again. How will you measure 60 days and will it be continuous? Will it be a certain time period?

Mr. Teets replied contiguous.

Mr. Tucker asked what about those big commercial real estate signs larger than the 4 feet by 4 feet ones.

Mr. Teets replied the Township does not require permits for real estate signs.

Mr. Bullington asked if that is spelled out somewhere in the document, that real estate signs are exempt from the code.

Mr. Teets said the interesting part about our Resolution is that one of the largest sections is the section about signs – there are more regulations about signs than there are about houses or any other section. It is the largest section and said he does not believe there is reference to real estate signs being exempt.

Mr. Bullington asked if there is something in the document about cellular towers.

Mr. Teets said yes, the bottom of the first page.

Mr. Bullington said yes, it can't be closer than 100 % of the height – and asked if that is because of the fall.

Mr. Teets replied yes and added that it does apply to private utility towers because the Township cannot regulate a public utility tower.

Mr. Nevel asked if there were specific issues that Mr. Teets had dealt with that made a particular issue.

Mr. Teets said they had a specific issue with frontage where a property owner who has a farm and wants to cut out a lot for her grandson without proper frontage because of a large ravine on one side of the property and once it is cut out for the grandson with the frontage, and the lot ends up U-shaped frontage that is left on the grandmothers and we had to have some way to deal with the frontage and that is what precipitated that one.

Mr. Teets said they had a tower fall over and we had a person who's decision to buy property in Morgan Township was based upon the whether he could put up a ham radio tower– so these are things that have come up and now this will provide more guidance on how to deal with these types of issues – those are just a few to name.

TESTIMONY IN FAVOR OF: None

TESTIMONY IN OPPOSITION OF: None

NEUTRAL COMMENTS: None

Mr. Tucker said the verbiage for real estate signs being exempt should be further spelled out and should be added.

Mr. Brown said he is in agreement with Mr. Tucker because he did not think it was included in there.

Mr. Teets said he would like to re-check the Township Resolution more closely to see if it is already done.

Mr. Potter asked Mr. Teets if he had any problem with tabling this today.

Mr. Teets replied no.

Mr. Brown asked if they could go ahead and proceed with it as long as it is not in there, the Township will provide the verbiage.

Mr. Fehr said the Planning Commission can do that and as part of the Resolution they can recommend approval of the document subject to there being an exemption for real estate signs.

Mr. Bullington said whether it exists or has to be added in.

Mr. Teets asked if it can be worked out between Mr. Fehr and himself.

Mr. Fehr said he could help and they would work it out.

Mr. Teets said if it could be to Mr. Fehr's satisfaction then the resolution would pass.

Mr. Fehr apologized and said he brought sections of the Township Code but not the entire set.

Mr. Teets said even if it was here, it would take an hour to really review it and find out.

Mr. Tucker made a motion to adopt MTZ 10-01, Morgan Township Zoning Commission Text Amendment as submitted with the recommendation to add specific verbiage that exempts real estate signs from the Regulations, subject to the Code having it included in it already. Ms. Wiant seconded the motion. Motion carried.

Mr. Teets said if it is not in there already, he and Mr. Fehr would write up a sentence to include real estate signs in this section.

AYES: Tucker, Wiant, Potter, Cooney, Brown, Nevel, Bullington

NAYES: None

Resolution # 10.45

Ms. Wiant departed the meeting.

PRELIMINARY PLATS:

Mill Estates

Section 8, Town 2, Range 3
Liberty Township

Mr. Fehr said he had a discussion with the developer yesterday and they have asked that this be tabled until the December meeting.

Mr. Potter made a motion to table the preliminary plat for Mill Estates, Section 8, Town 2, Range 3, Liberty Township until the December 2010 meeting. Mr. Tucker seconded the motion. Motion carried.

AYES: Potter, Tucker, Nevel, Cooney, Brown, Bullington

NAYES: None

Resolution # 10.46

FINAL PLATS:

Windsor Estates, Section 1, Replat Lot 8

Section 34, Town 3, Range 3

Liberty Township

Mr. Fehr said this request is for a replat of Lot 8 in Windsor Estates, Liberty Township and showed an aerial map of the area stating Lot 8 is outlined in blue and it is in a cul-de-sac and north of the lot is Hankins Road and the main entrance to the subdivision is to the right in the photograph.

Mr. Fehr said there is a copy of the replat application in the Planning Commission's packet that explains the situation. When this lot was recorded, Staff had put an asterisk on the lot in this area (pointed to on map) and put a note on there that it is a designated wetland on that lot so we put a note on the original subdivision plat stating that in the wetland area there would be no clearing or filling unless approved by the Ohio Environmental Protection Agency (OEPA) or the Army Corps of Engineers and that is what the Planning Commission approved for the subdivision. Subsequent to that, there were some other wetland areas in the subdivision which were disturbed and the developer was required to mitigate the disturbed wetland areas. What the developer has proposed to the Army Corps of Engineers is the applicant would expand upon this wetland area to include this new area (hatched area on the map) in these two (2) triangular pieces and it would also include a portion of the middle area (striped area on the map). The striped area was already a utility and public drainage easement area and since this is going to be changed over to a wetland and preserved area, the Butler County Engineers Office does not want the maintenance responsibility so the public easement goes away and what we are left with is this entire area (pointed to on map) will be left now and preserved, which includes an original wetland and a mitigated wetland that was created with the County Engineers Office's and Soil and Water's oversight and this replat basically documents all of this. Mr. Fehr added that there is to be no clearing of this area, no swimming pools and such.

Mr. Fehr said Staff does recommend approval of this replat.

Mr. Fehr said if he is not mistaken, the mitigation of the destroyed area ratio is 2-to-1.

Ms. Etta Reed, Bayer and Becker, said it is more – typically 1 ¼ or 1 ½ to 1 compensation.

Mr. Potter made a motion to approve replat for Windsor Estates, Section 11, Replat Lot 8, Section 34, Town 3, Range 3, Liberty Township. Mr. Tucker seconded the motion. Motion carried.

AYES: Potter, Tucker, Nevel, Cooney, Brown, Bullington

NAYES: None

Resolution # 10.47

The Trails of Four Bridges, Phase 7, Block A

Section 8, Town 3, Range 3

Liberty Township

Mr. Fehr said this is a final subdivision plat and the property is outlined in blue on the aerial map shown and is an extension of Manchester Court; to the south of the property is Princeton Road running east to west and pointed to the existing retention basin at the front of the subdivision and said it is basically a single cul-de-sac street.

Mr. Fehr said there is a little bit of open space to the south of the property and there is some mounding and landscaping installed that would be installed. He added this was approved by the Township Zoning Commission and staff does recommend approval of the final plat subject to bond.

Mr. Brown made a motion to approve the final plat for The Trails of Four Bridges, Phase 7, Block A, Section 8, Town 3, Range 3, Liberty Township, subject to bond. Mr. Cooney seconded the motion. Motion carried.

AYES: Brown, Cooney, Potter, Tucker, Nevel, Bullington

NAYES: None

Resolution # 10.48

Mill Estates

Section 8, Town 2, Range 3

Liberty Township

Mr. Fehr said staff also had a request from the same developer to table this final subdivision plat and they have not met all of our requirements for approval at this time and have requested to have this tabled at this time.

Mr. Tucker made a motion to table the final plat for Mill Estates, Section 8, Town 2, Range 3, Liberty Township to the December 2010 meeting. Mr. Brown seconded the motion. Motion carried.

AYES: Tucker, Brown, Cooney, Potter, Nevel, Bullington

NAYES: None

Resolution # 10.49

Glenview Farm Estate at Foxborough, Phase 1C

Section 6 & 12, Town 2, Range 2
West Chester Township

Mr. Fehr said this property is located in West Chester Township and the final plat involves two (2) pieces of property that are outlined in blue on the map. The main entrance to the subdivision would be off of Hamilton-Mason Road and it will then bend a little to the southwest and connect up with the existing street, Keltner Drive (as pointed to on the aerial map).

Mr. Fehr said this will be the location of the Homerama home show for 2011 and they are currently constructing the subdivision and indicated where detention basins will be constructed which is at a lower elevation so everything will drain down and staff does recommend final approval of this plat subject to bond.

Mr. Bullington said he noticed they got rid of the temporary drive off of Hamilton-Mason Road.

Mr. Fehr said that is correct and they had it there to reduce the amount of traffic in the subdivision but at this point they are ready to open the connection.

Mr. Cooney made a motion to approve the final plat for Glenview Farm Estate at Foxborough, Phase 1C, Section 6 & 12, Town 2, Range 2, West Chester Township, subject to bond. Mr. Brown seconded the motion. Motion carried.

AYES: Cooney, Brown, Tucker, Potter, Nevel, Bullington

NAYES: None

Resolution # 10.50

OTHER BUSINESS:

Appoint Michael F. Juengling as the Butler County Planning Commission representative on the Ohio Kentucky and Indiana Regional Council of Governments' (OKI) Board of Directors and appoint David C. Fehr as alternate.

Mr. Tucker made a motion to re-appoint Michael F. Juengling as the Butler County Planning Commission representative on the Ohio Kentucky and Indiana Regional Council of Governments' (OKI) Board of Directors and appoint David C. Fehr as alternate. Mr. Potter seconded the motion. Motion carried.

AYES: Tucker, Potter, Nevel, Cooney, Brown, Bullington

Resolution # 10.51

ADJOURNMENT:

Mr. Cooney made a motion to adjourn. Mr. Brown seconded. 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 same and must be prepaid.

Hamilton, Ohio
November 9, 2010

Chair

Secretary

Lee Margraf