



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

Meeting Minutes

MEETING: Tuesday, September 14, 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
Constance Kepner, Water and Sewer
Lee Margraf, Department of Development
Eric Pottenger, Butler County Engineer's Office
Joseph Schmidt, Senior Planner
Kevin Fall, Butler Soil and Water Conservation District

APPROVAL OF MINUTES:

August 10, 2010 Minutes

Mr. Potter made a motion to approve the August 10, 2010 minutes as submitted.
Mr. Cooney seconded the motion. Motion carried.

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

ABSTAIN: Brown

NAYES: None

ZONE CHANGES:

None

PRELIMINARY PLATS:

**The Estates of Hawthorne Hills, Section 2, Block B
Section 21, Town 3, Range 3
Liberty Township**

Mr. Fehr said there is a copy of a letter in the Planning Commission members' packet generated from staff to the developer on August 4, 2010. Currently the situation with this subdivision is some of the previously-approved and recorded sections require some maintenance work and the Butler County Engineers' Office does not want to see other sections of the subdivision approved until those repairs and corrections of the previous sections are made.

Mr. Fehr said Mr. Mark Schraffenberger, with the developer, is here and may want to address the Planning Commission; however County staff's position on this is that this application be turned down at this time until the items to the beginning sections of the subdivision are corrected and at that point in time sections to this subdivision can be approved. Mr. Fehr added that Mr. Eric Pottenger, Butler County Engineer's Office, is here if the Planning Commission has any questions.

Mr. Potter said they had a little discussion and asked what is a "new approval" as opposed to a "renewal approval" and are there time constraints and things like that.

Mr. Fehr replied the approval on this expired and the applicant is asking for reapproval.

Mr. Potter asked if that means the applicant does not have to go back and start from square one.

Mr. Fehr said if the Planning Commission denies the application the applicant can always reapply at another time, however, Staff feels that tabling it each month involves a lot of time and resources for staff and if the applicant is not ready to proceed, the preference would be to turn it down and six (6) month's from now if they are ready to go they can reapply.

Mr. Potter asked what does "tabling" precipitate.

Mr. Fehr said typically we table an item to the next month's meeting so we would have to put it back on the agenda, send out certified mail letters, put it back on our website and so for staff it is a hassle and expense to do each month.

Ms. Wiant asked what happens when an item is denied.

Mr. Fehr replied that the applicant has the option at a later date to reapply if they wish.

Mr. Brown asked if the comments still pertain to it or does it all start back from scratch as if applying for a new phase.

Mr. Tucker asked if the applicant has given any idea when they will start on it again.

Mr. Mark Schraffenberger, 8050 Beckett Center Drive, Suite 302, West Chester Township, said he is here on account of the developer who purchased the property from Hawthorne Hills, LLC a year and a half ago, the plans were approved several years ago and the first three sections of the preliminary plats were approved. We are requesting approval with a condition that no new construction start until the repair work on the older sections is complete. We do not know exactly when construction will begin. There are only about 14 lots in the last section and that would generate funds for cash flow and they are waiting for things to turn around. He added that if it is turned down, they would have to submit another preliminary plat for approval and start that process again and they are asking for reapproval with the condition that no work will be started until such time the repair work is done to the first sections and it would be less expensive for them. He added that there are bonds in place and the developer is willing to work with the County Engineers' Office.

Mr. Tucker asked Mr. Schraffenberger, with winter coming, if they are looking at a time frame next year and with winter coming then they are going to loose six (6) months if they don't start it right away.

Mr. Bullington asked Mr. Pottenger, Butler County Engineer's Office, if his office would be comfortable doing an approval where the applicant can not do anything on this section until the work on the previous sections is completed.

Mr. Pottenger said he discussed this with the County Engineer, Mr. Greg Wilkens, and both of them feel there are existing sections out there, The Estates of Hawthorne Hills, Sections 1 and 2, and the Reserves of Hawthorne Hills, Sections 1 and 2, that have significant failures, and significant repair work that needs to be done and although the County has performance bonds, those surety companies have not come through with their settlement yet and at that point the County Engineer feels there is enough repair work to be done to justify not starting another section and it would be very difficult for our office when just about everyone in those first four (4) sections knows him personally, has been in communication with the County Commissioners and the County Prosecutor's Office, and he feels the community will be shocked as to why another section of development would be allowed to start when there are still outstanding complications in the neighborhood and this development, so at this time the Butler County Engineer and staff would not entertain a condition for this preliminary plat as we have already asked for work to be done in the past and no action has been taken and no repairs have been made.

Mr. Pottenger said in one of the sections every house has been built for 2 to 3 years and the road is literally falling apart to the point that we are discussing with the surety to rip up the road entirely and start from the base pavement again and the section that was popped out was also having significant pavement failures requiring around \$120,000 worth of work and bond does not cover that entire amount so we will have to enter into a settlement agreement with the Surety.

Mr. Pottenger said staff feels the liabilities that are outstanding are greater than the potential revenue generated from this new section and if the revenue from this section is going to be used to make the repairs to the previous section, then it raises the question how is this section going to be completed? He added that with the bonding process, staff is very concerned with this.

Mr. Brown asked if this is a different LLC (Limited Liability Corporation) but the same people.

Mr. Schraffenberger replied it is different people and said they are talking about three (3) different developers. Mr. Schraffenberger pointed to an aerial photograph of the development and identified three (3) separate areas and said they were bought by different LLC's at different times and the tricky part is, he guesses they are willing to help make some of these repairs but it is a separate LLC.

Mr. Pottenger said based on his discussion with the Butler County Engineer, prior to an approval would be made by the Planning Commission, a listing be made of all LLC members and all developers of this section for communication.

No further questions from the Planning Commission.

Mr. Fehr said there is a separate request to extend the preliminary plat approval period from two (2) years to three (3) years so this Board will need to either approve or deny this plat itself.

Mr. Tucker made a motion to deny the application for reapproval of the preliminary plat for The Estates of Hawthorne Hills, Section 2, Block B, Section 21, Town 3, Range 3, Liberty Township. Mr. Potter seconded the motion. Motion approved.

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

NAYES: None

Resolution# 10.35

FINAL PLATS:

**Princeton Crossing Commercial Subdivision, Replat Lot 3,
Section 3, Town 2, Range 2
West Chester Township**

Mr. Fehr said this final plat application was presented last month where there was discussion about where the access point will be on State Route 747 and Ohio Department of Transportation (ODOT) had not made a decision on this. We are waiting for ODOT to make a decision and there is a waiver variance form. ODOT has a process that the applicant can go through in order to get the access and that hearing is still going on so the applicant is requesting that this be tabled until next month's meeting and staff is fine with that.

Mr. Tucker said if this Board tables this for a month are we sure that they can get back to us in a month or should we give the applicant two (2) months.

Mr. Schmidt said he believes ODOT is close to making a decision and unlike the previous case, the State is holding it up as opposed to the developer, and hopes that the State will have it completed by next month.

Mr. Tucker made a motion to approve the applicant's request to table Princeton Crossing Commercial Subdivision, Replat Lot 3, Section 3, Town 2, Range 2, West Chester Township, to next month's meeting. Mr. Cooney seconded the motion. Motion carried.

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

NAYES: None

Resolution# 10.36

**Request to waive sidewalk installation along Princeton Road
for Sullivan Trace Subdivision,
Liberty Township**

Mr. Fehr said this subdivision was developed about 7 or 8 years ago and is located on the south side of Princeton Road and is basically one little cul-de-sac street (shown on map) and the street itself is called Holloway Drive and there are approximately 7 or 8 homes on the street.

Mr. Fehr said Subdivision Regulations require sidewalks on both sides of the street, which they have done, and it also requires sidewalks along the frontage of Princeton Road. The applicant requested that sidewalk installation along Princeton Road here (pointed to on aerial map) be waived. Staff spoke with Mr. John West and Mr. Andy Meyer, both from Liberty Township, and they went out and walked the site and although the property here is not bad, once you go west there is a steep ravine and there really is no place for the sidewalk to go once you get to the west property line of this development and Liberty Township is ok with waiving the sidewalk along Princeton Road.

Mr. Fehr showed a drawing of the Subdivision and showed where the internal sidewalks are and outlined in yellow where the sidewalk would sit in relation to the road and the existing mounding and landscape is already there.

Mr. Fehr said based on the applicant's request, Liberty Township Officials' review and our review, staff is recommending approval of this request. He added that Mr. Andy Meyer, Liberty Township, is here if anyone has any questions.

Mr. Potter asked why the sidewalk was not put in when the subdivision was built.

Mr. Fehr replied that the applicant could have requested the waiver right up front and they are not required to put the sidewalk in until basically when they want to go get the bonds released – we have bonds to guarantee construction and typically a subdivision gets developed and they go through the file and will check with Mr. Pottenger and find out why there is a bond there, such as a sidewalk.

Mr. Fehr said the County does not have a timeline requirement for sidewalk installation.

Mr. Pottenger said there is no definitive timeline, but they do look at the value of the bond first, the actual cost of construction real time and on their system this flagged up indicating the sidewalk needed to be put in or the bond needs to be released or foreclosed.

Mr. Potter said but in reality they could have left the sidewalk on the cul-de-sac out under the same terms.

Mr. Meyer, Liberty Township, said the Township has a check on the internal streets to make sure that the sidewalk is built prior to doing final zoning on a house so people can not move in to a house unless the sidewalk in front of the house is complete.

Mr. Potter asked if the sidewalks are built piecemeal/per lot.

Mr. Meyer said yes.

Mr. Potter asked if in reality there could be missing pieces.

Mr. Meyer said that is correct.

Mr. Fehr said that is something we could change if we want to write it in to our Subdivision Regulations that sidewalks have to be put in at the beginning, we could do that, but typically we would get resistance from the developer community because they would say they need to sell some lots to make some money and then they will put the sidewalks in.

Mr. Fehr said there isn't much of a fight with the sidewalks on the internal streets because the homeowners expect them to be in and it is not an issue, however the leftover pieces that go in last are an issue.

Mr. Bullington commented that often times sidewalks don't even have to be put in.

Mr. Fehr said in this situation it will never be connected to anything so staff is ok with this.

Mr. Cooney made a motion to approve the request to waive sidewalk installation along Princeton Road for Sullivan Trace Subdivision, Liberty Township. Mr. Brown seconded the motion. Motion carried.

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

NAYES: None

Resolution # 10.37

OTHER BUSINESS:

Duke Energy Site Readiness Pilot Program

Mr. Fehr announced that Butler County is one of the recipients for the Duke Energy Site Readiness Pilot Program. Duke Energy selected five (5) sites within the Ohio-Kentucky-Indiana region and is partnering with a South Carolina-based site consultant company, and they are analyzing these five (5) locations for their site development potential.

Mr. Fehr said large companies, like IBM or Toyota, would hire these types of specialists when they want to build a new facility.

Mr. Fehr said the site in Butler County is the 200-acre farm just west of Wayne Madison Road, Trenton, just south of Miller Brewing Company.

Mr. Fehr said the consultants will review all of the strengths and weaknesses of the site, analyze it and come back with recommendations on what needs to be done in order to get the site ready and to attract companies which will bring in new jobs. The consultants will likely come here in October and walk the site. We hope that once the report is done, Duke Energy will want to partner with us to provide funding for the recommended changes.

Mr. Bullington asked if the site is north of Woodsdale where the power plant is.

Mr. Schmidt said it is on the west side of the road.

Mr. Fehr said Mr. Ron Watson is the property owner right now. The property is already zoned Industrial District, and is already in the Comprehensive Plan as Industrial, is very flat and has no wetlands.

Mr. Fehr said most of these larger companies do not want to wait for streets and utilities; they want to find a site and within three (3) months begin construction.

Update – Grant and Proposed High-Technology Research Facility

Mr. Schmidt said we saw this project earlier as a zone change and approved in 2007 and is the site of the daylily farm at the corner of State Route 73 (SR 73) and Oxford-Milford Road in Oxford Township. It will continue to be a daylily farm until they are far along in the development of the technology park. Mr. Schmidt showed an aerial image of the property and said it is close to Miami University and Oxford and due to its rural setting, there will be certain features kept.

Mr. Schmidt showed a drawing of the proposed first phase of the facility and said it is appropriate for the Land Use Plan.

Mr. Schmidt said Mr. Todd Dockum is the one who helped get the grant and project going on his family's farm, and was the first person to come through with the "green" environmental concept in Butler County with his proposed high-tech research facility.

Mr. Schmidt said part of the three (3) million dollars which they received from the State will be used to construct a public road (pointed to on map) and the reason why it will be a public road is due to the fact that any of the busing from Miami University would not be allowed to be on a private road, so it will be a public road and any of the improvements along SR73 and turn lanes and that type of work will be funded by this grant money.

Mr. Schmidt said there is some concern as to whether or not it will go into the City of Oxford or Oxford Township, if the proposed facility goes in the City of Oxford, the Butler County Planning Commission will not see it again; if the development remains in Oxford Township, this Board would see it again.

Mr. Potter asked what other activity will be part of the grant other than the infrastructure of the road and if it includes sanitary.

Mr. Schmidt said in addition to the road improvements, one of the buildings will be included and said he was not sure if sanitary is included and offered to get a list of details to Mr. Potter.

Mr. Schmidt said when the project came through the idea was for sanitary treatment to be on site and that is what they would like to do but if they are annexed by the City of Oxford then they must tap into public sanitary sewer. The plan is to be off the sanitary sewer grid and receive water from Southwest. The fiber optic loop runs along SR 73 so that was another plus for this development and was ranked highest in the State of Ohio for the Jobs Ready Site Grant.

Great Miami River Recreation Trail – Clean Ohio Trails Funding

Mr. Schmidt stated we have been awarded a \$500,000 grant from the State of Ohio Department of Natural Resources' Clean Ohio Trails Fund (COTF) and we will also get \$1,000,000 from the Hamilton Community Foundation to build a portion (2 miles) of the Great Miami Recreation Trail. In addition to the ODNR and the Hamilton Community Foundation, the Department of Development has partnered with other groups on this project as well, including Fairfield Township, Butler County Engineers' Office, Miami Conservancy District, Butler Soil & Water Conservation District, and Ohio Kentucky Indiana Regional Council of Governments.

Mr. Schmidt said the Regional Trail system was planned in 1976 between Piqua and Fairfield, Ohio. The trail is pretty much finished in the Dayton area, however, there are gaps and you can't get directly to Piqua right now. There are some sections in Butler County between Fairfield and downtown Hamilton that are done, and then there is a gap between Hamilton and Middletown and we are hoping to shrink that gap down a little bit.

Mr. Schmidt said in 2003 Hamilton Community Foundation and the Miami Conservancy District granted money to build from downtown Hamilton to Rentschler Forest.

Mr. Schmidt showed a map of the Southwest Region Bike Trail and said the \$500,000 funding is specifically for the area by Allison Avenue, Fairfield Township and follows the old Miami & Erie Canal towpath and identified where the proposed trail will be located in relation to nearby property owned by MetroParks and the nearby property owned by the County Commissioners.

Mr. Schmidt said an additional \$15,250 was contributed by Miami Conservancy District for signage and benches and added that Butler County is not paying for any of these costs. The Butler County Department of Development will act as the general contractor for this project and the Butler County Engineers' Office is working with an outside Engineering firm to reconfirm the development plans and will oversee the project 'in the field' and hopes construction will start next spring.

Mr. Schmidt said the City of Hamilton was encouraged by this and wanted to get their portion (between U.S. Route 127 and Allison Avenue) of the trail done. The Hamilton Community Fund is funding the whole section of the Hydraulic Canal sections and will be party to all aspects of the project.

Mr. Schmidt said the downtown Hamilton portion is not connecting yet because the City has a sanitary sewer project that they are doing down along the river and part of the project they are paving a service road along the river. That road will be the extension and essentially a portion of the bike trail. Mr. Schmidt said he hopes that will be done in the next 4 or 5 years.

Mr. Schmidt said the next step for this project is for the County Commissioners to enter into a contract agreement with the State of Ohio stating the terms of the grant.

ADJOURNMENT:

Mr. Potter made a motion to adjourn. Mr. Tucker 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
September 14, 2010

Chair

Secretary

Lee Margraf