



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

Meeting Minutes

MEETING: Tuesday, June 8, 2010; 3:00 p.m.

ROLL CALL:

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

Absent: Joseph Tucker

STAFF PRESENT: David Fehr, Planning Director
Joseph Schmidt, Senior Planner
Doug Dirksing, Butler Soil & Water Conservation District
Eric Pottenger, Butler County Engineer's Office

APPROVAL OF MINUTES:

May 11, 2010 Minutes

Mr. Potter made a motion to approve the May 11, 2010 minutes as submitted. Mr. Brown seconded the motion. Motion carried.

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

NAYES: None

ZONE CHANGES:

None

PRELIMINARY PLATS:

**Liberty's Falling Water, Sections 4B & 5,
Section 3, Town 2, Range 3
Liberty Township**

Mr. Fehr said Rachel's View will be extended to the south and end in the cul-de-sac and there is already is an existing stub street just outside the area.

Mr. Fehr showed the preliminary plat and said a unique feature to the property is an old famous cemetery with graves that date back to civil war times and that area will be preserved and kept as open space and maintained by the Home Owner's Association (HOA) and they have done a real nice job of rehabbing some of the old tombstones which have fallen down or cracked and there will be a walking path that will extend from the public sidewalk and will loop up around the cemetery and a paved path extended around the whole subdivision.

Mr. Fehr said Staff Comments are in the Planning Commission members' packets and the comments really have not changed since the previous approval, however, there is one addition comment, item #7 states Staff wants a plat number on the cemetery property on the final subdivision plat and it will be a non-buildable property and maintained by the HOA.

Mr. Fehr said, under item #10, Staff is asking that the public sanitary sewer, which is currently stopped at the street, be extended to the property line down to the south and most of the other Staff Comments are from the previous approval. This is a PUD and item 17 states that they will have to go before Liberty Township's Zoning to get the final PUD approved.

Mr. Fehr said Staff is recommending approval subject to Staff Comments.

Mr. Potter asked if it was the HOA that has done improvements to the cemetery.

Mr. Fehr said he believes it has been from a group of volunteers.

Mr. Potter asked if there is any oversight of the HOA relative to that – as he had one in Oxford Township that was the responsibility of someone other than the Township and the upkeep was not consistent, and wondered if there is any oversight over the HOA so

they do maintain it and his thought is if they were the ones that initiated the improvements, then it is obvious there is some real interest in it by the Association, but since they are not the ones that initiated it, is there any oversight.

Mr. Fehr said he can tell that the HOA already maintains trails and the playground area, so it is a well established HOA but he is not sure if it is a state law requirement that the Township be responsible for maintaining it and said he would check on that.

Mr. Andy Meyer, Liberty Township, said he is not sure, but the open space would be subject to our maintenance as far as keeping the grass mowed and weeds down.

Mr. Fehr said obviously the previous owner had not been maintaining it.

Mr. Potter made a motion to approve the Preliminary Plat for Liberty's Falling Water, Sections 4B and 5, Liberty Township. Mr. Cooney seconded the motion. Motion carried.

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

NAYES: None

Resolution # 10.24

Mr. Fehr said there is a letter from Bayer and Becker stating that the applicant feels that with the economy the developer will need extra time to get this platted and are requesting that the approval period be extended from two years to three years. Mr. Nevel made a motion to approve the request to extend the preliminary plat approval period from two (2) years to three (3) for the Preliminary Plat for Liberty's Falling Water, Sections 4B and 5, Liberty Township. Mr. Cooney seconded the motion. Motion carried.

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

NAYES: None

Resolution # 10.25

**Reserve at Elks Pointe, Section 2,
Section 10, Town 2, Range 3
Liberty Township**

Mr. Fehr said the plat itself is located in Liberty Township and is on the east side of Liberty-Fairfield Road and it would be north of Route 4.

Mr. Fehr showed an aerial map of the area and said this section of the property is outlined in blue and consists of two cul-de-sac streets and the main entrance to this subdivision is from Pebble Beach and that has already been installed.

Mr. Fehr said the Elk's Golf Course kind of wraps around the property to the east and through the middle of the subdivision there is an asphalt walking trail for the residents and there is also a gazebo for the residents.

Mr. Fehr said we have already seen this before and it is a reapproval of an expired preliminary and the Staff Comments are in the packet and once again nothing has changed from the previous approval.

Mr. Fehr said Staff Comments include the request to conduct a traffic impact study to see if any additional improvements need to be made to Liberty-Fairfield Road and they will need to contact the County Engineers' Office to scope that project. This is a Planned Unit Development, so they will need final approval from Liberty Township before we approve the final plat. Staff does recommend approval subject to all conditions.

Mr. Bullington asked if there is any detention on this.

Mr. Fehr said the detention was already waived because everything gets piped to the north towards the Great Miami River and the Butler County Engineers' Office has already approved it.

Mr. Flaig made a motion to approve Reserve at Elks Pointe, Section 2, Section 10, Town 2, Range 3, Liberty Township, subject to Staff Comments. Mr. Cooney seconded the motion. Motion carried.

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

NAYES: None

Resolution: 10.26

Mr. Bullington stated there is a letter requesting to extend preliminary plat approval period from two (2) years to three (3) years for Reserve at Elks Pointe, Section 2, Section 10, Town 2, Range 3, Liberty Township.

Ms. Wiant made a motion to approve the request to extend preliminary plat approval period from two (2) years to three (3) years for Reserve at Elks Pointe, Section 2, Section 10, Town 2, Range 3, Liberty Township. Mr. Flaig seconded the motion. Motion carried.

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

NAYES: None

Resolution: 10.27

FINAL PLATS:

Woodberry Subdivision Block A, Replat Lot 8462 Fairfield Township

Mr. Fehr said this property is located in Fairfield Township and showed an aerial map of the property and this property is outlined in blue and is an existing lot with a rather odd configuration in Woodberry Subdivision.

Mr. Fehr said this is the way it was platted and basically there is a house site at the south end of the property and then a thin strip of ground on the property about fifteen (15) feet wide that extends along the public right-of-way.

Mr. Fehr said the applicant is requesting to take that lot and divide it in to two (2) pieces with a replat so to the south there will be an area where a new house could be constructed and the thin strip of ground will be separated out as a separate piece of ground and we ask that the Applicant put a note on that lot that it is to be a non-buildable open space lot and this is the reasoning for the replat: they are having some difficulty selling that lot because no one wants to maintain a fifteen-foot strip of ground and have to mow it or pay taxes on it and it would be somewhat of a nuisance to the potential property owner so the intention is that this piece here (as pointed to on map will be conveyed to the person adjoining Mr. Bryant and would be an extension of his property.

Mr. Fehr said the lot can be split but must be done as a replat so they will keep it as one house lot there and the other area will be split off as an open space lot.

Mr. Potter asked if there is a better way to handle this from the standpoint of it is not a buildable lot and what is the assurance that it is going to be hooked to Bryant's property? Could it be a replat into two (2) lots instead of three (3) including Bryant's one and adding this to his.

Mr. Fehr said they considered that idea but the way the statute is written Mr. Bryant had to be replatted into the subdivision which would be he would have to be a part of the Home Owners' Association (HOA) and he did not want to this. We also considered other ideas but this seems to be the one that makes most sense of it. The dimensions of the lot are certainly not buildable and from the developers' standpoint someone might want this lot here (pointed to on the map) but who wants to maintain that strip.

Mr. Fehr said the reason why it was platted this way originally with the developer is if he were to push this right-of-way all the way to the property line, and suddenly Mr. Bryant gets kind of a windfall he's got right-of-way all along the back of his property and he goes

in and splits off four or five lots and did not contribute to building the road. That is not an option now because there is a note on there – “no driveway access” and if Mr. Bryant wants to come in at some point and bring it back to the Board we can look at it then.

Mr. Fehr said he would not be surprised to see another replat that puts some lots along this right-of-way.

Mr. Cooney made a motion to approve the final plat for Woodberry subdivision, Block A, Replat Lot 8462, Fairfield Township. Mr. Flaig seconded the motion. Motion carried.

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

NAYES: None

Resolution #10.28

OTHER BUSINESS

Appoint Michael F. Juengling as, and David Fehr as alternate, the Ohio-Kentucky-Indiana Regional Council of Governments Intermodal Coordinating Committee representative, for the term beginning July 1, 2010 and expiring June 30, 2011.

Mr. Fehr said we need a resolution to appoint Michael Juengling, and himself as the alternate, to the OKI Regional Council of Governments Intermodal Coordinating Committee (ICC). What that committee does is all of the really big highway projects in the region have to get ranked and scored annually and you must be a member of the ICC to vote on it so this appoints Mr. Juengling as Butler County’s representative, and if Mr. Juengling was unable to go then Mr. Fehr would fill-in.

Ms. Wiant asked has anyone from here been on that committee thus far – and is this the first time for Mr. Juengling.

Mr. Fehr said no, Mr. Juengling has been on this committee for quite a while.

Mr. Flaig asked if Mr. Juengling is the Vice President of the Board now for the overall Executive Board.

Mr. Fehr said he believes Ms. Christine Matacic, Liberty Township, was President before.

Mr. Schmidt said Mr. Juengling was Vice Chair last year but he is no longer.

Mr. Fehr said they typically have elected officials in that role.

Mr. Flaig said historically when he was at the City of Hamilton he was their OKI rep and Butler County had done a nice job with OKI particularly with Christine and Mike and Ken Reed and Ken Bogard from Oxford – the Butler County contingency has flexed their

muscle quite a bit and have had it's share of good projects and tend to be very organized and said they still meet the Friday before here locally, before the Executive meetings to get all their ducks in a row before they go to Cincinnati.

Mr. Fehr said Butler County tries to plan what projects we want and then go down with one wish list versus Warren County that submitted fifteen different applications – Butler County goes with just one that all agree upon.

Mr. Flaig made a motion to appoint Michael F. Juengling as, and David Fehr as alternate, the Ohio-Kentucky-Indiana Regional Council of Governments Intermodal Coordinating Committee representative, for the term beginning July 1, 2010 and expiring June 30, 2011.

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

NAYES: None

Resolution# 10.29

ADJOURNMENT:

Mr. Nevel made a motion to adjourn. Mr. Potter 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
June 8, 2010

Chair

Secretary

Lee Margraf