

RESOLUTION NO. 39 - 2001

**A RESOLUTION APPROVING A ZONE DISTRICT
CHANGE FOR WEST CHESTER TOWNSHIP
MAP AMENDMENT CASE # 07-01**

WHEREAS, by advertisement, a public hearing to amend the West Chester Township Zoning Resolution was held on July 16, 2001, as applied for by Drees Premier Homes for a district change from A-1 (Agricultural) District to R-PUD (Residential Planned Unit Development) District for the following described property:

Situate in the State of Ohio, County of Butler, Township of West Chester, in Section 12, Town 2, Range 2, and being more particularly described as follows:

Beginning at a point in the south line of Section 12, said point being South 78°08'50" West, 536.61 feet from the southeast corner of said Section 12;
Thence along said section line, South 78°08'50" West, 1512.72 feet to a point;
Thence North 01°46'50" East, 2673.00 feet to a point in the half section line of said Section 12;
Thence along said line, North 79°11'00" East, 1516.35 feet and North 79°47'00" East, 562.26 feet to a point in the east line of said Section 12;
Thence along said line, South 02°36'40" West, 1675.25 feet to a point;
Thence North 87°23'20" West, 531.46 feet to a point;
Thence South 01°59'30" West, 1096.67 feet to the point of beginning.

WHEREAS, all those present for the hearing who wished to be heard voiced their opinions with respect thereto; and

WHEREAS, the West Chester Township Zoning Commission recommended approval (Resolution 01-18) of this district change from A-1 (Agricultural) District to R-PUD (Residential Planned Unit Development) District for the aforesaid application with the following conditions:

1. Exact location and design of each access point with necessary road improvements shall be illustrated on any Final Development Plan (FDP) and shall be approved by the Butler County Engineer's Office (BCEO) and the West Chester Township Planning and Zoning Department. All necessary improvements shall be completed and paid for by the applicant and/or developer.
2. All subdivision roadways shall be considered public Right-of-Way and constructed as required by the BCEO standards for public roads unless otherwise approved at FDP stage by the BCEO and West Chester Planning and Zoning Department.
3. No FDP shall be approved until Right-Of-Way (ROW), as determined by West Chester Planning and Zoning Department, is dedicated from the centerline of Tylersville Road along the subject property's entire frontage.

4. No FDP shall be approved until all construction drawings, illustrating all required road improvements, have been reviewed and approved by the BCEO and the West Chester Township Planning and Zoning Department.
5. No street names shall be approved at this PDP stage. All street names shall be reviewed and approved by the West Chester Fire Department and West Chester Planning and Zoning Department at FDP stage for any Phase.
6. No signage shall be approved at this PDP stage. All signage shall be approved at subsequent Final Development Plan stage by the West Chester Planning and Zoning Department.
7. All Phases at FDP stage shall include a detailed drainage plan and calculations prepared and stamped by a professional engineer and shall be approved by the West Chester Township Planning and Zoning Department and the BCEO.
8. Exact location, design and maintenance agreements of any retention or detention facility shall be determined and approved at FDP stage. Any retention pond shall be designed and constructed in a way as to deter water foul from attraction and habitation of any retention pond.
9. No FDP shall be approved until utility plans, including, but not limited to water and sewer service and fire hydrant systems have been submitted, reviewed and approved by the West Chester Fire Department, the Butler County Environmental Services Department, and West Chester Planning and Zoning Department. Any necessary improvements shall be at the applicant's and/or developer's cost.
10. Any phase of development shall comply with the West Chester Township Fire Hydrant Resolution. Location and number of fire hydrants shall be determined at FDP stage for any phase and shall be approved by the West Chester Township Planning and Zoning Department and the Township Fire Department.
11. The two emergency accesses, linking cul-de-sacs, shall be constructed to support the weight of any emergency vehicle and shall be a minimum of 16' clear widths. The exact location, design, and construction of said emergency accesses shall be approved at FDP stage by the West Chester Township Planning and Zoning and Fire Departments.
12. All phases at FDP stage shall include a detailed landscaping plan and pedestrian facility plan and shall be approved by the West Chester Planning and Zoning Department.
13. No Zoning Certificate shall be issued until the proposed open space and green space areas have been approved by the West Chester Planning and Zoning Department, recorded as such, and dedicated to an established Property Owner's Association.
14. A property owners association shall be responsible for keeping all open space areas free from trash and litter and shall be required to maintain all drainage ways and retention/detention basins to perform designated function and all landscape.
15. Covenants or restrictions shall be submitted for any association that is created and shall be reviewed and approved by the Zoning Commission.

16. A separate Final Development Plan (FDP) shall be submitted and approved by the Zoning Commission for each phase of development.

17. With respect to adjoining properties, building and impervious setbacks shall be determined and approved at Final Development Plan Stage.

WHEREAS, said application was reviewed by the Board of Township Trustees with respect to consistency with the West Chester Township Land Use Plan.

NOW THEREFORE, BE IT RESOLVED, that by failure to achieve the unanimous vote necessary to overturn the decision of the West Chester Township Zoning Commission, the Board of Trustees does hereby approve the district change from A-1 (Agricultural) District to R-PUD (Residential Planned Unit Development) District with the aforementioned conditions of approval, for the aforesaid application.

Adopted the 18th day of September, 2001



David Tacosik



Jose Alvarez



Catherine Stoker

ATTEST:



Patricia Williams, Township Clerk

APPROVED AS TO FORM:



Donald L. Crain, Law Director

CERTIFICATE OF PUBLICATION

September 4, 2001

Date

First Reading

Date

September 18, 2001

Date

Emergency Reading

Second Reading

September 24, 2001 Journal News

Date and Newspaper

First Publication
(After Approval)

September 26, 2001 Pulse Journal

October 1, 2001 Journal News

Date and Newspaper

Second Publication
(After Approval)

October 3, 2001 Pulse Journal

Patricia Williams 12/26/01

Clerk Signature & Date

Certificate of Publication