

**WEST CHESTER TOWNSHIP  
ZONING COMMISSION  
November 20, 2017**

**MEMBERS PRESENT:** James Hahn, Jim Williams, Doug Rinnert,  
Gerry Stoker, Bruce Fisher

**MEMBERS ABSENT:**

**STAFF PRESENT:** Timothy Dawson, Township Planner  
Beverly Worley, Administrative Assistant

**LOCATION:** Township Hall

**CALL TO ORDER:** 6:30 p.m.

**ADJOURNMENT:** 9:15 p.m.

Mr. Hahn called the meeting to order. Mr. Dawson called the roll.

Mr. Hahn asked if we have approval of the October 16, 2017 minutes. Mr. Rinnert made a motion to approve. Minutes are approved as written.

Case # FDP 08-17-C The Woods at West Chester Village; Landominiums; the applicant has formally withdrawn their application.

Mr. Dawson was sworn in. Mr. Dawson swore in case participants.

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**New Business:**

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**ZMA04-17 Powell Property; Hearth-Stone**

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The applicant is Bob Hutsenpiller on behalf of Hutsenpiller Contractors. The applicant is requesting a Zoning Map Amendment from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development District) with a Preliminary Development Plan. The purpose for this is for 39, single-story, senior independent living units.

The subject site is located along Cincinnati-Dayton road approximately 1,000 feet south of Tylersville Road. The site consists of 6.73 acres having approximately 60 feet of frontage along Cincinnati-Dayton Road. The site is characterized as a panhandle lot, which elevates in grade from the access along Cincinnati-Dayton Road and plateaus on the west portion of the site, which then slopes to the northeast. The site consists of an existing single-family dwelling, accessory building (barn), a pond, and mature tree lines along the perimeter of the site.

The subject site is consistent with the intent and purpose of the West Chester Township Comprehensive Land Use Plan's (CLUP) recommended Office/ Residential Transitional land use classification by serving as a transitional area, which is located between a residential and commercial district with access along the major corridor of Cincinnati-Dayton Road. The area of the site is regarded as unique and offers the opportunity to consolidate access along the major corridor and provide for a well-appointed, connected, medium density, office/ residential development. Furthermore the site would be complimentary to the adjacent residential district to the west by providing a transition from the adjacent commercial uses to the east, located along Cincinnati-Dayton Road.

The proposed Preliminary Development Plan (PDP) is consistent with the intent and purpose of the CLUP's recommended development characteristics as a unique site that is proposed as a single-story, residential use with landscape buffering. However, the proposed PDP is not consistent with the intent and purpose of the characteristics by exceeding the recommended medium density, which is recommended to not exceed five (5) dwelling units per acre. In order to meet the recommended density, the applicant would need to reduce the proposed units to a total of 33 units on 6.73 acres, which would equal a density of 4.9 units/ acre.

Although the proposed density of the units exceeds the recommended density, the applicant has stated the use of the units will be restricted to an age range of 55 years and older and marketed as independent senior living units, which typically consist of a lower tenant density of only one or two tenants/ unit ratio, as compared to a typical family unit.

Staff has not received any legal documents or plans, at this preliminary stage, to verify the intended age restriction on the use or the floor plans that are typical of a senior life style or interior amenities geared towards seniors. Therefore consideration should be given to require legal documents stating the age restriction and additional plans to show/demonstrate the intended single family, senior independent unit. Regarding the preliminary floor plans, staff is recommending additional details of the plans which give a unit mix layout and interior finishes marketed toward the senior age range.

The BCEO has indicated a further dedication of public right-of-way will be needed as required by the Butler County Thoroughfare Plan.

The required traffic analysis, which includes the trip generation of the proposed use, the site access location, and the turn lane warrants and sight distance/ sight triangle studies of the access along the Cincinnati-Dayton Road public right-of-way will need to meet all Township and Butler County Engineer's Office (BCEO) requirements and be incorporated into the Final Development Plan (FDP).

The applicant has provided engineering sections and profiles of the proposed site access way and roadway at this preliminary stage. However, the BCEO has indicated numerous revisions will need to be provided on the FDP in regard to the design and materials of the roadway and access intersection and conflicts with the locations of the proposed stormwater culvert pipe, water main, and the existing sanitary sewer lines.

Preliminary grading and stormwater drainage plans and calculations have been provided to the BCEO and are still under review at this time. Therefore, all requirements and recommendations will need to be incorporated into the FDP.

The Butler County Water and Sewer Department has indicated the existing water main connection along Cincinnati-Dayton Road is not illustrated in the correct location. Therefore the correct location and looping of the water main through the site will need to be illustrated on the Final Development Plan (FDP) due to the number of units within site.

In regard to CLUP's recommended characteristics for access, the curb-cuts along main roadways should be minimized in order to consolidate access and provide cross-access to adjoining parcels. Therefore, consideration should be given to ensure access through the site with the adjacent commercial district.

In order to ensure proper pedestrian connectivity for all proposed units throughout the site; for future transitional development to the north; and along the public right-of way for the adjacent commercial district, consideration should be given for additional sidewalks to be illustrated on the FDP to provide pedestrian connectivity extending from the site access road, along both sides of the northernmost internal roads and to the adjacent properties to the north and south along the Cincinnati-Dayton Road frontage.

The applicant has indicated the units will be finished with high-quality exterior and interior finishes with a unique design, which is marketed toward the specified age range. An exterior elevation has been provided, which demonstrates high-quality, masonry materials, but plans have not been provided at the PDP stage to verify the applicant's stated intent of the interior finishes.

The extent to which there is to be any removal of the existing, perimeter tree line due to proposed site work has not been shown on the PDP. Therefore, consideration should be given to require a tree preservation plan at the FDP stage to ensure the existing, perimeter tree line is preserved and/ or adequate landscaping is provided to buffer and screen the site.

As shown on the preliminary landscaping plan, adequate landscaping is illustrated along the site access road. However, consideration should be given to require adequate berming and evergreen landscaping illustrated on the FDP along the interior of the existing, perimeter tree line in order to supplement the existing vegetation, which is a deciduous type and not sufficiently buffering or screening the property all year round.

Sign type and locations were not provided at this preliminary stage. Therefore, in consideration of maintaining the residential character and be pursuant to the West Chester Township Zoning Resolution (WCTZR), Article 11.083, with the exception for the location, which should be given further consideration at the FDP stage.

The property is held under single ownership. Therefore, the property owner of record will be responsible for maintaining all common features and elements throughout the site.

## **Action**

The West Chester Township Zoning Commission is to recommend approval, approval with modifications, or denial of the submitted Zoning Map Amendment and Preliminary Development Plan, unless additional information is deemed necessary to make an informed decision.

## **Questions**

Mr. Hahn – There was a comment from the WCFD that was expressing a concern but nothing beyond just a concern?

Mr. Dawson – Correct, so based on the number of units, they can require a secondary emergency access. They did state they had a concern with a single access.

**Applicant**                      **Bob Hutsenpiller**  
**7404 Liberty One Dr**  
**Liberty Township, OH 45044**

I am the owner of Hutsenpiller Contractors and the owner of the property, builder and the developer. Over the last 42 years, I have built and developed numerous commercial properties in the West Chester / Liberty Township area. The last and most recent, that came before this Board was the self-storage and mini office suite. We finished the final phase of that complex this year, this past summer. I think you would all agree that we took a nasty piece of property and made it look pretty nice. The Hearth-Stone project contains 39 units on 6.73 acres. Butler County approved us last week with a unanimous vote. The site is moderately challenging topography with a higher cost to develop than normal. We have 600 feet of wasted street, driveway, coming in and pretty terraneous ground on the top side. The existing house and barn will be demolished. We've talked about tree lines. The proposed development and use is consistent intent purpose of the CLUP, which recommends office / residential use. We are proposing a well-appointed medium density residential development that is complimentary to the adjacent residential district to the south and west and provides the desired transition to the adjacent commercial uses to the east. I'm proposing high-quality construction including granite countertops, vaulted ceilings, and single-story direct access units. All units will have 2 car attached garages, the exterior finishes are 60% brick, full brick on the rear, 30% stone and 10% hardy plank which the entire building is a masonry product. Each unit has 1700 plus square feet. We have 51% green space; that's an excess of the 20% that is required by a R-PUD. I reached out to all the neighboring properties and invited them to the office to go over the project. We talked about the buffering especially with the people on the south side and we agreed to add some more pine trees. We can't mound in that area because of the drainage/soil.

I have reviewed staff's comments, recommendations of approval and with the exception of the reduced number of units from 39 to 33, I have no issue with any of them.

The buffers around the perimeter, the setbacks, our minimum setback is 45 feet from the

R district and they go as large as 86 feet. I am available with any questions. Darrell Sears is here with PSA Architects. He can talk about the quality of the buildings and the design. Rob Painter with RVP Engineering.

Mr. Stoker – Are these owner occupied or are these rentals?

Mr. Hutsepiller – Rental

**Darrell Sears  
PSA Architects  
9392 Montgomery Road  
Cincinnati OH 45242**

I have worked with Mr. Hutsepiller for about 2 decades now and he has demonstrated some high quality level of construction and this project is a continuation of that with the quality of exterior materials and the interior materials and finishes will also be of high level for what will result in an upscale senior living; much higher quality than what we are currently seeing on the market anymore nowadays. We've also demonstrated with the exterior, we tried to segregate it where it has an appearance of individual dwellings themselves so it does appear as a large apartment complex.

Mr. Williams – Did you say that you are not in agreement with the reduction in the number of units from 39 to 33?

Mr. Hutsepiller – Correct, we need 39 units.

Mr. Williams – Ok, I wanted to make sure that was clear to everyone. Do you understand that can be contingent on your approval?

Mr. Hutsepiller – Yes, I understand. Also Tim, we emailed you, at 4:00, today the language for 55 and up.

**Rob Painter  
RVP Engineering  
6230 Centre Park Dr**

I've read through all the comments from the Butler County Engineer's Office's and in this particular stage, we normally don't have full-drawn out construction drawings but Bob wanted to make sure we went through it because there's a lot of constraints on this property. We wanted to make sure we could work with the BCEO on the culvert at the bottom, the detention situation, and the grade is pretty tight as well. So we've gone through the extra steps to develop drawings to this point. Having read the BCEO's comments, they approved with conditions. Read through those conditions; we can handle all those conditions they have.

I just want to bring up two points:

One is the off-site drainage issue. There's a swale that comes along side of Cincinnati-Dayton Road. There is an existing farm culvert. We are going to adequately size and

replace that farm culvert with a culvert that matches. Down from us there is a culvert that is undersized and it's off our property, it's not in the right of way, it's on the neighbors to the north. And as much as we might want to do something about it, it's not on our property and we can't do anything about it. It's really up to the property owner to appropriate the size of the culvert on their side. It's an issue that will have to be dealt with.

Mr. Hahn – What will happen when you're complete and they are inadequately sized and we get a tenure event; what's going to happen?

Mr. Painter – Same thing that happens now. It doesn't go through their pipe, it's going to spill over and spread out in their parking lot and find its way down Cincinnati-Dayton Rd.

Mr. Hahn – So the property to the north floods?

Mr. Painter – Yes the parking lot to the north of us floods. I mean in a high enough event, anything will but theirs is undersized according to the county regulations. I talked with Eric at BCEO; his comment wasn't that we had to fix it; he just wanted to make sure everyone knew there was a problem. I want you to be aware it's a problem that we're not causing; it's a problem that already exist.

The second point is:

There was another comment about the profile of our driveway will expose the sanitary sewer. The sanitary sewer that goes through that creek area is already exposed. Whoever built that shopping before, the sewer was shallow enough that they had to shoot it across and its...you can go see it; it's aerial. It's not something our profile is causing; we're not regrading that ditch area; it's already like that. I just want to make sure that was clear.

Mr. Williams – So from a sanitary, lateral concern, are you saying that when you put in your lateral that won't be exposed?

Mr. Painter – No it will remain exposed. That's a sewer main that comes up our property up to that driveway and serves the residential to our south. We will install a new sewer main that it will hook onto that existing sewer. That sewer down at the bottom that is elevated through the creek it will remain that way; we're not going to touch it.

Mr. Williams – I understand. Now that is the main on Cincinnati-Dayton Road that runs north and south right?

Mr. Painter – There is a main that run north and south but I'm talking about the one that comes up our driveway; east and west.

**Proponent**                      **None**

**Opponent**                      **Roger Holland**  
**6738 Timberwood Dr**

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I have lived here since 1995. When we moved here it was mostly an agricultural area;

from the silo, with the big dent in it, to watching the first Wal-Mart then close to the second one being built. I understand what is under review for a property that shares a property line with mine is a zoning move from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development). When I acquired my home I was told that a multi-family is something that would never happen behind me. At the most, zoning could only move one stage, which could be a sub-divided property with single family homes; worst case scenario. Needless to say this zoning request is significantly more than that. Several months ago there were some excavating equipment on the property and at that time I called and talked with Tim Dawson. Based on the equipment, this looked like much more planned than a single-family dwelling. I was assured at the time that zoning was still intact and there was no plans for a change in rezoning this property; Tim was aware of nothing. In our meeting here today, is it for review of the zoning change or is this a formality to begin reviewing Mr. Hutsenpiller's plan?

Last week we received notification for a change on this property to a Residential Planned Unit Development. We were informed of this meeting today for zoning change. For our discovery time we have not been afforded any luxury of time only that which is required by law. All we know is that we are looking at a proposal of somewhere between 38 and 79 new neighbors and this is going from an agricultural situation. I firmly believe in property rents. I believe Mr. Hutsenpiller has the right to do with his property as he sees fit. My wife met with him and he represented himself very well. What we have is 39 units going into just over 6.5 acres; what we will end up with is a property value that will go from just over \$200,000 to over \$5 million. The units he is proposing are very nice and all very first class. I wonder though is what makes Mr. Hutsenpiller so much more special than Mr. Powell who owned that property for years and pushed for zoning change. When we look at the purpose for zoning change, it is to protect the common good. As I understand it, it prevents drug rehabilitation facilities to go in across from little league fields. Again, I'm guessing that Mr. Hutsenpiller would not have invested somewhere in the vicinity of \$3 - 400,000 to the level he has without some prior discussion with the Board. And I would ask has any prior discussion of this property taken place with anyone who has say on this case? Who were these discussions with and what were the nature of these discussions? I realize some pre-discovery can be expected but what assurances have been tendered and might be expected?

I can understand why the Township is excited about the direction of this property, the tax revenue alone will be astounding. If you look at the individuals that boarder the property, we're under \$2 million in total value. He's actually bringing a better value than we are, supposedly. You are looking at an asset approval per acre basis. I believe that should not be the sole measure of this property's direction. Our concern is that these are rental units for senior citizens; what deed restrictions can we rely on that would prevent this from ever changing from an offering to senior citizens?

I believe the 39 units is excessive. The most for consideration for such a small piece of ground is 29 units; this still gives an evaluation of \$3.7 million. I think you can count on a rental increase to push it closer to \$4 million. We can work some more green space between the long-term existing neighbors; the Township wins, Mr. Hutsenpiller wins, taking an initial investment and turning it into a more than adequate return for all parties.

Now let me be clear on what I just said; I am opposed to any change in the zoning. I

realize that I don't own this property but I would like it restricted to single-family dwellings, at the most. If you look at the surrounding areas we are swimming in multi-family options. You have one to the north, there's also condos to the south, and two different apartment complexes to the south, including The Lakes.

It's nice but it's still more multi-family at the end of the day.

Mr. Hahn – Am I hearing that you ultimately want to see the land stay the way it is?

Mr. Holland – I love the land the way it is. I realize it has to go to something.

Mr. Hahn – Are you not happy with the plan in its entirety?

Mr. Holland – The units are beautiful. If this does move forward with multi-family what I would recommend is taking the 4 units off of the north end and slide everything over away from the properties on the south side because at the end of the day it's going to give more green space between the multi-family and where I'm living.

Mr. Hahn – One more thing that you mentioned that I want to make sure we touch on in our deliberations; you asked if there had been communication between the applicant and the Zoning Commission.

Mr. Holland – Needless to say I'm confused because Mr. Powell for years tried to get the zone changed. Mr. Hutsenpiller acquired this property less than a year ago and all of a sudden it seems to be going at light speed towards development when someone else couldn't get it to change at all. So I think it's a fair question to ask.

Mr. Hahn – Do you recall what Mr. Powell was trying to get it zoned as?

Mr. Holland – I know at one time he was trying to put a VFW in over 20 years ago but beyond that, I don't know. I talked to him about buying the fence acreage that butts up to my property and he said you know Wal-Mart sold for over a million, I'm going to get this zoning changed; so what do you think its worth? I said well it's not worth what you're thinking.

**Proponent**                      **Keith Wren**  
**6805 Tylersville Rd**

I own the property to the north of the proposed property. If this was for the VFW/Paul Powell, I would be totally against this. Being it's a retirement home, it's going to be quiet, certainly not going to bother me. I live on a very private section, there's a big tree line. I guess what better neighbors could you have than a bunch of retired people; which I'm soon to be. It looks like a great thing; I can't judge anybody.

**Proponent**                      **Tom McGill**  
**6764 Cin-Day Rd**  
**Liberty Township, OH 45044**

I'm very familiar with this property; I knew Mr. Powell for many years. I had an office next



to this property, Lakota Plaza. We actually helped with the construction of this plaza. I talked to Mr. Powell many times about what could be on this property. I was the person that tried to put the VFW on the property, obviously that didn't work. I helped Mr. Hutsenpiller acquire this property from Mr. Powell. Mr. Powell didn't do a lot with it because his price was about 3x more than what it finally sold for. It's a good use for the property. I've been in real-estate for 47 years, I've sold every kind of property available. I think the senior citizens will be good neighbors, I will be one of them. I'm in a senior citizen neighborhood now and everybody is friendly, nice and quiet. You are going to enjoy the lack of kids of running around. I think it will be good for West Chester.

Mr. Holland – My question would be do live on a property that is going to be directly affected by this change.

Mr. Dawson – Questions can only be directed to Zoning Commission.

Mr. Hahn – Yes, that is correct. Sir, please address questions and comments to the Board.

Mr. Holland – Based on Mr. McGill's address, I don't think his property will be affected. I back up directly to it and it will be a total change for me.

Mr. McGill – I do have property that can be affected by this. I own property that is directly across the street. It's a condominium, commercial use, and anyone in the neighborhood will be affected but I think it's to the good it's not worse. Mr. Powell did nothing with the property all the years he owned it and this is a good improvement. Senior citizens need a nice place to go where there's shopping nearby and it's convenient. Again I feel it's a good use.

Resident is sworn in

**Opponent**                      **Nancy Turner**  
    **6762 Timberwood Dr**

There's a couple of problems I have with this. The builder is a very nice man, he agreed to put some trees up for us. It's still too close to our properties; we are the ones the most affected and if they took out at least six more units down to 33 that would really help us out. Another thing, we were originally told these would be owner-live in units; now these are going to be rental units. A year rental is ok but there are going to be people in and out of there all the time and they will be right behind us. I don't like that. There's going to be one or two right behind me and the others I can see. We are in a development and we have individual homes, we don't have apartments.

**Neutral**                      **None**

### **Deliberations**

Mr. Hahn – I would like to address a couple of things before we actually begin discussions.

We, Board members, take our position very seriously and we are trained on an annual basis by the Township's attorneys. We are given strict orders to not communicate with

any applicant once that application has been submitted as public information. So, in fact, no there has not been any communication. There's also a Sunshine Law that states we are not allowed to communicate about any case that's currently under application to each other. The Township does a great job in training Zoning Commission and BZA. I can't explain why Mr. Hutsenpiller can move as fast as he did. There could be several factors as to why he can move so fast. But he has followed the proper procedures in the application process.

This brings me to my next point: We are only an advisory committee to the Trustees, we make no decisions. Only three people in this Township that can make decisions and that is the Trustees. We make a recommendation to the Trustees. That recommendation is based on the CLUP, Zoning Resolution and what the applicant has included in the application as far as what can and cannot be done on that piece of property.

We are bound by the CLUP, the Zoning Resolution, and is the applicant within his right to do what he wants to do based on what is written in the two books.

So the next step would be:

Mr. Dawson – The Ohio Revised Code states that we need to send these recommendations to the Board of Trustees within 20 days.

Mr. Hahn – So the next meeting is where the Trustees have the first reading. Then the second reading is in 30 days or the next meeting.

Mr. Dawson – Typically the second reading would be at the next meeting, two weeks from the first reading. The Trustees would then deliberate and make a motion to approve, approve with modification or deny the application.

Mr. Hahn – I just wanted to clarify the process just a little bit.

### **Discussions**

Mr. Stoker – I don't have an issue with the zone change. But I'd like to throw this out for discussion....should we break this up into two pieces? The PDP doesn't meet the density now. I don't want it to beholding upon us that we're approving a PDP of 39 units which is over the density amount. So we can either make that stipulation or we could bring it back or we can address it at the final but someway make sure we are bringing it to the forefront.

Mr. Hahn – That's a good point and we should probably clear that up a little bit. The applicant wants 39 units, the density allows 33 however staff has said if the applicant can provide a deed restriction stating that only the age of 55 and older can lease these buildings that 39 is ok.

Mr. Dawson – So staff's consideration is that if the applicant can provide a legal document specifying the age requirement, consideration should be given by the Zoning Commission and then by the Board of Trustees to recognize that its restricted to that age range which is not typical of a typical family unit; rather one to maybe two at the most within the dwelling. At that exceeded density, it's not going to be typical to find density in the CLUP

at that five units. It's going to be a limited use to that age range which would drop a typical family unit's density down to 1 maybe 2 per unit. We're also requesting at the Final Development Plan that the applicant provide sufficient evidence of the unit mix and floor plan layouts to ensure that's the specified use.

Mr. Stoker – You're going the right direction, I was just thinking the same thing. I was looking at what would prevent a senior citizen like myself to have my wife and I live there and then also have my two grandkids come live with us. What kind of deed restrictions would prevent that?

Mr. Dawson – Mr. Hutsenpiller stated he sent that to our office, I haven't had a chance to review that. Staff will review the information with our legal counsel and make sure that is a correct legal document.

Mr. Fisher – I think it's a good idea to proceed.

Mr. Hahn – I agree and again, they are not going to be able to do anything until they get back to us with a final.

Mr. Rinnert – And as you pointed out, this will go before the Trustees to make a final decision, this is only a recommendation. I am for it.

Mr. Williams – I am for it as well. I live in a subdivision that I built a home in 27 years ago, same scenario, we had a commercial development build behind us but there is a good tree buffer. If they come back at the FDP stage with a good buffer, I think the homeowners would appreciate that. We have to hold them to that. I'm not sure the legal document referring to age ties to the reduction in units is really helpful.

Mr. Hahn – So we should have legal look into that further?

Mr. Williams – I'm ok with the 33 units; if that's standard as the number of units per acre then that's what we should stick with; there shouldn't be any exceptions. And that would be sure that they get the buffer as well because they will have the space for it.

Mr. Hahn – My question is how does this get policed? How can we be assured that a 51 year old doesn't lease the space? How do we know when there's a change in lease?

Mr. Williams – that's a good question. This is what I know, my parents live in a retirement community, and by law they cannot allow people below the age of 55 to move in. There are some tax monies that is applicable to retirement homes. I don't know enough about it but there is something to do with that. So by designation of independent living, senior retirement home, there is special treatment associated with that. And what that is, I don't know.

Mr. Rinnert – But does that apply to this case? I don't get this as a definitive retirement village; just for ages of 55 and older but not necessarily a retirement community village.

Mr. Dawson – The condition would include that the legal document would comply will all state and federal laws that this certain age restriction is allowed by these levels of

government.

Mr. Hahn – My personal opinion is we are again dealing with a residential transitional land use, it's tough. Not everyone is going to be happy and we have to do what's best and try to make both sides as happy as possible. I personally don't see how reducing it by 6 units is going to decrease the....it's going to increase the green space. They still meet the green space with the 39 units correct?

Mr. Dawson – Correct

Mr. Hahn – I'm kind of thinking is 6 units really going to change the location of the building or where the buildings are position? Or does the applicant take one off each section? I guess my position is I'm not seeing the value of reducing it to 33. They do meet the green space so I would be inclined to leave it as is provided they have the proper documentation at the time of the Final Development Plan.

Mr. Stoker – I see where you're coming from; even if you keep the footprint the same and reducing the number of units, you still have the same size building.

Mr. Hahn – And they are still going to be just as far away from the property lines as they are now.

Mr. Williams – The resolution didn't really state the number of units that was put in the staff report.

Mr. Hahn – Number 11 talks about the age,

Mr. Dawson – In the resolution it states the number of units and the density as it's stated in the application. The approval of the resolution would approve the application which is for 39 units on this draft.

**Mr. Stoker made a motion to approve Case # – ZMA04-17 Powell Property; Hearth-Stone. Mr. Rinnert seconds the motion.**

**Aye: Mr. Stoker, Mr. Rinnert, Mr. Williams, Mr. Hahn, Mr. Fisher**

**Nay:**

**Motion carries 5 – 0**

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### **RPDP 10-17-A Wetherington; Ruthman Companies Office**

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The applicant is Springhouse Architects on behalf of Ruthman Companies. The applicant is requesting a Revised Preliminary Development Plan for an addition to the building totaling 8,138 s.f. office and revisions to the signage.

The subject site is located along Tylersville Road approximately 400 feet west of Wetherington Drive. The site consists of 1.02 acres, which consists of an existing 7,829 square foot daycare center, parking area, playground area, and perimeter fencing and landscaping.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from R-1 (Suburban Residence District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (93-08) on February 9, 1993, which included two lots containing a 3,025 square foot bank and a 7,289 square foot daycare center (located on the subject site) on approximately 2.92 acres.

The West Chester Township Zoning Commission approved a Final Development Plan (94-34) on November 21, 1994 for the subject site, which consisted of a 7,289 square foot daycare center on approximately 1.02 acres. And a Revised Final Development Plan (96-27) on September 16, 1996 for three (3), twenty-two (22) foot high, outdoor lighting devices within the site.

The subject site's previously approved Preliminary Development Plan (PDP) (93-08) only included the specified uses of a daycare center and bank on the two lots within the C-PUD District.

In order to streamline the application process and to not require a RPDP application each time a specified change of use is requested, consideration should be given to specify a list of permitted uses for the C-PUD District that would not increase the intensity of the previously approved commercial uses and are consistent with the Comprehensive Land Use Plan's recommendations and compatible with the character of the surrounding uses, which would include specified general office and neighborhood retail uses.

The applicant is requesting approval for a change of use to office and additions to the existing building for a total of 8,138 square feet. Additionally, the playground area and chain-link fence will be removed and replaced with landscaping and picnic tables for an outdoor space for employees and the ground-mounted monument sign will be re-faced with new business logo display within the existing area.

Vehicular cross-access was established with the original approval of the site in 1994 and recorded on the plat of survey (Bk 28 Pg 235) and as a separate agreement between property owners (Bk 5268 Pg 267).

Emergency access was established and recorded as an agreement (Bk 6057 Pg 1926) between property owners at a later date in 1999.

The subject site, which does not have any sidewalks along the frontage, is flanked by two parcels with existing sidewalks along the Tylersville Road frontage. Therefore, consideration should be given to require a connection between the two existing sidewalks on the adjacent parcels, which would complete the pedestrian connection from the businesses to the Wetherington R-PUD District.

Furthermore, there is a limited area between the existing site access way, parking area, and the public right-of-way. Therefore, consideration should be given to allow flexibility in the layout and widths for the construction of the pedestrian connection.

Preliminary floor plans and an exterior rendering have been provided. However, sign type and locations were not provided. Therefore, all signage should be approved the FDP stage. However, consideration should be given to maintain the transitional character by requiring all signage to meet the WCTZR, Articles 10 and 17 signage requirements.

Furthermore, the site is adjacent to a residential district to the north; and therefore, consideration should be given to prohibit any internally-illuminated building signs on the building's north and east walls.

It is not known if the existing ground sign will remain or if it will need to be relocated for the construction of the pedestrian connection, so the location of the ground sign may need further consideration at the FDP stage.

The original approval of the site required landscape screening along the rear property line along Wetherington Drive. However, there is no longer any landscaping in place. Therefore, consideration should be given to require the previously required landscape screening be reinstalled along the northeast property lines of the site and along the perimeter of the dumpster enclosure and screening the parking area along Tylersville Road.

The property will also be held under single ownership. Therefore, the property owner of record will be responsible for maintaining all common features and elements throughout the site.

### **Action**

The Zoning Commission is to approve, approve with modifications, or deny the submitted Revised Preliminary Development Plan, unless additional information is deemed necessary to make an informed decision.

### **Questions**

Mr. Stoker – I think it's a good reuse of the property.

Mr. Williams – Me too.

**Applicant**                      **Sheri Scott**  
**Springhill Architects**  
**9518 Bunnell Hill Rd**  
**Dayton, OH 45458**

So this is a 100 year old company that is looking to relocate to this area from the UC area. The owner found this building and is looking to renovate it and turn it into their new headquarters. It's a good use of the building, we are not adding a lot of more impermeable space. He's looking to do a lot of nice green vegetation in the back for the employees.

There's only 5 or 6 employees so we are not adding any real traffic considerations. I do question the need for the sidewalk, I didn't realize there was a sidewalk to the north. Are we sure there's a sidewalk?

Mr. Dawson – I'm positive

Ms. Scott – All right, then the sidewalk is fine. I thought the sidewalk dead ended into the property but now I see what you mean by connecting.

**Proponent**

**Opponent**

**Neutral**

**Deliberations**

Mr. Stoker – I think it's a great re-use of the building and to add 6 employees to West Chester and to have a business move from Cincinnati to here is a great thing. I'm all for it, I have no objections to any of this including staff's recommendations.

Mr. Fisher – I agree

Mr. Rinnert – It's good to get that building occupied and as Gerry said it's great to have a company moving in to West Chester.

Mr. Williams – I was in this building when it was first built; it's amazing and a beautiful building.

Mr. Hahn – I have not seen the back of it but by removing the chain link fence it will only be an improvement.

**Mr. Williams made a motion to approve Case # – RPDP 10-17-A Wetherington; Ruthman Companies, Office. Mr. Rinnert seconds the motion.**

**Aye: Mr. Stoker, Mr. Rinnert, Mr. Williams, Mr. Hahn, Mr. Fisher**

**Nay:**

**Motion carries 5 – 0**

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**MC05-17 Lexie's Place; Anthem House Church**

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The applicant is Alton Alexander on behalf of Anthem House Church. The applicant is requesting approvals for a Major Change to an R-PUD District and a Preliminary Development Plan for a single-story, 7,241 s.f. church facility.

The subject site is located along Cincinnati-Dayton Road, directly across from Fox Plum

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Drive.

The subject site consists of 5.41 acres having approximately 450 feet of frontage along Cincinnati-Dayton Road. The site is characterized as vacant, gradually sloping from north to south, with mature trees along the northwest property line.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to a R-PUD (Residential Planned Unit Development District) and a Preliminary Development Plan (13-2015) on June 9, 2015, which included ten (10) single-family residential lots and two (2) open space lots on approximately 5.41 acres.

Although the proposed church use is a principle permitted use within a R-PUD District, the subject site's previously approved Preliminary Development Plan (PDP) (13-2015) only included the specified residential use within the R-PUD District. Therefore, the proposed change of use, which is an increase in intensity from the previously approved residential use, and the development characteristics of the proposed PDP will need to be considered in regard to mitigating any detrimental impacts and ensuring compatibility with the surrounding, existing residences.

The applicant has stated the proposed use consists of "typical church activities," which was described as worship services, "Sunday school" educational programs, and staff and member activities, to include in-door recreational activities in the auditorium. The applicant has indicated the education use will be limited to "Sunday school", which is not intended as an elementary school, high school, or university. Therefore, consideration should be given to specify activities and accessory uses that should be excluded due to any detrimental impacts to the surrounding residences.

In consideration of the proposed PDP and in regard to the development characteristics, the proposed use is a single-story which will include 180 seats for the congregation. They will be providing 100 parking spaces when the Township requires 23 and providing an extensive amount of open space of 75% to the site.

The building is located at an adequate distance from all the surrounding property lines while maintaining the majority of the existing mature tree line along the NW property line and the open space buffer along the perimeter of the site.

The applicant is proposing a single-story building, which includes a neo-modern architectural design incorporated with residential architectural features, such as a pitched-roof and high-quality, masonry materials along the building facade. However, consideration should be given for additional development characteristics in regard to vehicular cross-access, pedestrian connectivity, lighting, sanitary services (dumpster), buffering, and landscaping.

The Butler County Engineer's Office (BCEO) has indicated a fifty (50) foot, public right-of-way dedication will be needed as required by the Butler County Thoroughfare Plan and a work agreement may need to be obtained from the adjacent property owner to the north, depending on the final design of the site access way which is required to align with the existing Fox Plum Drive.



In regard to the proposed site access way at this preliminary stage, the applicant has proposed thirty-five (35) foot width of the access but it's stated that they would like to locate the access way between some existing utilities. Staff consideration to the Zoning Commission and to the Trustees is that they only have to maintain the twenty-four (24) foot width as required by Emergency Services.

Although the general location of the site access way has been approved, the required final design of the access and any public road improvements should be incorporated into the FDP.

In order to mitigate any detrimental impacts on the surrounding residences, which include high traffic volumes during Sundays and major events, the property owner should ensure all parking is contained within the site as well as provide additional personnel to facilitate access, traffic, and parking for the site during those times. It will also be the property owner's responsibility to notify the Township during these events so it's adequately addressed.

Preliminary grading and stormwater drainage plans and stormwater calculations will need to be provided for review in order to provide recommendations on the capacity of the proposed stormwater detention area.

Furthermore, the detention area is proposed to be located within the existing mature tree along the northwest portion of the site, which would remove the natural buffer of the adjacent residences. Therefore, consideration should be given to require the detention area to be illustrated on the FDP further southeast, which would be more practically located along the low point of the site's existing grade and would also preserve the existing, natural buffer of the tree-line.

The Butler County Water and Sewer Department has indicated a thirty (30) foot wide, sanitary sewer easement and a twenty (20) foot wide, construction easement, for a total of a fifty (50) easement will be need to be provided along the Cincinnati-Dayton Road public right-of-way in order to provide public, sanitary services.

Furthermore, the sanitary sewer line and easement is proposed to be located in the middle of the site and along the south side of the proposed building and through the middle of the proposed parking area, which would burden the property owner if access to the sewer line is required or an addition of the building is requested in the future.

Therefore, consideration should be given to require the proposed sanitary sewer line and easement be illustrated on the FDP along the west and south property lines.

Due to the required fifty (50) foot public right-of-way dedication, the proposed parking area would not have any setback distance if the road is widened to that extent. Therefore, in consideration of providing an adequate distance between the parking area and dedicated right-of-way, the parking area should be illustrated on the FDP with an adequate distance to provide for stormwater drainage, a five (5) foot wide, concrete sidewalk, and street trees and landscaping.

The BCEO has indicated that if future residential development occurs on the adjacent properties to the south and north, access to Cincinnati-Dayton Road from those sites will not meet the access management requirements. Due to those requirements and maintaining consistency with the recommendation to consolidate access, the property owner of the subject site should provide a vehicular cross-access easement through the site that would allow the adjacent properties to gain access to the subject site's full-movement access way along the public right-of-way.

The PDP does not have any pedestrian connections illustrated on the site. Therefore, consideration should be given to require a five (5) foot wide concrete sidewalk along the Cincinnati-Dayton Road frontage and connecting the parking area along the proposed building at any entryway.

In consideration of reducing any detrimental impacts to the adjacent residential subdivision, any dumpster or donation enclosures should be located an appropriate distance from the residential subdivision and trash pick-up times should occur at an appropriate time during the day.

Further consideration of reducing any detrimental impacts to the adjacent residential subdivision should include a photometric analysis, which demonstrates that adequate light levels are being maintained and are limited to 0.02 foot candles along the property lines.

A landscaping plan was not provided at the preliminary stage. However, berming is proposed on the PDP within the existing, mature tree-line along the northwestern portion of the site, which would remove the existing trees. In order to preserve the natural buffer the existing tree-line already provides to the residences to the west and provide adequate buffering of the residences to the south and north, consideration should be given to require adequate berming and evergreen landscaping along the south and north property lines illustrated on the FDP, in lieu of the proposed berming on the PDP.

Furthermore, in consideration of a well-appointed site and enhancing pedestrian connectivity throughout the site, adequate street trees along the Cincinnati-Dayton Road frontage and landscape islands with tree plantings within the parking areas should be illustrated on the FDP.

One (1) building sign is proposed on the east wall at this preliminary stage. However, sign details for the proposed sign were not provided. Therefore, in consideration of maintaining the residential character all signs should be pursuant to the West Chester Township Zoning Resolution (WCTZR), Article 11.083 at the FDP stage.

The property will also be held under single ownership. Therefore, the property owner of record will be responsible for maintaining all common features and elements throughout the site.

### **Action**

The West Chester Township Zoning Commission is to recommend approval, approval with modifications, or denial of the submitted Major Change, unless additional

information is deemed necessary to make an informed decision.

### **Questions**

Mr. Hahn – One question regarding the considerations – third paragraph, last sentence - However, consideration should be given for additional development characteristics in regard to vehicular cross-access...exactly where are you referring?

Mr. Dawson – So the required right of way dedication is going to push the layout of the site further NW but the engineers indicated that due to the access management regulations which recommend access to any development of the site so these properties adjacent to the south and north if they are ever to develop into residential subdivisions in the future, the engineers office has not recommended any access into their site within this approved access for this site. So consideration should be given to require the property owner to establish these cross access in order for future development to have access.

Mr. Hahn – The Engineer's Office doesn't want to have access for the church onto Cin-Day, then access for the property to south on Cin-Day, and to the north on Cin-Day. The only access point to Cin-Day is from this church property?

Mr. Dawson – Correct, and the access for this site is conditioned upon the engineering and construction to be in alignment with the existing Fox Plum which would create a 4-way intersection.

Mr. Hahn – Which if Butler County Engineer's Office sees fit, it could end up with a traffic signal.

Mr. Dawson – Correct

**Applicant**                      **Alton Alexander**  
**6781 Devon Dr**  
**Liberty Township OH 45044**

I've been a resident in the area for over 12 years. Over a year and a half ago we planted a church and through a myriad of situations we have looked to rent areas; we even looked at the building from the previous case. And with all of that in mind, we came across this piece of property and feel from a stewardship standpoint this is the best use of every dollar that we've gained so far. We would love an opportunity to put a church here. We will be great neighbors; I understand the nature of what it means to be a part of the community and believe, we, by establishing a church here would bring a greater value.

### **Questions**

Mr. Hahn – There seems to be a lot going on here from what staff had to stay. Do you have any problems with anything?

Mr. Alexander – The access point to the north and south. The north property makes a lot

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of sense because there's 7.5 acre tract and two other tracts and I know the neighbors to the north would be open to a development process if they could get into it. The southern track I'm not sure it would ever open up because it's such a limited piece of property. So in my mind the northern access point makes so much sense to me, we would be more than willing to do that.

## **Proponents**

**Opponents**            **Tom McGill**  
**6764 Cincinnati-Dayton Rd**  
**Liberty Township, OH**

I'm not against the proposal at all but I want to point out the access drive to the property to the south would put that driveway right through the house, literally. There's not enough room for them to reach their parking area, go around the house or anything. So I think that has to be re-worked, re-looked at somehow especially if engineer wants to take away the driveway to the property to the south. It's a very nice owner, to the south, which is myself, and I would hate to be caught without a driveway and cars running into the house, or trying to turn with a very limited access. It has to be looked at somehow, whether it's to move it back or forward, it really can't be into the house.

Mr. Hahn – Mr. Dawson, is the land currently undeveloped?

Mr. Dawson – It's an existing single-family residence with a driveway.

Mr. Hahn – So providing it stays single-family, they will maintain that driveway?

Mr. Dawson – Correct, and the cross access drive that you see is an illustration done by myself, obviously that's not the final development plan.

Mr. Hahn – The proposed land use for the property to the south is it intended to be residential?

Mr. Dawson – Correct. The designated land use for all the surrounding property is residential.

Mr. Hahn – How many acres is your property Mr. McGill?

Mr. McGill – I believe it is 1.73, give or take.

**Bob Ackerman**  
**7574 Cincinnati-Dayton**

I'm not necessarily an opponent, but I have questions. I own the property next to the south property. So there's a creek that starts in this property that kind of starts down through and I own the property on the other side so I'm concerned about the run-off and eroding. I don't know how you size retention ponds but I'm concerned about the run-off down through there because during a storm that runs pretty high through there. Of course traffic is always a concern. My son totaled the car there because someone else was in the wrong

lane. It's hard to see right through there and so Sunday traffic could be an issue.

Mr. Hahn – I can tell that BCEO will look at equations from a civil engineer that will not allow more water to run off of that property than what should run off.

Mr. Ackerman – The run-off might stay the same but there's more parking lot, there's more building therefore those have to go somewhere. So that retention pond that is there is how that drains out.

Mr. Hahn – We don't have answers; we don't design. Again the BCEO would have to approve any design by a civil engineer to ensure it would not flood.

Mr. Ackerman – My property is vacant. There was a house there years ago but I tore it down. I bought it as my buffer lot so no one could build there.

**Ginger Ruddy**  
**7546 Cincinnati-Dayton Rd**

I am kind of diagonal across there on the south end. I'm not necessarily speaking against this but we have some serious run-off problems on this stretch of property so we'd just like the board to be aware and to possibly bring this up with the engineers. I hear what you are saying about the retention basin but from what I understand all the run-off goes down into a culvert that's actually on my side and my side of the street also goes down into that culvert. We are having tremendous back up issues through that area now and I have a concern about the water runoff.

I also have a few questions I'm not understanding – is a turning lane going to be put in, is there going to be a widening of the road there?

Mr. Hahn – I don't know. It would appear to me the applicant has not hired an engineer at this point, none of that has actually been investigated. But there might be.

Ms. Ruddy – So my understanding is the scope of the work could possibly impede the homes on either side for widening that road there?

Mr. Hahn – I can't speak for that but I can say that there will be a traffic analysis and that study will have to go to BCEO and based on that study they may have to put in a deceleration lane on the north side or acceleration lane on the south side but that would be all determined in the traffic study.

Ms. Ruddy – It's a very dangerous curve, I happened to be part of the accident. We've literally had people die in my yard from going around that bend. It's definitely a concern but yet I don't want to lose property either.

**Neutral**

**Deliberations**

Mr. Stoker – I have no objections changing the zoning to a R-PUD, I think the items talked

about this evening you hit right on the head. The storm water issues that are a concern, they will be reviewed and typically they can't report any water post-construction vs. pre-construction so they would be handled by the Engineer's Office. And also the same way in regards to the possible deceleration / acceleration lanes that may or may not be needed. And I'm sure they'll look at the stacking of the cars that would possibly affect the SW direction. All of that will be done in the traffic study. I'm with the development as staff has recommended regarding to the pushback on the setback of the parking that would allow a buffer area because of the widening of the right away that's going to need to take place.

Mr. Fisher – I'm all in favor of new churches in the area, I give it a thumbs up.

Mr. Rinnert – I have to agree with what Gerry said about the storm water and the traffic that it will be determined by the Engineer's Office based on the traffic study. Other than that, I'm in favor of it.

Mr. Williams – Triple ditto.

Mr. Hahn – I do have one question for staff – the proposed change is to residential, is that correct?

Mr. Dawson – Yes a church is a principle permitted use within a residential district which is an R-PUD. In consideration for the increase in intensity from a residential subdivision therefore additional consideration should be given to the change of use and then those considerations for the additional conditions on the site as they relate to those impacts.

Mr. Hahn – I think based on what he's saying; landscaping, lighting, I believe it was brought up in the staff report to include some type of regulation if there needs to be for traffic either exiting or entering during peak hours, we just have to make sure we stay on top of it to protect the surrounding residences from the more intense use.

Mr. Williams – I agree, I believe the resolutions covers a lot of the details. Very good job, very thorough.

**Mr. Rinnert made a motion to approve Case # – MC05-17 Lexie's Place; Anthem House Church. Mr. Williams seconds the motion.**

**Aye: Mr. Stoker, Mr. Rinnert, Mr. Williams, Mr. Hahn, Mr. Fisher**

**Nay:**

**Motion carries 5 – 0**

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**OWC-RCO 189; 8825 Cincinnati-Dayton Road**

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Mr. Hahn recuses himself from this case.

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The applicant is Tonia Wheeler on behalf of Daisy's Way LLC. The applicant is requesting a Major Use Change in conjunction with a major architectural modification within the Olde West Chester Road corridor overlay for the purpose of a dog daycare and hotel use.

The subject site is located along Cincinnati-Dayton Road, approximately 475 feet north of Seminary Road.

The site consists of two parcels, totaling .79 acres and is characterized as an existing 2-story residence converted to commercial use, which includes two (2) detached accessory buildings and a parking area in the rear yard.

The Olde West Chester Architectural Advisory Committee (OWAAC) recommended approval for a Major Architectural Modification (OWAAC 12-01) on January 11, 2012, which included various modifications to the site, buildings, and ground sign, in conjunction with an application for a Major Use Change for a hair salon.

The West Chester Zoning Commission approved a Major Use Change for a hair salon on January 23, 2012, which included the OWAAC recommended approval of the architectural modifications (12-01).

The Olde West Chester Architectural Advisory Committee recommended approval for a Major Architectural Modification on November 1, 2017, which included various modifications to the site, buildings, and ground sign, in conjunction with an application for a Major Use Change for a kennel (luxury dog daycare and hotel).

The proposed change of use for a luxury dog daycare and hotel is interpreted to be a kennel, as defined by the West Chester Township Zoning Resolution, which is a principle permitted use within a B-2 (General Business District), provided any area used for such purposes is located not less than two-hundred (200) feet from any residential district and one-hundred (100) feet from any B-1 (Neighborhood Business District). The applicant has indicated the use will be contained within the principle and accessory buildings and proposed fenced in area of the site. However, consideration should be given based on the applicant's description of the use.

The applicant has stated the use will consist of 12-16 dog suites, which will be contained within the principle building; the accessory building will be used for daytime activities and the dogs will have access to the yard, within the fenced-in area, during the day.

Along with the proposed fencing and landscaping that will screen the site when the dogs are in the yard, the dogs will only be in the yard during typical, daytime hours and staff will supervise and conduct procedures to limit any noise at those times that would be detrimental to the adjacent residences.

Further consideration should also be given to any practice, element, or feature, which would eliminate any result of the use that would be an objectionable odor or environmental hazard.

The previously approved Major Change of Use (ZC Resolution 12-01) established a recorded, public, cross-access easement for an alleyway along the west and south property lines of the subject site and conditioned the removal of the subject site's access way from the public right-of-way in conjunction with the required construction of the alleyway at the time the adjacent property to the north changes to a commercial use. Therefore, a Zoning Commission approval of the proposed Major Use Change will incorporate the previously approved conditions since the adjacent property to the north has still not been changed to a commercial use at this time.

In addition to the proposed change of use, the applicant is requesting approval for modifications to the principle building, which include new roof shingles and a roofing membrane known as "Flintlastic". The addition of the railings to the front porch are proposed to be a vinyl material and white in color. Although, the vinyl material is not consistent with the wood material of the existing porch, the addition of the railings will add further character to the building by complimenting the existing accent features and serve a practical function in regard to the proposed use.

Also there will be a replacement of two (2) windows for doors, the doors have been stated to be consistent with the existing doorways. Additionally new decking on the rear deck and gates for the ADA accessible ramp. Modifications to the accessory buildings, which include repainting to match the principal building and installation of four new windows. Modifications to the site, which include installation of a new privacy fence.

The proposed privacy fence will consist of a vinyl material and colors consistent with the primary building. Although, the materials are not consistent with the recommended architectural guidelines, consideration should be given for the proposed textured wood grain pattern, which appears as a natural material and the proposed fence being an enhancement to the architectural character in comparison to the existing wood privacy fence located in the side yard, which is weathered and not well maintained. The applicant will speak to the function of the fence and how it's related to the proposed use.

Additional landscaping and a new ground sign is proposed as well.

The Olde West Chester Architectural Advisory Committee recommended approval of all the proposed architectural modifications with the conditions that all modifications be consistent with the adopted Architectural Guidelines, which included wood materials for the proposed fence and front porch railings and the location of the fence to be located in the south side yard and additional landscaping provided in front of fence to properly screen it from the public view.

Furthermore, the OWAAC does not consider the use when making recommendations on the architectural modifications, but rather, solely on the recommended character of the Olde West Chester Road Corridor Overlay District. However, the Zoning Commission can consider the proposed architectural modifications in relation to the proposed use, while also taking into account the OWAAC's recommendations.



## **Action**

The West Chester Township Zoning Commission is to approve, approve with modifications, or deny the submitted Major Use Change, unless additional information is deemed necessary to make an informed decision.

## **Questions**

Mr. Williams – is this the property that's adjacent to Paul's Carry Out?

Mr. Dawson – No it is not. This is within a B-2 (General Business). The property to the south is an existing residential building but converted to a business as well. The existing property to the north is still an existing residence and used that way. So the condition for the construction of cross access alleyway would only occur when this property comes in for a Major Use Change approval to commercial. The easement has already been established so the property owner would need to construct that roadway to make the connection.

Mr. Rinnert – Are you saying the alleyway will not need to be constructed until the residential property next to it .....

Mr. Dawson – Correct. So the previous Major Use Change was approved back in 2012. So the condition on that approval was that they needed to establish the easement, which has been, but they wouldn't be required to construct it until the property to the north is converted to commercial and therefore making the link of the roadway.

Mr. Rinnert – So it will go behind the residential and also this site?

Mr. Dawson – Existing property adjacent to the north is still residential, the next property to the north has been converted to commercial and was required to construct the alleyway. So it was conditioned with this property would not have to make that connection until the properties in between them established that connection. Then this property would connect to the R-3 District where there's an existing alleyway and public road already established.

**Applicant**                      **Tonia & Josh Wheeler**  
**7574 Bridgeford Ct**

Thank you for having us tonight. I have some slides I would like to present to you. I think it's important for you to understand what type of business we are and how we are running it. When people hear doggy daycare and boarding facility, they have certain preconceived notions. I want to make sure you know how we are different. We live in West Chester with our dog Daisy. She was the inspiration for this business model. We adopted her 7 years ago and she had severe anxiety so we enrolled her in doggy daycare and also used their boarding facilities when we were out of town. We noticed significant improvements in her anxiety and her behavior in general. So it inspired us to own our own doggy daycare and boarding facilities someday. The business model has been changing and evolving over these 7 years so what we had been thinking is very different from where we are today which makes us very different from the typical kennel. We are a boutique, luxury pet hotel

and daycare. We plan to stay very small, we don't plan to grow into being a 50, 80, or 100 dogs under our roof or under our care. The point is to be small and exclusive boutique specific to this community. Speaking of community, we have a two-fold commitment to our community: 1) to our clients; 2) to our community/our surrounding neighbors. We know our clients want what is best for their dog but they may not have the time in their day to provide that so it will be our job to take their dogs during the day or while they are traveling to keep them safe and healthy and to provide them with the means to expense some energy during that day time.

We genuinely care about our community and our neighbors. We want to make sure we are taking care of our grounds and our property and communicating with our neighbors and to make sure everyone around us is happy and working towards that feel of community.

Who we are not (typically preconceived notions):

- We are not a shelter or rescue housing 100's of unkempt dogs
- We are not a traditional "kennel"
- We do not use chain link kennels or outdoor runs
- We do not leave our dogs outside unattended. There will always be a human attendant supervising play and making sure the dogs are safe and quiet

Who we are:

- We are a small, luxury pet hotel focusing on the quality of the care not the quantity of dogs. We are considered a kennel by the Township Resolution; we are an approved use in the B-2 (General Business District)
- Dogs in our care have a loving home and are simply in need of temporary living arrangements while their families are on vacation or travelling for other reasons. They come to us with basic manners and obedience. With that being said they do have to pass a temperament test before they are welcome into our facility for boarding and daycare.
- We provide luxury indoor suites, custom designed and featuring tiled walls, orthopedic beds and canine enrichment activities
- For the benefit of our community, we employ the techniques of a Quiet Dog Daycare

I want to run through some Assumed Concerns. When you talk dogs, you think about some of these concerns. We have developed policies and procedures to help mitigate these concerns.

#### Odor Concerns:

- Immediate pickup of feces and disposed of in an air-tight container
- Install multiple clean up stations around the property
- Use veterinary grade cleaners and disinfectants to eliminate urine odor
- All cleaners and disinfectants will be animal and environmentally safe
- Use HVAC and add air filters to help destroy odor
- The health of the dogs in our care are of the utmost importance. To keep them healthy, we must employ strict cleaning and disinfectant standards, which in turn, will also eliminate odors

### Noise Concerns:

- Install solid, 6' privacy fencing around the perimeter of the property
- Moving the fence line in 20' from the property located at 8846 Walnut St. and filling that gap with sound buffering evergreen trees
- Keeping all current trees and landscaping; and planting even more
- Small groups of dogs outside for a short period of time, always human supervised
- By using the HVAC all year round, windows and doors remain closed
- Using Quiet Dog Daycare methods to keep the noise to a minimum

### Addressing Property Value

I asked Greg Trainer, Real Estate Broker, to do some research on this topic. I wanted to show that property values aren't negatively impacted by having a Doggy Daycare in your community or in the vicinity of your property or your home. This is based on a similar business in Blue Ash. They are a much larger facility than we are and they are a franchise company. They are adjacent to backyards of this neighborhood. Mr. Trainer pulled information for the last 9-10 years on these homes and as you can see they are steadily increasing.

I have reached out to some of the neighbors and property owners; some are here tonight. I talked with 8846 Walnut St., and explained to them what our business model was. He seemed very supportive at the time. I spoke with Priscilla Anderson, she had some misconceptions about what our business really was. After I explained, she seemed very supportive and at ease about it.

I know we have a couple of churches and a funeral home in the vicinity, we will work with during their times of operation to make sure we will and are being good neighbors.

We are your neighbor, we live in West Chester, and we care about West Chester. We want to do nothing more but to add to the community.

We met with the Architectural Committee and they approved most things as they stood. There was a couple of things I wanted to bring to your attention: 6' privacy fence and the front porch railing. We proposed a vinyl fencing, an upgrade commercial fencing that has a wood grain texture. This would also be used for the front porch railings. They decided at that time they preferred wood because it was more in line with the guidelines. We have proposed this material because its non-porous; it won't hold odors or bacteria. It's easy to clean with disinfectant. Wood is not as easy to clean. Secondly, vinyl fencing will still look great in 5 years. Wood fencing is not guaranteed to hold up as well. It can chip and/or peel paint. That can be prevented by using vinyl.

### Questions

Mr. Stoker – typically vinyl fencing is more expensive isn't it?

Mrs. Wheeler – It is, we are putting it in our budget because we believe its truly the right thing to do for both the character and look for the community long term as well as quite

honestly the ease of cleaning and disinfecting for us.

Mr. Rinnert – The building in the back, is that going to be like the exercise / play area?

Mrs. Wheeler – It's going to be the daytime shelter area.

Mark Moore  
FMD Architects  
2841 Riviera Dr  
Fairmont OH 44333

My specialty is on animal care facilities nationwide. First, I've never had a client present their case as well as Tonia with all her information. She actually took away my job. I am here to answer any of your questions regarding animal care facilities. I represent a lot of different national facilities.

### **Proponents**

### **Opponents**

### **Neutral**

### **Deliberations**

Mr. Williams – I am for it. I think it's a good move for Olde West Chester

Mr. Stoker – I wouldn't mind staying there myself. I think it's a good use and I feel you've been very considerate with the neighbors. Tim, would they have to go through BZA because of the being close to residential?

Mr. Dawson – Everything is included within the Zoning Commission approval.

Mr. Fisher – I know people are enamored with their pets, I don't have one but if I did, I'd want to live there too

Mr. Rinnert – I think this is a good use for this property. I think it will be very successful in this community because there are people who want real good care for their pets. I hope to welcome you into the community.

Mr. Dawson – There is the final consideration for the Architectural Advisory Committee's recommendation. Their recommendation was for the applicant to provide the privacy fence and the front porch railings in a natural material such as wood. The applicant is proposing a vinyl material which would be more functional for the use. The Architectural Committee does not consider the use but the Zoning Commission does therefore if you would like to discuss that consideration. The current draft resolution does not state the condition of approval for the vinyl material so if the Zoning Commission would recommend to allow for that proposed material it would be a modification to the draft resolution.

Mr. Rinnert – I would be in favor of the modification in the draft for the vinyl. I think it's a

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much better use for this daycare.

Mr. Stoker – I would agree with that.

**Mr. Williams made a motion to approve Case # – OWC-RCO 189; 8825 Cincinnati-Dayton Road. Mr. Stoker seconds the motion.**

**Aye: Mr. Stoker, Mr. Rinnert, Mr. Williams, Mr. Fisher**

**Nay:**

**Motion carries 5 – 0**

**Mr. Hahn returns as Chairman**

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### **FDP 10-17-B The Fields, Lot 1; Hyatt House**

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The applicant is HH Liberty Way LLC. The applicant is requesting a Final Development Plan for a five (5) story, 103,711 s.f., 136 room hotel including a 5,331 s.f. retail use.

The subject site is located along Liberty Way and Cox Road at I-75. The site consists of 4.06 acres having approximately 450 feet of frontage along Cox Road. The site is characterized as a vacant construction site with scattered vegetation along the Liberty Way frontage.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from M-1 (Light Industrial District) and A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (26-2016) on September 13, 2016 for a four-story, extended-stay hotel on Lot 1, a five-story hotel on Lot 2, and 90,000 square feet of future development on approximately 13.35 acres.

The proposed Final Development Plan (FDP) slightly varies from the previously approved Preliminary Development Plan (PDP) by proposing 5,671 more square feet with the addition of another story, to include five (5) stories. However, the required parking has decreased and the open space provided has increased and the vehicular circulation patterns remain consistent. Therefore, consideration should be given for the minor alterations to the use and the consistency of the proposed Final Development Plan.

The applicant will be providing 136 parking spaces where 136 are required, 1 space per room. They will also be providing an additional 43 parking spaces for the retail use where 13 are required. There will be a total of 179 parking spaces where 149 are required.

The general floor layout of the main floor will include an outdoor patio and an indoor courtyard, indoor pool, lobby area, and the proposed retail use will be a spa area.

The applicant has provided detailed building elevations which demonstrate adequate, high-quality masonry materials.

A temporary, secondary, site access road was required with the approval of the PDP (26-2016), which was located at the south property line of the C-PUD site and extending to the existing site access road. Therefore, an additional site plan sheet illustrating the temporary, secondary, site access road at the approved location within the C-PUD will need to be provided for review within 30 days.

The recorded Fields at Liberty Way Declaration of Covenants, (DCCRRE) (Bk 8895 Pg. 856) and corresponding Declaration of Easements (Bk 8986 Pg. 1874) established the construction and vehicular cross-access agreements for all required internal roadways. However, section 1 (a) of the declaration states a plat of survey illustrating the final design and location of those roadways will need to be recorded as an amendment and supplemental exhibit to the declaration. Therefore, section 1 (a) of the declaration should be met prior to a final zoning inspection.

The Butler County Engineer's Office (BCEO) has indicated the detailed storm drain pipe sizing calculations, detention basin and water quality volume calculations, a detail of the utilities at the southeast corner of the site will need to be provided to conduct a proper review of the site. These plans will need to be submitted to staff and other reviewing agencies within 30 days, as well.

The Butler County Water and Sewer Department (BCWSD) has indicated a minimum 1,000 gallon, oil/grease interceptor will need to be installed and recommends two (2) water meters be installed to differentiate the high-strength sewer flow from the restaurant, due to the added costs of a single meter.

Dumpster enclosure details were not provide for review. Therefore, an additional site plan sheet including the enclosure details will need to be provided for proper review prior to an issuance of a zoning certificate.

A detailed landscaping plan has been provided, which illustrates adequate landscaping. However, consideration should be given to require a revision, which illustrates additional trees along the detention basin and the Liberty Way frontage and a consistent type of "london pear" trees or a consistent alteration of the "sentry ginkgo" tree between the "exclamation london plane" trees along the Cox Road frontage.

Two (2), 11.25 foot high, ground-mounted, monument signs with 42 square feet of display area are proposed along the Cox Road frontage at the north and south portions of the site. One (1), 5.58 foot high, directional monument sign with 11.7 square feet of display area is proposed at the site access way. Trustee Resolution 26-2016 conditioned all signs to be pursuant to the WCTZR, Articles 10 and 20. Therefore, a revised sign detail will need to be provided illustrating the ground signs at a maximum height of ten (10) feet from grade and the directional sign at a maximum of four (4) feet in height from grade and a maximum of six (6) square feet in display area.

### **Action**

The West Chester Township Zoning Commission is to approve, approve with modifications, or deny the submitted Final Development Plan, unless additional information is deemed necessary to make an informed decision.

## Questions

**Applicant**                    **Bayer Becker**  
**6500 Tylersville Rd**  
**Mason OH 45040**

I am the Civil Engineer for this site plus the existing Holiday Inn Express to the north. So I've been involved with this since the beginning. We more or less agree with staff's recommendation. We will work with the FD to gain acceptable access road for emergency purposes. I will work with both developments to put in an easement to satisfy that condition. I will work with the BCEO to address comments regarding the storm water and will work with Water & Sewer to address the sanitary issues. I don't think we have any objections to the signage, landscaping.

## **Proponents**

## **Opponents**

## **Neutral**

## Deliberations

Mr. Stoker – I think the project is fine. As long as they come back with the modifications as required for landscaping and signage, I have no objections to it at all.

Mr. Hahn – I agree

Mr. Fisher – I agree

Mr. Rinnert – I have no problems with it

Mr. Williams – Good to go. Staff laid it out well.

**Mr. Hahn made a motion to approve Case # – FDP 10-17-B The Fields, Lot 1; Hyatt House. Mr. Rinnert seconds the motion.**

**Aye: Mr. Stoker, Mr. Rinnert, Mr. Williams, Mr. Hahn, Mr. Fisher**

**Nay:**

**Motion carries 5 – 0**

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**Administrative Business:**


The next meeting is December 18, 2017 @ 6:30 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 9:15 p.m.

Chairman:

Secretary:

  
\_\_\_\_\_  
James Hahn

  
\_\_\_\_\_  
Timothy Dawson



**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 17-19  
POWELL PROPERTY; HEARTH-STONE – ZMA 04-17 (A-1 to R-PUD)**

**WHEREAS**, on October 17, 2017, Bob Hutsenpiller, Hutsenpiller Contractors submitted an application requesting a Zoning Map Amendment from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development District) and a Preliminary Development Plan for thirty-nine (39), independent, senior living units on approximately 6.73 acres (5.8 units/ acre); and,

**WHEREAS**, on November 15, 2017, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

**WHEREAS**, on November 20, 2017, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

**NOW THEREFORE BE IT RESOLVED**, that on the basis of the above actions and findings, the West Chester Township Zoning Commission does hereby recommend approval of the aforesaid application as submitted with the following conditions:

- 1.) The property owner shall be compliant with all State and Federal law for the residential use of the property in order to be restricted to an age range of fifty (55) years and older.
- 2.) All recommendations of the traffic analysis and requirements of West Chester Township (WCT), in coordination with the Butler County Engineer's Office (BCEO), shall be incorporated into the FDP.
- 3.) All public right-of-way dedications shall be dedicated as required by the Butler County Thoroughfare Plan and shall be shown on the FDP and prior to the issuance of a zoning certificate and record plat of survey prior to final zoning inspection.
- 4.) Detailed grading plans and stormwater drainage plans and calculations shall be provided at the FDP stage and shall meet all requirements of WCT and all other applicable reviewing agencies.
- 5.) The existing water main location shall be illustrated on the FDP in the correct location, which is on the east side of Cincinnati-Dayton Road, as required by the Butler County Water and Sewer Department (BCWSD).
- 6.) All water main connections, including looping through the site, existing sanitary sewers, and sewer connections and extensions shall meet all BCWSD requirements at the FDP stage.
- 7.) All access ways and internal roadways; connections and locations of fire hydrants; fire lane signage; and all other applicable building and fire codes shall be coordinated with the West Chester Township Fire Department (WCTFD) and shall be incorporated into the FDP to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.

- 8.) Additional roadway shall be illustrated on the FDP, extending from the site access road and stubbed to adjacent parcels M5620126000005 and M5610024000040. An accompanying, draft easement agreement, providing legal access to the adjacent properties to the north and south shall be provided to the WCTCDD for approval at the FDP stage and shall then be recorded prior to a final zoning inspection.
- 9.) Additional five (5) foot wide concrete sidewalk shall be illustrated on the FDP along both sides of the northernmost internal roads, extending from the site access road and stubbed to adjacent parcel M5610024000046 and along the Cincinnati-Dayton Road frontage. An accompanying, draft public use easement agreement for the portion of sidewalk along the Cincinnati-Dayton Road frontage shall be provided to the WCTCDD for approval at the FDP stage and shall then be recorded prior a final zoning inspection.
- 10.) Any dumpster locations and dumpster enclosure details shall be provided at the FDP stage. The enclosures shall be pursuant to the West Chester Township Zoning Resolution (WCTZR), Articles 10.031 and 20.043. The enclosure(s) shall be consistent with the high-quality, masonry building materials of the principle building. Dumpster enclosure(s) shall be located in a manner to reduce detrimental impacts to the adjacent residences.
- 11.) Trash pick-up from any dumpster shall occur between the hours of 7:00 a.m. and 7:00 p.m. to reduce detrimental impacts to adjoining or close proximity residential subdivisions.
- 12.) Detailed floor plans, which demonstrate a single-story layout, unit-layout, and unit mix and a detailed description of high-quality interior finishes that are geared toward a 55 years and older age range shall be provided at the FDP stage.
- 13.) Building elevations shall be provided at the FDP stage, which shall demonstrate a residential character, which includes a pitched roof design and a minimum of fifty percent, high-quality masonry building materials (brick, stone, etc.) are being utilized throughout the buildings.
- 14.) A photometric analysis shall be provided at the FDP stage that demonstrates .02 foot candle levels along the adjoining residential subdivision(s).
- 15.) Light locations and light fixture details shall be provided at the FDP stage to ensure a design that minimizes glare and light spillover onto the adjacent residential subdivision(s).
- 16.) A tree preservation plan, which shall illustrate the removal of any existing trees or vegetation, shall be provided at the FDP stage to ensure adequate landscaping is provided to buffer and screen the site.
- 17.) A detailed landscaping plan shall be provided at the FDP stage, which shall illustrate adequate berming and an adequate quantity, size, and spacing of evergreen shrubs along the hammerhead turnarounds and evergreen trees along the south and east property lines to supplement the existing, deciduous tree line and vegetation.

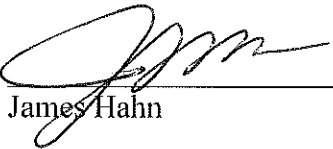
- 18.) All signs shall be pursuant to the West Chester Township Zoning Resolution, Articles 10 and 11, excluding the location. All ground-mounted sign locations shall be approved at the FDP stage.
- 19.) All sign structures shall be consistent with the masonry building materials utilized on the residential buildings.
- 20.) The property owner shall be responsible for keeping all common features and elements well maintained and free from trash and litter; maintaining all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well maintained in good condition and all major landscaping shall be irrigated with a permanent system prior to the issuance of a zoning certificate.
- 21.) All comments from other agencies shall be adequately addressed to the satisfaction of the reviewing agencies and WCT during the FDP and zoning certificate approval process.

**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval. This action shall take effect this 20<sup>th</sup> day of November 2017.

West Chester Township  
Butler County

Chairman:

Secretary:

  
James Hahn

  
Timothy Dawson  
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 17-20  
WETHERINGTON; RUTHMAN COMPANIES OFFICE - RPDP (10-17-A)**

**WHEREAS**, on February 9, 1993, the West Chester Township Board of Trustees approved a Zoning Map Amendment from R-1 (Suburban Residence District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (93-08), which included two lots containing a 3,025 square foot bank and a 7,289 square foot daycare center (subject site) on approximately 2.92 acres; and,

**WHEREAS**, on November 21, 1994, the West Chester Township Zoning Commission approved a Final Development Plan (94-34) for a 7,289 square foot daycare center on an approximately 1.02 acres; and,

**WHEREAS**, on September 16, 1996, the West Chester Township Zoning Commission approved a Revised Final Development Plan (96-27) for three (3), twenty-two (22) foot high, outdoor lighting devices for the previously approved daycare center; and,

**WHEREAS**, on October 16, 2006, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan (06-42) for a change of use from a 3,025 square foot bank to a 9,800 square foot medical office use on approximately 1.9 acres; and,

**WHEREAS**, on October 17, 2017, Springhouse Architects, on behalf of Ruthman Companies, submitted an application requesting a Revised Preliminary Development Plan approval for a change of use from a daycare center to an office use and an addition to the building for a total of 8,138 square feet on approximately 1.02; and,

**WHEREAS**, on November 20, 2017, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

**NOW, THEREFORE BE IT RESOLVED**, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve the aforesaid application as submitted with the following conditions:

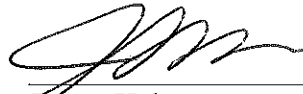
- 1.) The current approval shall only grant changes to the specified permitted uses of the Wetherington C-PUD District and the subject site's development plan. The Wetherington C-PUD District shall otherwise remain subject to the conditions as previously and last approved.
- 2.) The permitted uses within the Wetherington C-PUD District shall include the Principal Permitted Uses of the West Chester Township Zoning Resolution's (WCTZR) O-1, O-2, and B-1, Districts, excluding Articles 18.024, 18.025, 18.026, 18.028, 19.025, 21.025, 21.027, and 21.0291.
- 3.) The previously approved and existing stormwater drainage facilities and patterns shall be maintained.

- 4.) A five (5) foot wide, concrete sidewalk shall be illustrated on the FDP along the Tylersville Road frontage, which connects the two (2), existing sidewalks located on both adjacent parcels. The layout and design shall be approved at the FDP stage.
- 5.) Detailed floor plans and building elevations shall be provided at the FDP stage. The exterior building elevations shall demonstrate a minimum of fifty percent high-quality, modern architectural design building materials (metals, glass, brick, stone, masonry, etc.) are being utilized throughout the site.
- 6.) A detailed landscaping plan shall be provided and approved at the FDP. The landscaping plan shall illustrate adequate screening elements along the dumpster enclosure; along the northeast property lines; and any additional landscaping to screen the parking areas along the Tylersville Road frontage.
- 7.) A detailed sign plan shall be provided at the FDP stage. All signs shall be pursuant to the WCTZR, Articles 10 and 17, excluding the location of a ground sign. All ground-mounted sign locations shall be approved at the FDP stage.
- 8.) Internally-illuminated building signs shall be prohibited on the north and east exterior, building walls.
- 9.) The property owner or a recorded property owners association shall be responsible for keeping all common features and elements well maintained and free from trash and litter; maintaining all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well maintained in good condition and all major landscaping shall be irrigated with a permanent system prior to the issuance of a zoning certificate.


**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval. This action shall take effect this 20<sup>th</sup> day of November 2017.

West Chester Township  
Butler County

Chairman:

  
\_\_\_\_\_  
James Hahn

Secretary:

  
\_\_\_\_\_  
Timothy Dawson,  
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 17-21  
ANTHEM HOUSE CHURCH (MC 05-17)**

**WHEREAS**, on June 9th, 2015, The West Chester Township Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to an R-PUD (Residential Planned Unit Development District) and a Preliminary Development Plan for ten (10) single-family residential lots and two (2) open space lots on approximately 5.41 acres; and,

**WHEREAS**, on October 17, 2017, Alton Alexander, on behalf of Anthem House Church, submitted an application requesting a Major Change to the Lexie's Place R-PUD and Preliminary Development Plan approval for a 7,217 square foot, 188 member church on approximately 5.41 acres; and,

**WHEREAS**, on November 15, 2017, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

**WHEREAS**, on November 20, 2017, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

**NOW THEREFORE BE IT RESOLVED**, that on the basis of the above actions and findings, the West Chester Township Zoning Commission does hereby recommend approval the aforesaid application with the following conditions:

- 1.) The permitted uses shall only include the principle use of a church and accessory uses, which include the following:
  - a.) A principle church facility, including worship services;
  - b.) "Sunday school" education only, which excludes public/private elementary schools, high schools, and universities; and
  - c.) Staff and member activities, which include in-door recreation.
- 2.) All public right-of-way dedications shall be dedicated as required by the Butler County Thoroughfare Plan and shall be shown on the Final Development Plan (FDP) and prior to the issuance of a zoning certificate and record plat of survey prior to final zoning inspection.
- 3.) All recommendations of the Butler County Access Management Regulations, including the alignment of the site access way with Fox Plum Drive, and requirements of West Chester Township (WCT), in coordination with the Butler County Engineer's Office (BCEO) shall be incorporated into the FDP.
- 4.) All recommendations of the traffic analysis and requirements of West Chester Township (WCT), in coordination with the Butler County Engineer's Office (BCEO) shall be incorporated into the FDP.

- 5.) It shall be the responsibility of the property owner to coordinate with the West Chester Township Community Development Department (WCTCDD) and the West Chester Township Police Department in order to make the appropriate accommodations for high traffic volume times and during major events, to include the following:
  - a.) Provide additional personnel and resources to facilitate movement of on-site traffic movement and parking during Sundays;
  - b.) Provide off-duty law enforcement to facilitate traffic movement and access to the site from the Cincinnati-Dayton Road public right-of-way during major events;
  - c.) Provide for off-duty law enforcement to facilitate traffic movement and access to the site from the Cincinnati-Dayton Road public right-of-way during Sundays, at which time deemed necessary by WCT agencies; and
  - d.) All parking in connection with the site shall be contained within the site.
- 6.) All access ways and internal roadways; connections and locations of fire hydrants; fire lane signage; and all other applicable building and fire codes shall be coordinated with the West Chester Township Fire Department (WCTFD) and shall be incorporated into the FDP to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.
- 7.) Detailed grading plans and stormwater drainage plans and calculations shall be provided at the FDP stage and shall meet all requirements of WCT and all other applicable reviewing agencies.
- 8.) The stormwater detention area shall be coordinated with WCT and all other applicable reviewing agencies and incorporated into the FDP in order to ensure the optimum, which minimizes encroachment into the existing, mature tree-line located along the northwest portion of the site.
- 9.) A thirty (30) foot wide, sanitary sewer easement and a twenty (20) foot wide, construction easement, a combined fifty (50) easement, shall be illustrated on the FDP as required by the Butler County Water and Sewer Department (BCWSD). An accompanying, draft easement agreement shall be coordinated with the BCWSD at the FDP stage. The easement shall also be illustrated on the record plat of survey and the easement agreement shall be recorded prior to a final zoning inspection.
- 10.) All sanitary sewer lines and easements shall be coordinated with WCT and all other applicable reviewing agencies and incorporated into the FDP in order to ensure the optimum location within the site and public right-of-way.
- 11.) The location of the parking area shall be coordinated with WCT and all other applicable reviewing agencies at the FDP stage in order to ensure an adequate distance between the parking area and the required public right-of-way dedication.

- 12.) Additional roadway shall be illustrated on the FDP, extending from the easternmost drive aisle within the parking area and stubbed to the site's north and south property lines. A vehicular cross-access easement shall be illustrated on the FDP along the cross-access roadway. An accompanying, draft easement agreement, providing legal access to the adjacent properties to the north and south shall be provided to the WCTCDD for approval at the FDP stage and shall then be recorded prior to a final zoning inspection.
- 13.) A five (5) foot wide concrete sidewalk shall be illustrated on the FDP along the Cincinnati-Dayton Road frontage and adequate locations connecting the parking area with the building entryways. An accompanying, draft public use easement agreement for the portion of sidewalk along the Cincinnati-Dayton Road frontage shall be provided to the WCTCDD for approval at the FDP stage and shall then be recorded prior a final zoning inspection.
- 14.) Any dumpster and donation box locations and dumpster enclosure details shall be provided at the FDP stage. The enclosures shall be pursuant to the West Chester Township Zoning Resolution (WCTZR), Articles 10.031 and 20.043.
- 15.) The dumpster enclosure(s) shall be consistent with the high-quality, masonry building materials of the principle building.
- 16.) Dumpster and donation boxes shall be located within close proximity to the south side of the building, in a manner to reduce detrimental impacts to the adjacent residences.
- 17.) Trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m. to reduce detrimental impacts to adjoining or close proximity residential subdivisions.
- 18.) Detailed floor plans and building elevations shall be provided at each FDP stage. The exterior building elevations shall demonstrate high-quality, masonry building materials (textured concrete, brick, stone, etc.) are being utilized throughout the site.
- 19.) A photometric analysis shall be provided at the FDP stage that demonstrates .02 foot candle levels along all of the site's property lines.
- 20.) Light locations and light fixture details shall be provided at the FDP stage to ensure a design that minimizes glare and light spillover onto the adjacent residential subdivisions.
- 21.) A tree preservation plan, which shall illustrate the removal of any existing trees or vegetation, shall be provided at the FDP stage to ensure adequate landscaping is provided to buffer and screen the site.
- 22.) A detailed landscaping plan shall be provided at the FDP stage, which shall illustrate an adequate quantity, size, and spacing of the following:
  - a.) Street trees along the Cincinnati-Dayton Road frontage;
  - b.) Evergreen shrubs along the southeast side of the parking area;
  - c.) Landscape islands containing deciduous trees within the parking area;



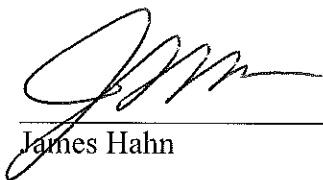
- d.) Berming and screening with evergreen trees along the south and north property lines; and
  - e.) Evergreen trees to replace any removal of the existing vegetation due to the construction of the sanitary sewer line.
- 23.) All signs shall be pursuant to the West Chester Township Zoning Resolution, Article 11.083.
- 24.) All sign structures shall be consistent with the masonry building materials of the principle building.
- 25.) The property owner shall be responsible for keeping all common features and elements well maintained and free from trash and litter; maintaining all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well maintained in good condition and all major landscaping shall be irrigated with a permanent system prior to the issuance of a zoning certificate.
- 26.) All comments from other agencies shall be adequately addressed to the satisfaction of the reviewing agencies and WCT during the FDP and zoning certificate approval process.

**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval. This action shall take effect this 20<sup>th</sup> day of November 2017.

West Chester Township  
Butler County

Chairman:

Secretary:

  
\_\_\_\_\_  
James Hahn

  
\_\_\_\_\_  
Timothy Dawson  
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 17-22  
8825 CINCINNATI-DAYTON ROAD - OWC-RCO 189**

**WHEREAS**, on January 11, 2012, the Olde West Chester Architectural Advisory Committee recommended approval for a Major Architectural Modification (OWAAC 12-01), in conjunction with an application for a Major Use Change for a hair salon on approximately .79 acres; and,

**WHEREAS**, on January 23, 2012, the West Chester Township Zoning Commission approved a Major Use Change for a hair salon and a Major Architectural Modification, in concurrence with the recommendation of approval of the Olde West Chester Architectural Advisory Committee (12-01); and,

**WHEREAS**, on October 17, 2017, Tonia Wheeler, Daisy's Way LLC., submitted an application for a Major Use Change for a kennel (luxury, dog daycare and hotel), in conjunction with a Major Architectural Modification, which included various modifications to the site, buildings, and ground sign; and,

**WHEREAS**, on November 1, 2017, the Olde West Chester Architectural Advisory Committee conducted a public hearing for the aforesaid application for a Major Architectural Modification and recommended approval with conditions; and,

**WHEREAS**, on November 20, 2017, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid applications for a Major Use Change and Major Architectural Modification.

**NOW, THEREFORE BE IT RESOLVED**, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve the aforesaid applications with modifications to the recommendation of the Olde West Chester Architectural Advisory Committee with the following conditions:

- 1.) A revised site plan shall be submitted to the West Chester Township Community Development Department (WCTCDD) staff within 30 days with the following included:
  - a.) The privacy fence shall be illustrated as extending from the east side of the easternmost door on the south building wall and along the remaining perimeter of the rear yard connecting to the accessory building; and
  - b.) Additional evergreen landscaping shall be installed on the east side, in front, of the privacy fence located in the south side yard, which adequately screens the fence from the public right-of-way.
- 2.) The permitted use shall be granted for the principle building and only between the hours of 7:00 a.m. and 7:00 p.m. within the accessory building and yard to reduce detrimental impacts to adjoining or close proximity residential subdivisions.
- 3.) The current approval shall remain subject to the previously and last approved Zoning Commission Resolution 12-01, Conditions #4 and #5 (Case #OWC-RCO 186) in regard to the site's access and cross-access.

- 4.) At which time Condition #1 of this Resolution is required to be met by the property owner, the parking lot shall be redesigned to provide a minimum of seven (7) parking spaces, subject to the West Chester Township Zoning Resolution, Articles 10.171 and 10.172, in addition to providing a minimum of a twenty (20) foot drive aisle for an adequate maneuverability area. Staff shall be authorized to approve the final parking lot layout with the aforementioned, minimum requirements.
- 5.) The principle building roof materials shall be permitted to be replaced. Dimensional shingles shall be installed along the peak and a "Flintlastic" roofing membrane shall be installed along the low-slope portions of the roof. The roofing materials shall be a shade of brown in color and consistent with each other.
- 6.) Two (2) doors shall be permitted to replace the existing windows on the south building wall of the principle building. The doors shall match the existing doors of the principle building in regard to shape, configuration, material, and color.
- 7.) A four (4) foot high with four (4) inch spaced balusters, vinyl railing enclosure of the front porch shall be permitted to be installed. The railing shall be white in color and complimentary to all accent colors and the primary color of the principle building.
- 8.) The decking and stairs of the attached deck in the rear yard shall be permitted to be replaced and two (2) gates shall be permitted to be installed along the entrances to the deck's stairs and the ADA accessible ramp. The decking, stairs, and gates shall match the existing decking and stairs in regard to shape, configuration, material, and color and the height of the gates shall match the height of the existing railings.
- 9.) The two (2), existing, accessory buildings shall be permitted to be repainted with a color matching the primary color of the principle building.
- 10.) Four (4) windows shall be permitted to be installed on the north building wall of the easternmost accessory building, as illustrated on the site plan. The window trim shall match the existing window trim shape, configuration, material, and color.
- 11.) A six (6) foot high, wood-grain textured, vinyl privacy fence shall be permitted to be installed. The exterior of the fence shall be an almond shade of color and complimentary to the primary color of the principle building.
- 12.) The display area portion of the existing, ground sign shall be the only part of the sign permitted to be replaced per the provided signage details. The display area shall consist of wood material and a sandblasted design.
- 13.) The WCTCDD staff shall be authorized to approve a relocation of the existing, ground sign structure in coordination with the Butler County Engineer's Office planned road widening of Cincinnati-Dayton Road to occur in 2018.
- 14.) The existing landscaping and the twelve (12), evergreen trees illustrated on the site plan along the southeastern-most property line shall be preserved, until which time Condition #1 of this

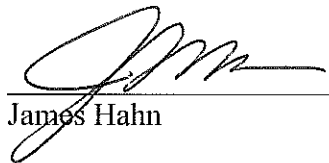
Resolution is required to be met. Any landscaping removed or relocated due to the requirements of Condition #1 shall be subject to approval by the WCTCDD staff.

- 15.) The property owner shall be responsible for keeping all common features and elements well maintained and free from animal excrement; objectionable odors; trash and litter; maintaining all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well maintained in good condition.
- 16.) The WCTCDD staff shall be authorized to approve minimal revisions to the approved site plan and architectural modifications. Any changes to the plan that are required by other reviewing agencies shall be subject to approval by the WCTCDD staff.

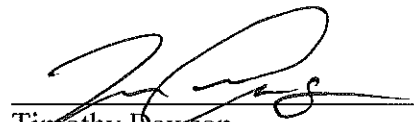
**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval. This action shall take effect this 20<sup>th</sup> day of November 2017.

West Chester Township  
Butler County

Chairman:

  
James Hahn

Secretary:

  
Timothy Dawson,  
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 17-23  
THE FIELDS AT LIBERTY WAY; LOT 1; HYATT HOUSE - FDP**

**WHEREAS**, on September 13, 2016, the West Chester Township Board of Trustees approved a Zoning Map Amendment from M-1 (Light Industrial District) and A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (26-2016) for a four-story, extended-stay hotel on Lot 1, a five-story hotel on Lot 2, and 90,000 square feet of future development on approximately 13.35 acres; and,

**WHEREAS**, on October 17, 2016, the West Chester Township Zoning Commission approved a Final Development Plan (16-19) on Lot 2 for a five-story, 70,490 square foot., 115 room hotel on approximately 3.5 acres; and,

**WHEREAS**, on October 17, 2017, HH Liberty Way LLC. submitted an application requesting a Final Development Plan approval on Lot 1 for a five-story, 103,711 square foot, 136 room hotel, including a 5,331 square foot retail use (spa) on approximately 4.1 acres; and,

**WHEREAS**, on November 20, 2017, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

**NOW THEREFORE BE IT RESOLVED**, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve the aforesaid application as submitted with the following conditions:


- 1.) Revisions to the Final Development Plan (FDP) shall be submitted to the West Chester Township Community Development Department (WCTCDD) staff and all other applicable reviewing agencies within 30 days with the following included:
  - a.) An additional site plan sheet illustrating the temporary, secondary, site access road, which was approved on the Preliminary Development Plan (PDP) and conditioned with the approval of Trustee Resolution 26-2016;
  - b.) Detailed storm drain pipe sizing calculations and detention basin and water quality volume calculations;
  - c.) A detail of the utilities at the southeast corner of the site illustrated on Sheet C4 of the FDP;
  - d.) A revised grading plan, which illustrates consistency between the building illustrated on the grading plan and the building illustrated on the floor plans;
  - e.) An additional site plan sheet illustrating the dumpster enclosure details;
  - f.) A revised sign plan illustrating the ground signs at a maximum height of ten (10) feet from grade and the directional sign at a maximum of four (4) feet in height from grade and a maximum of six (6) square feet in display area; and

- g.) A revised landscaping plan illustrating additional trees along the detention basin and the Liberty Way frontage and a consistent type of "exclamation london plane" tree or a consistent alteration of the "princeton sentry ginkgo" tree between the "exclamation london plane" trees along the Cox Road frontage.
- 2.) The current approval shall only grant changes to the subject site. The remaining Fields at Liberty Way C-PUD District shall otherwise remain subject to the conditions as previously and last approved (Trustees Resolution 26-2016).
- 3.) A plat of survey illustrating the final design and location of the temporary, secondary site access road shall be recorded as an amendment and supplemental exhibit to the Declaration of Easements (Bk 8986 Pg 1874) and submitted to the WCTCDD prior to a final zoning inspection.
- 4.) All access ways and private, internal roadways; connections and locations of fire hydrants; fire lane signage; and all other applicable building and fire codes shall meet all requirements of the WCTCDD and the West Chester Township Fire Department (WCTFD) prior to the issuance a zoning certificate to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.
- 5.) The property owner or a recorded property owners' association shall be responsible for keeping all common features and elements well maintained and free from trash and litter; maintaining all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well maintained in good condition and all major landscaping shall be irrigated with a permanent system prior to the issuance of a zoning certificate.
- 6.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and West Chester Township at the zoning certificate approval process.
- 7.) The WCTCDD staff shall be authorized to approve minimal revisions to the approved FDP. Any changes to the plan that are required by other reviewing agencies shall be subject to approval by the WCTCDD staff.

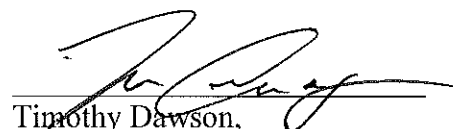
**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval as modified by this resolution. This action shall take effect this 20<sup>th</sup> day of November, 2017.

West Chester Township,  
Butler County, OH

Chairman:

  
James Hahn

Secretary:

  
Timothy Dawson,  
Township Planner