

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
April 16, 2018**

MEMBERS PRESENT: James Hahn, Jim Williams, Larry Whited
Bruce Fisher, Mark Murphy

MEMBERS ABSENT: Doug Rinnert

STAFF PRESENT: Timothy Dawson, Township Planner
Aaron Wiegand, Director
Beverly Worley, Administrative Assistant

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 8:38 p.m.

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

Mr. Hahn welcomed the new board members.

March minutes were approved as written.

Mr. Hahn stated that case # ZMA01-18 The Village North has formally requested a continuance to the May hearing. Mr. Hahn made a motion to accept and it was so moved and accepted.

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

New Business:

FDP03-18-A Wetherington Plaza

The applicant is Roy Meierdeircks on behalf of Gimel Wetherington, LLC. The applicant is requesting approval for a Final Development Plan for a 22,236 s.f., multi-tenant retail center consisting of 10 units of commercial use on 3.33 acres located at 7719 Tyler's Place Blvd.

Mr. Dawson presented the staff report including a PowerPoint presentation, aerials, staff comments, and case history.

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

Mr. Whited – Do I understand you to say that “consideration should be given to allow applications for any future restaurant uses to be reviewed at the staff level”. Is that part of this hearing or is that just a comment?

Mr. Dawson – That would be a recommended consideration for the draft resolution for the current Final Development Plan.

Mr. Whited – That entire development from that point forward?

Mr. Dawson – Yes, so typically any use that’s pending the previous approval that PUD was approved for those commercial uses, those would only require an application for a zoning certificate at staff level.

Applicant **Not present**

Proponent **None**

Opponent **None**

Neutral **None**

Deliberations

Mr. Whited – I see no reason not to approve.

Mr. Williams – Straight-forward.

Mr. Hahn – Yes, very straight-forward. I appreciate the forethought to have these cases resolved at staff level. I believe it is the appropriate way to handle this.

Mr. Williams made a motion to approve Case # – FDP03-18-A Wetherington Plaza with the recommendations and considerations made by staff. Mr. Murphy seconds the motion.

Aye: Mr. Williams, Mr. Hahn, Mr. Fisher, Mr. Murphy, Mr. Whited

Nay:

Motion carries 5 – 0

FDP03-18-B BC-TID; Phase 1, Miscellaneous Improvements

The applicant is Brian Copper with Liberty Way LLC. The applicant is requesting approval for a Final Development Plan for a lot split; a public right of way dedication; and construction of the internal roadway, site utilities, pedestrian facilities, and site grading on 13.3 acres located along Cox Road and Liberty Way.

Mr. Dawson presented the staff report including a PowerPoint presentation, aerials, staff comments, and case history.

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

Mr. Hahn – I guess Butler County will take a look as to whether the entrance into the facility will require a traffic control of some sort on the permanent road?

Mr. Dawson – Yes, the Traffic Impact Study was reviewed at the preliminary stage; they are requiring the dedications for a west bound, right drop lane into the access internal public road. Also an east bound left turn lane and the applicant also asked for a west bound, right in/out, and left in at the future Tri-Health site.

Mr. Hahn – No lighting?

Mr. Dawson – No lighting with this Phase 1 Final Development Plan. Further details of the landscaping, the drainage, parking; those uses will be submitted on subsequent phases of the Final Development Plan.

Applicant **Jose Castrejon**
MSP (representing the developer)
3700 Park 42 Dr
Cincinnati OH 45241

Mr. Dawson did a great job explaining what our plans and goals are for Phase I but one piece of the puzzle that we would like some clarification on is Condition 10; the access on Cox Road. We would like to re-word that to say we could work with Butler County Engineer's Office on the construction access. One of the concerns we have with construction access is how close access would be to Cox Road/Liberty Way intersection because we only have that little triangle piece there; we are concerned with the safety issue. Other than that, we concur with all the other comments associated.

Mr. Whited – What is your projection on the construction phase?

Mr. Castrejon – It will start this summer and continue on and then we'll start putting in the

other pieces of the puzzle as well. We thought we'd construct the road first to accommodate the future medical office building but that will be the next phase. We felt this construction cycle this year would accommodate the road pending weather.

Mr. Whited – So are you suggesting using what will become the road as your access or creating a different road for construction access?

Mr. Castrejon – Our intent would be to use the existing access or accommodate a plan to do maybe.....because we have to bottle some dirt to accommodate the road so we are going to do a balancing act so we to be able to accommodate getting access to the site from the proposed existing access if possible.

Mr. Hahn – How much stream is there? How many feet?

Mr. Castrejon – It's the entire length of this; it's a little bit longer than a 1000'.

Mr. Hahn – Are you changing any of that?

Mr. Castrejon explained what their plans are for the stream area.

Mr. Williams – Are those retention ponds?

Mr. Castrejon said yes they are retention ponds and he explained how they will work.

Proponent **None**

Opponent **None**

Neutral **David Corfman**
7568 Kirkwood Dr

Mr. Corfman was sworn in.

Mr. Corfman stated that according to the plans he saw pedestrian facilities on the road. Is there anything on Liberty Way?

Mr. Dawson reviewed the PDP and pointed out the facilities along both areas.

Deliberations

Mr. Whited – I agree that it doesn't make sense to have construction going in at that intersection; it's not a safe thing. That's a very busy intersection and it's going to get worse and I think letting them go ahead and come in on the proposed road, if that's the solution, I think makes more sense. I think we should add the condition that they keep the roadways clean would be reasonable.

Mr. Williams – The last portion of item 10 does address that so are you saying strike the first sentence in item 10 which is all construction traffic shall access the site from Cox Road.

Mr. Whited – Yes, that's my suggestion. I think it creates a hazard because that's such a small piece; that's right at that red light.

Mr. Williams – Staff, I'm assuming that was written for some consideration and analysis that was conducted by staff?

Mr. Dawson explained the consideration in more detail.

Mr. Murphy – Where the construction area is, can they turn left during a busy time of day? Towards Cox Road

Mr. Dawson – There will be no access proposed for Cox Road. This internal public road will be stopped to the north which is planned to continue further into Liberty Township as future development.

Mr. Hahn – I think it's a good project and will be great for West Chester. It's just a tough site to construct. The biggest problem they are going to be challenged with is their construction traffic. I frequent that road and it's not pretty and I can only imagine these heavy trucks coming in and out of there.

Mr. Whited – Do you think it's safer at the intersection then?

Mr. Hahn – I'm not a traffic engineer and so I think the best thing is for us to change item #10 to read that the applicant can work with a professional traffic engineer for the county and let them find out where is the best place and come back to us to change it if need be.

Mr. Williams read the proposed change to item #10.

Mr. Whited made a motion to approve Case # – FDP03-18-B BC-TID; Phase 1, Miscellaneous Improvements with the recommendations and considerations made by staff and the modification to condition 10 as stated by Mr. Williams. Mr. Murphy seconds the motion.

Aye: Mr. Williams, Mr. Hahn, Mr. Fisher, Mr. Murphy, Mr. Whited

Nay:

Motion carries 5 – 0

FDP03-18-C Bel Haven, Phase 1-3

The applicant is Dave Labus with Bel Haven, LLC. The applicant is requesting approval for a Final Development Plan for Phases 1-3 including 84 single-family residential lots, 1 open space lot, and 1 lot for a clubhouse/pool on 35.8 acres located at the corner of Beckett and Tylersville Roads.

Mr. Dawson presented the staff report including a PowerPoint presentation, aerials, staff comments, and case history.

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

Mr. Williams – I have a question regarding the final connection from Smith Road. You stated the connection from the site to Smith Road will have to be conditioned upon approval of a subsequent FDP.

Mr. Dawson explained the connection.

Mr. Hahn – There was considerable discussion about proper screening for the existing residential homes and there was talk about extending the buffer, correct?

Mr. Dawson explained information from the Preliminary Development Plan to Phase 5 of this development.

Applicant **Dave Labus**
 8000 Park Place Circle

As always, Tim does a great job of presenting the information. We do concur with what has been put in the resolution from the staff comments as well as the various other agencies.

Mr. Labus addressed a couple of issues that have come up: Pedestrian Access and Residential Lot Screening.

Mr. Hahn – Do you know how much green space is remaining?

Mr. Dawson – Within this there will be 11 acres. All four reserves it comes to 32% of phases 1-3. Required amount is 15%.

Proponent **None**

Opponent **Kim Coldwell Downing**
 7855 Hollow Oak Ct

Ms. Downing voiced her concern regarding additional screening in Phase 5 and the light filters.

Neutral **None**

Mr. Hahn – What are the setbacks on this property?

Mr. Dawson stated that it's 30' off the east property line.

Mr. Whited stated that Ms. Downing's issue will be addressed in Phase 5.

Mr. Dawson said we will have Phase 4 then Phase 5; then it will be addressed.

Deliberations

Mr. Williams only concern is that these type of projects take too long between phases

Mr. Whited asked if we have put time limits on construction sites.

Mr. Dawson noted that with each PDP and FDP the applicant provides a phasing and projected construction time-line which is included in the plans. In this case, it's projected as 18 months per phase.

Mr. Hahn addresses Ms. Downing's concern however it's a little premature and we will look at it again when the applicant comes back for Phase 5.

Mr. Whited made a motion to approve Case # – FDP03-18-C Bel Haven, Phase 1-3 with the recommendations and considerations made by staff. Mr. Murphy seconds the motion.

Aye: Mr. Williams, Mr. Hahn, Mr. Fisher, Mr. Murphy, Mr. Whited

Nay:

Motion carries 5 – 0

FDP03-18-D Keefe Property; Tract 3, Phase 1

The applicant is Liberty Way Investments, LLC. The applicant is requesting approval for a Final Development Plan for a four (4) story, 55 unit multi-family residential building, site work for Phases 2 & 3, and the construction of the perimeter buffer areas on 5.7 acres located at Liberty Way and Foster Lane.

Mr. Dawson presented the staff report including a PowerPoint presentation, aerials, staff comments, and case history.

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

Mr. Whited asked for more explanation of the owner-occupied and renter by choice statement.

Mr. Dawson explained that the use was approved as a choice of owner-occupied or renter by choice multi-family unit and stated how they were legally defined. This proposal is for rental units.

Mr. Murphy asked for more clarification of what the Trustees approved.

Applicant **Mitch Fry**
 8796 Kunker Rd
 Morrow OH 45152

We do have a copy of the Trustee approval with us and it was given to us as OR; it was the actual language that was in that. We are upholding are the previous approvals in this submission. While waiting to see additional renderings I brought, I can answer any questions you may have.

Mr. Williams is concerned about the parking. It appears that you dropped the parking ratio and it doesn't seem sufficient.

Mr. Fry stated that we are actually in compliance and have been able to take advantage of some off-street parking. We have found that the 106 ratio is sufficient for the clientele that we have which is why we are asking for that consideration.

Mr. Hahn – how many 1 bedrooms are there?

Mr. Williams says it looks like the majority of them are 2 bedroom units.

Mr. Fry explained the additional renderings that were shown. He stated that we are in support of all of Tim's comments and considerations.

Mr. Whited again questioned the parking and Mr. Fry explained they were in compliance with the 2 to 1 ratio but the consideration will be in the future phase.

Proponent **None**

Opponent **John Cacaro**
 7285 Weatherby Ct

He shared his concerns and frustrations with this project.

Kevin Cox
7353 Preserve Place

Resident and the president of Preserve at Wetherington HOA. We are the community that shares a common property line. I agree with Mr. Cacaro's concerns.

Mr. Cox shared his concerns with this project.

Mr. Murphy asked if there was history of this being a two-story development.

Mr. Dawson stated the Preliminary Development Plan was approved for four-story and explained what was approved in the Preliminary Development Plan.

Mr. Dawson reviewed the case history for the new board members for their understanding of this case.

Neutral **None**

Deliberations

Mr. Williams is of the mindset that they should comply with the 2 parking spaces, it will reduce some of the density which is part of the concern. I also believe that there should be 2 per unit as a guideline.

Mr. Whited read a section of the staff report verifying what is required and what the applicant is requesting.

Mr. Dawson addressed the Board of their previous concerns the building heights, the density, the parking has all been considered in the staff report. The consideration for moving forward with the plans are not at this Final Development Plan stage but moving forward are the original approval was for 104 units and are planning 2 more phases of this, they are now applying for 48 units. At that density for 2 more units it's not going to be consistent with that preliminary plan. Also the parking for 84 parking spaces is not going to be consistent with the 2 parking ratio. That's only a consideration for future phases of this Final Development Plan that you'll consider at that time but for this Final Development Plan stage again, the building heights, the density, and the parking requirements are met at this phase.

Mr. Hahn states he does remember the applicant coming before us with the Preliminary Development Plan saying that they had more dirt than they knew what to do with and there would be significant mounding with trees. Did that extend from the far east to the far west?

Mr. Dawson stated the applicant proposed the same landscaping at the Preliminary stage and this Final Development Plan stage. Mr. Dawson pointed out the landscape plan on the PowerPoint presentation. If Zoning Commission feels the screening need to change that's something you can consider as a modification.

Mr. Whited asked if they have the right to condition the higher berm on the south line.

Mr. Dawson explained that the board has the power to modify the approval of the recommending conditions by staff to modify the height of the berm. You should also consider the engineering and storm drainage to raising those mounds and condition that to be coordinated with the engineer's office, their drainage plan and any surface run-off into those homes along the south property line which can cause additional issues.

The applicant should address the residents' concerns presented here tonight prior to making a modification to the condition.

Mr. Dawson referred to the PowerPoint presentation of the proposed tree line / berm. The applicant also provided a detailed plan schedule so you can see the species of the trees.

Mr. Williams stated that just like staff said if we start changing the design it impacts storm water run-off, it can create more problems. I don't feel comfortable in approving this as it is today because we feel the screening is inadequate and I would restrict the parking to 2 spaces per unit going forward. So that would reduce the amount of space for buildings.

Mr. Dawson addressed Mr. William's concerns. The applicant is consistent with the Preliminary Development Plan with this Final Development Plan. I'm aware of your concerns. That could be addressed at future phasing Final Development Plan's. Addressing Mr. Hahn's concern, the Zoning Commission could make a motion to continue due to a lack of information at this time to reach a decision or motion to make a decision. That is an option available for you as well.

Mr. Dawson offered to open the floor back up to the applicant to address the concerns.

Applicant is asked to come forward.

Applicant **Yaromir Steiner**
 4056 Chelsea Green
 New Albany OH 43054

Everything we have done/built has been based on what has been approved in the past. We have been very straight-forward and honest with all the residents.

The Board went back into deliberations.

Mr. Dawson explained that we do a final inspection on the Final Development Plan. Be assured staff will conduct those inspections based on the Final Development Plan's submitted.

Mr. Williams made a motion to approve Case # – FDP03-18-D Keefe Property; Tract 3, Phase 1 with the recommendations and considerations made by staff. Mr. Murphy seconds the motion.

Aye: Mr. Williams, Mr. Hahn, Mr. Murphy, Mr. Whited

Nay: Mr. Fisher

Motion carries 4 – 1

Administrative Business:

The next meeting is May 21, 2018 @ 6:30 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 8:38 p.m.

These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must be prepaid.

Chairman:

Secretary:



James Hahn



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 18-5
WETHERINGTON PLAZA, FDP (03-18-A)**

WHEREAS, on March 23, 1989, the Butler County Board of Commissioners approved a R-PUD (Residential Planned Unit Development) District and a Preliminary Development Plan for a planned residential/ golf course community, which included a portion of the site designated as neighborhood commercial uses, on approximately 332.6 acres; and,

WHEREAS, on June 19, 1995, the West Chester Township Zoning Commission approved a Preliminary Development Plan (95-20) for a multi-tenant retail center located within the Wetherington R-PUD at the northwest corner of the Tylers Corner and Tylers Place Boulevard intersection on approximately 3.3 acres; and,

WHEREAS, on August 16, 2004, West Chester Township Zoning Commission approved a Final Development Plan (95-26) for a 22,567 square foot, multi-tenant building consisting of retail and restaurant uses; and,

WHEREAS, on March 1, 2018, Roy Meierdiercks, on behalf of Gimel Wetherington, LLC., submitted an application requesting a Final Development Plan approval for a new restaurant use (Nanak India), which requires a Final Development Plan approval due to a previous condition of approval; and,

WHEREAS, on April 16, 2018, 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 be granted for the designated uses and corresponding tenant space areas and the required parking. The Wetherington Plaza C-PUD shall otherwise remain subject to the conditions as previously and last approved (ZC Resolution 95-20).
- 2.) All future applications for a zoning certificate in regard to a change of use shall be determined by West Chester Township Community Development Department (WCTCDD) staff to be a major change of use, which shall then require an application to the West Chester Township Zoning Commission for a Revised Final Development Plan.
- 3.) The applicant shall coordinate with the Butler County Water and Sewer Department (BCWSD) in regard to the requirement of an oil and grease interceptor.
- 4.) 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.

- 5.) 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 approval. This action shall take effect this 16th day of April 2018.


West Chester Township
Butler County

Chairman:



James Hahn

Secretary:



Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 18-6
BC TID AT LIBERTY WAY; PHASE 1; MISCELLANIOUS IMPROVEMENTS, FDP
(03-18-B)**

WHEREAS, on August 22, 2017, The West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (24-2017) for a mix of uses, including a two-story, 50,000 square foot medical office; a two-story, 45,000 square foot medical office; a four-story, 60,000 square foot, 101 room hotel; and a one-story, 8,360 square foot, multi-tenant building consisting of retail/ restaurant uses on approximately 14.8 acres; and,

WHEREAS, on March 13, 2018, Brian Copfer, on behalf of Liberty Way Cincy, LLC., submitted an application requesting a Final Development Plan approval for a lot split and a public right-of-way dedication for the construction of an internal, public roadway, site utilities, pedestrian facilities, and site grading on approximately 14.8 acres; and,

WHEREAS, on April 16, 2018, 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.) All subsequent Final Development Plan applications shall otherwise remain subject to the conditions as previously and last approved (Trustee Resolution 24-2017).
- 2.) The civil engineering plans shall be coordinated with the Butler County Engineer's Office (BCEO) and West Chester Township (WCT) and all comments shall be adequately addressed prior to the issuance of a zoning certificate.
- 3.) All internal, public roadways shall be coordinated and constructed as required by the BCEO and WCT standards for public roads. Additionally, parking shall be prohibited on all public roadways during snow events.
- 4.) All access ways and internal roadways; connections and locations of fire hydrants; and all other applicable building and fire codes shall meet all West Chester Township Fire Department (WCTFD) and West Chester Township Community Development Department (WCTCDD) requirements prior to the issuance of a zoning certificate to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.
- 5.) All water and sanitary sewer plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) in regard to the preliminary subdivision plat submitted to Butler County prior to the issuance of a zoning certificate.

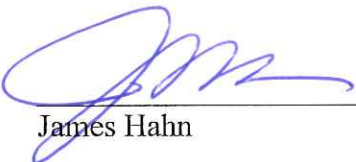
- 6.) The sidewalks shall be constructed to Butler County Engineer Standards, with regard to materials and compaction.
- 7.) The property owner or a recorded property owners' association shall be responsible for keeping all common features and elements well-maintained and free from trash and litter; 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 a final zoning inspection.
- 8.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 9.) 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.
- 10.) The access and all traffic for construction of the site, to ensure all safety and traffic control requirements, and a temporary construction road and vehicle staging area, which shall be designed to support all construction traffic in all weather conditions, shall be coordinated with the BCEO and WCT prior to the issuance of a zoning certificate. All roadways to access the site shall be maintained free of any dirt, debris, dust, etc. due to the construction of the site.

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 16th day of April, 2018.

West Chester Township,
Butler County, OH

Chairman:

Secretary:


James Hahn


Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 18-7
BEL HAVEN; PHASES 1-3, FDP (03-18-C)**

WHEREAS, on October 24, 2017 the West Chester Township Board of Trustees approved a Zoning Map Amendment from R-1A (Suburban Residence District) to R-PUD (Residential Planned Unit Development District) and a Preliminary Development Plan (29-2017) for 176 single-family residential lots, one (1) lot designated for the construction of a clubhouse, pool, and parking area, and one (1) open space lot designated as potential, future development on approximately 75.02 acres; and,

WHEREAS, on March 13, 2018, Bel Haven LLC. submitted an application requesting a Final Development Plan approval for Phases 1-3, consisting of eighty-four (84) single-family residential lots, one (1) lot designated for the construction of a clubhouse, pool, and parking area, and four (4) open space lots on approximately 35.8 acres; and,

WHEREAS, on April 16, 2018, 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 approve the aforesaid application with the following conditions:

- 1.) The civil engineering plans shall be coordinated with the Butler County Engineer's Office (BCEO) and West Chester Township (WCT) and all comments shall be adequately addressed prior to the issuance of a zoning certificate.
- 2.) All internal, public roadways shall be coordinated and constructed as required by the BCEO and WCT standards for public roads. Additionally, parking shall be prohibited on all public roadways during snow events.
- 3.) All access ways and internal roadways; connections and locations of fire hydrants; and all other applicable building and fire codes shall meet all West Chester Township Fire Department (WCTFD) and West Chester Township Community Development Department (WCTCDD) requirements prior to the issuance of a zoning certificate to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.
- 4.) All street names shall be approved by the WCTFD prior to the issuance of a zoning certificate.
- 5.) All water and sanitary sewer plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) in regard to the preliminary subdivision plat submitted to Butler County prior to the issuance of a zoning certificate.
- 6.) The sidewalks shall be constructed to Butler County Engineer standards, with regard to materials and compaction.

- 7.) Building setbacks shall be approved as labeled in the "Site Data" table, "Yard Requirements" on the Final Development Plan (FDP), Sheet 3.
- 8.) All additions, as stated in the "Site Data" table, "Setback Notes" on the FDP, Sheet 3 shall be allowed to encroach five (5) feet into the building setbacks.
- 9.) Any building elevations that are highly visible from Beckett Road, Tylersville Road or the internal, public roads shall contain a minimum of 50% high-quality, building materials (brick, stone, masonry, etc.), unless another means of screening and/or elevation upgrade is determined to be acceptable by staff at the time of permitting as long as the intent to the overall design is being met.
- 10.) All street trees shall be reviewed and approved by the West Chester Community Services Department prior to the issuance of a zoning certificate to ensure that the species being used do not cause maintenance and services issues with the roadway maintenance.
- 11.) Two (2) subdivision identification signs shall be permitted at the locations illustrated on the FDP, on both sides of Bel Haven Way South, at the proposed height of five (5) feet from grade, and a thirty (30) square foot display area.
- 12.) One (1), six (6) foot high, ground sign, which identifies the clubhouse with a seven and a half (7.5) square foot display area shall be permitted at the location illustrated on the FDP.
- 13.) Two (2), ten (10) foot high temporary, real estate sign with a thirty-two (32) square foot display area shall be permitted at the locations illustrated on the FDP and in accordance with "Note A" on Sheet 3.
- 14.) The approved Bel Haven Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE), which also establishes the home owners' association (HOA), shall be recorded prior to a final zoning inspection for any building in Phases 1-3. The recorded Declaration shall include the approved preliminary plat and the Phases 1-3 FDP as exhibits. All subsequently approved FDP phases shall be recorded as a supplemental exhibit to amend the DCCRRE. A copy of the final, recorded DCCRRE containing all exhibits and lot numbers for the entire site shall then be provided to the WCTCDD for the case file records.
- 15.) All open space areas (reserves) shall be designated as such on the recorded subdivision plat.
- 16.) The property owner or a recorded DCCRRE/ HOA shall be responsible for keeping all non-standard street signs and all other 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.
- 17.) The major landscaping areas, to include the landscaping surrounding the base of the subdivision identification signs and the landscaping beds within the clubhouse lot, shall be irrigated with a permanent system prior to the issuance of a zoning certificate.

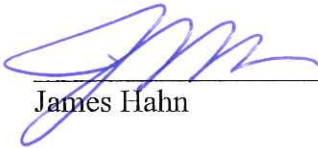
- 18.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and West Chester Township at the zoning certificate approval process.
- 19.) The WCTCDD staff shall be authorized to approve minimal revisions to the approved FDP. Any changes to the plan that are required by other reviewing agencies shall be subject to approval by the WCTCDD staff.
- 20.) All construction traffic shall access the site from Beckett Road. A temporary construction road and vehicle staging area shall be coordinated with the BCEO and WCT prior to the issuance of a zoning certificate, which shall be designed to support all construction traffic in all weather conditions. All roadways to access the site shall be maintained free of any dirt, debris, dust, etc. due to the construction of the site.

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 16th day of April, 2018.

West Chester Township,
Butler County, OH

Chairman:

Secretary:



James Hahn



Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 18-8
KEEFE PROPERTY; TRACT 3; PHASE 1, FDP (03-18-D)**

WHEREAS, on March 9, 2004, the West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan (16-2004) that established the permitted uses and the access points to the site, including the extension of Tylers Place Boulevard to Hamilton-Mason Road (now Liberty Way) on approximately 47.82 acres; and,

WHEREAS, on May 17, 2004, the West Chester Township Zoning Commission approved a Final Development Plan (04-22), which included the Tylers Place Boulevard extension, the Preserve Place Road section, and open space improvements inside the C-PUD boundary; and,

WHEREAS, on July 21, 2014, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan (14-15), which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements. Additionally, the preliminary layout of Lot 3 was provided for Cabela's as the proposed use; and,

WHEREAS, on August 18, 2014, the West Chester Township Zoning Commission approved a Final Development Plan for Tract 1 of the C-PUD (14-17), which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements and the construction of a 75,330 square foot Cabela's on Lot 3 of Tract 1; and,

WHEREAS, on February 9, 2016, the West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District) to SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan (04-2016) for Tracts 2 and 3, which included a mixed-use development of retail, restaurant, office, and residential uses on 18.15 acres; and,

WHEREAS, on October 17, 2016, the West Chester Township Zoning Commission approved a Final Development Plan for Phase 1 of Tracts 2 and 3 (16-18) for construction of the site, to include site grading, utilities, a stormwater retention area, Taylor Street, Private Street A, and Private Street B and the construction of sidewalks, street lighting, and landscaping along Taylor Street Private Street A, and Private Street B; and,

WHEREAS, on June 19, 2017, the West Chester Township Zoning Commission approved a Final Development Plan for Phase 2 of Tracts 2 and 3 (17-12) for construction of the site, to include further site grading and utilities, a privacy fence, and initial landscaping within the landscape buffers along the south and west property lines; construction of Taylor Street, Private Street A, and Private Street B and the sidewalks; construction of street lighting and landscaping along Taylor Street, Private Street A, and Private Street B; and construction of sidewalks, fencing, and landscaping, along Liberty Way/ Hamilton-Mason Road; and,

WHEREAS, on March 13, 2018, Liberty Way Investments, LLC. submitted an application requesting a Final Development Plan approval for Phase 1 of Tract 3 for a four-story, fifty-five (55) unit, 87,352 square foot, multi-family residential building with a partial sub-surface parking garage and construction of the remaining site for future Phases 2 and 3, to include site grading and utilities, and construction of the landscaping within the landscape buffers along the south and west property lines and along Foster Lane (previously known as Taylor Street), Private Streets C and D, and along the Liberty Way/ Hamilton-Mason Road frontage on approximately 5.7 acres; and

WHEREAS, on April 16, 2018, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

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

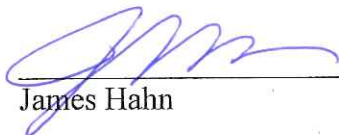
- 1.) The civil engineering plans shall be coordinated with the Butler County Engineer's Office (BCEO) and West Chester Township (WCT) and all comments shall be adequately addressed prior to the issuance of a zoning certificate.
- 2.) All access ways and internal roadways; connections and locations of fire hydrants; and all other applicable building and fire codes shall meet all West Chester Township Fire Department (WCTFD) and West Chester Township Community Development Department (WCTCDD) requirements prior to the issuance of a zoning certificate to ensure the site accommodates emergency services, which include the following:
 - a.) The "future fire access" roadway located along Liberty Way shall be illustrated extending and connecting to the "Private Street D" on any future FDP;
 - b.) The "future fire access" roadways shall be constructed with a permeable paver material, which shall meet all BCEO and WCTFD construction requirements on any future FDP;
 - c.) Evergreen landscaping shall be illustrated along the perimeter of the "future fire access" roadways in order for emergency services to discern the extent of said roadways; and,
 - d.) Upon construction of the "future fire access" roadways, said roadways shall be maintained clear of any snow or obstructions at all times by the property owner or property owners' association.
- 3.) All street names shall be approved by the WCTFD prior to the issuance of a zoning certificate.
- 4.) All water and sanitary sewer plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD), in regard to the preliminary subdivision plat submitted to Butler County, prior to the issuance of a zoning certificate.

- 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.
- 6.) The major landscaping areas, as illustrated on the FDP, shall be irrigated with a permanent system prior to the issuance of a zoning certificate.
- 7.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 8.) 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.
- 9.) All construction traffic shall access the site from Fosters Lane. A temporary construction road and vehicle staging area shall be coordinated with the BCEO and WCT prior to the issuance of a zoning certificate, which shall be designed to support all construction traffic in all weather conditions. All roadways to access the site shall be maintained free of any dirt, debris, dust, etc. due to the construction of the site.

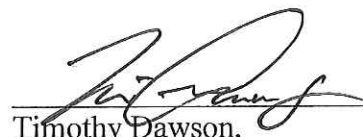
BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval. This action shall take effect this 16th day of April 2018.

West Chester Township
Butler County

Chairman:


James Hahn

Secretary:


Timothy Dawson,
Township Planner