

**RESOLUTION NO. 21-2018**

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**RESOLUTION APPROVING A ZONING MAP AMENDMENT FROM A-1 TO SP-PUD AND  
PRELIMINARY DEVELOPMENT PLAN FOR CASE #ZMA 01-18 – DAVIS PROPERTY; THE  
VILLAGE NORTH**

**WHEREAS**, on January 19, 2018, Village North LLC. submitted an application requesting a Zoning Map Amendment from A-1 (Agricultural District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan for five (5), single-story buildings consisting of a total of 63,015 square feet of retail/ restaurant uses; a single-story, 40,000 square foot building consisting of a retail grocer use or the option for a single-story, 5,400 square foot building consisting of retail use and a four-story building consisting of a 100-room hotel; and two (2), five-story buildings consisting of 236 multi-family residential units on approximately 13.3 acres (17.3 units/ acre); and,

**WHEREAS**, the Butler County Planning Commission and West Chester Township Zoning Commission passed motions for and gave public notice of subsequent requests for a continuance of the public hearings; and,

**WHEREAS**, on August 14, 2018, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

**WHEREAS**, on September 17, 2018, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

**WHEREAS**, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on October 9, 2018 as applied for by Village North, LLC; and,

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

**NOW THEREFORE, BE IT RESOLVED** that on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby concur with the recommendation of approval of the West Chester Township Zoning Commission and does hereby approve the Zoning Map Amendment from A-1 (Agricultural District) to SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan with the following conditions:

**SECTION 1.** The permitted uses shall only include the Principal Permitted Uses of the West Chester Township Zoning Resolution's (WCTZR) R-4 and O-1, O-2, B-1, and B-2 Districts, Articles 18.021, 18.022, 19.028 (excluding hospitals), 21.022, 21.023, 21.024, and 22.0210

(excluding night clubs), which shall be subject to Final Development Plan approval. Any outdoor display and sales shall be approved at the Final Development Plan (FDP) stage.

**SECTION 2.** A Traffic Impact Study (TIS) shall be approved prior to all subsequent FDP approvals. All recommendations of the approved TIS and requirements of West Chester Township (WCT), in coordination with the Butler County Engineer's Office (BCEO), shall be incorporated into each corresponding FDP to the extent said requirements are necessary as a result of traffic generated by the subject site.

**SECTION 3.** All public right-of-way dedications shall be dedicated as required by the BCEO and WCT, which shall be illustrated on the Phase 1, FDP and the record, subdivision plat prior to a final zoning inspection.

**SECTION 4.** As illustrated on the Preliminary Development Plan, the four-hundred and forty-five (445) foot, southbound, decelerating right-turn lane along Butler-Warren Road and a two-hundred and twenty-five (225) foot, westbound, decelerating, right-turn lane along Liberty Way shall be constructed prior to a final zoning inspection of Phase 1 construction.

**SECTION 5.** All access ways, internal roads, and on-street parking shall meet the WCTZR, Article 10.17/ Appendix Figure 4 and shall meet all requirements of the BCEO and West Chester Township Fire Department (WCTFD) at each FDP stage.

**SECTION 6.** All connections and locations of fire hydrants; fire lane signage; and all other applicable building and fire codes shall be coordinated with the WCTFD and shall be incorporated into each FDP to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.

**SECTION 7.** Street names shall be approved by the WCTFD.

**SECTION 8.** Detailed grading plans and stormwater drainage plans and calculations shall be provided at the Phase 1, FDP stage and shall meet all requirements of the BCEO and WCT.

**SECTION 9.** All Butler County Water and Sewer Department (BCWSD) requirements shall be met and incorporated into each FDP in regard to the capacity analysis requirements to upgrade the existing lift-station to accommodate the proposed capacity.

**SECTION 10.** Detailed utility plans illustrating all water main connections, including looping through the site, existing sanitary sewers, and sewer connections and extensions shall meet all BCWSD requirements at each FDP stage.

**SECTION 11.** The infrastructure improvement plan for a pedestrian connection or an enhanced pedestrian crossing plan, which connects to Voice of America Park shall be coordinated with West Chester Township Community Development Department (WCTCDD) staff and incorporated into the Phase 2, FDP.

**SECTION 12.** Detailed building elevations shall be provided at each FDP stage, which shall demonstrate a minimum of fifty (50) percent high-quality, masonry building materials are being utilized throughout the buildings.

**SECTION 13.** Buildings 3-W – 7-W, which are located along the Liberty Way and Butler–Warren Road public frontages and the internal roads, shall be architecturally designed with dual, front wall facades, which include entryways, windows, parapets, etc. All exterior utilities shall be screened and the screening materials shall be approved at each FDP stage

**SECTION 14.** Detailed floor plans, including the unit mix and a detailed description of the units' high-quality interior finishes and interior building amenities shall be provided at each FDP stage.

**SECTION 15.** Detailed plans of any common/ public, exterior amenities shall be provided at each FDP stage.

**SECTION 16.** Outdoor seating area plans shall be provided at each FDP stage. A minimum of six (6) feet shall be maintained between the back of street curb and the seating area to ensure adequate pedestrian circulation.

**SECTION 17.** Any dumpster locations and dumpster enclosure details shall be provided at each 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 enclosures shall not be located along the public frontages and in a manner to reduce detrimental impacts to residents.

**SECTION 18.** Light fixture details shall be provided at each FDP stage to ensure a consistent design that minimizes glare and light spillover.

**SECTION 19.** A detailed landscaping plan shall be provided at each FDP stage, which is consistent with the preliminary landscaping plan and shall also include adequate parking area landscape islands with tree plantings.

**SECTION 20.** Internally-illuminated signs shall be prohibited from facing the adjacent residential subdivision to the east.

**SECTION 21.** Two (2) West Chester Township ground/ monument signs shall be coordinated with WCTCDD staff and incorporated into the pertaining FDP signage plans. The signs shall be designed according to the signage details as illustrated in the "Identity Study Summarization for West Chester in Union Township Butler County, Ohio" that was prepared by McGill Smith Punshon, Inc. in November 1998. The signs shall be included as common element in the required DCCRRE and constructed and maintained by the property owner or property

owners' association. The specific location, design, landscaping, etc. for the signs shall be approved at each FDP stage.

**SECTION 22.** All signs shall be approved at each FDP stage.

**SECTION 23.** All other sign structures shall be consistent with the masonry building materials utilized on the corresponding principle buildings.

**SECTION 24.** A draft Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE), which establishes the property owners' association (POA), vehicular cross-access and public use of the pedestrian facilities throughout the site, shall be provided to the WCTCDD for approval at the Phase 1, FDP stage.

**SECTION 25.** The DCCRRE shall include a shared parking agreement between all property owners, which shall permit residents of the site to utilize parking spaces designated to the commercial uses in the hours the uses are not in operation.

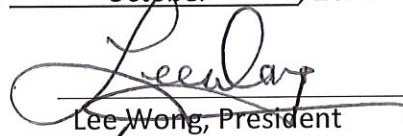
**SECTION 26.** The DCCRRE shall include each record, subdivision plat throughout any phased construction of the site as supplemental exhibits to the DCCRRE. A copy of the final recorded DCCRRE, containing all exhibits, shall then be provided to the WCTCDD for the case file records.

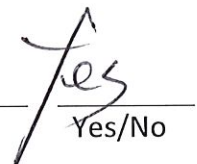
**SECTION 27.** The property owner or a recorded property owner's association shall be responsible for keeping all common features and elements well-maintained and free from trash and litter; maintaining all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well-maintained in good condition and all landscaping beds shall be irrigated with a permanent system prior to the issuance of a zoning certificate.

**SECTION 28.** A temporary construction road and vehicle staging area shall be illustrated on the existing conditions survey included in the Phase 1, FDP, 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 into this approval.

Adopted this 9<sup>th</sup> day of October, 2018.

  
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Lee Wong, President

  
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Yes/No

  
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Ann Becker, Vice President

  
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Yes/No

**ATTEST:**

  
\_\_\_\_\_  
Bruce Jones, Fiscal Officer

  
\_\_\_\_\_  
Mark Welch, Trustee

  
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Yes/No

**APPROVED AS TO FORM:**

  
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Donald L. Craih, Law Director