

RESOLUTION NO. 05-2019

**RESOLUTION APPROVING A ZONING MAP AMENDMENT FROM A-1 TO SP-PUD AND
PRELIMINARY DEVELOPMENT PLAN FOR CASE #ZMA 02-19 – SHARMA MIXED USE**

WHEREAS, on December 26, 2018, Ranjit Sharma 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 a 12,000 square foot, multi-tenant building consisting of retail/ restaurant uses and sixteen (16) single-family residential, landminium lots on approximately 5.1 acres (4.8 units/ acre); and,

WHEREAS, on January 15, 2019, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

WHEREAS, on January 28, 2019, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application and recommended denial; and,

WHEREAS, on February 6, 2019, Ranjit Sharma submitted a revision to the Preliminary Development Plan for a 12,000 square foot, multi-tenant building consisting of retail/ restaurant uses and a 1,200 square foot outdoor seating area and fourteen (14) single-family residential, landminium lots on approximately 5.1 acres (4.4 units/ acre) in order to address the Zoning Commission concerns during the aforesaid hearing; and,

WHEREAS, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on February 26, 2019 as applied for by Ranjit Sharma; 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 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) O-1 District, excluding Articles 18.026 and 18.028; O-2 District, Article 19.028 only (excluding hospitals); B-1 District, excluding Articles 21.021, 21.025, and 21.027. The Conditional Use of an outdoor seating area shall be approved at the Final Development Plan (FDP) stage.

SECTION 2. The site access way location shall meet all Ohio Department of Transportation (ODOT) requirements at the FDP stage.

SECTION 3. The site access way egress and ingress lanes shall meet all ODOT requirements at the FDP stage.

SECTION 4. A variance request for the access spacing shall be submitted to the Ohio Department of Transportation (ODOT) and the applicant shall provide a copy of the ODOT variance approval letter to the Butler County Engineer's Office (BCEO) and (West Chester Township Community Development Department) WCTCDD prior to the issuance of a zoning certificate.

SECTION 5. All public right-of-way dedications shall be dedicated as required by ODOT, the BCEO, and (West Chester Township) WCT, which shall be illustrated on the FDP and the record, subdivision plat prior to a final zoning inspection.

SECTION 6. Any hammerhead turnarounds along the internal, drive aisles, as required by the West Chester Township Fire Department (WCTFD), shall be illustrated on the FDP.

SECTION 7. 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 the FDP to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.

SECTION 8. Detailed grading plans, including the BCEO's one-foot contour information, and stormwater drainage plans and calculations shall be provided at the FDP stage and shall meet all requirements of the BCEO and WCT.

SECTION 9. A storm drainage swale shall be illustrated along the extent of the proposed grading, which directs surface drainage as required by the BCEO.

SECTION 10. The stormwater drainage plans shall include a designed flood route and the existing storm pipe diameters flowing from the adjacent property to the north to the existing pipe located on the adjacent property to the south.

SECTION 11. The stormwater drainage system shall be designed to catch and direct surface drainage flows across Lots 6-11 to the retention area as required by the BCEO.

SECTION 12. Detailed utility plans illustrating all water and sanitary sewer main connections, including existing water and sewer main; proposed water main looping through the site; and proposed sewer connections and extensions shall be provided at the FDP stage and shall meet all Butler County Water and Sewer Department requirements.

SECTION 13. The owner shall obtain a right-of-way permit from ODOT and a transfer of maintenance agreement approved by the West Chester Township Board of Trustee for the six (6) foot wide, concrete sidewalk located along the Cincinnati-Columbus Road (U.S. 42)

frontage and the sidewalk shall meet all BCEO and WCT requirements prior to issuance of a final zoning inspection.

SECTION 14. Detailed building elevations shall be provided at the FDP stage, which shall demonstrate a minimum of fifty (50) percent high-quality, masonry building materials are being utilized throughout all buildings.

SECTION 15. Detailed floor plans and a detailed description of the units' high-quality interior finishes shall be provided at the FDP stage.

SECTION 16. Detailed outdoor seating area plans shall be provided at the FDP stage.

SECTION 17. 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 masonry building materials of the corresponding principle building.

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

SECTION 19. A photometric analysis shall be provided at the FDP stage, which shall demonstrate a .02 foot candle level along the adjacent residential subdivisions.

SECTION 20. A detailed landscaping plan shall be provided at the FDP stage, which illustrates all bed plantings, including irrigation lines, tree plantings, and the ten (10) foot wide perimeter landscaping easement consistent with the preliminary landscaping plan.

SECTION 21. An easement note defining the maintenance of existing and proposed landscaping/ trees and the extent to which any clearing can occur within the perimeter, landscape easement shall be provided on the FDP and record plat.

SECTION 22. Internally-illuminated building signs shall be prohibited from facing the adjacent residential subdivision to the north, east, and south.

SECTION 23. Two (2) monument signs shall be permitted on the commercial lot along the frontage. One (1) shall be provided for the commercial use, which shall be pursuant to the WCTZR, Article 20, and one (1) shall be provided for the residential subdivision which shall be pursuant to the WCTZR, Article 11.

SECTION 24. The monument sign locations shall be approved at the FDP stage.

SECTION 25. The monument structure materials shall be consistent with the masonry building materials utilized on the corresponding principle buildings.

SECTION 26. A draft Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE), which establishes the homeowners' association (HOA), vehicular cross-access, and defines maintenance responsibilities for all common features and easements throughout the residential subdivision, shall be provided to the WCTCDD for approval at the FDP stage.

SECTION 27. The DCCRRE shall include the record, subdivision plat as an exhibit. A copy of the record DCCRRE, containing all exhibits, shall then be provided to the WCTCDD for the case file records.

SECTION 28. The property owner of record for the commercial lot 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 retention area performs 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 a final zoning inspection.

SECTION 29. A temporary construction road and vehicle staging area shall be illustrated on the existing conditions survey included in the 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 12th day of March, 2019.

	<u>YES</u>
Mark S. Welch, President	Yes/No
	<u>yes</u>
Ann Becker, Vice President	Yes/No
	<u>Yes</u>
Lee Wong, Trustee	Yes/No

ATTEST:


Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:


Donald L. Cram, Law Director