

**WEST CHESTER TOWNSHIP  
ZONING COMMISSION  
July 15, 2019**

MEMBERS PRESENT: Jim Hahn, Jim Williams, Doug Rinnert  
Mark Murphy, Richard Grow

MEMBERS ABSENT:

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

LOCATION: Township Hall

CALL TO ORDER: 6:00 p.m.

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

May 20, 2019 minutes were approved as written.

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

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**RFDP 07-19-A VOA; RLG Flag City**

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The applicant is RLG Flag city, LLC. The applicant is requesting a Revised Final Development Plan for a 7,021 s.f. multi-tenant building for restaurant and retail use on 1.727 acres located at 7701 Voice of America Drive.

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 approval, approve with modifications, or deny the submitted Revised Final Development Plan unless additional information is deemed necessary to make an informed decision.

No questions from the Board.

**Applicant Tom Gunlock / RLG Flag City, LLC  
10050 Innovation Dr.  
Miamisburg OH**

Mr. Gunlock gave a brief description of his proposed application.

No questions from the Board.

**Proponent**            **None**

**Opponent**           **None**

**Neutral**             **None**

**Deliberations**

Mr. Grow suggested we approve with the restriction that the sign restriction is met as required.

Mr. Williams asked if a modification is needed.

Mr. Dawson said a modification was not needed as long as they met Article 20.

Mr. Hahn asked if there was a monument sign on the backside of the facility.

Mr. Dawson replied that there's a secondary ground sign that was originally approved at the FDP stage.

Mr. Hahn commented he's glad that it's finally becoming occupied.

**Mr. Grow made a motion to approve Case # – RFDP 07-19-A VOA; RLG Flag City with the conditions and considerations made by staff and other agencies. Mr. Williams seconded the motion.**

**Aye: Mr. Grow, Mr. Hahn, Mr. Murphy, Mr. Rinnert, Mr. Williams**

**Nay:**

**Motion carries 5 – 0**

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**FDP 07-19-B Keefe Tract 2; Planet Fitness**

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The applicant is Planet Fitness. The applicant is requesting a Final Development Plan for a two-story, 30,650 s.f. fitness center on 2.99 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 approval, approve with modifications, or deny the submitted Final Development Plan unless additional information is deemed necessary to make an informed decision.

Mr. Williams stated there seems to be a large number of items that weren't submitted with this application.

Mr. Dawson replies that there are considerations for the Zoning Commission which has been drafted in the resolutions or are conditioned per approval at the permitting stage.

**Applicant**                    **Mike Hamilton / Planet Fitness**  
**8886 Bayside Court**  
**Mason OH**

Mr. Hamilton states they are a Planet Fitness (PF) franchisee, they currently have 17 locations, and this would be their 18<sup>th</sup> location. He presented a PowerPoint of pictures of the building.

No questions from the Board

**Proponent**                    **Dan White**  
**7113 Champions Lane**

Mr. White stated his concerns regarding the 24 hour operation, safety during 3<sup>rd</sup> shift, traffic, and how many gyms are in the West Chester / Liberty area.

**Yaromir Steiner**  
**4016 Townsfair Way**  
**Columbus, OH**

Mr. Steiner stated he is the owner of the parcel. PF is a good company and is a state of the art operation and he is in complete support of PF at this location. Also based on the original traffic analysis, the traffic will be reduced by this use compared to the previous preliminary uses.

Mr. Hahn asked about the location of the building compared to the Preliminary Development Plan and as to why the change has been made.

Mr. Steiner explains at Preliminary Development Plan time they don't know exactly who the tenants will be at the time. When tenants do arrive, they try to work with them the best we can. They felt it was the best location for the residents for various reasons.

**Dr. PhuocTran**  
**7514 Preserve Place**

Mr. Tran needed clarification on the location of the building. Mr. Tran is concerned about traffic.

**Opponent**                    **Mark Dunaway**  
**7099 Wetherington Dr**

Mr. White stated his concerns that this Final Development Plan is not in line with the previous approval for this PUD. This application does not match what was agreed to.

Other concerns are lighting, landscaping, sound, honesty from West Chester Township.

**Jon Zinn**  
**7434 Preserve Place**

Mr. Zinn shared the same concerns as previous resident also adding concern about PF being open 24/7.

**Jon Malone**  
**7393 Preserve Place**

Mr. Malone stated his concerns regarding hours of operation, traffic, and lighting compounded by Liberty Center.

**Karen Barnes**  
**7111 Wetherington Dr**

Ms. Barnes shared her concerns regarding lighting.

**Todd Markle**  
**7306 Weatherby Ct.**

Mr. Markle stated he shares all the concerns as the previous resident speakers.

**Ray Agyapong**  
**7424 Preserve**

Mr. Agyapong shared his concerns regarding the 24 hour operation. There's already been break-ins in the neighborhood.

**Neutral**                      **Mitch Fry / Steiner Assoc**  
**Morrow OH**

Mr. Fry wanted to address a few items that were not addressed in the presentation that will help alleviate some of the traffic.

**Jason Watkins**  
**7278 Weatherby Ct**

Mr. Watkins needed clarification on signage, and concerned about the 2<sup>nd</sup> floor clients seeing into the neighborhood homes.

### **Deliberations**

Mr. Williams asked if there could be more berming on the south side. He was still not sure why the building was reoriented. Mr. Williams asked for clarification of the elevations.

Mr. Dawson replied to Mr. Williams and explained the original FDP vs. what's submitted. Mr. Williams would like to see it reoriented but understands why it cannot. He suggested

more landscaping.

Mr. Rinnert agreed with Mr. Williams.

Mr. Grow stated we can't restrict a business' hours but do we have the ability to restrict the amount of foot candle during certain hours?

Mr. Dawson explained the applicant's photometric analysis shows what the required foot level is. But it is still under the Board's consideration for 1) if you allow the sign; and 2) restrict the hours of illumination.

Mr. Hahn heard what everyone is saying. He believes what the Board can do is eliminate illuminated signage/backlit signage on the eastern side. The Board could certainly write in to the resolution.

Mr. Grow asked if we can require security or a special entry card for the 3<sup>rd</sup> shift schedule.

Mr. Williams stated that they do have security measures in place. Also he reminds the Board that no signage plans were submitted for this site. They only saw signage based on other sites.

Mr. Hahn and Mr. Dawson discussed the windows on the rear and side and if they were to be frosted/tinted (unable to see in or out).

Mr. Hahn asked to see the night picture of the existing PF. He stated there's not only an extreme amount of lighting on the outside, there's an extreme amount coming from the inside.

Mr. Williams stated that's there welcoming/inviting look. This is typical for a 24/7 hour operation. There's nothing more we can do unless the Board asks for an orientation change or add more landscaping.

Mr. Dawson stated they could ask the applicant to the podium for further clarification.

Applicants were asked to come to the podium

Mr. Steiner proposed a solution to the concern of the window transparency; the applicant is willing to provide automatic screens that will come down at 11:00p until 6:00a. Mr. Steiner also explained the reasoning for the placement of the building.

Todd Riling of Smithton, IL (Engineer) also explained that if the building was rotated, there would not be any setbacks or any room for parking due to the 50' buffer. They couldn't do a mirror image across from the ponds because of 2 easements.

Applicants were seated.

Mr. Hahn asked if there are restrictions we can put on exterior lighting.

Mr. Dawson stated the Board can condition those lights at a staff level approval.

The Board discussed if more screening was needed.

**Mr. Williams made a motion to approve Case # – FDP 07-19-B Keefe Tract 2; Planet Fitness with the conditions and amended/additional requirements made by staff and other agencies. Mr. Murphy seconded the motion.**

**Aye: Mr. Grow, Mr. Hahn, Mr. Murphy, Mr. Rinnert, Mr. Williams**

**Nay:**

**Motion carries 5 – 0**

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**FDP 07-19-C Keefe Tract 2; Flying Pig Carwash**

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The applicant is EWP Holdings, LLC. The applicant is requesting a Final Development Plan for a 4,800 s.f. drive-thru carwash on 0.9 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 approval, approve with modifications, or deny the submitted Final Development Plan unless additional information is deemed necessary to make an informed decision.

No questions from the Board.

**Applicant**                      **Emilie Parry**  
   **7426 Briarpatch**  
   **Cincinnati OH**

Mrs. Parry presented a PowerPoint presentation and gave a history of Flying Pig Carwash along with their plans to help out within the community.

**Winn Parry**  
**7426 Briarpatch**  
**Cincinnati OH**

Mr. Parry spoke about the storm water, reclaim system, and sound. He presented the Board with the sound level meter readings.

**Yaromir Steiner**  
**4016 Townsfair Way**  
**Columbus, OH**

Mr. Steiner spoke of the market study/research done before this was chosen.

**Jose Castrejon / MSP  
3700 Park 42  
Cincinnati OH**

Mr. Castrejon stated they are working with Butler County to make sure all their issues/concerns are addressed. He stated that the turbine will be incorporated with the dumpster enclosure, which will have the architectural component as the building. These will be resubmitted to staff for that to be approved.

Ms. Parry returned to the podium to discuss operational hours.

No questions from the Board

**Proponent                      Sheila Munafo Kanoza  
8857 Cincinnati Dayton Rd**

Ms. Kanoza felt this will be an asset to the community and loved their company image and what they can add to the community.

**Mark Bolander  
7084 Essex Mill**

Mr. Bolander felt we need a competitor for a carwash like this business. This is a more high-end carwash.

**Alison Hooker  
5404 Leatherwood Dr**

Totally in favor of the nicer carwash and that it provides a pet wash is a bonus.

**Don Hutcheson  
8528 Steleta Dr**

Mr. Hutcheson believes Liberty Way is in need of a state of the art carwash.

**Tom Hayden  
7394 Sea Pines Pl**

For 12 years, he has been driving by this area. The market has not been able to provide what was originally planned for this area. This seems like a good company and it would be nice to see something finally there.

**Opponent                      Mark Dunaway  
7099 Wetherington Dr**

Mr. Dunaway asked about a translucent ceiling; are there lights inside the building. This sounds like a nice couple/business; he is just not sure this is the right place for it. Again, this does not match what was originally agreed to.

**Pete Skelly**  
**7236 Wetherington Dr**

Mr. Skelly shared his concerns about the noise.

**Ray Agyapong**  
**7424 Preserve**

Mr. Agyapong shared his concerns about traffic that the carwash can cause. He struggles with the foresight of this Township for our area of the community.

**Jon Zinn**  
**7434 Preserve Place**

Mr. Zinn shared the same concerns as previous the previous case. This does not conform to what was previously approved.

**Linda Kasten**  
**7114 Harbour Town Dr**

Ms. Kasten asked that this not be approved as it does not conform to what was previously approved.

**Todd Markle**  
**7306 Weatherby Ct.**

Mr. Markle stated he shares the concern about noise. How many blowers will be going at one time?

**Chris Churchey**  
**7463 Preserve Pl**

Mr. Churchey asked about sound. Are there dryers at the end?

**Karen Barnes**  
**7111 Wetherington Dr**

Ms. Barnes shared her concerns regarding what the intended use was for this area. Will the Steiner Group really be building the high-rise condos?

**Neutral**                      **None**

The applicant was asked to return to the podium.

Mr. Hahn addressed the interior lighting.

Mrs. Parry explained that it is normal, typical lighting ran at the window level. They do not have any internally lit signs; all lighting will be specified to code. She also explained there are 10 vacuums that runs off of one turbine. That sound study was provided to the Board



at the beginning of their presentation.

### **Deliberations**

Mr. Williams stated this PUD was re-zoned to SP-PUD in February 2016 which allows this type of development.

Mr. Hahn believes this is an inconsistent use for this.

Mr. Dawson stated the Land Use is a general definition of the types of uses. Mr. Dawson shared case history with the Board.

Mr. Grow abstained from comments as he was not involved in the original Zoning.

Mr. Murphy isn't really sure the proposed plan fits.

Mr. Rinnert did not feel it is a good spot for it.

Mr. Hahn stated it doesn't fit under housing, restaurant, or retail.

Mr. Dawson stated the specific articles and definitions excluded in 2004. A carwash is not a specific use in the Township Resolution.

**Mr. Hahn made a motion to deny Case # – FDP 07-19-C Keefe Tract 2; Flying Pig Carwash based on the presentation, staff comments, and the intent of the original SP-PUD. Mr. Murphy seconded the motion.**

**Aye: Mr. Grow, Mr. Hahn, Mr. Murphy, Mr. Rinnert**

**Nay: Mr. Williams**

**Motion carries 4 – 1**

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### **RFDP 07-19-D WCTC, PH III; Signage, Republic Bank**

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The applicant is Sign Vision. The applicant is requesting a Revised Final Development Plan for a 47 s.f. multi-tenant monument and a 40.60 s.f. wall sign located at Town Centre Square, Centre Pointe Drive & Towne Centre Drive.

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 approval, approve with modifications, or deny the submitted Revised Final Development Plan unless additional information is deemed necessary to make an informed decision.

No questions from the Board.

**Applicant Tom McGill**  
**7696 Cincinnati Dayton Rd.**

He is the owner of the building. He explained the reasons for his requests.

No questions for the applicant

**Proponent Tom Saelinger / Republic Bank**  
**2504 Woodstow Way**  
**Villa Hills, KY**

Mr. Saelinger runs the local market in this area and felt this would be a great fit for the community.

Mr. Williams asked about the timeline.

Mr. Saelinger stated the goal is to be in there by December or January.

**Darrin Gray / Sign Vision**  
**987 Claycraft Rd**  
**Gahanna, OH**

Mr. Gray stated he is available to answer any questions relating to the signage.

Mr. Grow asked for clarification on the size of the ground sign.

Mr. Dawson stated the dimensions and clarification of Article 20. Also clarified the color of the sign.

**Opponent None**

**Neutral None**

### **Deliberations**

Mr. Grow asked about the illumination of the existing signs compared to the proposed signage.

Mr. Hahn stated that the existing signs are not illuminated.

Mr. Dawson stated even if they have a backlight, there are no residential areas close to the central business district.

Mr. Williams noted that even though the applicant is asking for a ½ foot taller sign, they are still within the square footage allowance.

Mr. Rinnert made a motion to approve Case # – RFDP 07-19-D WCTC, PH III; Signage, Republic Bank with conditions and considerations made by staff and other agencies. Mr. Murphy seconded the motion.

Aye: Mr. Grow, Mr. Hahn, Mr. Murphy, Mr. Rinnert, Mr. Williams

Nay:

Motion carries 5 – 0

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**Administrative Business:**

Mr. Hahn stated that it was time to elect officers for the 2019/2020 year. Mr. Rinnert nominated Mr. Hahn for Chairman and Mr. Hahn nominated Mr. Rinnert for Vice Chairman; Mr. Murphy seconded the motion. Motion carried by unanimous vote.


The next meeting is Monday, August 19, 2019 @ 6:00 p.m. This serves as Public Notice for this meeting.


Mr. Hahn adjourned the meeting at 9:15 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:

  
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Jim Hahn

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

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 19-11  
VOA; RLG FLAG CITY - RFDP (07-19-A)**

**WHEREAS**, on July 28, 1998, 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) (36A-98) on approximately 75 acres; and,

**WHEREAS**, on December 20, 1999, a Preliminary Development Plan (01-17) was approved on December 20, 1999 for a retail center and nine (9) outlots on 75 acres; and,

**WHEREAS**, on July 16, 2001, the West Chester Township Zoning Commission approved a Final Development Plan (01-17) for a 520,096 square foot retail center and for the building design of Jacobson's Department Store; and,

**WHEREAS**, on March 18, 2002, a Revised Final Development Plan (02-03) was approved for the retail center and eight (8) outlots, including building elevations, two center identification signs and site improvements to Lots 2, Q, and P, including proposed ground mount signage; and,

**WHEREAS**, on April 21, 2003, a Final Development Plan (03-10) was approved for a Ruby Tuesday restaurant on the approximate 1.75 acre site of outlot 4; and,

**WHEREAS**, on August 15, 2011, a Revised Final Development Plan (11-16) was approved to revise the building elevations for a Marlin & Rays restaurant; and,

**WHEREAS**, July 16, 2013, a Revised Final Development Plan (13-10) was approved for revisions to the building exterior, the addition of a patio, and minimum site improvements for a Milano's restaurant; and,

**WHEREAS**, June 11, 2019, RLG Flag City, LLC. submitted an application requesting a Revised Final Development Plan approval for a 7,021 square foot multi-tenant, building consisting of a retail/office and restaurant use, the addition of a vestibule and new building and ground sign displays; and,

**WHEREAS**, on July 15, 2019, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

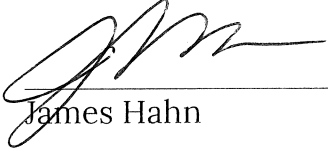
**NOW, THEREFORE BE IT RESOLVED**, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve the aforesaid application as submitted with the following conditions:

- 1.) The current approval shall only grant changes to the subject site with the addition of the Principal Permitted Uses of the West Chester Township Zoning Resolution's (WCTZR) O-1 District, Article 18.021 and the O-2 District, Article 19.028 (excluding hospitals). The remaining Voice of America C-PUD shall otherwise remain subject to the conditions as previously and last approved (Trustee Resolution 36A-98 and Zoning Commission Resolutions 01-17).
- 2.) All signage shall be pursuant to the West Chester Township Zoning Resolution (WCTZR), Article 20.
- 3.) All Butler County Health Department plan requirements shall be met prior to a final zoning inspection.
- 4.) 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.
- 5.) 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.
- 6.) The West Chester Township Community Development Department (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 15<sup>th</sup> day of July 2019.

West Chester Township  
Butler County

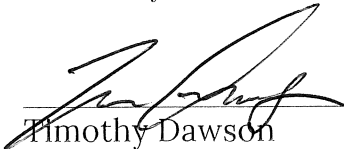
Chairman:



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James Hahn

Secretary:



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Timothy Dawson  
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 19-12  
KEEFE PROPERTY; TRACT 2; PLANET FITNESS - FDP (07-19-B)**

**WHEREAS**, on June 11, 2019, Bob Hamilton, on behalf of Cornerstone Liberty, LLC., submitted an application requesting a Final Development Plan approval for a two-story, 30,650 square foot fitness center on approximately 2.99 acres; and,

**WHEREAS**, on July 15, 2019, 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 adopt and affirm the attached Findings of Fact 19-12, which are hereby incorporated into this Resolution, in issuing its approval of the aforesaid case.

**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this Resolution. This action shall take effect this 19<sup>th</sup> day of August 2019.

West Chester Township  
Butler County

Chairman:

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

Secretary:

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

ZONING COMMISSION  
WEST CHESTER TOWNSHIP, BUTLER COUNTY, OHIO

**Findings of Fact 19-12**

KEEFE PROPERTY; TRACT 2; PLANET FITNESS - FDP (07-19-B)

Heard on July 15, 2019

Decision Issued August 19, 2019

**I. FINDINGS OF FACT**

- A. Bob Hamilton, on behalf of Cornerstone Liberty, LLC, (the “Applicant”), applied for final development plan approval to construct a two-story, 30,650 square foot fitness center on approximately 2.99 acres of land fronting on the privately owned Fosters Lane (the “Property”), as more fully depicted on the site plan and application filed by the Applicant and incorporated herein by reference.
- B. On March 9, 2004, the West Chester Township Trustees approved a Zoning Map Amendment from A-1 (Agricultural) to C-PUD (Commercial Planned Unit Development) together with a preliminary development plan for five different tracts located on approximately 47.82 acres (16-2004). The subject Property is located within Tract 2 of that 2004 approval.
- C. The 2004 approval was general in nature. It approved the rezoning and the primary access points to the site, and provided guidance as to the sorts of uses that would be permitted and prohibited within each tract. But it also specifically required the applicant to submit more detailed preliminary development plans “with regard to the specific layout and use of the tracts” prior to development.
- D. The Property is located in an area designated “General Business” in the 2004 preliminary development plan. The 2004 approval indicates that this area is broadly approved for the “General Retail” uses identified in the West Chester Township Land Use Plan, but that certain uses are specifically prohibited. Personal service establishments are among the generally-permitted uses. Among the prohibited uses are automobile fuel service stations, automobile repairs or storage, and drive through restaurants. The 2004 approval indicates that “[t]he intensity of uses shall decrease from east to west and provide a transition to the residential development.”



- E. On February 9, 2016 the West Chester Township Trustees approved a rezoning of the property from C-PUD (Commercial Planned Unit Development) to SP-PUD (Special Purpose Planned Unit Development), together with a more detailed preliminary development plan for Tracts 2 & 3 (16-18).
- F. The 2016 preliminary plan approved a more detailed layout for the site, including the general size and location of structures, parking, internal roadways, etc. The preliminary plan did not propose a specific use for any of the structures depicted on Tract 2, but indicated that roughly 5% of the building area would be used for restaurants, 20% of the building area would be used for office, and 75% of the building area would be used for retail.
- G. For the portion of Tract 2 where the Property is located, the 2016 preliminary plan depicts two structures totaling 43,475 square foot, with attendant parking.
- H. Three other final development plans have been approved by the West Chester Township Zoning Commission with respect to construction of the site, including grading, utilities, stormwater, sidewalks, street lighting, landscaping, and the like. These final development plans were approved on October 17, 2016 (16-28), June 19, 2017 (17-12), and April 16, 2018 (18-8). None of these final development plans substantially affected the uses or site layout proposed in the 2004 and 2016 preliminary development plans with respect to the Property.
- I. The West Chester Township Zoning Commission held a public hearing regarding Applicant's application on July 15, 2019 (the "Hearing"), whereat all witnesses were sworn in, the Applicant was permitted the opportunity to present its position, offer and examine witnesses, present evidence in its favor, and cross-examine any witnesses potentially adverse to its position.
- J. Staff testified that the proposed fitness center use would typically be considered a personal services establishment. Under the West Chester Township Zoning Resolution, personal services establishments are those which "offer services to members of the adjacent neighborhood such as shoe repair, barber shops, watch repair, self-service laundromats or therapeutic massage establishments." Staff indicated that it believed personal services establishments are among the uses generally permitted by the 2004 and the 2016 preliminary plan approvals, and are not among the uses specifically prohibited.

- K. Numerous individuals and residents expressed support for the application and the proposed use.
- L. Numerous residents expressed concerns: (1) that a two-story fitness center operating 24 hours per night is not of the character of the types of uses approved when the preliminary development plans were approved, (2) that the light emanating from the front of the building due to its 24 hour operation would be detrimental to the residential properties toward which the building is oriented, (3) that there was not sufficient buffering or screening for residential property owners to the south and east of the Property.

## **II. CONCLUSIONS OF LAW**

- A. Zoning Commission reviews applications for final development plan in accordance with Zoning Resolution Section 26.15.
- B. After much deliberation, the Zoning Commission determined on a 5-0 vote that the Applicant's proposed final development plan should be approved, but with a variety of conditions to ensure that the final development is in accordance with the intent of the approved preliminary development plans and the rest of the requirements contained in Section 26.15. The conditions Zoning Commission deems necessary for these reasons are as follows:
  - 1. Applicant must submit a revised Final Development Plan ("FDP") to the West Chester Township Community Development Department ("WCTCDD") staff for approval within thirty (30) days with the following information also included:
    - a. Detailed specifications on the building light fixtures, to include the indirect lighting for the building sign located on the east wall;
    - b. Detailed specifications of window shades intended to be used;
    - c. A landscaping plan illustrating an adequate amount, size, and evergreen species of screening along the southeast and east property lines; and
  - 2. As-built information of the existing storm drainage system and detailed stormwater drainage calculations shall be provided to the Butler County Engineer's Office ("BCEO"). All BCEO

comments and concerns shall be addressed prior to the permitting stage and all requirements of the BCEO and WCT shall be met prior to the issuance of a zoning certificate.

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 WCTCDD requirements prior to the issuance of a zoning certificate to ensure the site accommodates emergency services.
4. All water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department (“BCWSD”) prior to the issuance of a zoning certificate.
5. All second-floor windows on the south and east walls of the building shall be screened with window shades controlled to close from dusk to dawn (at minimum to be 9 pm to 6 am) in order to block visibility of interior light omitting outward from the building.
6. The landscaping beds located along the east building wall and along the south portion of the parking area shall be irrigated with a permanent system prior to a final zoning inspection.
7. All building signage shall be pursuant to the West Chester Township Zoning Resolution, Article 20 in regard to area.
8. Building light fixtures shall not project upward illumination onto the building.
9. Internally-illuminated building signage shall be prohibited from facing to the south and east.
10. A third-party inspection of the photometric levels (foot candles) shall be conducted and provided to the WCTCDD staff for approval prior to a final inspection.
11. The property owner or a recorded property owners’ association for the overall PUD 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.

12. The Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (“DCCRRE”) for the Oaks at Wetherington shall include the record plat and the approved site plan as exhibits to the DCCRRE and shall be recorded prior to the final zoning inspection. A copy of the final, recorded DCCRRE shall then be provided to the WCTCDD for the case file records.
13. All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate review stage.
14. 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.
15. 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.

### **III. DECISION**

- A. Based upon the application, the site plan, and all other the evidence presented to the Zoning Commission at the July 15, 2019 hearing, the West Chester Township Zoning Commission voted 5-0 to approve Applicant’s request for final development plan approval, with the conditions stated herein.

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 19-13  
KEEFE PROPERTY; TRACT 2; FLYING PIG CARWASH - FDP (07-19-C)**

**WHEREAS**, on June 11, 2019, Emilie Parry, EWP Holdings, LLC., submitted an application requesting a Final Development Plan approval for a 4,800 square foot drive-thru carwash on approximately .9 acres; and,

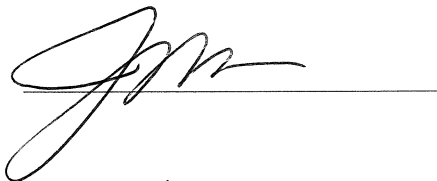
**WHEREAS**, on July 15, 2019, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

**NOW, THEREFORE BE IT RESOLVED**, that the West Chester Township Zoning Commission does hereby adopt and affirm the attached Findings of Fact 19-13, which are hereby incorporated into this Resolution, in issuing its denial of the aforesaid case.

**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this Resolution. This action shall take effect this 19th day of August 2019.

West Chester Township  
Butler County

Chairman:



James Hahn

Secretary:



Timothy Dawson,  
Township Planner

**ZONING COMMISSION  
WEST CHESTER TOWNSHIP, BUTLER COUNTY, OHIO**

**Findings of Fact 19-13**

**FLYING PIG CAR WASH (Case No. 07-19-C)**

Heard on July 15, 2019

Decision Issued August 19, 2019

**I. FINDINGS OF FACT**

- A. Emilie Parry, EWP Holdings, LLC (the “Applicant”), applied for final development plan approval to construct a 4,800 square foot drive through car wash on approximately 0.90 acres of land fronting on both the privately owned Fosters Lane and also Liberty Way (the “Property”), as more fully depicted on the site plan and application filed by the Applicant and incorporated herein by reference.
- B. On March 9, 2004, the West Chester Township Trustees approved a Zoning Map Amendment from A-1 (Agricultural) to C-PUD (Commercial Planned Unit Development) together with a preliminary development plan for five different tracts located on approximately 47.82 acres (16-2004). The subject Property is located within Tract 2 of that 2004 approval.
- C. The 2004 approval was general in nature. It approved the rezoning and the primary access points to the site, and provided guidance as to the sorts of uses that would be permitted and prohibited within each tract. But it also specifically required the applicant to submit more detailed preliminary development plans “with regard to the specific layout and use of the tracts” prior to development.
- D. The Property is located in an area designated “General Business” in the 2004 preliminary development plan. The 2004 approval indicates that this area is broadly approved for the “General Retail” uses identified in the West Chester Township Land Use Plan, but that certain uses are specifically prohibited. Personal service establishments are among the generally-permitted uses. Among the prohibited uses are automobile fuel service stations, automobile repairs or storage, and drive through restaurants. The 2004 approval indicates that “[t]he intensity of uses

shall decrease from east to west and provide a transition to the residential development.”

- E. On February 9, 2016 the West Chester Township Trustees approved a rezoning of the property from C-PUD (Commercial Planned Unit Development) to SP-PUD (Special Purpose Planned Unit Development), together with a more detailed preliminary development plan for Tracts 2 & 3 (16-18).
- F. The 2016 preliminary plan approved a more detailed layout for the site, including the general size and location of structures, parking, internal roadways, etc. The preliminary plan did not propose a specific use for any of the structures depicted on Tract 2, but indicated that roughly 5% of the building area would be used for restaurants, 20% of the building area would be used for office, and 75% of the building area would be used for retail.
- G. For the portion of Tract 2 where the Property is located, the 2016 preliminary plan depicts a 35,320 square foot structure, with parking to the east of the building and access to the parking area roughly 250 feet from the intersection of two private streets.
- H. Three other final development plans have been approved by the West Chester Township Zoning Commission with respect to construction of the site, including grading, utilities, stormwater, sidewalks, street lighting, landscaping, and the like. These final development plans were approved on October 17, 2016 (16-28), June 19, 2017 (17-12), and April 16, 2018 (18-8). None of these final development plans substantially affected the uses or site layout proposed in the 2004 and 2016 preliminary development plans with respect to the Property.
- I. The West Chester Township Zoning Commission held a public hearing regarding Applicant’s application on July 15, 2019 (the “Hearing”), whereat all witnesses were sworn in, the Applicant was permitted the opportunity to present its position, offer and examine witnesses, present evidence in its favor, and cross-examine any witnesses potentially adverse to its position.
- J. Staff testified that the proposed car wash use would typically be considered a personal services establishment. Under the West Chester Township Zoning Resolution, personal services establishments are those which “offer services to members of the adjacent neighborhood such as shoe repair, barber shops, watch repair, self-service laundromats or therapeutic massage establishments.” Staff indicated that it believed personal services establishments are among the uses

generally permitted by the 2004 and the 2016 preliminary plan approvals, and are not among the uses specifically prohibited.

- K. Numerous individuals and residents expressed support for the application and the proposed use.
- L. Numerous residents expressed concern that a drive through car wash is not of the character of the types of uses approved when the preliminary development plans were approved, and that the proposed use would be too impactful in light of the intended residential development directly to the west of this site.
- M. Numerous residents also expressed concerns about noise, which concerns were largely addressed by the Applicant and a sound study provided by Applicant.

## **II. CONCLUSIONS OF LAW**

- A. Zoning Commission reviews applications for final development plan in accordance with Zoning Resolution Section 26.15.
- B. Among other considerations, Zoning Commission is tasked with ensuring that “the individual section(s) of the overall Planned Unit District [shown on the Final Development Plan] is consistent in contents (building location – as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved Preliminary Development Plan and the West Chester Township Land Use Plan.” Zoning Resolution at 26.152.
- C. After much deliberation, the Zoning Commission determined on a 4-1 vote that the Applicant’s proposed final development plan was not consistent in contents with the preliminary development plans approved in 2004 and 2016. The primary inconsistencies demonstrated by the evidence presented at the July 15, 2019 hearing are summarized as follows:
  - 1. The site layout of Applicant’s proposed final development plan is fundamentally different from the approved preliminary development plans. The proposed final development plan depicts a 4,000 square foot building on .9 acres, whereas the preliminary development plan approved in 2016 shows a 35,350 square foot building and related parking on approximately 4.5 acres. The proposed final development plan shows an entrance to the site within 60 feet of the intersection of two private streets, whereas the first entrance



is located 250 feet from that same intersection on the preliminary development plan.

2. The Applicant's proposed use of the property for a drive through car wash is not specifically defined in the West Chester Township Zoning Resolution, and is not specifically permitted by either the 2004 or 2016 preliminary plan approvals. Although the Township generally considers car washes to be personal services establishments, the Zoning Commission determined that this car wash is more similar in character to the uses that are specifically prohibited within the 2004 preliminary plan approval than it is to the examples of personal services establishments provided in the Zoning Resolution. The proposed use is a fundamentally automotive use that will allow (and in fact depends upon) a constant flow of traffic that is more similar to that produced by a drive through restaurant or a gas station than a shoe repair shop or barber shop.
3. The proposed use seems to be a more intense use than normal big box retail stores, and being on the far western edge of Tract 2, the proposed use does not provide a proper transition to the residential development to the west.

### **III. DECISION**

- A. Based upon the application, the site plan, and all other the evidence presented at the July 15, 2019 hearing, the West Chester Township Zoning Commission voted 4-1 to deny Applicant's request for final development plan approval.

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 19-14**

**WEST CHESTER TOWNE CENTRE; REPUBLIC BANK SIGNAGE – RFDP (07-19-D)**

**WHEREAS**, on January 22, 2002, the West Chester Board of Trustees approved a Zoning Map Amendment from CBD (Central Business District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (03-2002) for approximately 200,000 square feet of mixed-use retail on 25.7 acres; and,

**WHEREAS**, on January 27, 2004, the West Chester Board of Trustees approved a Major Change to the PUD (04-2004) for multiple buildings containing 182,364 square feet of mixed-use retail and three outlots; and,

**WHEREAS**, on February 23, 2004, the West Chester Township Zoning Commission approved a Final Development Plan (04-08) for the roadways (except for the roadway between Areas 2 & 3), common areas and the development of Area 4 (Phase One); and,

**WHEREAS**, on March 20, 2006, the West Chester Township Zoning Commission approved a Final Development Plan (06-11) for the final roadway (roadway between Areas 2 & 3 as it is labeled on the PDP); and,

**WHEREAS**, on November 20, 2006, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan (06-44) for layout changes to “Area 3” of the plan and an additional outlot; and,

**WHEREAS**, on January 23, 2007, the West Chester Township Zoning Commission approved a Final Development Plan (07-03) for three multi-story buildings with an urban design and related streetscape features in “Area 3;” and,

**WHEREAS**, on December 17, 2007, the West Chester Township Zoning Commission approved a Revised Final Development Plan (07-24) for changes to the streetscape materials and design; and,

**WHEREAS**, on May 18, 2009, the West Chester Township Zoning Commission approved a Revised Final Development Plan (09-05) for two (2), 40 square foot banner signs to be located between the second and third floors of the north and west elevations for Dingle House; and,

**WHEREAS**, on June 21, 2010, the West Chester Township Zoning Commission approved a Revised Final Development Plan (10-11) for a 65 square foot building sign to be located on the third floor of the south elevation for Antonelli College; and,

**WHEREAS**, on October 20, 2014, the West Chester Township Zoning Commission approved a Revised Final Development Plan (14-24) for an 80.43 square foot building sign to be located on the third floor of the south elevation for The Pinnacle Group; and,

**WHEREAS**, on June 11, 2019, Darrin Gray, on behalf of Sign Vision, submitted an application for a Revised Final Development Plan for an internally-illuminated, 40.6 square foot building sign to be located on the third floor of the east elevation along the south portion of the building and a 8.5 foot high, multi-tenant, ground sign with a 47 square foot display area, located along the southwest corner of the site; and,

**WHEREAS**, on July 15, 2019, 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 with the following condition:

- 1.) At no time shall this approval set the precedent that building signage on the second or third floors will be permitted for other tenants.
- 2.) The approved signage is for Republic Bank only as presented. Any reuse of the building sign area by other tenants and/or additional building signage shall require Revised Final Development Plan approval.
- 3.) All wiring and mounting equipment shall be concealed from view and not run along the outside of the building.
- 4.) The ground sign shall be permitted in a temporary capacity and shall be removed at which time the construction of the previously approved building occurs.
- 5.) Any changes to the location, size and/or design of the signage shall require Revised Final Development Plan approval.
- 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 review stage.
- 7.) The West Chester Township Community Development Department (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 15<sup>th</sup> day of July 2019.

West Chester Township  
Butler County

Chairman:

Secretary:



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James Hahn



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Timothy Dawson  
Township Planner