

**WEST CHESTER TOWNSHIP  
ZONING COMMISSION  
January 27, 2014**

MEMBERS PRESENT: Jim Williams, Doug Rinnert,  
Susan Hendel, Jim Hahn, Art Hupp

MEMBERS ABSENT: Bruce Fisher

STAFF PRESENT: Bryan Behrmann, Planner  
Vicki Sparks, Administrative Assistant

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 9:54 p.m.

Mr. Rinnert called the meeting to order. Mr. Behrmann called the roll.

Minutes were presented from the Zoning Commission meeting from December 16, 2013 and approved as submitted.

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**The Oaks of West Chester-FDP, 01-14-A**

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Mr. Hahn recused himself from this case due to a conflict.

Mr. Behrmann stated that the subject property is on the east side of Barret Road, just north of Station Road. He stated that this property was rezoned from Agricultural (A-1) to Residential Planned Unit Development (R-PUD) on July 8, 2008, with a Preliminary Development Plan for a 114 single-family residential lot subdivision with a clubhouse, pool and reserved open space areas on 85.011 acres. He stated that on March 22, 2011, the West Chester Township Board of Trustees granted a three year time limit extension for the Preliminary Development Plan from July 8, 2011 to July 8, 2014. Mr. Behrmann stated that therefore, per Section 26.12 of the West Chester Zoning Resolution, the Preliminary Development Plan is set to expire on July 8, 2014 unless construction has started on the first section.

Mr. Behrmann stated that the applicant is requesting Final Development Plan approval for Section One of the single-family residential subdivision, which includes 26 single-family residential lots (25 new lots plus one lot for existing house), miscellaneous open space lots and portions of the pedestrian pathway on 18.121 acres.

Mr. Behrmann presented the staff report including a PowerPoint presentation that included: aerials, previously approved Preliminary Development Plan, proposed Final Development Plan, proposed Tree Preservation Plan, proposed landscape plan, sign wall & fence details, staff comments, outside agency comments, and site views.

Mr. Behrmann stated that the Zoning Commission is to approve, approve with modification, or deny the submitted Final Development Plan, unless additional information is deemed necessary to make an informed decision.

**Applicant: John Del Verne  
6900 Tylersville Road  
Mason, Ohio**

Mr. Del Verne stated that the applicant is there to answer any questions that the board has. He stated that they have been working closely with Mr. Behrmann and are acceptable to the conditions presented for approval.

Mr. Williams stated that initially he had some concerns with this project but he believes that this will be a good project.

Mr. Rinnert stated that the tree preservation is very important to this project.

**Proponents: none**

**Opponents: none**

**Neutral: none**

**Deliberations**

Mr. Rinnert stated that this is a good project.

Mr. Williams stated that the applicant needs to make sure that care is addressed with the density of the project. He stated that also traffic may need to be addressed in the future.

**Mr. Williams made a motion to approve case The Oaks of West Chester-FDP, 01-14-A subject to staff comments. Ms. Hendel seconded the motion.**

**Aye: Mr. Williams, Ms. Hendel, Mr. Rinnert, Mr. Hupp**

**Nay: none**

**Mr. Hahn returned to the meeting.**

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**ZMA05-13 Crossings of Beckett**

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Mr. Behrmann stated that the subject property is located on the east side of State Road 747 (Princeton Glendale Road) and the south side of Tylersville Road. He stated that the property is currently zoned Suburban Residence District (R-1A). The properties to the west are zoned C-PUD and R-PUD; the properties to the south are zoned C-PUD; the properties to the east are zoned R-PUD and R-1A; and the properties to the north are zoned R-1A. He stated that a similar application was submitted on September 12, 2012, which received a recommendation of denial from the Zoning Commission on March 18, 2013. He stated that the application was withdrawn by the applicant prior to public hearing and decision by the Board of Trustees. Mr. Behrmann stated that minor modifications have been made to the proposed boundary of the C-PUD and the site plan since the previous submittal.

Mr. Behrmann stated that the applicant is requesting a Zoning Map Amendment for 36.29 Acres from R-1A to C-PUD, and Preliminary Development Plan approval for a retail development that includes a Kroger Marketplace with a fuel center as the anchor tenant.

Mr. Behrmann presented the staff report including a PowerPoint presentation that included: aerials, current Zoning Map for the area, proposed zoning, proposed Preliminary Development Plan, Proposed Land Use Plan for the site, staff comments, outside agency comments, and site views.

Mr. Behrmann stated that the Butler County Planning Commission held a public hearing on this request and the Commission recommended approval of the proposed request with conditions.

Mr. Behrmann stated that the Zoning Commission is to forward a recommendation to the Trustees regarding the approval or disapproval of the proposed Zoning Map Amendment unless additional information is deemed necessary to make an informed decision.

Mr. Hupp questioned #8 of the staff comments and questioned the permitted use. Mr. Behrmann stated that Outlot 1 would not permit drive-up or drive-thru restaurants as written.

Mr. Hupp questioned #10b of the staff comments and the proposed mounding. Mr. Behrmann stated that staff recommends that the mounding be higher than the road elevation on Tylersville Road.

**Applicant: Tim Burgoyne  
9545 Kenwood Road  
Cincinnati, Ohio**

Mr. Burgoyne introduced those in attendance that would possibly be testifying for the applicant in this case. He stated that they are excited to present this proposal. He stated that they took the original proposal submitted in 2012 and tried to incorporate all of the residents' concerns and are now presenting a proposal that they feel will address those concerns. He reviewed the changes including eliminating the outlots proposed on Tylersville Road and replacing those outlots with five acres of buffering. He also stated that they have replaced the full access on Tylersville Road with a right-in and right-out only. Mr. Burgoyne also reviewed the changes to the internal roadways. He stated that they have increased the green space of the project to 22.4% and that is an increase of 50% over the last plan submitted.

**Etta Reed  
6900 Tylersville Road  
Mason, Ohio**

Ms. Reed, Bayer & Becker Engineers, reviewed the history of the submittal and the approval process of the Traffic Impact Study. Ms. Reed stated that they have received approval from the Butler County Engineer's Office and the Ohio Department of Transportation.

**Bob Garlock  
6900 Tylersville Road  
Mason, Ohio**

Mr. Garlock, Bayer & Becker Engineers, reviewed the Proposed Land Use Plan for the area and the current uses along Princeton-Glendale Road from Tylersville Road to Smith Road. He also reviewed the proposed Preliminary Development Plan including the buffering, landscape plan, and the overall layout. Mr. Garlock also reviewed the proposed drainage plan.

Mr. Burgoyne stated that this proposal will provide the residents of West Chester with excellent shopping and dining opportunities.

Mr. Williams questioned what plans the applicant has for the existing Kroger facility. Mr. Burgoyne stated that Kroger is a tenant in that building and no plans have been made until this plan has been approved. Mr. Burgoyne reviewed the vacancy retail in the area.

Ms. Hendel questioned if a competing retailer can go into the existing Kroger facility. Mr. Burgoyne stated that he cannot answer that question. He stated that they have a Kroger representative in the audience that could answer that question.

Mr. Hahn questioned why the proposed road to Beckett Road is a part of this request but it was not on the prior submittal. Mr. Burgoyne stated that they have been advised to include the access drive in the request for consistency.

Mr. Hupp questioned the timing of the two Phases. He stated that he has concerns with Phase 2 not having some of the improvements done including the buffering for years. Mr. Burgoyne reviewed the plan stated that you would have to grade the entire site to build the mounding. He stated that there is no way to do the green space without the entire Phase 2 being done.

**Ryan Silverman**  
**9545 Kenwood Road**  
**Cincinnati, Ohio**

Mr. Silverman stated that they are highly incentivized to build Phase 2. He stated that they have every intention of developing Phase 2 but it is market driven.

Mr. Hupp questioned if the ponds designated on the plan are to be wet ponds. Mr. Silverman stated that they are designed to be wet basins. Mr. Garlock stated that they are ponds.

Mr. Williams questioned the wording on the detention/retention ponds and the wording. Mr. Burgoyne reviewed the drainage plan for the project.

Mr. Williams questioned the truck path and if there is an adequate truck turning radius behind the proposed Kroger building. Mr. Burgoyne stated yes. Mr. Garlock reviewed the truck turning radius and the proposed truck traffic patterns surrounding Kroger.

Ms. Hendel questioned if the comments received from adjoining property owner Dave Labus have been addressed. Mr. Burgoyne stated that he has been in communication with Mr. Labus and a letter was received from Mr. Labus addressed to the Zoning Commission in support of the application.

Mr. Williams questioned if the applicant currently owns the property for Phase 2. Mr. Burgoyne stated that they have it under contract but do not own it currently.

Mr. Hupp questioned if the applicant will be purchasing both Phases at the same time. Mr. Burgoyne stated that Phase 2 will be purchased after the completion of Phase 1. Mr. Burgoyne stated that this was always planned to be developed in two phases. He stated that when this plan was first presented to the township it was recommended that they look at the property all the way to the intersection. He stated that the township did not want Phase 1 without Phase 2.

Mr. Hahn questioned how many acres are in each phase. Mr. Burgoyne stated 21.6 acres in Phase 1 and 14.6 acres in Phase 2.

Mr. Rinnert stated that he would prefer to see the buffering along Tylersville Road in Phase 2 be done at the same time as Phase 1. Mr. Burgoyne stated that Phase 2 will remain approximately 1000 feet of corn field until that Phase is developed.

**Proponents: Jimmy Vedas  
8238 Princeton Glendale Road  
West Chester, Ohio**

Mr. Vedas stated that he is the manager of the Beckett Ridge Kroger. He presented a petition with 1,044 signatures in favor of the new location for the proposed Kroger. He also reviewed a survey that Kroger had the customers take over the last 52 weeks. He stated that the biggest concern from the customers is that the store is too small, the parking lot is too small, and that a fuel station is needed.

**Steven Hunt  
2200 U.S. Bank Tower  
Cincinnati, Ohio**

Mr. Hunt stated that he is representing the property owner directly across 747 on the west side of the road. He stated that his client supports the project and that they feel that the open space is more than adequate. He stated that the property is not appropriate for residential. Mr. Hunt stated that ODOT has approved a curb cut with a signal that aligns with the proposed Crossings of Beckett property. He stated that their concern is that a future developer may not put the curb cut in directly across from theirs and that would have a negative impact on their property.

**Scott Quinn  
7545 Foxchase Drive  
West Chester, Ohio**

Mr. Quinn stated that he is a twenty-five year resident of West Chester. He stated that previously he lived by Wetherington when that development was first built. He stated that he is glad that this section of 747 is being developed. He stated that this development is very nice. He also stated that this development will bring more revenue and more tax dollars into the community. He stated that he is a resident of Foxborough and is on the Home Owners Association. He stated that the HOA board unanimously approves this development.

**Katrinia Hoelscher  
8949 Bayer Drive  
West Chester, Ohio**

Ms. Hoelscher stated that she is excited about the Kroger Development coming to this location. She stated that her family is thrilled with the project. She stated that Kroger has made significant changes to the original submittal and gives a lot of buffer and removed several out lots.

**Hal Silverman  
9545 Kenwood Road  
Cincinnati, Ohio**

Mr. Silverman stated that he would like to make sure that an email sent to Mr. Behrmann from a supporter had been forwarded to all board members. Mr. Rinnert stated that all emails received by staff had either been emailed or copied to all board members.

**Opponents: Tim Mara  
1600 Scripps Center  
312 Walnut Street  
Cincinnati, Ohio**

Mr. Mara stated that he is representing several of the property owners in the area of the proposed

development. He stated that he did submit to staff and the board members a report that went into detail their concerns and objections for this proposed development. Mr. Mara presented a PowerPoint detailing the concerns and objections to the zone map amendment request. He stated that this request does not meet the Proposed Land Use Map for the area in question. He reviewed the Proposed Land Use Map for the area. Mr. Mara stated that approving this request may cause the future development of commercial east on Tylersville Road from S.R. 747 to Beckett Road. He stated that safety and traffic are concerns for the area residents. Mr. Mara stated that this proposed development will cause the current location of Kroger to become vacant and could cause other tenants at the plaza to leave the development. He presented a letter from the UPS store stating their concern for their business if Kroger leaves the current location. Mr. Mara reviewed the four access points and the comments from the Butler County Engineer's Office. He stated that they also have concerns with the storm water drainage areas.

**Shirley Rosenzweig**  
**5090 Westsand Court**  
**West Chester, Ohio**

Dr. Rosenzweig stated that she has concerns with the Mill Creek Watershed Restoration Projects that include a portion of the land in this request. She stated that there is a blue line stream that crosses this property that is regulated by the Environment Protection Agency. Dr. Rosenzweig presented a PowerPoint that addressed her concerns with this project.

**Mark Haverkos**  
**7356 Wethersfield Drive**  
**West Chester, Ohio**

Mr. Haverkos reviewed the Butler County Planning Commission recommendation for approval with conditions. He stated that there are several inconsistencies with this approval and reviewed those inconsistencies. He stated that if this development is not approved Kroger will not leave the area and Kroger should be looking at the property further south on S.R. 747

**Jill Moats**  
**7250 Wethersfield Drive**  
**West Chester, Ohio**

Ms. Moats stated that she would like to request the Zoning Commission members vote no on this request. She stated that for the residents of Provident Manor this will have a detrimental impact on their neighborhood. She stated that her concerns are traffic, safety, and impact on the flood plains. She stated that she also has concerns about the mounding and buffering. She also requested a 15 year maintenance contract on the buffering and landscaping. Ms. Moats also questioned if Tylersville Road is widened then what impact would that have on the buffering and landscaping.

**Tom Eggert**  
**7672 Wethersfield Drive**  
**West Chester, Ohio**

Mr. Eggert stated that he has concerns with the topography of the proposed project. He stated that in Phase 2 he has concerns that this will not be developed for several years. Mr. Eggert reviewed the minutes from March 18, 2013 Zoning Commission meeting and stated that there is a discussion between Mr. Hahn and Mr. Burgoyne regarding topsoil and buffering. He stated that at that meeting Mr. Burgoyne made a statement that there would not be enough topsoil to reach Tylersville Road for the mounding in Phase 2. He stated that at tonight's meeting Mr. Burgoyne stated that there would probably be more topsoil than would be needed. Mr. Eggert stated that he does not believe that there will be enough topsoil to do what is needed to be done. Mr. Eggert requested that this application be denied.

**Carole Replogle  
5069 Westsand Court  
West Chester, Ohio**

Ms. Replogle questioned at what point does commercial development become more important than the residents safety. She stated that many residents walk and bike in the streets of Provident Manor because there are no sidewalks. She stated that speeding is also a concern. She stated that with the concrete barrier on Tylersville Road she feels that there will be quite a few people that will do u-turns to get around this right turn in.

**Tom Breon  
5052 Park Ridge Court  
West Chester, Ohio**

Mr. Breon presented a petition signed by 652 residents from West Chester voicing their opposition. He presented a PowerPoint that listed uses that would be consistent with the current Proposed Land Use Plan for the area in the request.

**Steve Harris  
7759 Wethersfield Drive  
West Chester, Ohio**

Mr. Harris reviewed data submitted with the traffic impact study. He also presented a handout of his review to the board members. Mr. Harris stated that the report states that "School Zones or pedestrian plans were not developed or evaluated as part of this study". He stated that there was no contact with the Butler County Sheriff, West Chester Township Police Department, or the Ohio State Highway Patrol for information regarding traffic accidents or congestion that is currently at the intersection or would be at the intersection for their report.

**Elaine Miller  
7302 Wethersfield Drive  
West Chester, Ohio**

Ms. Miller stated that as a mother she has concerns for the safety in the Provident Manor subdivision. She stated that students of the Lakota schools walk along these roads because there are no sidewalks and this project will endanger those students even further. She questioned if Phase 2 possibly could not be developed if it is market driven. She stated please vote no on this request.

**Tim Laba  
4883 Brantford Court  
West Chester, Ohio**

Mr. Laba stated that his property abuts Tylersville Road. He stated that he researched studies for projects that have commercial developments abutting residential communities and they have shown a decrease in property values, noise, litter, and increased traffic for the residential properties. Mr. Laba also stated that increased traffic and safety is a concern for him. He stated that this does not follow the Proposed Land Use Plan. Mr. Laba also stated that Kroger has previously stated that they will not allow another grocery store in the space that they current lease. Mr. Laba stated that he would urge the Zoning Commission members to vote no on this project.

**Rose Pickrum  
7677 Princeton-Glendale Road  
West Chester, Ohio**

Ms. Pickrum stated that safety in relationship to the children in the area is a concern for her. She stated that allowing commercial development along a residential area will increase the potential for crimes against children.

**Ron Replogle**  
**5069 Westsand Court**  
**West Chester, Ohio**

Mr. Replogle questioned if the area is so busy then why is there still vacant land in the area of the request.

**Charles Kline**  
**5037 Park Ridge Court**  
**West Chester, Ohio**

Mr. Kline stated that this development will cause an economic impact to him. He stated that he will not be able to make a left turn from Wethersfield Drive to Tylersville Road if this development is approved. He stated that this will add miles on to his daily commute every day and that will take money out of his pocket.

**Valerie Morgan Stewart**  
**8703 Park Place Circle**  
**West Chester, Ohio**

Ms. Stewart stated that she has buffer and noise concerns adjoining the Park Place West community and the proposed development.

**Mike Gundrum**  
**7786 Wethersfield Drive**  
**West Chester, Ohio**

Mr. Gundrum stated that he has concerns with no sidewalks and the student's safety. He stated that in the past he has given Mr. Burgoyne his contact information to discuss sidewalks and connectivity and he has never received a phone call.

**Michelle Quimby**  
**7069 Hunter's Trail**  
**West Chester, Ohio**

Ms. Quimby stated that she is requesting that the Zoning Commission vote no on this application. She stated that she has a direct view of the property in question and the aesthetics would not be appealing. She stated that this will devalue her property and this will affect the economics of the Foxborough neighborhood. She stated that this is not the proper location for a Kroger facility.

**Neutral: none**

Mr. Burgoyne stated that he has a few comments in response to the concerns expressed by the area residents. He stated that this development will cause an increase in traffic and the only way to not have an increase with this parcel is to not develop the parcel. He stated that the Butler County Engineer's Office and the Ohio Department of Transportation will approve and have the authority to ensure that their guidelines are followed.

Mr. Burgoyne stated that the Proposed Land Use Plan for this area is the same as the other commercial



areas south of the proposed development. He stated that it meets the spirit of how the Proposed Land Use Plan has been interpreted consistently for every other parcel along 747 and he stated that they are asking that this parcel be treated as all the others have.

Mr. Burgoyne stated that another concern expressed has been sidewalks along the north side of Tylersville Road. He stated that they have proposed one mile and a half of sidewalks within their proposed development for connectivity. He stated that they cannot install sidewalks on property that they do not own but that they would contribute to that and be a part of that sidewalk for safety.

Mr. Burgoyne stated that the only other option that would work on this parcel would be for rent residential and that had been brought up before and it was not well received.

Mr. Hahn stated that he contacted the Butler County Engineers Office and there is right-of-way along Tylersville Road to install the sidewalks.

### **Deliberations**

Mr. Williams stated that if this was just strictly a Zone Map Amendment it would be fairly easy but doing it with a Preliminary Development Plan that shows Phase 1 and Phase 2 makes it a struggle for him. He stated that if Phase 2 was left off he would have approved this project. He stated that he does not feel the applicant will be able to meet the buffering elevation requirement. He stated that as this stands now he cannot approve this request.

Mr. Hupp stated that Phase 2 is critical to this plan. He stated that the applicant is responding correctly to the neighborhood and to the development. He stated that he would like to see the timing of Phase 2 tied down. Mr. Hupp stated that if the green space in Phase 2 is done correctly he does not think a large barrier needs to be installed. He stated that he would like to see some of the naturalist ways of taking care of the berm and that property.

Mr. Williams stated that he agrees with the landscaping in Phase 2 but he does not agree with the buildings in Phase 2.

Mr. Hahn stated that he would like acknowledge the developers for reaching out to the communities and setting up the meetings like this board had recommended. He stated that they came back with a plan that he feels look fairly decent and gives a good buffer. He stated that this property is a hard line between residential and commercial and the applicant did an adequate job of putting in a nice landscape buffer area with plenty of walkways. He stated that overall it is a decent plan. He stated that a concern is the timing of Phase 2.

Ms. Hendel questioned what is the protection for the adjoining property owners if Phase 2 is not developed.

Mr. Williams questioned the board if the applicant could go forward with only Phase 1 at this time.

Mr. Hupp stated that he wants this project to move forward and be sustainable. He stated that this is actually a quality project and is done well. He stated that he would like to see at least Phase 1 and the buffer from Phase 2.

Mr. Williams stated that he agrees with the residents that this intersection is a mess with the traffic. He suggested that the board table this and see if the applicant can do just Phase 1.

Mr. Rinnert stated that he does not think that only Phase 1 can be approved.

Mr. Hupp stated that he has accepted Phase 1 but does not like that Phase 2 will not have an established time frame.

Mr. Williams stated that Phase 1 is a no brainer but that Phase 2 is not a no brainer.

Mr. Behrman stated to clarify that if this plan is approved then this Preliminary Development Plan will be tied to the property. He stated that if they wanted any major modification then they would have to appear before this board again.

Ms. Hendel questioned what if the applicant does not pick up the option on Phase 2. Mr. Behrman stated that the plan for Phase 2 remains with the PUD and it will be waiting for a developer to come along.

Mr. Hahn questioned the access on Beckett Road. He questioned if the township attorney had looked at that access. Mr. Behrman stated that he did talk to the township attorney and was fine either way regarding the property being included on this application. Mr. Hupp stated that he wants to have that access remain as part of this development.

There was further discussion regarding the access onto Beckett Road.

**Mr. Hahn made a motion to recommend approval of case ZMA05-13, Crossings of Beckett subject to staff comments and adding a condition to add top soil to be used as a temporary landscape berm; just to the north of Phase 1.**

**Mr. Hupp seconded the motion.**

Mr. Hupp stated that he has an issue with the temporary berm because the berm has to be on their property and they would not own the property that the berm would be located on.

Mr. Hahn withdrew his motion. Mr. Hupp withdrew his second.

**Mr. Hahn made a motion to recommend approval of case ZMA05-13, Crossings of Beckett subject to staff comments. Mr. Hupp seconded the motion.**

**Aye: Mr. Rinnert, Mr. Hahn, Mr. Hupp**

**Abstain: Mr. Williams, Ms. Hendel**

**Nay: none**

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**Communication & Miscellaneous Business**

Mr. Behrmann explained there would be no meeting in February since no applications were submitted.

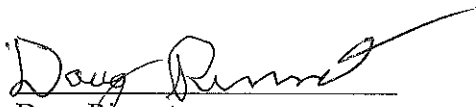
Mr. Rinnert stated that the next scheduled meeting would be March 17, 2014 at 6:30 p.m.


The Commission voted unanimously to adjourn at 9:54 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 audio tape 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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Doug Rinnert

  
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Bryan Behrmann

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 14-01  
THE OAKS OF WEST CHESTER – SECTION ONE, FDP**

**WHEREAS**, on July 8, 2008, the West Chester Board of Trustees, through Resolution No. 20-2008, granted approval of a Zoning Map Amendment from “A-1” to “R-PUD” for 85.011 acres of land and a Preliminary Development Plan containing 114 single-family residential lots, clubhouse with a pool and reserved open space areas; and,

**WHEREAS**, on March 22, 2011, the West Chester Board of Trustees, through Resolution No. 05-2011, granted a time limit extension for the Preliminary Development Plan from July 8, 2011 to July 8, 2014; and,

**WHEREAS**, on December 17, 2013, an application was submitted by Rhein Gundler LLC for Final Development Plan approval of Section One of the residential development, which includes 26 single-family residential lots (25 new lots plus one lot for existing residence), miscellaneous open space lots, portions of the pedestrian pathway, stormwater facilities and related utilities; and

**WHEREAS**, on January 27, 2014, the West Chester Township Zoning Commission conducted a public hearing for said Final Development Plan.

**NOW THEREFORE BE IT RESOLVED**, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve said Final Development Plan for the aforesaid application consistent with the submitted site plan with the following conditions:

1. A revised plan shall be submitted within 30 days to reflect the following changes: 1)The Landscape Plan shall add a note that home builders are to protect and preserve existing trees as much as practical to accommodate a home; 2)The north arrow on Page C3.0 shall be correctly illustrated; and, 3)The subdivision sign on the northwest corner of Barret Road/Station Road shall be removed from all plans. The revised plan shall be subject to approval by the West Chester Community Development Department.
2. All right-of-way shall be dedicated, as required by the Butler County Thoroughfare Plan, including right-of-way on the west side of Barret Road for the entire existing parcel. The right-of-way shall be dedicated prior to the issuance of any Zoning Certificate.
3. Prior to the issuance of a Zoning Certificate, a Home Owner’s Association and Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements shall be created, which shall be responsible for the following items, which shall be specified in the Home Owner’s Association declaration: 1)keeping all open space and green space areas free from litter and debris; 2)maintain all drainage ways and retention/detention basins (including the retention basin on the west side of Barret Road) to perform their designated function; 3)maintain all landscaping as approved on the Final Development Plan, including any landscaping islands that are located in the right-of-way, or adjacent to the right-of-way; 4)maintain the multi-purpose trail along Barret Road, and other pedestrian pathways through the subdivision and connecting into Keehner Park; 5)maintain all paver and/or decorative crosswalks; 6)maintain all entryway signs and fences in the open space; 7)maintain the clubhouse and pool; and, 8)the HOA document shall clearly define the areas that are prohibited for on-street parking, at all times and during times of snow emergency, and the HOA shall be responsible for the cost of all no-parking signage and the enforcement of the no parking areas. A draft copy of the Home Owner’s Association and Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements shall be submitted to West Chester Township Staff for review and approval, and must be recorded prior to the issuance of any Zoning Certificate.

4. The submitted Tree Preservation Plan on Pages C6.3 and C6.4 shall be required to be followed as approved. Additionally, the following measures shall be utilized to ensure maximum preservation: 1)the "Tree Preservation Fence" as illustrated on the plan shall be used to protect preserved groups of trees from construction damage; 2)the trees that are being removed shall be carefully marked for removal; 3)the identified trees and existing vegetation that are to be preserved, including during the construction of each residence, shall be preserved by the individual home builders and the property owners as modified by Condition 1 of this resolution; 4)Any revision to the Tree Preservation Plan, whether it is a result of a required change from another agency or an in the field change, shall meet the approval of the township; and 5)Any conflict with existing trees and the multi-use trail shall be resolved by modifying the location of the multi-use trail, instead of removing additional trees.
5. All improvements to Barret Road that are required by the BCEO shall be completed at the expense of the developer. Prior to the issuance of any Zoning Certificate, the developer shall post the necessary bonds guaranteeing construction of the improvements as determined appropriate by the BCEO.
6. All roadways shall be constructed per the requirements of the Butler County Subdivision Regulations and standards for public roads. The reduced road widths shall be approved for the cul-de-sac roads as they are illustrated on the approved plan as long as on-street parking is prohibited on the side of the road with the fire hydrants, or as otherwise authorized by the West Chester Fire Department. Additionally, on-street parking shall be prohibited on the single-lane streets at all times, and during snow events parking shall be prohibited on all public roadways.
7. Building setbacks shall be approved as noted in the "Section One Summary", unless otherwise noted on an individual lot. The five foot side yard setback shall be permitted as arranged and illustrated on the individual lots. At no time shall there be less than 20' between houses as noted.
8. The exterior building materials for all primary structures and detached garages shall be restricted to the following requirements: The entire first floor portion of the front, side and rear exterior wall areas shall be constructed of brick, stone, cultured stone, or other masonry finish determined to be substantially similar by Staff. The areas of the first floor portions expressly excluded from the above stated materials shall include areas where normal building practices prohibit the use of the materials stated above, including but not limited to gas fireplace insert cantilever, gables, overhangs, kitchen and other bays, and other types of protrusions that structurally preclude the use of the above stated materials. All other exterior wall areas may be constructed of the above listed materials. Any request for variation from these guidelines shall be reviewed by the developer and presented to the West Chester Township Planner. The West Chester Township Planner shall approve or deny the proposed variation in writing within ten (10) working days, however, failure to do so shall not constitute approval. In no event shall any exterior wall contain less than 50% coverage of the specified approved masonry materials. All Zoning Certificate applications shall provide calculations for each elevation to ensure it meets the above standards.
9. Prior to the issuance of a Zoning Certificate, all street trees shall be reviewed and approved by the West Chester Services Department to ensure that the species being used do not cause maintenance and services issues with the roadway maintenance.
10. The detention pond on the west side of Barret Road shall be platted as part of this subdivision, and the HOA shall be responsible for the maintenance. During the construction of the detention pond, the existing vegetation shall be protected and maintained as much as possible.
11. All open space areas shall be designated as such on the approved subdivision plat. Any open space area, landscaping or decorative crosswalk located within a road right-of-way shall be dedicated as public right-of-way but the maintenance shall be the responsibility of the HOA.

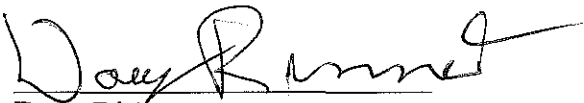
12. The subdivision entrance signs and integrated fence shall be permitted as illustrated on the Final Development Plan. The subdivision sign and fence on the west side of Barret Road shall only be approved if it is consistent with the underlying A-1 Zoning District. The maintenance of the entrance signs and fence shall be the responsibility of the HOA.
13. The sidewalks and multi-purpose trail shall be constructed to Butler County Engineer Standards, with regard to materials and compaction. A public use easement shall be required for any portion of the multi-purpose trail and/or sidewalks that are located outside of the right-of-way to ensure the general public's use. A draft copy of the easement shall be submitted for review and approval by the West Chester Community Development Department. Documentation of the recorded easement shall be provided to the West Chester Community Development Department, prior to the issuance of a Zoning Certificate. The public use easement may be included on the recorded subdivision plat.
14. All street names shall be approved by the West Chester Fire Department.
15. Driveway access for Lots 10, 12 & 21 shall be from Street B. Driveway access for Lot 26 shall be located on the east side of lot to minimize interference from the landscape island and main entrance.
16. All concerns of the BCEO, West Chester Fire and Service Departments, and the Butler County Water & Sewer Department shall be addressed to the satisfaction of the agency with the concern.
17. A secondary access point from Street A shall be provided with the recording of Lot 62, or as otherwise determined necessary by the West Chester Fire Department.
18. The West Chester Community Development Department Staff shall be authorized to approve minimal revisions to the approved FDP. Any changes to the plan that are required by other agencies (Butler County Engineers Office, Butler County Building Department, West Chester Fire Department, etc.) shall be subject to approval by the West Chester Township Community Development Department.

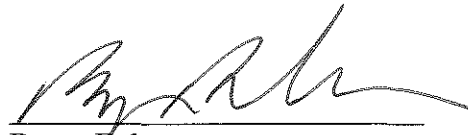
**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommendation of approval. This action shall take effect this 27<sup>th</sup> day of January 2014.

West Chester Township  
Butler County

Chairman:

Secretary:

  
Doug Rinert

  
Bryan Behrmann  
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 14-02  
CROSSINGS OF BECKETT, ZMA & PDP**

**WHEREAS**, on December 17, 2013, an application was submitted by Silverman and Company for a Zoning Map Amendment for 36.29 acres of land from "Suburban Residence District" (R-1A) to "Commercial Planned Unit Development" (C-PUD) and simultaneous Preliminary Development Plan approval for a retail development that includes a 130,773 SF Kroger Marketplace with a fuel center, 56,000 SF of retail space, 22,000 SF of retail/office space and six (6) outlots; and

**WHEREAS**, on January 14, 2014, the Butler County Planning Commission conducted a public hearing for said Zoning Map Amendment and Preliminary Development Plan and recommended approval of the aforesaid application with conditions; and

**WHEREAS**, on January 27, 2014, the West Chester Township Zoning Commission conducted a public hearing for said Zoning Map Amendment and Preliminary Development Plan.

**NOW THEREFORE BE IT RESOLVED**, that on the basis of the above actions and findings, the West Chester Township Zoning Commission does hereby recommend approval of the Zoning Map Amendment from "R-1A" to "C-PUD" and Preliminary Development Plan for the aforesaid application with the following conditions:

1. A revised plan shall be submitted within 30 days to reflect the following changes: 1)The location of the access road for the property to the south that is referenced in Note #8 shall be illustrated on the plan; 2)Note #1 shall be revised as follows: "All parking to be provided, including outlots, in accordance with the West Chester Township Zoning Resolution, or a variance will be requested at the time of submittal for Final Development Plan."; 3)Note #9 shall be revised to include the dedication of the Beckett Road right-of-way with Phase 1; 4)Note #11 shall be updated as follows: "There shall be a maximum of three (3) drive-up or drive-thru restaurants allowed as uses on Outlots 2 thru 6. No drive-up or drive-thru restaurants are allowed on Outlot 1."; 5)In the "Outlot Design Criteria" notes section, the "Building Setbacks From Open Space" shall be removed; 5)The requirements and recommendations of the approved Traffic Impact Study shall be illustrated on the Preliminary Development Plan; 6)The open space parcel on the south side of Tylersville Road shall be revised to reflect the requirements of Condition 10c of this resolution; 7)Additional landscaping shall be added behind Kroger to reflect the requirements of Condition 10d of this resolution; 8)The sidewalk along Tylersville Road shall be extended to the east across the channel; 9)An interior sidewalk shall be illustrated along 'Service Drive C' on all outlots and tied into the surrounding sidewalk network; and 10)Access to 'Site Drive B' shall be illustrated providing access to Beckett Road for the undeveloped properties east of the tree line to the north and south. The revised plan shall be subject to approval by the West Chester Community Development Department.
2. All recommendations of the Traffic Impact Study, and requirements of ODOT and the BCEO, shall be incorporated the Preliminary Development Plan and all Final Development Plans. A copy of the approved Traffic Impact Study, as revised per ODOT and BCEO comments, shall be provided to the West Chester Community Development Department.

3. The cross-access drive that is referenced in Note #8 shall be constructed with the development of the Kroger parcel and stubbed into the south property line as it is approved on the Final Development Plan and a non-restricted cross-access easement to benefit all properties to the south shall be provided to the traffic light. Access to the signalized intersection is critical to the proposed development, the adjacent developing office building to the south and the existing development further to the south. This cross-access easement will help alleviate traffic flows, better manage traffic circulation in the area and reduce trips onto State Road 747. The applicant may proportionally share the cost of the improvements with the adjacent property owner/future developer. At the Final Development Plan stage, a draft copy of the cross-access easement shall be submitted for review by Staff, and the approved easement shall be required prior to the issuance of any Zoning Certificate.
4. A non-restricted cross-access easement shall be provided on 'Site Drive B' to benefit the future development of the property to the north and south of the access drive (east of the tree-line), which shall provide access to Beckett Road. The exact location of the access points on 'Site Drive B' shall meet the spacing requirements of the BCEO for distance from Beckett Road. The applicant may proportionally share the cost of the improvements with the adjacent property owner/future developer. At the Final Development Plan stage, a draft copy of the cross-access easement shall be submitted for review by Staff, and the approved easement shall be required prior to the issuance of any Zoning Certificate.
5. All right-of-way shall be dedicated per the Butler County Thoroughfare Plan. The portions of the State Road 747 right-of-way that are located in Phase 1 and the Beckett Road right-of-way shall be dedicated in conjunction with the development in Phase 1; and, the portions of the State Road 747 right-of-way that are located in Phase 2 and the Tylersville Road right-of-way shall be dedicated in conjunction with the development in Phase 2.
6. A detailed drainage plan shall be provided with the first Final Development Plan for each phase, which shall demonstrate that adequate detention/retention is being provided for all property in each phase, including the outlots. A detailed drainage plan shall also be provided with each Final Development Plan to demonstrate appropriate tie in to the development's overall drainage plan.
7. Permitted Uses shall include the Principally Permitted Uses of the B-1 District, excluding Subsection 21.025, and the Principally Permitted Uses of the B-2 District, excluding Subsections 22.022 (the Kroger Fuel Center shall be specifically permitted), 22.023, 22.024 (low intensity print shops such as Kinko's/FedEx shall be specifically permitted), 22.025, 22.026, 22.027, 22.028, 22.029, 22.0211, 22.0212, 22.0213, 22.0214 and 22.0215. Additionally, a maximum number of three drive-up/drive-thru restaurants may be permitted on Outlots 2 thru 6. A drive-up/drive-thru restaurant shall not be permitted on Outlot 1.
8. Outdoor display and sales shall only be permitted for the Kroger Marketplace occupied space, subject to the following conditions: Limited to areas under a permanent canopy, awning or roof that is attached to the principal building, as long as a 5' minimum pedestrian walkway is maintained at all times; Display area shall not exceed 50% of the building's length of any wall that it is located. Any outdoor display and sales at the Fuel Center shall be reviewed at the Final Development Plan Stage and shall only be permitted if it is very limited in nature and incorporated into the design of the kiosk. All other uses shall comply with the typical requirement that all business being conducted in an enclosed building.



9. All freestanding signage for the larger retail center shall be approved at the Final Development Plan stage. The freestanding signs that are illustrated on the Preliminary Development Plan do not constitute approval of each sign. Each outlot shall be permitted one monument sign, which shall not exceed 25 square feet of display area per side, shall not exceed 8 feet in height, shall be setback a minimum of 10 feet from any street right-of-way and shall have a sign base that is consistent with the exterior building materials for the principle building. Building signage for the entire site shall be subject to Article 20 of the West Chester Zoning Resolution for all retail uses and Article 17 of the West Chester Zoning Resolution for all office uses. Fuel canopy signage shall be specifically approved at the Final Development Plan stage. Any building signage on the east, north and south elevations shall not be illuminated, unless it is specifically approved at the Final Development Plan stage.
10. A detailed Landscaping Plan shall be provided with each Final Development Plan, which shall appropriately address the following requirements:
  - a. The first Final Development Plan shall coordinate street trees for the entire site consistently along both road frontages, with regard to location, spacing and tree type, which may be installed in conjunction with the development of the adjoining parcel.
  - b. Extensive landscaping shall be provided throughout the site, especially in the highly visible areas, such as the main entrances, the corner of SR 747/Tylersville Rd, open space area adjacent to Tylersville Road, and the open space areas along the east property line.
  - c. The open space area along the south side of Tylersville Road shall include a variety of landscaping and substantial mounding in the Open Space area along Tylersville Road, which provides year round screening to the existing residential to the north. The mounding should be significant enough that it is substantially elevated from the roadway grade so an effective buffer is provided, at a minimum from the front face of the proposed buildings to the east property line. The mounding and landscaping in this entire Open Space area should be installed prior to the issuance of a Final Zoning Certificate in Phase 2.
  - d. The open space area behind Kroger shall provide sufficient plantings to provide year round screening to the existing/future residential to the east and help minimize the noise from the delivery area and light spillover. Sufficient plantings should be provided on the east side of 'Site Drive A' to minimize the effects of headlights from the anticipated drive-thru and delivery traffic.
  - e. All islands in the parking lot areas shall be planted islands and not striped islands, except for the areas near the handicapped spaces. The Zoning Commission may specifically approve striped islands near the Kroger main entrance at the Final Development Plan stage if it is determined that they would improve pedestrian safety.
  - f. All major landscaping areas and islands shall be irrigated with a permanently installed system. All landscaping shall be maintained in good condition.
11. A Photometric Analysis shall be provided with each Final Development Plan, which shall demonstrate that the footcandles are being minimized at the property lines and 0.02 footcandles are being maintained along all property lines that are adjacent to existing and planned residential. Specific light fixture details shall also be provided, which shall utilize a design that minimizes glare and light spillover onto adjoining properties. Any street lighting

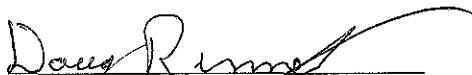
at the entrances that are required by the BCEO and/or ODOT for safety purposes may be permitted.

12. Detailed building elevations shall be provided with all Final Development Plans, which shall demonstrate that high quality exterior building materials (brick, stone, etc.) are being utilized throughout. Alternative building materials may be considered for accent purposes only. The rear elevation of the Kroger building, which includes delivery docks in close proximity to existing and planned residential, shall be enhanced with quality building materials and measures to reduce sounds that are typical of such delivery areas.
13. Cross-access easements shall be required for all private drives for internal access of all outlots, which shall occur in conjunction with the development of each phase as a whole.
14. All Final Development Plans shall provide a minimum of 15% open space.
15. If any sidewalks located along a public roadway are located on private property, a public use easement shall be provided ensuring public use of the sidewalk.
16. The exact location of the lot lines and lot sizes shall generally follow the layout on the Preliminary Development Plan. Final lot layout shall be approved at the Final Development Plan Stage. At no time shall an outlot be permitted on Tylersville Road, except as Outlot 1 is illustrated on the approved Preliminary Development Plan.
17. Prior to the approval of any lot splits, a Property Owner's Association shall be created, which shall be responsible for the maintenance of the following items: 1)All open space areas, which shall be maintained in good condition and free from trash and litter; 2)All common access drives and parking areas; 3)All sidewalks; 4)All drainage ways and stormwater facilities, which shall be maintained to perform their designated function; 5)All common landscaping as it is illustrated on approved Final Development Plans. A Reciprocal Easement Agreement may be permitted if it achieves the same purpose as a POA. A draft copy of the required document shall be provided to the West Chester Community Development Department for review and approval. The required document shall then be recorded and a copy of which provided to the Township.
18. All comments and concerns of all state, county and township agencies shall be adequately addressed during Final Development Plan approval.


**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval as modified by this resolution. This action shall take effect this 27<sup>th</sup> day of January 2014.

West Chester Township  
Butler County

Chairman:

  
Doug Rinnert

Secretary:

  
Bryan Behrmann  
Township Planner