

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
May 19, 2014**

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

MEMBERS ABSENT: Jim Hahn

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

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 8:30 p.m.

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

Minutes were presented from the Zoning Commission meeting from April 21, 2014 and approved as submitted.

West Chester Village-FDP West Chester Academy of Music and Dance, 05-14-A

Mr. Behrmann stated that the subject property is located within the West Chester Village development on the north side of Hutzelman Way and west of State Road 747 (Princeton-Glendale Road). He stated that this property was rezoned to Commercial Planned Unit Development (C-PUD) on March 13, 2001 with a Preliminary Development Plan that included a large multi-tenant retail center, five outlots and development areas at the northernmost and southernmost areas of this C-PUD. He stated that Final Development Plans have been approved for the northernmost and southernmost development areas; and, a Final Development Plan has been approved for a Chase Bank on one outlot on the northwest corner of the SR 747 and Hutzelman Way intersection. Mr. Behrmann stated that a Revised Preliminary Development Plan was approved on April 21, 2014 for modifications to the original layout, which included creating a new outlot on the north side of Hutzelman Way.

Mr. Behrmann stated the applicant is requesting Final Development Plan approval for a new 11,829 SqFt commercial building. He stated that the building will be occupied by the West Chester Academy of Music and Dance and have a tenant space for a future user.

Mr. Behrmann presented the staff report and a PowerPoint presentation that included: aerials, previously approved Preliminary Development Plan, previously approved Revised Preliminary Development Plan, Proposed Final Development Plan, proposed floor plan, proposed building elevations, building renderings, proposed landscape plan, preliminary signage design, 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: Paul Rabinowitz
3637 Hoskins Court
Hamilton, Ohio

Mr. Rabinowitz reviewed the history of the West Chester Academy of Music and Dance. He stated that this is a great location and the traffic light is a plus for this location. He stated that this location will have high visibility for his business. He stated that this will be a custom building built to their needs. Mr. Rabinowitz stated that he agrees with staff's proposed conditions but would like to request that both entrances be in and out instead of the proposed one in and one out.

Mr. Fisher questioned what the ages of the students are. Mr. Rabinowitz stated birth to 88.

Mr. Williams questioned the proposed condition from the Butler County Engineer's Office that would limit the entrance to one in and one out. He stated that he does not like to go against the Butler County Engineer's Office recommendation.

Mr. Hupp questioned if the southwest corner of the proposed building will have the same architectural details as the front of the building. Mr. Rabinowitz stated that it would not go around the side of the proposed building.

Ms. Hendel stated that she thinks this is a great location.

Proponents: Steven Hunt
2200 US Bank Tower
Cincinnati, Ohio

Mr. Hunt stated that he represents Hutzelman Farms the owner of the property. He stated that they have been working with the applicant for six months and they are very happy with the proposed design. He stated that he would appear before the board in the next few months for future development.

Opponents: none

Neutral: none

Deliberations

Mr. Rinnert stated that he likes the design.

Mr. Williams stated that he is OK with the access points the way they are proposed on this private drive. He stated that it may become more congested and would require an in and out access.

Mr. Hupp stated that he thinks that this is a great use but would like to see the architecture design wrapped around the southwest corner of the building or additional landscaping added.

Mr. Rabinowitz stated that they are willing to do the additional landscaping. He stated that the other buildings in the area do not have the architectural wrapped around the building. He stated that the addition to the architecture would be cost prohibitive.

Mr. Hunt stated that the property owners would be willing to help with the additional landscaping.

Mr. Williams stated that he is not sure that the building modifications are needed.

Mr. Williams made a motion to approve case West Chester Village-FDP West Chester Academy of

Music and Dance, 05-14-A subject to staff conditions and add condition that additional landscaping plan be added to the southwest corner of the building to meet the approval of staff. Ms. Hendel seconded the motion.

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

Nay: none

Glenview Farm Estate-RPDP, 05-14-B

Mr. Behrmann stated that the subject property is located on the south side of Hamilton-Mason Road and on the west side of S.R. 747. He stated that this property was rezoned from "A-1" to "R-PUD" on April 26, 2005, in conjunction with a Preliminary Development Plan that contained 110 single-family residential lots, a pool house and open space areas. He stated that a Final Development Plan was approved on September 19, 2005 for Phase I of the development, which included 55 single-family residential lots, open space lots and the pool house. Mr. Behrmann stated that the subject development was the site of Homearama in 2011.

Mr. Behrmann stated that the applicant is requesting Revised Preliminary Development Plan approval for Phase 2 of the development, which includes reducing the typical width of 54 lots from 100' wide to 90' wide, eliminating the loop road layout for a cul-de-sac road layout, lot count will be reduced by one lot, and reducing the road width from 28' to 25'.

Mr. Behrmann presented the staff report and a PowerPoint presentation that included: aerials, previously approved Preliminary Development Plan, proposed Revised Preliminary Development Plan, 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 Revision to a Preliminary Development Plan, unless additional information is deemed necessary to make an informed decision.

Mr. Williams questioned if the pond is existing. Mr. Behrmann stated yes and an additional one will be constructed.

Ms. Hendel questioned if there is no parking permitted on either side of the street. Mr. Behrmann stated that the parking would be limited to one side of the street and parking would be permitted on the side that has no fire hydrants.

**Applicant: Mike Schottelkotte
211 Grandview Drive
Ft. Mitchell, Kentucky**

Mr. Schottelkotte introduced those in attendance that would testify if needed for the applicant. Mr. Schottelkotte reviewed the proposed changes to the Preliminary Development Plan and the design layout. He stated that the HOA is the same for Foxborough and Glenview Farm. He reviewed the name changes for the streets. He stated that the builders liked the option of 90' lots. He reviewed the design of the detention/retention area.

Mr. Fisher questioned the open space and if it will be maintained or allowed to remain natural. Mr. Schottelkotte stated that some will be maintained and some of the larger areas will be bush hogged several times a year.

Proponents: Scott Quinn
7545 Foxchase Drive
West Chester, Ohio

Mr. Quinn stated that he is a board member of the Foxborough Community. He stated that they have discussed this extensively as a board and they do like the new plan. He stated that it is a much better layout, eliminates the flag lots, adds more green space, and the traffic flow is better.

Mr. Williams questioned if he is ok with the more narrow streets. Mr. Quinn stated that because they have restricted the parking to one side they are ok with it.

Mr. Quinn reviewed the landscaping timeline for maintenance.

David Weirich
7435 Foxchase Drive
West Chester, Ohio

Mr. Weirich stated that he is also a resident of Foxborough and a member of the board. He stated that he wanted to echo Mr. Quinn's comments and is very much in favor of the proposed changes.

Opponents: none

Neutral: none

Deliberations

Mr. Rinnert stated that he is fine with everything on this request.

Mr. Hahn made a motion to approve case Glenview Farm Estate-RPDP, 05-14-B, subject to staff conditions. Ms. Hendel seconded the motion.

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

Nay: none

MC02-14 Highland Square, Lot #2

Mr. Behrmann stated that the subject property is located on the east side of Cincinnati-Dayton Road, approximately 2000 feet north of the I-75 interchange. He stated that the property was originally rezoned to C-PUD on March 28, 1995 as part of the Cin-Day Properties approval, which included the conversion of the single-family houses to office/retail uses with a shared access road behind the buildings. Mr. Behrmann stated that a Revised Preliminary Development Plan was approved on March 15, 2004 that made modifications to the road layout and reconfigured four outlots on the south side of the development, which was then referred to as Highland Square.

Mr. Behrmann stated the applicant is requesting a Major Change to the PUD, which includes the addition of auto repair as a permitted use on a portion of Outlot 2, a use which was specifically limited to Lots 15 and 16 of the original C-PUD and amending the Preliminary Development Plan by subdividing original Outlot 2 (1.927 Acres), into a 0.678 acre lot to be utilized by an auto repair business and a 1.249 acre lot for a future use.

Mr. Behrmann presented the staff report and a PowerPoint presentation that included: aerials, previously

approved Cin Day Properties PUD plan with original boundaries, history, proposed Major Change, preliminary site plan, revised preliminary site plan, proposed building elevations, pictures from other Christian Brothers sites, proposed landscape plan, Land Use Plan for the site, staff comments, outside agency comments, and site views.

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

Mr. Hupp questioned if the final plan has a building setback from Cincinnati-Dayton Road. Mr. Behrmann stated that the typical setback is 25' in a B-2 zoning district. Mr. Behrmann stated that the original plan did not include proposed setbacks and it is up to the board.

**Applicant: Jonathan Wakefield
15995 Barkers Landing
Houston, Texas**

Mr. Wakefield stated that the staff presented a good report. He stated that they would like to reset the bar for this use. He reviewed the history of Christian Brothers Automotive. He stated that in response to the concerns expressed about the possibility of closing the business and an empty building, they have never closed a store. Mr. Wakefield reviewed the storage of oil and the recycling of the oil. He reviewed some of their locations in other states. He stated that they currently have 127 stores. He stated that they have no outside storage at night. All cars in for repairs will be parked inside at night. He stated that the business hours will be Monday through Friday with Saturdays only during the first 190 days of business. He stated that they have oriented the building toward the other businesses in the area and away from the residential areas to help with the decibel levels. Mr. Wakefield reviewed the elevations of the proposed building.

Mr. Williams questioned if the business is company owned or a franchise. Mr. Wakefield stated that they are franchised.

Mr. Williams questioned the shop rate. Mr. Wakefield stated 10% less than a dealership, more than Goodyear or Firestone. He stated that they are fleet friendly and municipalities friendly.

Mr. Fisher questioned if this will be the first store in Ohio. Mr. Wakefield stated that West Chester and Loveland are their proposed locations.

Mr. Fisher questioned the number for techs and bays. Mr. Wakefield stated that they have nine bays and four technicians.

Mr. Fisher questioned what is the majority of work for the business. Mr. Wakefield stated that the majority is diagnostic, and then periodic maintenance.

Mr. Fisher stated that it is a nice looking building.

Mr. Rinnert questioned if they will sell tires. Mr. Wakefield stated that they will not have them on site but can get them from surrounding businesses if needed.

Mr. Hupp questioned if the building is air conditioned. Mr. Wakefield stated the office area only.

Mr. Hupp questioned the amount of parking and how long the cars will remain in the lot. Mr. Wakefield stated that they will be outside of the building no later than 7 p.m.

Mr. Rinnert questioned why this lot. Mr. Wakefield stated that this is a better location demographically.

Mr. Rinnert questioned if they had any conversations with Chase Bank. Mr. Wakefield stated no.

Mr. Fisher requested Mr. Wakefield give him a short summary of the oil interceptor. Mr. Wakefield reviewed this.

Proponents: Jeff Chamot
2135 Dana Avenue
Cincinnati, Ohio

Mr. Chamot stated that as the property owners they are very impressed with Christian Brothers and in support of the project. He stated that it fits in well with the development.

Opponents: none

Neutral: none

Deliberations

Mr. Williams stated that this request is straight forward and he likes it.

Mr. Rinnert stated that it is a nice looking building with a nice design and layout. He stated that he has some concerns about the proximity of the residential across the street.

Mr. Fisher stated that the building is impressive.

Mr. Williams made a motion to recommend approval of case MC02-14 Highland Square – Lot 2, subject to staff comments. Mr. Fisher seconded the motion.

Aye: Mr. Williams, Ms. Hendel, Mr. Fisher

Nay: Mr. Rinnert, Mr. Hupp

Communication & Miscellaneous Business

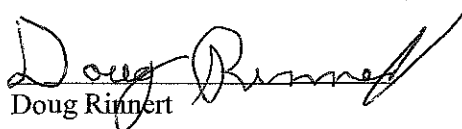
Mr. Rinnert stated that the next scheduled meeting would be June 16, 2014 at 6:30 p.m.

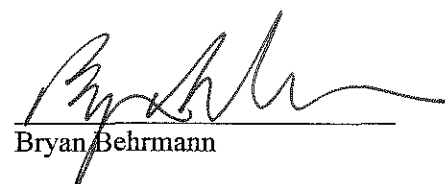
The Commission voted unanimously to adjourn at 8:30 p.m.

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:


Doug Rinnert


Bryan Behrmann

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 14-09
WCV – WEST CHESTER ACADEMY OF MUSIC AND DANCE, FDP**

WHEREAS, an application of Hutzelman Farms, Inc. was approved by the West Chester Township Trustees on March 13, 2001 for a district change from R1-A to C-PUD for land containing approximately 39.245 acres, situated in Section 11, Town 2, Range 2. A Preliminary Development Plan was also approved that contained a 145,000 s.f. multi-tenant retail building and five outlots; and,

WHEREAS, on February 28, 2011, a Final Development Plan was approved by the West Chester Zoning Commission for a Chase Bank with a drive-thru on the outlot located on the northwest corner of S.R. 747 and Hutzleman Way intersection; and,

WHEREAS, on April 21, 2014, a Revised Preliminary Development Plan was approved by the West Chester Zoning Commission for modifications to the original layout, which include reducing the size of the southern portion of the large multi-tenant retail center and creating a new outlot on the north side of Hutzelman Way; and,

WHEREAS, on April 7, 2014, Paul Rabinowitz submitted an application requesting Final Development Plan approval for the construction of a 11,829 SqFt commercial building, which will be occupied by the West Chester Academy of Music and Dance (8,992 SqFt) and have a tenant space (2,776 SqFt) for a future user; and

WHEREAS, on May 19, 2014, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

NOW, THEREFORE BE IT RESOLVED, that the West Chester Township Zoning Commission does hereby approve said Final Development Plan 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 to the Landscape Plan (Page L-1.1): 1) Street trees shall be added along Marketplace Drive, which are similar in type and spacing as the trees that were installed with Chase Bank on the opposite side of the road. Alternatively, staff may approve groupings of trees at the south end and north end of the site to preserve the view of the front of the building; and 2) Additional landscaping shall be provided behind the building near the corner closest to Hutzelman Way. The revised plan shall be subject to approval by the West Chester Community Development Department.
2. A music and dance academy shall be specifically permitted in the subject building. Additionally, professional office, medical office and general retail/service uses shall be permitted in the tenant space as long as the use is consistent with the uses approved for the overall C-PUD and the typical parking requirement for the use does not exceed 1 space per 200 SqFt of floor area based on township standards. At no time shall loading docks be allowed on the building.

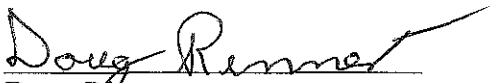
3. The light fixtures and poles for the overhead lights in the parking lot shall be black and shall utilize a flat lens to minimize glare and light spillover. A level of 0.0 footcandles shall be maintained at along the north, west and south property lines.
4. All landscaping shall be irrigated with a permanently installed system.
5. One monument sign is permitted, 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 property line, and the sign base shall be consistent with the primary exterior building materials that are used on the principal structure. Building signage shall be pursuant to Article 20 of the West Chester Township Zoning Resolution, and the allowable signage may be calculated using the long side of the building that faces Hutzelman Way. Any signage illustrated on the FDP shall only be approved if it is consistent with the aforementioned requirements.
6. The circular sidewalk ramp on Hutzleman Way shall match the sidewalk ramps at that same intersection, with regard to design, construction, color, etc.
7. 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 (Ohio Department of Transportation, 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 approval as modified by this resolution. This action shall take effect this 19th day of May 2014.

West Chester Township
Butler County

Chairman:

Secretary:


Doug Rennert


Bryan Behrmann
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 14-10
GLENVIEW FARM ESTATE – PHASE 2, RPDP**

WHEREAS, on April 26, 2005, the West Chester Township Board of Trustees granted approval with conditions to Foxborough, LLC (ZC Case #02-05) a Zoning Map Amendment from “A-1” to “R-PUD” for 83± acres of land, and a Preliminary Development Plan containing 110 single-family residential lots and reserved open space areas; and

WHEREAS, on September 19, 2005, the West Chester Zoning Commission granted Final Development Plan approval for Phase I of the Glenview Farm Estate development, which included 55 single-family residential lots, pool house, and open space areas; and

WHEREAS, on April 15, 2014, an application was submitted by Foxborough, LLC requesting Revised Preliminary Development Plan approval for Phase 2 of the Glenview Farm Estate development, which includes reducing the width of 54 lots from 90’ to 100’, eliminating the loop road, reducing the road width from 28’ to 25’, reducing the overall lot count by 1 and related modifications to the originally approved layout; and

WHEREAS, on May 19, 2014, 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 said Revised Preliminary Development Plan for the aforesaid application consistent with the submitted site plan with the following conditions:

1. This approval only grants changes to the originally approved Preliminary Development Plan with regard to Phase 2 and the revised road layout, the reduced 90’ lot width and related modifications. All of the original conditions of the Zoning Map Amendment approval, as specified in Trustee Resolution 13-2005, shall still apply to this approved Revised Preliminary Development Plan.
2. Due to the reduced road width, specific language shall be added to the development covenants, which strongly encourages residents to limit on-street parking when possible, and prohibit on-street parking during snow events. The Home Owners Association shall be responsible for enforcing this restriction. At the Final Development Plan stage for Phase 2, a draft copy of the abovementioned language shall be submitted for review, which shall be subject to approval by Staff. This shall be recorded as part of the development covenants and a copy shall be provided to the township.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval as modified by this resolution. This action shall take effect this 19th day of May 2014.


West Chester Township
Butler County

Chairman:



Doug Rinnert

Secretary:



Bryan Behrmann
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 14-11
HIGHLAND SQUARE LOT 2 - AUTO REPAIR, MAJOR CHANGE**

WHEREAS, a C-PUD District and Preliminary Development Plan was approved by the West Chester Township Board of Trustees on March 28, 1995 for land containing 60.880 acres, situated in Section 23, Town 3, Range 2, West Chester Township, Butler County, Ohio. The approval included the conversion of several existing residences to commercial uses, and limiting curb-cuts on Cincinnati-Dayton Road with an access drive to the rear of the structures; and,

WHEREAS, on March 15, 2004, the West Chester Zoning Commission granted Revised Preliminary Development Plan approval for layout changes to the previously approved roadways and reconfigured Lots 1 thru 4 on the south portion of the C-PUD District; and,

WHEREAS, the C-PUD specifically limits auto repair businesses to Lots 15 and 16 of the development and a minimum of 200 feet from a lot in an R district; and,

WHEREAS, on April 15, 2014, Christian Brothers Automotive Corporation submitted an application for a Major Change to the Highland Square C-PUD requesting an auto repair business on a portion of Lot 2, which is less than 200 feet from a lot in an R district; and,

WHEREAS, on May 13, 2014, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions of the proposed request; and,

WHEREAS, on May 19, 2014, 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 recommend approval of said Major Change to the Highland Square C-PUD consistent with the submitted site plan with the following conditions:

1. This approval only grants changes to the originally approved Preliminary Development Plan with regard to Lot 2. The northern portion of Lot 2 shall be permitted a lower intensity auto repair business, which shall be limited to the following as specified by the applicant: a)Hours of operation shall be limited to 7 a.m. to 7 p.m. Monday – Friday, except during the first 180 after occupancy where Saturdays may be permitted during the same hours; b)All vehicles that are left overnight shall be stored inside the building; c)Tire work and body repair shall not be permitted services offered by the facility; and, d)Heavy Vehicle Services shall be limited to less than 1% of all work performed. Any variation from the above stated restrictions that increases the intensity of the auto repair business shall be considered a Major Change. The southern portion of Lot 2, and Lot 2 as a whole, shall still be permitted all other uses that were originally allowed by overall Cin-Day Properties C-PUD.

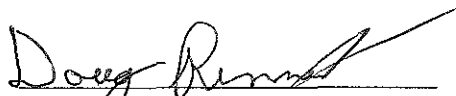
2. Access to Lot 2 shall be from the existing shared access drives from Highland Pointe Drive and no additional curb-cuts will be granted for Lot 2, unless otherwise approved by the Butler County Engineers Office.
3. The final site layout shall be subject to Final Development Plan approval. However, the sites shall be generally designed according to the typical Business District standards as specified in the West Chester Zoning Resolution. The site layout that was submitted with this application shall only be permitted if determined to be appropriate on the Final Development Plan.
4. Similar to the preliminary building elevations that were submitted for the auto repair business, quality exterior building materials, such as brick and stone, shall be utilized on all sides of the buildings.
5. A sidewalk shall be provided along the Cincinnati-Dayton Road frontage that connects the existing sidewalks on the adjacent lots to the north and south. The existing sidewalk along the Highland Pointe Drive frontage shall be maintained with the development of Lot 2.
6. All comments from other agencies shall be adequately addressed to the satisfaction of the agency during the Final Development Plan approval process.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval as modified by this resolution. This action shall take effect this 19th day of May 2014.


West Chester Township
Butler County

Chairman:

Secretary:



Doug Binnert



Bryan Behrmann
Township Planner