

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
June 16, 2014**

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

MEMBERS ABSENT: Bruce Fisher, Art Hupp

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 May 19, 2014 and approved as submitted.

ZMA01-14 Towne Centre-Mixed Use

Mr. Behrmann stated that the subject property is located on the south side of Centre Pointe Drive and west side of West Chester Towne Centre Drive. He stated that the east portion (2.911 acres) of the site was rezoned to Commercial Planned Unit Development (C-PUD) on January 22, 2002 for a mixed use commercial development. He stated that a Revised Preliminary Development Plan was approved on January 27, 2004 for a modified layout of the mixed use commercial development. Mr. Behrmann stated that another Revised Preliminary Development Plan was approved on September 9, 2008 for a seven story Embassy Suites Hotel with an attached restaurant, which is the most recent plan approved for this portion of the site. He stated that the west portion (5.302 acres) of the subject site is currently zoned Central Business District (CBD). Mr. Behrmann reviewed the zoning districts in the area.

Mr. Behrmann stated the applicant is requesting a Zoning Map Amendment for 8.213 acres from C-PUD and CBD to Special Purpose Planned Unit Development (SP-PUD), and Preliminary Development Plan approval for mixed use development that includes 257 luxury apartment units with related facilities, 20,000 SqFt of retail space, a 100,000 SqFt office building and a 3-story parking garage.

Mr. Behrmann presented the staff report and a PowerPoint presentation that included: aerials, current zoning, proposed Preliminary Development Plan, proposed building renderings, proposed interior renderings, list of proposed amenities and features, proposed floor plans, Land Use Plan Recommendation, staff comments, outside agency comments, and site views.

Mr. Rinnert questioned if the applicant had responded to the staff concerns regarding parking. Mr. Behrmann stated that he has had discussions with the applicant and they have recognized there is a parking issue and they are prepared to address that during their presentation.

Mr. Behrmann stated that the Butler County Planning Commission recommended approval of the request with conditions.

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

Applicant: Tony Birkla
301 Pennsylvania Parkway
Indianapolis, Indiana

Mr. Birkla complimented Mr. Behrmann on the staff report. Mr. Birkla reviewed the history of his company, Anderson Birkla Investment Partners. He reviewed the proposed development. Mr. Birkla stated that they are targeting the renter by choice population and the young professionals with unique amenities for the residential component. He reviewed the proposed building materials board.

Mr. Williams questioned the proposed rent price range. Mr. Birkla stated that it will run from \$920/monthly to \$1,700/month.

Mr. Williams questioned if the on the street parking will require street widening. Mr. Birkla stated that they will be moving the proposed buildings further back onto the property to allow the on street parking area.

Brian Smallwood
4454 Ideal Centre Boulevard
Centerville, Ohio

Mr. Smallwood reviewed the site layout that will allow the additional parking without widening the street.

Mr. Williams questioned the location of the HVAC units. Mr. Birkla stated that they would be hidden on the roof behind the parapet wall. He stated that they will also landscape around the utilities and dumpster locations.

Mr. Hahn questioned if the applicant would be able to live with reducing the office space to 50,000 s.f. Mr. Birkla stated that an option is to table this project to allow the applicant the chance to create a balance that will work for both the applicant and the township. He stated that without the correct amount of parking the development would not be successful.

Mr. Hahn questioned the time period of the development and if it will be phased in. Mr. Birkla stated that the residential and retail would be developed first with the office building last.

Ms. Hendel questioned the absorption rate for the retail and rentals. Mr. Birkla stated that they spent a significant amount of time on demographics for the area and believe that it will be absorbed in one year.

Mr. Birkla reviewed the softscape areas.

Mr. Hahn questioned how much parking they are short. Mr. Smallwood reviewed the parking details and stated they are short about 120 spaces. Mr. Smallwood stated that they believe shared parking will also address some of the parking issues. Mr. Smallwood reviewed the proposed parking count and layout of the parking plan.

Mr. Rinnert questioned if the applicant is comfortable tabling this case and working with staff on the parking issues. Mr. Birkla stated yes.

Mr. Hahn questioned if the proposed parking garage is a public garage. Mr. Birkla stated yes it is open to the public and there are no assigned spots for residents.

Proponents: none

Opponents: Maria Elsa Skinner Roy
8740 & 8750 Cincinnati-Dayton Road
West Chester, Ohio

Ms. Roy stated that she would not rent for that cost. She said they should be larger apartments and less numbers of units. She stated that the parking is an issue also.

Neutral: none

Deliberations

Mr. Hahn stated that this is a great project.

Mr. Rinnert stated that this project will be great for the area.

Ms. Hendel stated that she likes the project but has concerns with the parking.

Mr. Williams state that this will be a marquee spot and would rather the case be tabled to allow for adjustments to the parking plan.

Mr. Williams made a motion to table this case until July. Mr. Hahn seconded the motion.

Aye: Mr. Williams, Mr. Rinnert, Mr. Hahn, Ms. Hendel

Nay: none

OWC-RCO 184, 8778 Cincinnati-Dayton Road

Mr. Behrmann stated that the subject property is located at 8778 Cincinnati-Dayton Road, which is on the east side of Cincinnati-Dayton Road, approximately 340' south of the post office. He stated that the property is zoned B-1 (Neighborhood Business) and is located within the Olde West Chester Road Corridor Overlay District. He stated that any significant modification to the use, building and/or property requires board approvals. He stated that a Major Use Change was granted on June 21, 2010 to convert the existing residence to a professional office use for Main Street Family Advisors. Mr. Behrmann stated that a separate Major Use Change was granted on January 28, 2013 for demolition of the existing structure and the construction of a new 5,900 SqFt commercial building. Mr. Behrmann stated that even with the prior approvals, no improvements have been made to the property to change it to a commercial use.

Mr. Behrmann stated that the applicant is requesting a Major Use Change that includes a proposed use for Veteran's Post 7696 – Day to Day Operations and proposed exterior changes that include installing a main Cincinnati-Dayton Road Access north of building, which will serve as a common access drive for the corridor, installing a parking lot behind the building and 3 spaces on north side of building, installing interior sidewalks for access to parking, installing new and reposition some existing landscaping.

Mr. Behrmann presented the staff report and a PowerPoint presentation that included: aerials, current zoning in the area, previously approved Major Use Change, proposed site plan, proposed floor plan, proposed grading plan, proposed landscape 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 Major Use Change, unless additional information is deemed necessary to make an informed decision.

Mr. Williams questioned the deck structure and if the requirements are different to go from a residential use to a business use. Mr. Behrmann stated that the Butler County Building Department would address that concern.

**Applicant: Frank Hickman
6087 Eddington
Liberty Township, Ohio**

Mr. Hickman stated that he agrees with the staff report and recommendations presented by staff.

Proponents: none

**Opponents: Maria Elsa Skinner Roy
8740 & 8750 Cincinnati-Dayton Road
West Chester, Ohio**

Ms. Roy reviewed the history of the site in question. She reviewed the drive and the access. She stated that there is a 15 year signed consent agreement with the EPA that involves the potential driveway access.

Neutral: none

Deliberations

Mr. Hahn questioned if the applicant is aware of the concerns addressed by Ms. Roy. Mr. Hickman stated that he was not aware of the concern and the proposed restriction.

Mr. Hahn questioned the applicant if a land survey was completed. Mr. Hickman stated that that he is not aware if that was completed.

Mr. Rinnert questioned if staff was aware of the access issues. Mr. Behrmann stated that he knows that an easement was prepared for the north of the property but does not know if it was recorded or not. He stated that if the application is approved as is the easement will need to be recorded providing legal access for the access management for several properties.

Ms. Hendel questioned the applicant if there is a contract for purchase.

**Richard Villers
10845 Kristi Ridge Drive
Cincinnati, Ohio**

Mr. Villers stated that he is the current property owner and stated that the property was surveyed and the contract for purchase is subject to the approval of the Zoning Commission.

Mr. Rinnert questioned the EPA easement comment by Ms. Roy. Mr. Villers stated that he is not aware of the easement she is concerned about. Mr. Behrmann stated that at the Zoning Certificate approval stage if the easements are not recorded then the certificate would not be issued.

Mr. Williams made a motion to table this request for additional information regarding the EPA requirements on the easement. Mr. Rinnert seconded the motion.

Aye: Mr. Rinnert, Mr. Hahn, Ms. Hendel, Mr. Williams

Nay: none

West Chester Centre-RFDP Site Improvements, 06-14-A

Mr. Behrmann stated that the subject property is located on the north side of West Chester Road and on the east side of Lakota Drive West, within the West Chester Centre development. He stated that this property was rezoned to C-PUD on February 8, 2000, which contained a retail center that was being constructed at the time of rezoning. He stated that a Final Development Plan was approved on March 20, 2000 for the retail center. Mr. Behrmann stated that the subject property was purchased by a new owner in December 2013.

Ms. Hendel recused herself from this case hearing.

Mr. Behrmann stated the applicant is requesting Revised Final Development Plan approval for miscellaneous building and site improvements,

Mr. Behrmann presented the staff report and a PowerPoint presentation that included: aerials, proposed site improvements, pictures of existing building elevations, 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 Revised Final Development Plan, unless additional information is deemed necessary to make an informed decision.

**Applicant: Paul Koehneke
111 W. Kemper Road
Cincinnati, Ohio**

Mr. Koehneke stated that he is the owner of Signarama in Cincinnati. He introduced Mr. Robert Shasha and stated that he is one of the principal owners. Mr. Koehneke stated that they are trying to improve the occupancy of the site by the proposed improvements. He reviewed the proposed improvements. He stated that the proposed flags are seasonal and are not intended to be used for additional tenant signage.

Mr. Hahn questioned if the awnings are to block the sun. Mr. Koehneke stated they are not to block the sun, they are considered an upgrade to the design.

**Robert Shasha
550 Mamaroneck Avenue
Harrison, New York**

Mr. Williams questioned why the color black. Mr. Shasha reviewed the color design and stated that he feels the color choices are a good design. He stated that the designer chose the colors and he felt that it was a very elegant and tasteful design.

Mr. Williams stated that this is a great location. He stated that the businesses need to be supported by the consumers or residents.

Mr. Shasha stated that they purchased the property in November of 2013 and they want the property to be successful.

Mr. Rinnert questioned if the applicant would like to table this request as there are only three board members available. Mr. Shasha stated that time is of the essence and he would prefer to proceed with the application at tonight's hearing.

Proponents: none

Opponents: none

Neutral: none

Deliberations

Mr. Rinnert stated that he likes the proposed improvements. He stated that the only concern is lighting.

Mr. Williams stated that he has no problems with the application.

Mr. Williams made a motion to approve West Chester Centre-RFDP, 06-14-A, subject to staff comments. Mr. Rinnert seconded the motion.

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

Nay:

Ms. Hendel returned to the meeting.

Annual Board Appointments

Mr. Rinnert stated that nominations will be taken for Chairman.

Mr. Rinnert made a motion to nominate Mr. Williams for Chairman. Mr. Hahn seconded the motion.

Ms. Hendel made a motion to nominate Mr. Hahn for Chairman. Motion died for lack of a second.

Aye: Mr. Williams, Mr. Rinnert, Mr. Hahn, Ms. Hendel

Nay:

Mr. Rinnert stated that nominations will be taken for Vice-Chairman.

Mr. Williams made a motion to nominate Mr. Hahn for Vice-Chairman. Ms. Hendel seconded the motion.

Aye: Mr. Williams, Mr. Rinnert, Mr. Hahn, Ms. Hendel

Nay:

Communication & Miscellaneous Business

Mr. Rinnert stated that the next scheduled meeting would be July 21, 2014 at 6:30 p.m.

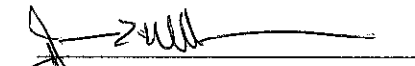
Mr. Behrmann stated that at the July 21, 2014 meeting there will be two tabled cases and one new case.


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:


Jim Williams


Bryan Behrmann

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 14-12
WEST CHESTER CENTRE – SITE IMPROVEMENTS, RFDP**

WHEREAS, an C-PUD District was approved by the West Chester Township Board of Trustees on February 8, 2000 in conjunction with a Preliminary Development Plan that contained a 30,000 square foot retail shopping center (being constructed at the time of rezoning), a 2,400 square foot outlot building with a drive-thru and a 7,500 square foot single-story bank with a drive-thru; and,

WHEREAS, on March 20, 2000, the West Chester Zoning Commission approved a Final Development Plan for a 30,000 s.f. retail center that was originally permitted under the previous zoning district and was existing at the time of FDP approval; and

WHEREAS, on May 13, 2014, Paul Koehneke (Signarama) submitted an application, on behalf of West Chester Centre Associates LLC, for Revised Final Development Plan approval for miscellaneous building and site improvements; and,

WHEREAS, on June 16, 2014, the West Chester Township Zoning Commission conducted a public meeting for said Revised Final Development Plan.

NOW, THEREFORE BE IT RESOLVED, that the West Chester Township Zoning Commission does hereby approve said Revised Final Development Plan consistent with the submitted site plan with the following conditions:

1. All final details that are not clear by the submitted drawings and related information may be permitted subject to Staff's discretion, as long as it is generally consistent with approved improvements and the quality of the improvements is determined to be consistent with other township C-PUD's.
2. The flags on the 8 flag poles are for seasonal and general use only. At no time shall they be permitted for additional signage. The hedges at the base of the flag poles shall not obstruct sight distance in the parking lot. The up lighting for the flag poles shall be installed in such a manner that the lights are not directed toward the adjacent drive aisle, the actual light shall be screened or shielded from view and an appropriate light wattage shall be utilized to only light the flags and not cause excessive brightness in the night sky.
3. The approved fence sections shall be generally permitted as they are illustrated on the Final Development Plan, which is approximately 18 inches in height and decorative in nature. All fences shall be located outside of the right-of-way and a minimum of two feet from any existing sidewalk. No fence shall obstruct sight distance from any main entrance and/or intersection. The fences shall be constructed of a decorative and durable material and shall be maintained in good condition.
4. All landscaping shall be approved as it is generally illustrated on the Final Development Plan. Any landscaping, including ground cover, that is located inside of the right-of-way shall be first authorized by the Butler County Engineer's Office and the West Chester Services Department. At no time shall the landscaping obstruct sight distance from any main entrance

and/or intersection. It is the property owner's responsibility to obtain authorization for any improvements within the right-of-way.

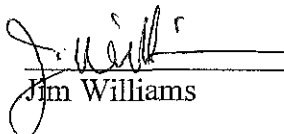
5. The brick pavers in the pond plaza area may be located in the right-of-way, if needed, as an extension of the adjacent sidewalk if authorization is granted from the aforementioned agencies. The brick color and type shall be consistent and complementary to the principle structure and/or the pond wall.
6. The final design of the building light fixtures, "hooks & lattice" and miscellaneous planters shall be decorative in nature, subject to Staff approval.
7. The fountains in the pond shall maintain the spray inside the pond area at all times and at no time shall the spray be permitted to carry onto the adjacent roadways. If at any time this becomes a problem, the fountains shall be adjusted accordingly to maintain safe conditions on the roadways.
8. There is an existing fire department connection near the West Chester Road entrance where the fence and ground cover is proposed. A clear path shall be maintained to the fire department connection and no obstructions shall be permitted. Any improvements near the existing fire department connection shall meet the approval of the West Chester Fire Department.
9. The West Chester Community Development Department Staff shall be authorized to approve minimal revisions to the approved RFDP. 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 approval as modified by this resolution. This action shall take effect this 16th day of June 2014.

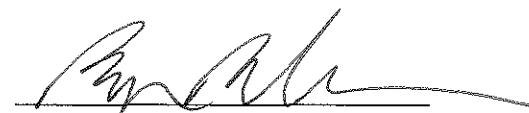
West Chester Township
Butler County

Chairman:

Secretary:



Jim Williams



Bryan Behrmann
Township Planner