

**WEST CHESTER TOWNSHIP  
ZONING COMMISSION  
August 17, 2015**

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

MEMBERS ABSENT: Jim Williams

STAFF PRESENT: Michael Juengling, Community Development Director  
Timothy Dawson, Township Planner  
Beverly Worley, Administrative Assistant

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 7:58 p.m.

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

Minutes were presented from the Zoning Commission meeting from July 20, 2015. One correction was made to the July minutes then approved as submitted.

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**Woodland Hills – FDP White House Landominiums, 08-15-A**

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Mr. Juengling presented the staff report and a PowerPoint presentation that included: aerials, current zoning, proposed zoning, Proposed Land Use Plan, proposed site plan, proposed elevations, site views, outside agency comments, proposed Preliminary Development Plan, history of site, and staff comments.

Mr. Juengling stated that the subject property is located at 4940 Muhlhauser Rd. The subject property contains 7.056 acres. It is part of the Woodland Hill R-PUD. The R-PUD was originally approved by the Butler County Commissioners in May of 1982 and allowed limited commercial uses. In May of 1989, the Butler County Commissioners granted Final Development Plan approval for a restaurant on the westernmost lot in the Woodland Hills R-PUD. More recently, the West Chester Zoning Commission granted a Revised Final Development Plan approval for the placement of two freestanding signs for the White House Inn Restaurant on August 18, 2014. On May 26, 2015 the West Chester Zoning Commission approved a Major Change to a Final Development Plan and Preliminary Development Plan.

Mr. Juengling stated that the applicant is requesting approval of a Final Development Plan (FDP) for the purposes of demolishing a commercial restaurant use and to construct 67 owner occupied attached residential units.

**Staff Considerations:**

The 7.056 acres is to be developed with 67 owner occupied attached residential units. Per the Final Development Plan (FDP), the units are to be platted as “landominiums,” and sold separately as fee simple title.

The buildings are to be a minimum of 50% brick on each elevation and will contain 3, 4, 5, or 6 units per the submitted FDP. One (1) building will contain 6 units, ten (10) will contain 5 units, two (2) will

contain 4 units and one (1) building will contain 3 units. Each unit will be 1,816 Sq. Ft. As per the submitted FDP, 46.5% of the property to be designated as Open Space. The Overall density will be 9.5 units/acre.

A substantial Landscaped Buffer should be provided along the north and west property lines.

In consideration of the proposed grading plan, the existing mature tree canopy along the property line to the east and Muhlhauser Road frontage shall be maintained as much as possible to aid with erosion around the proposed detention area and to serve as a buffer between the adjacent residences and Muhlhauser Road. In areas it cannot be maintained, additional landscaping to be added. Additional landscaping shall be provided along the Muhlhauser Road frontage to screen the proposed units; as well as, the 'hammer head' dead-end, as to not confuse vehicular traffic as an access from Muhlhauser Road. A revised FDP shall be submitted within 30 days to reflect this consideration. A homeowners association is to be established to maintain the open space, private drives, drainage easements and any other common areas. All documents regarding the homeowners association that have been submitted with the FDP are to be signed and recorded prior to issuance of a final Zoning Certificate. A system of interior pedestrian paths and a 5' sidewalk along the Muhlhauser Road frontage shall be provided, as per the submitted FDP. The interior pedestrian paths shall be installed in coordination with and no later than the adjacent buildings. The 5' sidewalk along the Muhlhauser Road frontage shall be installed at initial development of the final Zoning Certificate.

**OTHER AGENCIES:**

**Butler County Engineers Office**

Submit final storm water management plan, including storm sewer and retention calculations.  
Provide retaining wall design details; depending on height of wall, a building permit may be required.

**West Chester Township Fire Department**

All structures shall be within 400' of a fire hydrant.  
Construct in accordance with all applicable codes and standards.  
Hammer head turn around to be approved by fire department.  
Water Main for fire hydrants shall be a looped system.

Mr. Juengling stated that the Zoning Commission is to recommend approval, approval with modification, or denial of the submitted Final Development Plan, unless additional information is deemed necessary to make an informed decision.

Bruce Fisher – you mentioned a substantial landscape buffer should be provided. What do you mean by substantial landscaping?

Mike Juengling stated that it was one of the conditions of the preliminary approval in the rezoning of the major change. That is to be determined by this Board what the developer is proposing.

Anyone giving testimony in this case or the next case, please stand to be sworn in.

**Applicant: Patrick Merten for  
Hearthstone Holdings, Ltd.  
500 Wessel Drive, Suite 2B  
Fairfield, Ohio 45014**

Mr. Merten mentioned all of the changes being made:

- Keeping the gazebo and some of the external lighting features to bring the White House history to the property

- 6' Spruce trees; 20' on center; staggering
- Units are 25' off property line on west side as well as 35' off the northern side
- Lighting on the rear and front porch of the units
- Where current vegetation cannot be maintained; new will be planted
- Applicant brought material samples

Questions:

Mr. Fisher – how large are the concrete patios? 8' x 10'. How far out from the back of the building to they extend? 8'W x 10'L.

Concerned with the landscaping impacting the people on the westside of the property.  
Who maintains the trees? The HOA.

Mr. Hupp – units that are owner occupied – can they be subleased? Covenant is written that if they have to move it can be rented. Suggest contract be tightened up.

Where's the variety between each unit? I need to understand that a little bit more before approving.  
Why does it have to be 67 units? It's really tight on the west side.

Mr. Rinnert – Lighting is only available on units. Suggest lighting throughout the area and around park. There's no provision for lighting at the park or walking towards the park.

Mr. Hahn – Retaining walls – what are the heights?

**Shane DeLong  
RVP Engineering  
5965 Furlong Way  
Liberty Township, Ohio**

Reply – 1'- 8' between bldgs. 2 & 3; ave. height of 4' – 5' on average.

Ms. Hendel – Retention pond – does the HOA maintain? Reply – it will be maintained by the HOA. It is a dry pond; not wet.

**Proponents: None**

**Opponents: Joe Beyke  
11800 Conroy Road, Suite 200  
Cincinnati, Ohio**

Mr. Beyke stated that he is an attorney representing the Lake Princeton Condominium Homeowner's Association. He reviewed the area included in the Lake Princeton area. He stated that there are still concerns: 1) substantial landscape buffer; no retaining wall on north or west side; 2) Buildings 7 & 8 – concerns with patios running to / into retaining wall. Need more clarity; 3) Parking; 4) No amenities, just the gazebo; 5) how tight it is on the North & West side.

**Leslie Stratman  
5027 Columbia Circle**

Ms. Stratman stated she has been a resident at this address for 20 years. She feels there's an issue of putting up a wall and it being too tight. Also feels 67 units are excessive for that space. Traffic is already crazy and with one way in / out will be really crazy.

Mr. Hahn – there is retaining on the far west side as well, correct? What are the estimated heights? Reply – ave of 2 – 6’.

**Deliberations**

Mr. Fisher – buffering and privacy issues on the west and north side – can this be looked at again with more dense screening?

Mr. Hupp – totally agree with the privacy walls. The architecture components are hard to decipher. Need some illustrations.

Mr. Rinnert – there are a lot of concerns:

- Too many units
  - Retaining wall
  - Gazebo – Pocket Park
  - Not enough lighting
- Not crazy about project; need more planning

Mr. Hahn – concerns:

- Trees
- Buffer on SE side
- Detail on retaining wall; not safe
- Mail delivery – is this determined by HOA or PO?

Mr. Juengling – if the board wishes, this case can be continued.

**Mr. Hupp made a motion to continue this project. Mr. Fisher seconded the motion.**

Applicant to return with more detailed landscaping, building elevations, retaining walls, lighting plan, landscaping to the east and south.

**Aye: Ms. Hendel, Mr. Fisher, Mr. Hupp, Mr. Hahn, Mr. Rinnert**

**Nay: none**

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**Keefe Property Tract 1, Lots 1 & 2 – FDP Mike Gilbert, 08-15-B**

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Mr. Dawson presented the staff report and a PowerPoint presentation that included: aerials, current zoning, proposed zoning, Proposed Land Use Plan, proposed site plan, proposed elevations, site views, outside agency comments, proposed Preliminary Development Plan, history of site, and staff comments.

Mr. Dawson stated the subject property is located on the south side of Liberty Way, the west side of Interstate 75 and east side of Tyler’s Place Boulevard. This property is known as Keefe Property – Tract1, Lots 1 & 2 for development of Wetherington Pointe which is zoned C-PUD. This is the FDP. The applicant is Mike Gilbert.

This property was rezoned from “A-1” to “C-PUD” on March 9, 2004, in conjunction with a Preliminary Development Plan that defined the general uses and access points for the overall C-PUD. The zone change approval required a detailed Preliminary Development Plan prior to

Final Development Plan submittal of any lots. A Final Development Plan was approved on May 17, 2004, which included the Tyler's Place Boulevard extension, the Preserve Place road section inside the C-PUD boundary and open space improvements. A Revised Preliminary Development Plan for Tract 1 was approved on July 21, 2014, which included four development parcels, an open space parcel, internal private street layout, miscellaneous improvements and preliminary site details for a Cabela's on Lot 3. On August 18, 2014, a Final Development Plan was approved for Tract 1, which included improvements to Tyler's Place Boulevard, the construction of the internal roadways, and several common elements, such as decorative fences, stone columns, landscaping and signage; as well as, a Final Development Plan for the construction of a 75,330 Sq. Ft. Cabela's.

The applicant is requesting Final Development Plan approval for Lots 1 and 2 of Tract 1 at the southeast corner of Liberty Way and Tyler's Place Boulevard, which includes the construction of a 12,192 Sq. Ft. one-story building with a proposed retail and restaurant use on Lot 1 and a 9,312 Sq. Ft. one-story building with a proposed retail and restaurant use on Lot 2.

The renderings you see of Lot 1 show that it meets the township's requirements of at least 50% masonry.

The applicant has proposed two options for lot 2: 1) two retail uses on both ends with the restaurant in the middle 2) the 2 retails on one end with restaurant taking up  $\frac{3}{4}$  of the other side.

The applicant to discuss options in detail after presentation.

Lot 1: provides 105 total spaces, 73 are required; 80 spaces for restaurant use where 65 are req; 25 spaces for retail use where 8 are req.

Lot 2: provides 49 total spaces, 48 are req; 34 spaces for restaurant use where 33 are req; 15 spaces for retail where 15 are req.

A proposed potential low tenant sign must comply with Tract 1 FDP that was approved 8/8/14. If this does not comply with that approval, the sign is not allowed.

#### Staff Considerations:

The rezoning of the property in 2004 (Trustee Resolution 16-2004) authorized most "General Retail" uses in Tract 1. The Revised Preliminary Development Plan that was approved on July 21, 2014 granted a preliminary layout for the internal roadways and for a Cabela's on Lot 3 as a permitted use. The proposed Final Development Plan is in accordance with the design and intent of the approved preliminary layout.

The Traffic Impact Study that was submitted for the overall Tract 1 was approved by the BCEO with conditions. All comments and concerns of the BCEO regarding the TIS as it relates to Lots 1 and 2 should be addressed and accurately reflected on the Final Development Plan.

Prior to the issuance of a Final Zoning Certificate for any structure in Tract 1, cross-access easements shall be provided for Streets A, B & C granting legal access to all lots in Tract 1 and the maintenance responsibilities shall be clearly defined. This easement shall be recorded, but before it is recorded, it shall first meet the approval of the West Chester Community Development Department Staff.

Prior to the issuance of a Final Zoning Certificate for any structure in Tract 1, the appropriate easements shall be provided for any common element that is located on private property and the maintenance of these features shall be clearly defined.

Prior to the issuance of a Final Zoning Certificate for any structure in Tract 1, landscaping shall be

installed, per the Final Development Plan, and all major landscaping areas shall be irrigated with a permanent system.

The following freestanding signage was approved August 18, 2014: 1) One overall development identification sign located on the southeast corner of the Liberty Way/Tyler's Place Blvd intersection, which shall provide signage for the entire Keefe C-PUD (Tracts 1, 2 & 3). This sign shall be a maximum of 20' tall and located as it was illustrated on the FDP. The display area shall be limited to 180 Sq. Ft. for use by the individual lots/tenants of the entire C-PUD with additional signage at the top of the sign for development name identification as illustrated on the provided sign detail; and, 2) One Tract 1 identification sign located on Liberty Way just west of the right-in/right-out, which shall only provide signage for the lots/tenants in Tract 1. This sign shall be a maximum of 10' tall and located as it was illustrated on the FDP. The display area shall be limited to 72 Sq. Ft. for use by the individual lots/tenants of Tract 1 with additional signage at the top of the sign for development name identification as illustrated on the sign detail. There shall be no other freestanding signs located along Liberty Way in Tract 1 for the individual lots. Smaller monument signs may be permitted for the individual lots and located on the interior private drives for directional and identification purposes. Another large freestanding sign should not be expected west of Tyler's Place Blvd in Tracts 2 or 3. However, similar Tract freestanding signage may be approved with the Final Development Plans of Tracts 2 and 3. The Final Development Plan shall include a table listing proposed and required parking and Open Space percentages at 15% or greater for each lot; as well as, the entire site.

Prior to the issuance of a Final Zoning Certificate, total square footage of the buildings on Lots 1 and 2 shall meet Final Development Plan approval. The square footage of the proposed uses shall equal the sum of the building square footage upon issuance of a Zoning Certificate.

Prior to the issuance of a Final Zoning Certificate for any structure on Lots 1 and 2 Final Development Plan, Tract 1 FDP improvements, approved August 18, 2014, that have not yet been installed or constructed, which include the common elements, such as decorative fences, stone columns, landscaping and signage, shall be installed and constructed.

Other Agency Comments:

Ohio Department of Transportation

- The new limited access right-of-way shall be shown and labeled on the FDP.

Butler County Water & Sewer Department

- Storm water system pipe sizing calculations shall be submitted for review.
- Catch basins 20 and 22 shall be located within nearest landscaping islands, such as catch basin 21.
- The pipe downstream of the proposed trench drain on Lot 2 shall be increased to 12-inch diameter.
- The proposed water meter for Lot 2 shall be at least 1-foot outside of the right-of-way for Liberty Way.

Butler County Water & Sewer Department

- May need private fire hydrant for Lot #2.

West Chester Fire Department

- Construct in accordance with all applicable codes and standards.
- All structures shall be within 400' of a fire hydrant.

Butler County Health Department

- A required food facility layout and equipment review will be conducted prior to issuing a new food license, per OAC 3717-1-09.

Mr. Dawson 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: Mike Gilbert  
4209 Gallatin Pike  
Nashville, TN 37216

Representing the developer – Anchor Retail Solutions out of Cincinnati.

We are happy to a part of this retail development. Gave a presentation to show the differences in the architectural options. We have not settled on the tenants at this time; we have numerous options and are being very selective.

Questions:

Mr. Hupp – The building is to be built as shown; cosmetics to be based upon tenant. This is the level of quality, correct? Yes. Style wouldn't change just color.

Mr. Fisher – I understand you haven't settled on tenants yet; is that correct? We have a long list; there is pretty significant competition. We need to settle quickly.

Proponents: None

Opponents: Syed Najeed  
7316 Wetherington Dr.

Owns the lot 7314 Preserve Place. Has greenery been defined on Tract 3? My concerns are 1) area highly commercialized 2) entire residential that goes back into the preserves 3) lighting of buildings shining into subdivisions.

Response: We don't know about Tract 2 & 3 yet, this is Tract 1. Please come back

Mr. Najeed – can we determine the greenery for Tract 1?

Response – this was shown in the presentation. This is available for Mr. Najeed to review.

### **Deliberations**

Mr. Fisher – likes the proposal for the building and the shapes.

Mr. Hupp – presented very well.

Mr. Rinnert – yes I like it

Mr. Fisher makes a motion to approve 08-15-B Keefe Property Tract 1, Lots 1 & 2 FPD – based on all comments that have been set forth in the presentation. Mr. Rinnert second the motion.

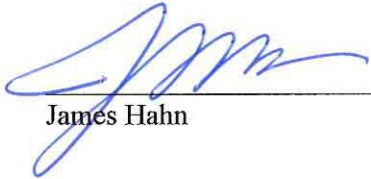
**Aye: Ms. Hendel, Mr. Fisher, Mr. Hupp, Mr. Hahn, Mr. Rinnert**

Nay: none

Mr. Hahn congratulated Mike Gilbert that the application was approved 5-0.


Mr. Hahn adjourned the meeting.

Chairman:



James Hahn

Secretary:



Michael Juengling



**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 15-22  
KEEFE PROPERTY – TRACT 1, LOTS 1 & 2, FDP**

**WHEREAS**, a C-PUD District was approved by the West Chester Township Board of Trustees on March 9, 2004 for 47.842 acres of land with a general Preliminary Development Plan that established the permitted uses and the access points to the site, including the extension of Tylers Place Boulevard to Hamilton-Mason Road (now Liberty Way); and,

**WHEREAS**, on May 17, 2004, the West Chester Zoning Commission approved a Final Development Plan for the Tylers Place Boulevard extension, the Preserve Place road section inside the C-PUD boundary and open space improvements; and,

**WHEREAS**, on July 21, 2014, the West Chester Zoning Commission approved a Revised Preliminary Development Plan for Tract 1 of the C-PUD, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements. Additionally, the preliminary layout of Lot 3 was provided for Cabela's as the proposed use; and,

**WHEREAS**, on August 18, 2014, the West Chester Zoning Commission approved a Final Development Plan for Tract 1 of the C-PUD, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements and the construction of a 75,330 SqFt Cabela's on Lot 3 of Tract 1 of the Keefe Property; and,

**WHEREAS**, on August 17, 2015, 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 of said Final Development Plan for Lots 1 and 2 of Tract 1 of the Keefe Property consistent with the submitted site plan with the following conditions:

The rezoning of the property in 2004 (Trustee Resolution 16-2004) authorized most "General Retail" uses in Tract 1. The Revised Preliminary Development Plan that was approved on July 21, 2014 granted a preliminary layout for the internal roadways and for a Cabela's on Lot 3 as a permitted use. The proposed Final Development Plan is in accordance with the design and intent of the approved preliminary layout.

The Traffic Impact Study that was submitted for the overall Tract 1 was approved by the BCEO with conditions. All comments and concerns of the BCEO regarding the TIS as it relates to Lots 1 and 2 should be addressed and accurately reflected on the Final Development Plan.

Prior to the issuance of a Final Zoning Certificate for any structure in Tract 1, cross-access easements shall be provided for Streets A, B & C granting legal access to all lots in Tract 1 and the maintenance responsibilities shall be clearly defined. This easement shall be

recorded, but before it is recorded, it shall first meet the approval of the West Chester Community Development Department Staff.

Prior to the issuance of a Final Zoning Certificate for any structure in Tract 1, the appropriate easements shall be provided for any common element that is located on private property and the maintenance of these features shall be clearly defined.

Prior to the issuance of a Final Zoning Certificate for any structure in Tract 1, landscaping shall be installed, per the Final Development Plan, and all major landscaping areas shall be irrigated with a permanent system.

The following freestanding signage was approved August 18, 2014: 1) One overall development identification sign located on the southeast corner of the Liberty Way/Tylers Place Blvd intersection, which shall provide signage for the entire Keefe C-PUD (Tracts 1, 2 & 3). This sign shall be a maximum of 20' tall and located as it was illustrated on the FDP. The display area shall be limited to 180 Sq. Ft. for use by the individual lots/tenants of the entire C-PUD with additional signage at the top of the sign for development name identification as illustrated on the provided sign detail; and, 2) One Tract 1 identification sign located on Liberty Way just west of the right-in/right-out, which shall only provide signage for the lots/tenants in Tract 1. This sign shall be a maximum of 10' tall and located as it was illustrated on the FDP. The display area shall be limited to 72 Sq. Ft. for use by the individual lots/tenants of Tract 1 with additional signage at the top of the sign for development name identification as illustrated on the sign detail. There shall be no other freestanding signs located along Liberty Way in Tract 1 for the individual lots. Smaller monument signs may be permitted for the individual lots and located on the interior private drives for directional and identification purposes. Another large freestanding sign should not be expected west of Tylers Place Blvd in Tracts 2 or 3. However, similar Tract freestanding signage may be approved with the Final Development Plans of Tracts 2 and 3.

The Final Development Plan shall include a table listing proposed and required parking and Open Space percentages at 15% or greater for each lot; as well as, the entire site.

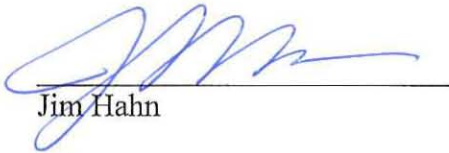
Prior to the issuance of a Final Zoning Certificate, total square footage of the buildings on Lots 1 and 2 shall meet Final Development Plan approval. The square footage of the proposed uses shall equal the sum of the building square footage upon issuance of a Zoning Certificate.

Prior to the issuance of a Final Zoning Certificate for any structure on Lots 1 and 2 Final Development Plan, Tract 1 FDP improvements, approved August 18, 2014, that have not yet been installed or constructed, which include the common elements, such as decorative fences, stone columns, landscaping and signage, shall be installed and constructed.

**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 17<sup>th</sup> day of August 2015.

West Chester Township  
Butler County

Chairman:



Jim Hahn

Secretary:



Michael Juengling  
Director