

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
July 20, 2020**

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

MEMBERS ABSENT:

STAFF PRESENT: Timothy Dawson, Township Planner
Beverly Worley, Administrative Assistant
Austin Musser, FBT; Legal Representation

LOCATION: Township Hall

CALL TO ORDER: 6:00 p.m.

Mr. Hahn called the meeting to order. Mr. Dawson called the roll. A quorum was established.

Mr. Rinnert made a motion to approve June minutes, seconded by Mr. Grow. Motion carried unanimously. Mr. Dawson called the roll.

Mr. Hahn made a motion to approve Resolution 20-7; all were in favor, 5-0

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

ZMA05-20 8700,8720,8730 Cincinnati Dayton Road Properties

The applicant is Demois, LLC. The applicant requested a zoning change approval from R-1 and R-2 to B-1 on 3.672 acres located at 8700,8720,8730 Cincinnati Dayton Road.

Mr. Dawson presented the staff report including a PowerPoint presentation, aerials, staff comments, and case history.

Action

The West Chester Township Zoning Commission is to recommend approval, approve with modifications, or deny the submitted Zoning Map Amendment unless additional information is deemed necessary to make an informed decision.

No questions from the Board.

Applicant **David Clark**
 MSP Engineers

Mr. Clark stated that this request clears up the zoning for the new post office; which is split.

Proponents **None**

Opponents **None**

Neutral **None**

Deliberations

All Board members were in agreement that this was a good change for the area.

Mr. Murphy made a motion to approve Case # - ZMA05-20 8700,8720,8730 Cincinnati Dayton Road with the conditions and considerations made by staff and other agencies. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5 - 0

Mr. Hahn calls for a 5 minute recess. Mr. Hahn recused himself; Mr. Murphy presided over the next case.

Mr. Dawson swore in case participants.

FDP07-20-A The Oaks of West Chester; Sections 6-8

The applicant is Demois, LLC. The applicant is requesting a Final Development Plan approval for 43 single-family residential lots and 4 open space lots on 36.8 acres located 6844 Barrett Road

Mr. Dawson presented the staff report including a PowerPoint presentation, aerials, staff comments, and case history.

Action

The West Chester Township Zoning Commission is to approve, approve with modifications, or deny the submitted Final Development Plan unless additional information is deemed necessary to make an informed decision.

Mr. Whited asked for clarification on where the open space lot is located.

Mr. Murphy questioned what a natural path meant.

Mr. Dawson explained the natural path and how it would be constructed.

Applicant **John Del Verne**
 Bayer Becker (Engineer)

Mr. Del Verne stated this is the final section of the project and hopes to complete this in one construction phase before the end of year. Mr. Del Verne stated that he submitted a revision to Mr. Dawson that included a 30' conservation easement along the east property line. Mr. Del Verne explained how the natural path will tie into other natural trails.

Mr. Whited asked if the road from Susan Springs will be opened up to Barret.

Mr. Del Verne replied yes and by the resolution they have to make a secondary connection and hope to have it completed in the fall.

Mr. Murphy asked about the natural path.

Mr. Del Verne explained the plans.

Mr. Murphy asked about signage for the path

Mr. Dawson stated there will be signage posted about path for safety purposes.

Mr. Williams needed clarification about natural gas easement.

Mr. Dawson explained the detail.

Proponents **Steve Bosse**
 Developer of the project

Mr. Bosse gave an update of the project and agreed to work with staff on the signage.

Opponents **Danny Leach**
7220 Susan Springs Dr.

Mr. Leach shared his concerns and addressed his questions regarding the project.

Mr. Dawson and Mr. Musser addressed Mr. Leach's concerns.

Mr. Del Verne was asked back to the podium. He responded to the topics of the gas main and the utility requirements. He stated that they recently proposed removing the island.

Mr. Grow asked about the path for the utilities and how the homes are sold based on the tree line or easement.

Mr. Del Verne responded to Mr. Grow's questions.

Mr. Bosse returned to the podium and responded to the 30' perimeter.

Neutral **Vic Oprisch**
7217 Susan Springs Dr.

Stated his concern regarding the lack of an island with traffic and speed. Mr. Oprisch asked if the surrounding residents will receive notice before the construction begins.

Mr. Bosse stated that they can put up signs regarding construction traffic and notify residents of construction.

Deliberations

Board members shared their comments.

Mr. Grow made a motion to approve Case # - FDP07-20-A The Oaks of West Chester; Sections 6-8 based on minimum staff recommendation, conditions and other agencies. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5 - 0

Administrative Business:

The next ZC meeting is Monday, August 17 @ 6:00 p.m. This serves as Public Notice for this meeting.

Mr. Murphy adjourned the meeting at 7:02 p.m.

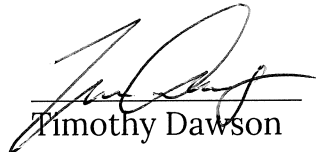
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must be prepaid.

Chairman:



Jim Hahn

Secretary:



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 20-8
ZONING MAP AMENDMENT -
8700, 8720, & 8730 CINCINNAT-DAYTON ROAD - ZMA 05-20 (R-1 & R-2 to B-1)**

WHEREAS, on June 15, 2020, Demois, LLC. submitted an application requesting a Zoning Map Amendment from R-1 and R-2 Suburban and Single Family Residence Districts) to B-1 (Neighborhood Business District) on approximately 3.67 acres; and,

WHEREAS, on July 14, 2020, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

WHEREAS, on July 20, 2020 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 recommend approval of the aforesaid application.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval. This action shall take effect this 20th day of July, 2020.

West Chester Township,
Butler County, OH

Chairman:



James Hahn

Secretary:



Timothy Dawson
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 20-10**

THE OAKS OF WEST CHESTER; SECTIONS SIX, SEVEN, & EIGHT - FDP (07-20-A)

WHEREAS, on July 8, 2008, the West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to R-PUD (Residential Planned Unit Development District) and a Preliminary Development Plan (20-2008), which included 114 single-family, residential lots, a clubhouse with a pool, and reserved conservation and open space areas on approximately 85.01 acres; and,

WHEREAS, on March 22, 2011, the West Chester Township Board of Trustees granted an additional three (3) years to the time limit extension for the Preliminary Development Plan (05-2011) from July 8, 2011 to July 8, 2014; and,

WHEREAS, on January 27, 2014, the West Chester Township Zoning Commission approved a Final Development Plan (14-01) of Section One of the residential subdivision, which included twenty-five (25) new, single-family, residential lots and one (1) lot for an existing residence, open space lots, and portions of the pedestrian pathway; and,

WHEREAS, on April 21, 2014, a Revised Preliminary Development Plan (14-04) was approved for modifications of the overall residential subdivision, which included relocating the pedestrian pathway through the subdivision, the demolition of the existing farmhouse, minor changes to the road layout and reducing the overall lot count from one-hundred fourteen (114) to one-hundred twelve (112); and,

WHEREAS, on April 21, 2014, a Revised Final Development Plan (14-05) was approved to reflect the modifications of the Revised Preliminary Development Plan (14-04), in regard to relocating the pedestrian path, the road layout and lot layouts; and,

WHEREAS, on June 15, 2015, a Final Development Plan (15-18) for Section Two was approved, which included twelve (12) single-family, residential lots and one (1) open space lot containing a stormwater detention area; and,

WHEREAS, on January 25, 2016, a Final Development Plan (16-2) for Section Three was approved, which included thirteen (13) single-family, residential lots; and,

WHEREAS, on August 21, 2017, a Final Development Plan (17-3) for Section Four was approved, which included ten (10) single-family, residential lots and two (2) open space lots; and,

WHEREAS, on September 16, 2019, a Revised Final Development Plan (19-6) for Section Five was approved, which included (8) single-family residential lots and two (2) open space lots on approximately 16.67 acres; and,

WHEREAS, on June 15, 2020, Rhein Gundler, LLC. submitted an application requesting a Final Development Plan approval for Sections Six, Seven, and Eight, which includes forty-three (43) single-family residential lots and four (4) open space lots on approximately 37.5 acres; and,

WHEREAS, on July 20, 2020, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

NOW, THEREFORE BE IT RESOLVED, that the West Chester Township Zoning Commission does hereby adopt and affirm this Resolution and the following conditions, in issuing its approval of the aforesaid case.

- 1.) The final plat shall reflect the approved Final Development Plan (FDP) with the required conservation notes, open space designations, and public use easements.
- 2.) All site civil engineering plans shall meet all Butler County Engineer's Office (BCEO) and Water and Sewer Department's requirements prior to the issuance of a zoning certificate.
- 3.) All roadways shall be constructed per the requirements of the Butler County Subdivision Regulations and standards for public roads.
- 4.) A secondary access shall be constructed in the initial phase of construction. Proper line of sight shall be maintained at all roadway intersections.
- 5.) All access ways and internal roadways; connections and locations of fire hydrants; and all other applicable building and fire codes shall meet all West Chester Township Fire Department (WCTFD) and West Chester Township Community Development Department (WCTCDD) requirements prior to the issuance of a zoning certificate to ensure the site accommodates emergency services.
- 6.) The sidewalks shall be constructed as required by the BCEO, in regard to materials and compaction. The public use easement shall be included on the recorded subdivision plat or a recorded copy of the easement documentation shall be provided to the WCTCDD.

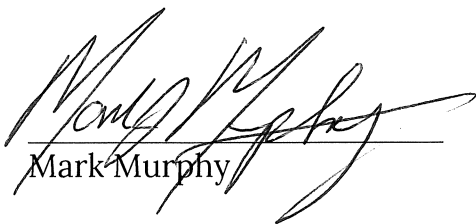
- 7.) Building setbacks shall be approved as illustrated on the FDP. The five (5) foot, side yard setback shall be permitted as arranged and illustrated on the individual lots. At no time shall there be less than twenty (20) feet between houses as noted.
- 8.) The exterior building materials for all primary structures and detached garages shall be restricted to the following requirements:
 - a.) 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, as determined to be substantially similar by the WCTCDD;
 - b.) 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;
 - c.) 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 provided to the WCTCDD for approval; and
 - d.) 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.) The home owners' association (HOA) shall be responsible for keeping all common features and elements well maintained and free from trash and litter; maintaining the private road; all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well maintained in good condition and all major landscaping shall be irrigated with a permanent system prior to a final zoning inspection.
- 10.) The lots shall be added as a supplemental exhibit to amend the Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE). A draft copy of the amended DCCRRE shall be provided to the WCTCDD for approval and shall then be recorded prior to any final zoning inspection. A copy of the recorded amendment to the DCCRRE shall then be provided to the WCTCDD.

- 11.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 12.) WCTCDD staff shall be authorized to approve minimal revisions to the approved FDP. Any changes to the plan that are required by other reviewing agencies shall be subject to approval by the WCTCDD staff.
- 13.) The temporary construction access and vehicle staging area shall be coordinated with the BCEO and WCT prior to the issuance of a zoning certificate, which shall be designed to support all construction traffic in all weather conditions. All roadways to access the site shall be maintained free of any dirt, debris, dust, etc. due to the construction of the site.
- 14.) The applicant shall install a “no construction traffic” sign along the east property at Susan Springs Drive and shall notify all property owners within 200 feet of the east property line of the upcoming construction start date.

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 17th day of August 2020.

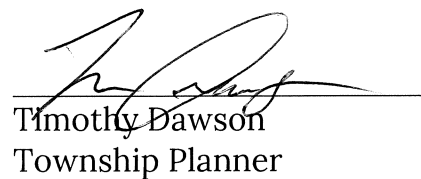
West Chester Township
Butler County

Vice Chairman:



Mark Murphy

Secretary:



Timothy Dawson
Township Planner