

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
January 20, 2021**

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

MEMBERS ABSENT: Larry Whited (alternate not seated)

STAFF PRESENT: Timothy Dawson, Township Planner
Beverly Worley, Administrative Assistant
Austin Messer, 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. Grow made a motion to approve December 21, 2020 minutes, seconded by Mr. Rinnert. Mr. Dawson called the roll. Motion carried unanimously.

Mr. Hahn made a motion to approve FDP 12-20-B Westfall Preserve and Resolution 20-17; all were in favor, 5-0;

Mr. Rinnert made a motion to continue Case # RFDP 12-20-C Treillage; Lot 184, seconded by Mr. Williams. Mr. Dawson called the roll. Motion carried 5-0.

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

RFDP 12-20-A Treillage; HOA

The applicant is Mary Lloyd. The applicant requested to appeal Resolutions 10-14 and 11-18 requirements for a multi-purpose path located along the Hamilton-Mason Road frontage within the PUD district.

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 Revised Final Development Plan unless additional information is deemed necessary to make an informed decision.

No questions from the Board

Applicant **Marty Lloyd**
 HOA President

Mr. Lloyd shared his concerns of safety issues if the bike path is constructed and the impact of the appearance to the front entrance. Mr. Lloyd stated the HOA is discussing/obtaining bids for a gated entrance which would go right in the middle of the bike path.

No questions from the Board

Proponents **Raymond Rock**
 4244 College Dictionary

Mr. Rock was unaware of the bike path when he purchased the property. He shared his concerns that he will lose his privacy if the bike path is constructed. It will also threaten his security and lessen the value of his property.

Tom Rumpler
4269 S Observatory

Mr. Rumpler shared his safety concerns if the bike path is constructed.

George Stringer
4233 Primary Colors

Mr. Stringer agreed with the other statements given. Mr. Stringer also added the burden of expense to upkeep the bike path.

Opponents **None**

Neutral **David Clinton**
 Current developer of Treillage

Mr. Clinton stated he is the grandfather of bike path development in Butler County. He shared the locations he was involved with in West Chester Township. He explained the difficulty of constructing the bike path in Treillage.

Mr. Williams asked what the overall connectivity for that segment of the bike path is.

Mr. Dawson explained the different ways of connections for bike paths in the Township.

Deliberations

Mr. Grow stated he used to live in Treillage and he does not feel Treillage is conducive for a bike path. Mr. Grow is concerned about the safety and engineering of the project. He stated that there's no place for it to connect to the west so where it ends now is a good stopping

point.

Mr. Williams stated that he feels it's too early to determine if a bike path should be constructed. He asked if the Fire Dept. has reviewed from a safety standpoint.

Mr. Hahn stated that there were no comments from the Fire Dept.

Mr. Williams felt more information was needed before a bike path could be approved.

Mr. Hahn stated that a bike path was approved in 2010 when 80% of the development was completed. So it's an approved plan that follows the community's connectivity plan. Mr. Hahn asked if the Board was setting themselves up for more developers to ask that certain items be dismissed from final development plans.

Mr. Williams stated that too much has changed in that area. They need to see an updated connectivity plan before a decision can be made. He doesn't see this as an enhancement to the community.

Mr. Dawson stated that he contacted the Fairfield Township Planning Administrator; he stated that they do have a plan to connect. Mr. Dawson does not know if their plan is through private or public funding.

Mr. Hahn asked Mr. Dawson if the Butler County Engineer's Office (BCEO) was contacted regarding safety concerns.

Mr. Dawson replied that BCEO was contacted and did not have any comments regarding safety concerns. They stated the plan was feasible with some additional costs.

Mr. Hahn stated this case reminded him of another case brought before the Zoning Commission on Tylersville Road. Mr. Hahn drove by this subdivision and the bike path has been constructed even based on the right-of-way; it was made to work. Mr. Hahn asked if the added costs becomes a burden to the Township.

Mr. Dawson stated it's illustrated on the FDP so the developer would have to put it in.

Legal Counsel stated that the Township would have to realize the connection to the east within the public right of way at a later date if needed.

Mr. Hahn stated Zoning Commission should not be hearing this case because this was approved in 2010 and we have verbal confirmation that Fairfield has plans to connect to it.

Mr. Murphy asked who wanted the bike path since the residents do not.

Mr. Dawson stated that the Connections Plan is an adoptive policy. To change the policy, it has to go before the elected officials.

Mr. Murphy stated that he contacted Mr. Dawson twice as to get a better understanding of

why Zoning Commission was hearing this case. However, Mr. Murphy feels too much time has passed and too many area changes has made this bike path not feasible for the intended area.

Mr. Rinnert asked whose responsibility it should be to put the bike path in; the developer or the residences.

Mr. Dawson stated that the developer was the original applicant and then overtime the responsibility would be turned over to the HOA. Mr. Dawson didn't know where the civil matter would lie.

Mr. Rinnert stated that he agreed this was more of a civil case. He asked if the bike path doesn't go in now, will it ever go in.

Mr. Dawson explained that the conditions were stated in the original approval. A non-decision on this would still require the path.

Legal Counsel stated that you have an FDP that requires a path; you have an application asking to remove that path. If approved, the path is gone. Legal Counsel doesn't know how you could buy more time for a decision to be made. If the path is not built and later the Township feels a path is needed, then the Township will need to figure that out.

Mr. Murphy asked if this becomes a civil case; what will happen.

Legal Counsel stated the FDP is the final decision and has been for 11 years. The civil case would be to determine who is responsible. Legal Counsel also stated that is not the issue at hand. The issue is whether the bike path will be constructed or not.

Mr. Hahn asked if this decision will effect cases coming before this Board in the future.

Mr. Williams asked if precedence is binding.

Legal Counsel stated precedent wouldn't be binding but you are opening the door for more challenges in the future.

Mr. Williams made a motion to approve Case # - RFDP 12-20-A Treillage; HOA. Mr. Murphy seconded the motion.

Mr. Rinnert stated the approval of this case is a mistake.

Mr. Hahn stated that he agreed and that we are now setting ourselves up for past applicants to come back to amend a PUD.

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

Nay: Mr. Hahn, Mr. Rinnert

Motion carried 3 - 2

Deliberations

All Board members considered this a good project.

Mr. Murphy made a motion to approve Case # – MC01-21 Princeton Crossing; Al Joes with the conditions and considerations made by staff and other agencies. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5 - 0


Administrative Business:

The next ZC meeting is Tuesday, February 16 @ 6:00 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 7:16 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:


James Hahn

Secretary:


Timothy Dawson

WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 20-16
TREILLAGE; HOA - RFDP (12-20-A)

WHEREAS, on December 29, 1997, 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 Preliminary Development Plan (57-97) for one-hundred thirty-six (136) single-family residential bubble lots on approximately 68.65 acres; and,

WHEREAS, on July 19, 1999, the West Chester Township Zoning Commission approved a Final Development Plan (99-13) for Phase I to include forty-seven (47) lots and an entrance gate; and,

WHEREAS, on January 14, 2003 the West Chester Township Zoning Commission approved a Final Development Plan (03-06) for Phase II to include thirty-seven (37) lots and a community center; and,

WHEREAS, throughout 2004-2006, several Revised Final Development Plans were granted as resolutions to issues that were discovered with the original bubble lot layouts; and,

WHEREAS, on July 9, 2010 the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan (10-14) for a variety of changes to the overall development that include reducing the density, utilizing conventional lots instead of bubble lots, reconfiguring detention ponds, and other similar common space improvements; and,

WHEREAS, on September 19, 2011 the West Chester Township Zoning Commission approved a Final Development Plan (11-18) for changes to portions of the previously approved sections of the development and the final layout for the remainder of the development; and,

WHEREAS, on November 16, 2020, Marty Lloyd, on behalf of Treillage Residences Owners Assoc., Inc., submitted an application requesting a Revised Final Development Plan to appeal Resolutions 10-14 and 11-18 for the request to appeal the requirement for the multi-purpose path located along the frontage of the PUD district; and,

WHEREAS, on December 21, 2020, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

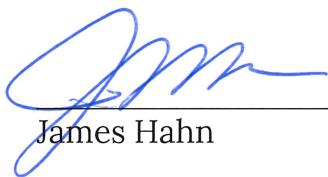
NOW, THEREFORE BE IT RESOLVED, that the West Chester Township Zoning Commission does hereby adopt and affirm this Resolution. In issuance of this approval of the aforesaid case, the requirement for the multi-purpose path located along the frontage of the PUD district is repealed.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval. This action shall take effect this 20th day of January 2021.

West Chester Township
Butler County

Chairman:

Secretary:



James Hahn



Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 21-1
PRINCETON CROSSING; AL-JOE'S LAWN & GARDEN (MC 01-21)**

WHEREAS, on March 28, 1995, the Union [West Chester] Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) and B-2 (General Business District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (95-14) for four (4) lots with principle permitted uses within the B-2 (General Business District) on approximately 12.92 acres; and,

WHEREAS, on June 19, 2000, the West Chester Township Zoning Commission approved a Final Development Plan (00-16), for revised lot dimensions of eight (8) lots and Phase I, which included a 12,000 square foot office building on lot 2; a 6,000 square foot office building on lot 3; a 6,000 square foot office building on lot 4; and a 32,400 square foot retail building on lot 5. Lots 1, 6, 7, and 8 were not specified for future development; and,

WHEREAS, on June 17, 2002, the West Chester Township Zoning Commission approved a Revised Final Development Plan (02-05) for revised lot dimensions of seven (7) lots and Phase II, which included a 13,488 square foot office building (Life Success Seminars, Inc.); a 19,290 square foot office building on lot 2; a 19,290 square foot office building on lot 3; a 32,400 square foot office building on lot 4. Lots 5, 6, and 7 were not specified for future development; and,

WHEREAS, on June 21, 2010, the West Chester Township Zoning Commission approved a Final Development Plan and subsequently; on August 15, 2011, a Revised Final Development Plan (11-17) was approved for a 4,250 square foot retail center with a fuel station (United Dairy Farmers) on lot 6, which included a right-in/ right-out access way extending to lot 5 and a stormwater facility on lot 7; and,

WHEREAS, on April 20, 2015, the West Chester Township Zoning Commission approved a Revised Final Development Plan (15-8) for a change of use from the "Life Success Seminars" office use to allow for an office and/or a church use (Gospel Baptist Church) on lot 1; and,

WHEREAS, on June 20, 2016, the West Chester Township Zoning Commission approved a Revised Final Development Plan (16-7) for a 14,150 square foot church (Imago Dei Church) on approximately 3.2 acres within lot 2; and,

WHEREAS, on December 21, 2020, Haglage Construction submitted an application requesting a Major Change to the C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan for three (3) phases, which include a 11,968 square foot lawn and garden sales and service use (Al-Joe's Lawn & Garden) in

Phase I; a 5,610 square foot, detached building addition in Phase II; and an unspecified area of an additional detached building addition in Phase III on approximately 3.2 within lot 2;

WHEREAS, on January 20, 2021 the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application 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 aforesaid application with the following conditions:

- 1.) The current approval shall only grant changes to the subject site. The remaining Princeton Crossing C-PUD shall otherwise remain subject to the conditions as previously approved (Trustee Resolution 95-14).
- 2.) An updated Traffic Impact Study (TIS) shall be submitted to the Ohio Department of Transportation (ODOT) and meet all requirements of ODOT in coordination with West Chester Township at each Final Development Plan (FDP) stage.
- 3.) Any future public right-of-way access or required dedications along the SR 747 frontage shall be coordinated with WCT and the ODOT and approved at each FDP stage.
- 4.) All access ways and internal roadways; connections and locations of fire hydrants; fire lane signage; and all other applicable building and fire codes shall be coordinated with the West Chester Township Community Development Department (WCTCDD) and the West Chester Township Fire Department and shall be incorporated into the FDP to ensure the site accommodates emergency services.
- 5.) A vehicular cross-access easement shall be noted or illustrated along the extent of the drive aisle located along the frontage at the FDP stage. The easement shall be illustrated on the record plat and any documentation of the easement shall be submitted to WCTCDD staff for approval at the FDP stage and recorded prior to a final inspection.
- 6.) A minimum of a four (4) foot separation shall be maintained between the drive aisle and the sidewalk located along the frontage.
- 7.) Detailed grading plans and stormwater drainage plans and calculations shall be provided at the FDP stage and shall meet all WCT and BCEO requirements prior to the issuance of a zoning certificate.

- 8.) Detailed utility plans shall be provided at the FDP stage and shall meet all WCT and Butler County Water and Sewer Department requirements prior to the issuance of a zoning certificate.
- 9.) A six (6) foot wide, public use easement shall be noted or illustrated along the extent of the sidewalk located along the frontage at the FDP stage. The easement shall be illustrated on the record plat and any documentation of the easement shall be submitted to WCTCDD staff for approval at the FDP stage and recorded prior to a final inspection.
- 10.) Detailed building elevations and floor plans shall be provided at the FDP stage.
- 11.) An eight (8) foot high, faux-wood, vinyl fence shall be permitted along the eastern property line throughout the entire the site with each Phase of development.
- 12.) All dumpster locations and dumpster enclosure details shall be approved at the FDP stage. The enclosures shall comply with the provisions of the West Chester Township Zoning Resolution (WCTZR), Articles 10.031 and 23.04, excluding locations and building materials. Dumpster enclosures shall be located in a manner to reduce detrimental impacts to the adjacent residences and constructed with masonry materials consistent with the principle building.
- 13.) Trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m.
- 14.) A photometric analysis that demonstrates .02 foot candle levels along the east and north property lines shall be provided at the FDP stage.
- 15.) Light locations and light fixture details shall be provided at the FDP stage to ensure a consistent design that minimizes glare and light spillover onto the adjacent residential districts.
- 16.) A detailed landscaping plan shall be provided at the FDP stage to ensure adequate landscaping throughout the site. The landscaping plan shall demonstrate an adequate quantity, type, size, and spacing of tree plantings and any additional landscaping to ensure a well-appointed site, to include street trees and proper screening along the east property line.
- 17.) Any building and ground signage shall be approved at the FDP stage, which shall be pursuant to the WCTZR, Articles 10 and 17, excluding the display area illumination of any building signage and the ground sign materials.

- 18.) Internally-illuminated buildings signs shall only be permitted on the west and south building walls. All other building signs shall be non-illuminated.
- 19.) All ground sign structures shall be constructed with a high-quality, masonry material that is consistent with the principle building.
- 20.) The property owner or a recorded property owners' association shall be responsible for keeping all common features and elements well maintained and free from trash and litter; maintaining 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 beds shall be irrigated with a permanent system prior to the issuance of a zoning certificate.
- 21.) All comments from other agencies shall be adequately addressed to the satisfaction of the reviewing agencies and WCT during the FDP and zoning certificate approval process.

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 the 20th day of January, 2021.

West Chester Township,
Butler County, OH

Chairman:

Secretary:



James Hahn



Timothy Dawson
Township Planner