

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
July 19, 2021**

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

MEMBERS ABSENT: Larry Whited (alternate not seated)

STAFF PRESENT: Timothy Dawson, Township Planner
Beverly Worley, Administrative Assistant
Charles Galvin, 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 21, 2021 minutes, seconded by Mr. Murphy. Mr. Dawson called the roll. Motion carried 4-0, with Mr. Williams abstaining.

Mr. Hahn made a motion to approve ZMA04-21 Ackerman & Smith Property and Resolution 21-7; Motion carried 4-0, with Mr. Williams abstaining.

Mr. Hahn made a motion to approve RFDP 06-21-A Keefe Property; Tract 3, The Towns of Wetherington and Resolution 21-8; Motion carried 4-0, with Mr. Williams abstaining.

Mr. Hahn made a motion to approve ZMA05-21 Jeffrey Honerlaw; Southview and Resolution 21-9; Motion carried 4-0, with Mr. Williams abstaining.

Mr. Hahn made a motion to approve FDP 06-21-B Keefe Property; Tract 2, The Learning Experience and Resolution 21-10; Motion carried 4-0, with Mr. Williams abstaining.

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

ZMA 06-21 North Pointe

The applicant is Dillin Corporation. The applicant is requesting approval for a Zoning Map Amendment from CBD (Central Business District) to SP-PUD (Special Purpose Planned Unit Development) and a Preliminary Development Plan for a mixed-use development consisting of 497,000 sq. ft. commercial use, 870 multi-family units and a 140 room hotel on 98.634 acres located on Imagination Blvd.

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 and Preliminary Development Plan unless additional information is deemed necessary to make an informed decision.

No questions from the Board.

Applicant **Larry Dillin**
 Dillin Corp

Mr. Dillin stated the purpose for this project is to take it from a quality and character standpoint. Mr. Dillin stated his intent from the beginning was to take a fallen piece of ground and turn it into something special. The land owner is committed to take the creek and turn it into a more natural state; adding paths, bridges, and seating areas. Mr. Dillin reiterated the type of uses planned for the project. Communication is taking place with interested businesses. Mr. Dillin stated they would like to begin final development plans in the 4th Qtr. of 2021.

Mr. Williams asked for more clarification of the phasing of the site.

Mr. Dillin stated based on dialogue and negotiations that they currently have – they are currently under contract for the multi-family site, there are letters of intent on several parcels. Phase 1 and Phase 2 are slated 2 years apart. They are also in communication with a restaurant, a music venue, and a hotel.

Mr. Williams asked if the roadway from the roundabout to UCB would be part of Phase I.

Mr. Dillin stated they've started a dialogue with Butler County. They believe they can commit to in maintaining the flood way elevation in that area. The County should be able to grant them a flood plain permit so they can work on constructing that area of the site.

Dillin would like to ask respectfully to move forward on the development of the south side of the site so they don't lose the momentum while the technical side/questions get answered.

Mr. Murphy asked what the multi-family units would look like.

Mr. Dillin stated they have seen examples. They are very high quality, high-end apt units. Possibly the highest rental in the area. A combination of one and two bedroom units and some studios. Dillin's intent is to push the design standards bar on the quality level across all facets of the development.

Mr. Hahn asked how many units for each development.

Mr. Dillin replied that there would be 300-320 units each site.

Mr. Dillin also commented on the location of the gas station. He stated it would be gas only, no diesel. The 200' separation may be difficult Mr. Dillin stated that as they move forward on the project many of the questions would be addressed and answered in the final development stages.

Mr. Hahn asked if the gas station would be open 24 hours and if the R &D would be an 8-5 facility or 24 hours with 3 shifts.

Mr. Dillin stated they are not able to speak to the end-users at this time; they can only speak to the brokers.

Proponents **None**

Opponents **Don Carrelli**
5560 Millstone Circle

Mr. Carrelli shared his concerns with the apartment units. He didn't understand what kind of apt units would be built and who they were catering to. He asked if they were government subsidized units or if there will be a child limit. He stated he's concerned about how condensed the area is for what is being proposed.

Bob Froman
8264 Coppernail Way

Mr. Frohman stated he's not against the project however had a few questions: what are the height restrictions for the buildings, density traffic concerns, signals are archaic. He stated he's concerned about office space; why do we need more office space when more business are working from home due to the pandemic. Can there be commitments before building?

John Halase
8651 Rupp Farm Drive

Mr. Halase asked who was responsible for the upkeep of the corridor and East Fork/Mill Creek area.

Neutral **Chris Wunnenberg**
Schumacher Dugan Construction

Mr. Wunnenberg shared his thoughts on fulfilling a project of this nature. He feels this is a good project and opportunity. He stated now is the time to render restrictions and not to wait until the final development plan.

David Wright
Kleingers Group

Mr. Wright shared his thoughts on the West Chester codes and what is allowed with open space. This development is being looked at as the overall development with the open space; it has to be looked by Phases.

Mr. Murphy stated he would like more information regarding the apartments since they will go in first.

Mr. Hahn asked if more information was provided.

Mr. Dawson stated all the information was provided with the submittal. He stated that this would be a guiding document to the final development plan. If the Board like to see any type of modification to put a condition on, the Board can do that. Dillin is proposing an eight-story building.

Mr. Hahn asked if anticipated rents were provided.

Mr. Dawson stated no. That is a condition in the final development plan.

Mr. Dillin was asked to return to the podium.

Mr. Dillin stated the number of units rented by families is 5-10% so there wouldn't be a significant number of school aged children. These would be geared to empty nesters. Rental rates would be dollar / per square foot / per month. They are anticipating \$85 per sq.ft. / per month and upward. They will not be government subsidized units.

Mr. Dillin stated they do not do spec building.

The Property Owners Association (POA) will be established along with the covenant restrictions on the overall development. As portions of the grounds are sold, it will come with a commitment to the POA. They are working with Butler County to have the POA fees paid through taxes to assure fees are available.

Mr. Murphy asked Mr. Dillin how he felt about the comments Mr. Wunnenberg made regarding the west side of the property regarding the flood plan being able to build on it.

Mr. Dillin stated it is a complex site. The land owner is aware of the current situation. All the issues will be addressed as they move along with development strategies. Changes will need to be in the flood, flood way mitigation that will need to be designed and constructed. They will work closely with the Township.

Mr. Hahn asked if there was an example of the complexity of this project.

Mr. Dillin stated his first project of a master plan community was in Perrysville OH. Austin Landing in Miamisburg OH, Otterbein Senior Living in Lebanon OH. Currently doing work in West Carrollton OH and a couple of other places in Dayton OH.

Mr. Dillin is seated.

Mr. Dawson interjected the draft building heights for the business districts and conditions that would be made in the draft resolution.

Deliberations

Mr. Hahn asked legal counsel if the Board could carve out sections to make recommendations to the Board of Trustees for the east side of Mill Creek.

Mr. Galvin (FBT) stated the ZC Board has an application in front of them that carving out would go beyond the modifications that staff has put in the proposal in the event this would move forward. If there are additional modifications or conditions that the Board would like to see added that would be the best way to go.

Mr. Grow stated he had a lot of concerns with open space being adequate, questions regarding reduced parking, the service being too close to other buildings. Mr. Grow thinks they are requesting too many exceptions for a new development.

Mr. Dawson stated the items for considerations are the proposed uses such as the fuel station, drive-thru restaurants on site H, I, J, and the Medical R & D, those do typically require the 100' and 200' buffer to the planned residential area. We are looking at sites D, H, I, J as proposed and their compatibility. Mr. Dawson would defer to the applicant and the recommendations from the TIS; it might state the majority of the traffic will come from I-75; I don't know if it would be preferable to move the fuel station to site C and move the medical R & D to site F and that might meet the residential buffers. There are a lot of unknowns.

Mr. Murphy stated there's a lot to digest on the case. One of his concerns is regarding the size of the apartments.

Mr. Dawson stated what the typical requirements are for CBD. The Board will consider and specify conditions.

Mr. Williams stated the application is just a PDP, just a concept. To move forward, based off the land and the open space, this is probably the best concept he's seen in 30 years. He feels this will be an improvement for all involved.

Mr. Williams asked for clarification of the red marks on the draft resolution.

Mr. Dawson explained he gave the Board options on conditions for the parking, with the new uses proposed that are not on the original staff report. The applicant has stated he agrees with meeting the parking requirements at the FDP stage. Condition 12 would condition that. Condition 13 would be deleted as well as item 16 considering the open space. At the FDP

stage, the Board can determine the final % of the open space required for each project area based on each phase.

Mr. Williams stated that by approval of this PDP, they are dipping their toes into allowing this to move forward. How it's managed as the project is developed over the next couple of years will be the challenge.

Mr. Dawson clarified what the Board is to consider with this application. If this plan is recommended for approval and approved by the Trustees, anything that comes before you at the FDP, it has to be consistent or less than with the approved PDP. If there's any major change or modification it will come back before you as a PDP for approval then to the Trustees and back to ZC as a FDP. New conditions can be made at that time.

Mr. Grow asked how they were to review the parking requirements if approved as requested.

Mr. Dawson stated that would be done at the FDP stage. The Board can recommend a condition to allow that once more information is received.

Mr. Rinnert felt it's the best scenario for the area. He's waited a long time for WCT to actually have a downtown area.

Mr. Hahn stated that modifications need to be discussed to the proposed resolution. He asked Mr. Dawson for clarification.

Mr. Dawson clarified items that needed modified:

Conditions: #1 - remove R-4 District, and adding separate condition for building height. #13 - Parking ratio to be deleted, #12 - to be conditioned to review again. #16 Open space to be noted at FDP.

Mr. Grow made a motion to approve Case # - ZMA 06-21 North Pointe; based on staff modifications and changes and other agencies comments and recommendations. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5-0

Administrative Business:

Annual Board Appointments – 2021/2022

Mr. Murphy nominated Mr. Hahn to continue as Chairman; Mr. Rinnert seconded the nomination. Mr. Williams nominated Mr. Murphy for Vice Chairman; Mr. Grow seconded the motion. Motion carried by unanimous vote.

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

Mr. Hahn adjourned the meeting at 8:20 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. 21-11
NORTH POINTE
ZONING MAP AMENDMENT AND PRELIMINARY DEVELOPMENT PLAN -
ZMA 06-21 (CBD to SP-PUD)**

WHEREAS, on June 21, 2021, Aaron Horn, on behalf of DillinCorp., submitted an application requesting a Zoning Map Amendment from CBD (Central Business District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan for approximately 497,000 square feet of commercial use, 870 multi-family units, and a 140 room hotel on approximately 98.6 acres; and,

WHEREAS, on July 16, 2021, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

WHEREAS, on July 19, 2021, 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 actions and findings, the West Chester Township Zoning Commission does hereby recommend approval of the aforesaid application with the following conditions:

- 1.) The permitted uses shall include the following principally permitted uses of the West Chester Township Zoning Resolution's (WCTZR) O-1, O-2, B-1, B-2, and CBD Districts, Articles 18.021, 18.022, 18.023, 18.025, 18.027, 19.022, 19.024, 19.026, 19.027, 19.028 (excluding hospitals), 21.022, 21.023, 21.024, 21.028, 21.032, 22.027 and 22.028 (excluding motels and only on Sites K, L, and M, as illustrated on the Preliminary Development Plan (PDP)), 31.025 (only on site D, as illustrated on the PDP), 31.029 (excluding night clubs and only on Sites H, I, and J, as illustrated on the PDP), 31.0210, (subject to Final Development Plan (FDP) approval) and 31.0211 (only on Site A, as illustrated on the PDP.)
 - *Multi-family semi-detached, Multi-family buildings, Public and non-profit parks, Office buildings, Banks, Daycare centers, Places of worship, Public buildings, Research facilities, Funeral homes, Art galleries/studios, Veterinarian offices, Medical offices, Convenience business, Personal service business, Restaurants, Fast-casual restaurants, Private clubs, Outdoor dining areas, Hotels, Extended-stay hotels, One (1) automobile fuel station, Drive-thru restaurants, Commercial recreation, and One (1) medical research and development facility.*

2.) The Conditional Use of the WCTZR, Article 19.033 shall only be permitted at the discretion of the Zoning Commission on a case by case basis at the FDP stage.

- *Institutional care facilities*

3.) A Traffic Impact Study (TIS) shall be approved prior to all subsequent FDP approvals. All recommendations of the approved TIS and requirements of the Butler County Engineer's Office (BCEO), in coordination with West Chester Township (WCT), shall be incorporated into each corresponding FDP to the extent said requirements are necessary as a result of traffic generated by the subject site.

4.) All public right-of-way dedications, to include access ways, internal roads, and pedestrian facilities shall be coordinated and constructed as required by the BCEO and WCT standards for public roads. Additionally, parking shall be prohibited on all public roadways during snow events.

5.) Streetscape section drawings shall be provided at each FDP stage, which shall utilize key elements varying by street types (connector, boulevard, neighborhood etc.), such as vehicular circulation, on-street parking, landscaped medians, bike lanes, sidewalks, street trees, ornamental banner poles, lighting, outdoor dining areas, etc.

6.) The extension of the internal, east-west oriented, connector road (Aviation Way), located between Sites A and B shall be a private roadway.

7.) Detailed site civil engineering plans, including grading plans and stormwater drainage plans and calculations shall be coordinated with the BCEO at the FDP stage, to include the following:

- a) Ditch and berm improvements along the main thoroughfares;
- b) The setbacks for Sites C, D, H, and I meeting the County access management regulations and/ or approved TIS recommendations; and
- c) All public streets will need to meet County road standards and specifications.

8.) A preliminary drainage report, pursuant to the Butler County Subdivision Regulations, shall be provided to the BCEO and approved prior to the FDP stage.

- 9.) Detailed water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department at the FDP stage to include the following:
- a) Trunk sewer upsized to meet requirements;
 - b) EQ system plans meeting requirements; and
 - c) Any other plans and information required for construction.
- 10.) The applicant shall coordinate with the Butler County Soil and Water Conservation District at the FDP stage in regard to the abandonment of any existing septic tanks and/ or private water wells and a high water table note may be required to be added to the final plat in regard to the wetland soils area north of the GE Aviation site.
- 11.) The applicant shall coordinate with the West Chester Township Fire Department (WCTFD) at the permitting stage in regard to access ways and internal roadways; connections and locations of fire hydrants; fire lane requirements; and all other applicable building and fire codes, to specifically include the following:
- a) Fire protection water mains shall be looped;
 - b) All structures will need to be within four-hundred (400) feet of a fire hydrant;
 - c) All roads shall comply with the turning radius of all safety service vehicles;
 - d) Final decision on the street names;
 - e) Coordinate BCEO and County Auditor address ranges with FD;
 - f) Streets constructed at 20-26 feet in width (curb to curb) will be required to be posted “No Parking – Fire Lane”; and
 - g) Streets constructed at 26-32 feet in width (curb to curb) will be required to be posted “No Parking – Fire Lane” along the fire hydrant side of the street.
- 12.) The “Site Development and Design Standards” (SDDS) document shall be incorporated into this Zoning Resolution in order to maintain consistency throughout the development plan and permitting process, except for the following Sections of the SDDS:
- a) Section 2, item (A) Lot Requirements;
 - b) Section I, *Off-Street Parking Requirements*; item (b) The number of parking spaces;
 - c) Section 3, Mixed-Use Area Standards, items (A) Allowable occupancies and (B) Prohibited occupancies; and

- d) Section 4, Residential Area Standards, item A) Allowable Occupancies, subsection (f) Assisted living residences and item E) Parking Requirements, subsection (a) Minimum residential space requirements.

These Sections shall be re-evaluated and shall only be approved at the FDP stage.

- 13.) The parking ratios shall only be approved at the FDP stage. A parking matrix for each site shall be provide for each FDP, which meets the WCTZR parking requirements. The parking matrix shall designate how each site achieves the requirements by utilizing off-street, on-street, and/or off-site, shared parking spaces.
- 14.) A seventy-five (75) foot buffer shall be maintained along the East Fork of the Mill Creek, which is designated as a blue-line stream.
- 15.) Each FDP shall submit the required flood plain information and shall meet all Butler County flood plain damage and prevention regulations as required to obtain a flood permit from the Butler County flood plain manager.
- 16.) The amount of open space shall only be approved at the FDP stage. The percentage of open space for the overall PUD site shall be noted on the initial FDP and the percentage of open space shall be noted for each subsequent FDP site.
- 17.) All open space lots shall be designated as such on the record, subdivision plat.
- 18.) Any construction of buildings and pavement or installation of landscaping within/ adjacent to electric transmission/ distribution rights-of-way shall be coordinated with Duke Energy and approval shall be obtained based on Duke Energy's guidelines/ restrictions for development within their rights-of-way and a letter of approval shall be provided at the FDP stage.
- 19.) The residential buildings shall not exceed four (4) stories or sixty (60) feet in height, whichever is less and no accessory building/ structure shall exceed twenty (20) feet in height.
- 20.) Building setbacks shall be approved at the FDP stage.
- 21.) Colored building elevations for each building wall shall be provided at the FDP stage.

- 22.) Detailed floor plans shall be provided at each FDP stage. The apartment buildings shall include a market study, the unit-mix description, a detailed description of the units' high-quality interior finishes, and a detailed description of the 1st floor/ lobby and/ or clubhouse amenities.
- 23.) Detailed plans and descriptions of any common/ public, exterior amenities and elements shall be provided at each FDP stage.
- 24.) Outdoor seating area plans shall be provided at each FDP stage. A minimum of four (4) feet shall be maintained between the back of street curb and the seating area to ensure adequate pedestrian circulation.
- 25.) Any dumpster locations and dumpster enclosure details shall be provided at each FDP stage. The enclosures shall be pursuant to the West Chester Township Zoning Resolution (WCTZR), Articles 10.031 and 20.043. The enclosure(s) shall be consistent with the high-quality, masonry building materials of the principle building. Dumpster enclosures shall not be located along the public frontages and in a manner to reduce detrimental impacts to residents.
- 26.) All light locations and light fixture details shall be provided at each FDP stage to ensure a consistent design that minimizes glare and light spillover.
- 27.) A detailed landscaping plan shall be provided at the FDP stage, which consists of adequate landscape screening of any building rear wall that is highly visible from the public right-of-way; throughout any open space areas/ recreational areas; streetscape details; building perimeter landscaping details; and ground sign perimeter landscaping details.
- 28.) A sign plan shall be provided at the FDP stage, to include a site plan illustrating ground sign locations and building elevations illustrating building sign locations. All signage details, including illumination, shall be provided at the FDP stage.
- 29.) Internally-illuminated signs shall be prohibited from facing the adjacent residential subdivision to the north.
- 30.) A draft Declaration of Covenants, Conditions, Restrictions, and Reservations of Easements (DCCRRE), which includes the Site Development and Design Standards (SDDS) document and also establishes the property owners' association (POA)/ homeowners' association(s) (HOA) for North Pointe shall be provided to the WCTCDD for review at the FDP stage. The record DCCRRE shall also include the North Pointe record, subdivision plat as a supplemental exhibit to the DCCRRE and a copy of which shall then be provided to the WCTCDD for the case file records prior to the issuance of the final zoning certificate.

- 31.) The DCCRRE shall include a section, which corresponds to Condition #13; thereby, establishing a reciprocal easement agreement to designate and allow for cross-access and shared parking throughout each site.
- 32.) The property owner(s) and/ or the POA 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 retention 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 final zoning inspection.
- 33.) A temporary construction road and vehicle staging area shall be illustrated on each FDP, 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.

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 19th day of July, 2021.

West Chester Township,
Butler County, OH

Chairman:


James Hahn

Secretary:


Timothy Dawson
Township Planner