

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
May 16, 2022**

MEMBERS PRESENT: Jim Hahn, Mark Murphy, Doug Rinnert,
Jim Williams, Larry Whited (alternate seated)

MEMBERS ABSENT: Richard Grow

STAFF PRESENT: Timothy Dawson, Township Planner
Beverly Worley, AP III
Charles Gavin, 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. Williams made a motion to approve March 21, 2022 minutes, seconded by Mr. Rinnert. Mr. Dawson called the roll. Motion carried 5-0.

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

MC03-22 BC-TID; Mike's Carwash

The applicant is Mike's Carwash. The applicant is requesting approval for a Major Change and Preliminary Development Plan for a 5,284 s.f. carwash on 2.5212 acres located along Veterans Blvd; Parcel #'s M5620-476-000-003.

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

Mr. Williams asked to see an example of the W.A.R.R. signage (We are responsible and reminders)

Mr. Dawson pulled up the example of the W.A.R.R. signage.

Mr. Whited asked for clarification of which lot the application is referring to.
Mr. Dawson stated it's being replot as 5 & 6.

Applicant **Sophia Holley**
 KMK Law

Ms. Holley thanked everyone for their time and attention to this application. She introduced the team representing Mike's Carwash

Applicant **Mike Dahm / CEO**
 Mike's Carwash

Mr. Dahm stated the company began in 1948. Mike's Carwash currently has 2 locations in West Chester. Mike's Carwash is very big in community engagement; in the last seven years we have given over \$500,000 to area communities. The signage comes into play by advertising the different giving fund opportunities; Anthony Munoz Fund, Red's Fund, and etc. The others locations have the MC sign. It helps make customers aware of the giving fund opportunities.

Applicant **Ty Dubai / Chief Operating Officer**
 Mike's Carwash

Mr. Dubai reiterated that Mike's Carwash is very excited to be continuing to service the West Chester community. He stated he would be addressing the concern of sound.

Mr. Dubai went out and took some sound readings at the current site and at the Oakley site. The Oakley site is more urban and has 12 vacuums. Mr. Dubai presented a video with the sound of all 12 vacuums in operation; approximately 300 feet away, which is a little closer than the area residents.

Ms. Holley interjected comparing the current typical sound levels (dBA) chart to the sound decimals of the sound test that Mr. Dybay conducted.

Mr. Dubai stated the noise in the vacuums themselves get lost in the traffic noise. They are happy to screen where we need to. Hopefully this gives the Board reassurance on the noise level.

Mr. Hahn asked if measurements were taken of the sound of the dryers.

Mr. Dubai replied that the video shown included the sound of the dryers. Mike's uses a very high tech door for improved drying and noise level.

Applicant **Eddie Krieger /Director of Maintenance & Construction**
 Mike's Carwash

Mr. Krieger discussed the sign package presented via PowerPoint.

Mr. Williams asked if the sign packaged complied with WCT ordinance.

Mr. Dawson stated that the applicant is asking for a substantial variance of Article 10 & 20.

Mr. Hahn asked what the variance is.

Mr. Dawson stated the height is an issue as well as the amount of building sign display area. They are asking for 387'; 109' is allowed. They are asking for off-site commercial messaging. They are asking for 2 directional signs; 1 is maximum; and asking for special consideration for the responsibility sign.

Mr. Whited asked for definition of the off-site commercial sign.

Mr. Dawson explained off-site signage.

Ms. Holley returned to the podium to explain that the off-site commercial messaging would be for charitable events/organizations. And the 2 directional signage is better for safety purposes due to the multiple accesses.

Mr. Murphy asked respectfully if the Township has a maximum height, why wouldn't the company design the sign to meet the requirement.

Mr. Krieger explained when the message sign is less in height, it's more difficult for customers to see/read it from the road.

Mr. Whited asked for more clarification on the off-site commercial sign.

Mr. Dawson replied to Mr. Whited and explained what the Board should take into consideration when in deliberations.

Mr. Whited asked if the other Mike's Carwash locations have the message board.

Mr. Dahm stated both locations in West Chester have them. They would agree to decrease the height to 10' with the band underneath, they would appreciate that consideration.

Ms. Holley ended the presentation to remind the Board that they do have the authority to approve with variances to the application. Mike's Carwash wants to work with WCT and be a larger part of the community.

She stated for the record that her Ohio Bar License is 0091361; under Ohio Supreme Court Precedent; they reserve the right to appeal adverse decisions.

Proponents **None**

Opponents **None**

Neutral **None**

Deliberations

Mr. Hahn clarified that the Zoning Commission's vote is only a recommendation to the Board of Trustees. The Board of Trustees ultimately make the decision for the Township based on the drafted conditions which can be modified.

Mr. Hahn stated that before the Board begins discussing the signage, sound, and etc.; he stated we have an applicant that has come before us with a use that is prohibited in this particular C-PUD per the resolution; auto mobile services are not allowed on this parcel. If the Board can get passed that, they can discuss the other items.

Mr. Williams stated putting aside the resolution and the signage size, this is acceptable. When the resolution was decided in 2017; there was still a lot of green field. Things have completely changed. Other than the signage size which Mr. Williams believes they are willing to comply with; he would recommend with approval and then let the Trustees, if they still feel strongly, deny it.

Mr. Rinnert stated that if it's in the Resolution that the use is not allowed; then why are we here.

Mr. Williams asked if putting the resolution aside, is there anything from a zoning perspective that the Board can't accept.

Mr. Whited stated Mr. Williams point is well taken. Things have changed and it changes the tenure of things.

Mr. Hahn then asked if the Board thinks this is a good use of the site.

Mr. Williams doesn't feel this use will be a distraction with all the commercialization in the area.

Mr. Murphy stated he can't get passed the resolution. The Trustees should be the decision maker.

Mr. Hahn asked if the Trustees would approve the use, could they make the sign size decision for the FDP.

Mr. Dawson stated the Trustees could modify the legislation of the condition.

Mr. Hahn made a motion to deny Case # - MC03-22 BC-TID; Mike's Carwash with the change to item # 9; signage to be approved at the FDP stage. Mr. Murphy seconded the motion.

Mr. Dawson added that any appeal to the interpretation of off-site signage is not codified within this draft. Moving forward he will get legal advisement on that interpretation and advise the Trustees at their hearing.

Aye: Mr. Hahn, Mr. Murphy, Mr. Rinnert, Mr. Whited

Nay: Mr. Williams

Motion carried 4-1

FDP-05-22-A North Pointe, Streets North; The Residences at Gateway

The applicant is NorthPoint Development, LLC. The applicant is requesting approval for a Final Development Plan for five (5) – 4 story multi-family buildings totaling 331 units on 11.037 acres with associated pavement and utility improvements located at the intersection of Aviation Way and Imagination Blvd; Parcel #'s M5610-027-000-085.

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

Mr. Hahn clarified that the applicant needs to meet the Fire Dept. requests.

Mr. Dawson stated yes.

Mr. Hahn asked for clarification regarding the signage request.

Mr. Dawson explained 48' for 2 ground signs (96 s.f.). He does not have the display area dimensions on the third sign.

Applicant **Clint Oliver**
 Bayer Becker

Mr. Oliver gave PowerPoint presentation pointing out the highlights of the project. Mr. Oliver noted that Bayer Becker 1) met with the WCFD and addressed their issues; 2) submitted revised plans for the monument sign height requirement; and 3) a paved access will be provided from Imagination Blvd to the cell tower.

Mr. Hahn asked if there was anything else in the WCFD comments that would significantly change the design.

Mr. Oliver stated no.

Mr. Whited asked for clarification regarding properly screening the facility.

Mr. Oliver explained the proposed plan for the screening.

Mr. Murphy asked if there is only one area for garbage.

Mr. Hahn stated that is correct; there will be a valet trash service. The next applicant can address that.

Applicant **Brad Haymond**
 NorthPoint Development

Mr. Haymond started off by explaining the valet trash service. Mr. Haymond gave a presentation about the NorthPoint Development history. NP is one of the largest apartment developers in Kansas City.

Proponents **None**

Opponents **None**

Neutral **None**

Deliberations

Mr. Dawson made a clarification to the draft Resolution, Condition 1b. It would state: the north access way directional sign and the building wall sign to include any proposed illumination. Mr. Dawson explained the major consideration for the Board is Section C – all ground signage meeting Article 10 & 11. If you approve the proposed plan for the ground signage, you will need to strike Section C as well as Condition 21.

Mr. Williams stated it will be a great project. Based off what we heard, they will comply to staff's recommendation on the signage requirement.

Mr. Rinnert stated it will be a nice addition to West Chester.

Mr. Murphy agreed it's a great project.

Mr. DelVerne asked to approach the podium due to being overlooked before deliberations.

Applicant **John DelVerne**
 Bayer Becker

Mr. DelVerne wanted to address the confusion on the ground mounted signs.

Discussion was held regarding what is allowed versus what is proposed. Information was given in the Staff presentation. Mr. Dawson stated there is flexibility in the PUD. Staff still needs information regarding the illumination.

Mr. Haymond returned to the podium. He stated the lettering on the building is illuminated

with a backlit. The ground mounted signs is a ground mounted up light. These lights stay on all night and turn off in daylight.

Mr. Hahn asked the Board if they were still in agreement with the additional clarification of the proposed signage.

All Board members said yes and had no more questions.

Mr. Larry Whited made a motion to approve Case # – FDP-05-22-A North Pointe, Streets North; The Residences at Gateway based on staff and other agencies comments and recommendations. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5-0

Administrative Business:

Mr. Hahn recognized Mr. Murphy's service to the Zoning Commission Board. Mr. Murphy's term has expired. Mr. Murphy will be pursuing other endeavors.

The next ZC meeting is Tuesday, June 21, 2022 @ 6:00 p.m. No new cases were received. We will meet to approve minutes and resolutions, and to vote on Annual Board Appointments. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 7:30 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 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. 22-5
BC TID AT LIBERTY WAY, PHASE 3; MIKE'S CARWASH - MC & PDP
(MC 03-22)**

WHEREAS, on August 22, 2017, the West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (24-2017) for a mix of uses, including two (2), two-story buildings consisting of a total of 95,000 square feet of medical office use; a four-story, 60,000 square foot building consisting of a one-hundred and one (101) room hotel use; and a one-story, 8,360 square foot, multi-tenant building consisting of retail/ restaurant uses on approximately 14.8 acres; and,

WHEREAS, on April 16, 2018, the West Chester Township Zoning Commission approved a Final Development Plan (18-6) for Phase 1 of the site to include a lot split; right-of-way dedication; and construction of road improvements along Liberty Way; site grading, which includes a retention area; installation of site utilities; and construction of the internal, public roadway and the pedestrian facilities on approximately 14.8 acres; and,

WHEREAS, on August 20, 2018, the West Chester Township Zoning Commission approved a Final Development Plan (18-18) for Phase 2 of the site, to include a two-story, 50,000 square foot Tri Health medical office building on 9.4 acres; and,

WHEREAS, on May 17, 2021, the West Chester Township Zoning Commission recommended denial of an application for a Major Change to the C-PUD and Preliminary Development Plan (21-6), which was submitted by Thorntons, LLC. on Lot 6 (previously approved as Lot 1) for a 4,400 square foot retail building/ fuel station on 1.3 acres; and,

WHEREAS, the aforementioned application was withdrawn prior to the Board of Trustees hearing based on the Zoning Commission's recommendation; and,

WHEREAS, on August 16, 2021, the West Chester Township Zoning Commission recommended denial of an application for a Major Change to the C-PUD and Preliminary Development Plan (21-12), which was submitted by Thorntons, LLC. on Lot 6 (previously approved as Lot 1) for a 4,400 square foot retail building/fuel station on 1.3 acres; and,

WHEREAS, the aforementioned application was withdrawn prior to the Board of Trustees hearing based on the Zoning Commission's recommendation; and,

WHEREAS, on April 18, 2022, Ty Dubai, on behalf of Mike's Carwash, Inc., submitted an application requesting a Major Change to the C-PUD and Preliminary Development Plan (PDP) on Lot 5 (previously approved as Lot 2) for a 5,284 square foot car wash conveyor on 2.52 acres; and,

WHEREAS, on May 16, 2022, 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 denial of the aforesaid application as submitted.

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 16th day of May, 2022.

West Chester Township,
Butler County, OH

Chairman:


James Hahn

Secretary:


Timothy Dawson
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 22-6**

NORTH POINTE - STREETS NORTH; THE RESIDENCES AT GATEWAY - FDP (05-22-A)

WHEREAS, on September 22, 2020, the West Chester Township Board of Trustees approved a Zoning Map Amendment from CBD (Central Business District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan (15-2021) for approximately 497,000 square feet of commercial use, 870 multi-family units, and a 140 room hotel (Sites A-O) on approximately 98.6 acres; and,

WHEREAS, on April 18, 2022, Northpointe Development, LLC. submitted an application requesting a Phase 1, Final Development Plan (Site B) approval for five (5), four-story buildings totaling three-hundred and thirty-one (331) multi-family units on approximately 11.04 acres (30 units/ acre); and,

WHEREAS, on May 16, 2022, 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.) Revisions to the Final Development Plan (FDP) shall be submitted to the West Chester Township Community Development Department (WCTCDD) staff for approval within thirty (30) days with the following included:
 - a) All Butler County Engineer's Office (BCEO) comments in regard to Sheet C4.0 emailed from Kelsey Richards on 5/5/2022;
 - b) Sheet AS-103 revised to include the sign details for the north access way directional sign and the building wall sign, to include any proposed illumination;
 - c) Sheet L2.0 revised to include adequate evergreen landscaping screening of the existing cell tower facilities, which is located along Imagination Boulevard.

- 2.) The required flood plain information 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 at the permitting stage.

- 3.) All site civil engineering plans shall meet all BCEO and Water and Sewer Department's requirements prior to the issuance of a zoning certificate.

- 4.) Aviation Way shall be approved as proposed, which is an extension of the public roadway, Aviation Way, in coordination with Article 3 (A) of the Streets North Project development agreement.
- 5.) All public right-of-way streetscape designs and elements shall be subject to final negotiations of the Streets North Project development agreement. A copy of which shall be submitted to the WCTCDD to include in the approved FDP case file.
- 6.) 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 WCTCDD requirements prior to the issuance of a zoning certificate to ensure the site accommodates emergency services.
- 7.) All existing non-conformities shall be brought into conformity, to specifically include a paved access way to the cell tower facilities located on the subject site.
- 8.) Five-hundred and Forty-eight (548) on-site and on-street parking spaces for three-hundred and thirty-one (331) units are approved. A parking ratio of 1.66 parking spaces per unit shall be maintained or adjusted to allow a higher number of spaces.
- 9.) All parking spaces shall be installed as illustrated, and noted in the parking calculation on the Cover Sheet. An interior parking layout plan shall be provided for any garage parking, which shall be submitted in conjunction with the permit for the building that it serves. The appropriate number of parking spaces shall be installed as demonstrated in the parking calculation.
- 10.) 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.
- 11.) A unit mix of 15% studio; 43% one-bedroom/ den; and 41% two-bedroom/ den are approved and shall be maintained or adjusted to allow a higher percentage of one-bedroom units, which shall be approved by staff prior to an application for a zoning certificate.
- 12.) The exact number of one-bedroom and two-bedroom units shall be clearly labeled on the plan for each building and a running total for the entire apartment development shall be provided by the applicant for all the units that have been constructed, or permitted to be constructed, to-date with submission of each application for a zoning certificate.

- 13.) The floor plans submitted during the permitting stage shall be generally consistent with the floor plans that were provided with regard to layout. Also during the permit review for each building, the individual floor plans for each unit shall be illustrated on the plans and each unit shall be clearly labeled as to the unit type (Studio, 1 BR, 1BR + Den, 2BR or 2BR + Den) and unit size.
- 14.) The interior finishes shall be consistent with the descriptions that were approved with this FDP, which shall include but not be limited to the following: Nine (9) foot ceilings; granite counter tops throughout; ceramic tile shower surrounds in the bathrooms; brushed nickel finishings; stainless steel appliances; wood cabinetry; full-size washer/dryer connections; and high-speed internet. The referenced "simulated wood plank flooring" shall be laminate wood flooring or higher grade vinyl flooring. Lower quality, sheet-vinyl flooring applications shall not be permitted.
- 15.) All buildings shall be consistent with the typical building elevations that were provided. During the permit review for each building, the specific percentage of masonry shall be provided by the applicant for each side of the building facing the perimeter roadways, which shall demonstrate the above requirement is being met.
- 16.) The Common/Open Space areas shall be constructed as illustrated on the approved plan. If any lights are desired to allow for the nighttime use of any of the open space areas, the light fixtures shall be decorative in nature similar to the lights used elsewhere in the development.
- 17.) The Community Amenities shall be provided as demonstrated with this FDP, which shall include but not be limited to the following: Pool area with arbors; trellis and hammocks; outdoor fireplace; grilling area; bocci, pickle, and snook ball courts; golf simulator; lounge; vending; café; work space; fitness room; spa/wellness center; and an active social calendar.
- 18.) The site perimeter sidewalks located within the public right-of-way shall be constructed as required by the BCEO, in regard to the public standards for materials and compaction.
- 19.) The security of all buildings and indoor/outdoor parking areas shall be coordinated with the West Chester Township Police Department.
- 20.) The base of the monument sign structure shall be constructed with materials matching the approved masonry materials of the principle building and include approved landscaping along the perimeter of the base.

- 21.) All ground signs shall only be permitted to be externally-illuminated by LED lighting at a maximum of a 4,000 level on the kelvin color scale.
- 22.) One (1) building sign, located on the south building wall, shall be permitted as illustrated on the FDP and corresponding revisions.
- 23.) The property owner 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.
- 24.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 25.) 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.
- 26.) 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.

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 16th day of May 2022.

West Chester Township
Butler County

Chairman:

Secretary:



James Hahn



Timothy Dawson
Township Planner