

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
October 17, 2022**

MEMBERS PRESENT: Jim Hahn, Richard Grow, Doug Rinnert,
Larry Whited, Jim Williams, Brian Asbrock (not-seated)

MEMBERS ABSENT:

STAFF PRESENT: Timothy Dawson, Township Planner
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. Whited made a motion to approve September 19, 2022 minutes, seconded by Mr. Rinnert. Mr. Dawson called the roll. Motion carried 4-0.

Mr. Hahn made a motion to approve ZMA04-22 Anderson Farm and Resolution 22-8; Motion carried 4-0.

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

FDP 10-22-A Sharma; Gates of West Chester, Phase 1

A & A Real Estate Investments, LLC. The applicant is requesting final development plan approval for 12,000 sq. ft. of retail & restaurant space located along the frontage within lot 16 on 1.54 acres located at 9774 Cincinnati Columbus 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 Final Development Plan unless additional information is deemed necessary to make an informed decision.

Mr. Williams asked if the applicant had any concerns regarding the conditions on the resolution.

Mr. Dawson stated they did not.

Applicant **Ranjit Sharma**
 A & A Real Estate

Mr. Sharma stated that they have completed all conditions that were required.

Proponents **None**

Opponents **Dan Partin**
 9730 US. Rt. 42

Mr. Partin represents the Trust of the property that is NE of the proposed property. Mr. Partin shared his concern with the lighting and noise to the adjoining properties.

Neutral **None**

Mr. Sharma / applicant was asked to return to the podium.

Mr. Sharma stated that landscaping/buffering will be added. The location is approved for restaurant/outdoor dining however it doesn't mean that one will go into the space next to the property.

Mr. Grow asked if it was typical for lighting to go in the buffering and could it be 180 or 270 instead of a 360. Therefore it wouldn't give off as much light.

Mr. Dawson said yes however it could still emit a radius/diameter around it.

Mr. Hahn asked the applicant if he would be willing to beef up the landscaping.

Mr. Sharma stated he would be.

Mr. Williams asked if there would be a berm to raise it up some.

Mr. Sharma said it would be raised a little higher. He also wants it to look nice also.

Mr. Hahn asked if Mr. Sharma would be opposed to conditioning no music outside on the patio.

Mr. Sharma said he would not be opposed.

More discussion was held regarding lighting. Mr. Sharma stated that the lighting proposed for the other side of the project will now be used on both sides to help deter light shining into the residential areas.

Deliberations

Mr. Williams stated this is a very busy street/area. He agreed with raising the landscaping berm, adding additional vegetation. He is concerned about the confusion of whether the property next to this is occupied or not.

Mr. Williams asked what conditions are impacted by what was discussed/changed.

Mr. Dawson interjected that it will be added as a condition for revised landscaping plan within 30 days to meet what the Board discussed. A condition could also be added as to restrict any outdoor speakers. Mr. Dawson deferred to legal counsel regarding restricting noise and/or hours of operation.

Mr. Galvin stated the Township does not actually police noise through the Zoning Resolution. It could be conditioned as amplified music/sound / equipment outside / exterior to the property.

Mr. Williams stated that the Township does have nuisance codes and then the police can address it.

Mr. Whited felt whether the home is occupied or not doesn't relate to the Board's decision as long as the conditions are met.

Mr. Grow felt you can't limit outside activity but you can limit the sound.

Mr. Rinnert agreed with the new conditions being added.

Mr. Whited made a motion to approve Case # - FDP 10-22-A Sharma; Gates of West Chester, Phase 1 with staff and other agency comments and recommendations. Mr. Grow seconded the motion.

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

Nay:

Motion carried 5-0

FDP 10-22-B Keefe; Tract 2, Lots 1,4,6 - Signage

Liberty Way Investments, LLC. The applicant is requesting final development plan approval for (3) three business park identification signs along Liberty Way & Tylers Place 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 Final Development Plan unless additional information is deemed necessary to make an informed decision.

Mr. Whited asked for clarification where the original signs were located.

Mr. Dawson reviewed locations of original signage versus new locations.

Applicant **Ashley Wallace**
 Bayer Becker

Mitch Fry
Steiner & Assoc.

Mr. Fry stated there was quite a few discussions on the tertiary sign along Tylers Place Blvd. and we have agreed to not internally illuminate that sign. Also we did submit the landscaping plan however it was not highlighted during staff review.

Mr. Dawson stated there were no issues with the landscaping.

Mr. Fry also stated that the make-up of the signs match current signage of existing businesses and other businesses that are going in. He also mentioned the grading challenges they are facing that they are working through as to the changes.

Mr. Hahn asked why are they requesting for the signs to be larger than what is allowed.

Mr. Fry stated they were trying to match some of the aesthetics from the Cabela's sign. He introduced their sign vendor.

Sally Land
Atlantic Sign Co.

Ms. Land described in detail how the sign configurations were developed and how the grade and heights changed. There's only one in violation of height.

Mr. Dawson explained that based on identification sign is 15'; a typical monument sign is 10'.

Ms. Land stated that the sign is now smaller than the Cabela sign by going from eight displays to six.

Mr. Grow asked why they feel this needed to be larger than the current standard in West Chester.

Mr. Fry stated that they originally were trying to mimic what is adjacent to it on the Cabela site which is across the road.

Mr. Grow stated that the Cabela sign doesn't have anything to do with what the ordinance is. Mr. Grow asked for an explanation why it needed to be larger than what is considered to be standard.

There are standards for copy height and visibility on how you can read a 6" tall letter driving 35 MPR down the road. The distance is only about 60'. If the space is any smaller it will not be useful.

Mr. Hahn asked if the Planet Fitness sign could be made smaller.

Mr. Fry stated if that is a condition, they could definitely look into that.

Proponents **None**

Opponents **None**

Neutral **None**

Deliberations

Mr. Whited stated that he agreed that the Planet Fitness sign should be reduced to conform to the WCT standard.

Mr. Rinnert agreed with reducing Planet Fitness sign and was not in agreement to go against the WCT standard.

Mr. Grow understood the height and visibility issue but not going against what the WCT code is. He's not convinced why the larger size needs to occur.

Mr. Williams felt if height was going to impact their business as far as visibility that the Board should consider variance for the height but not for the square footage size.

Mr. Dawson stated the Board had flexibility. He suggested to be consistent with the character of tract 1. If the height is ok; adjust the square footage. He clarified what was proposed and what was recommended.

Discussion was held regarding recommendations, changes, and approvals.

Mr. Grow made a motion to approve Case # - FDP 10-22-B Keefe; Tract 2, Lots 1,4,6 - Signage with staff and other agency comments and recommendations and changes. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5-0

Administrative Business:

The next ZC meeting is scheduled for Monday, November 21, 2022 @ 6:00 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 7:00 p.m.

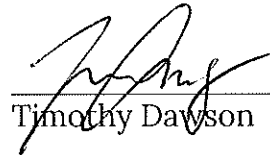
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

Chairman:



Jim Hahn

Secretary:



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 22-9
SHARMA; GATES OF WEST CHESTER, PHASE 1 - FDP (10-22-A)**

WHEREAS, on March 12, 2019, the West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan (05-2019) for a 12,000 square foot, multi-tenant building consisting of retail/ restaurant uses and sixteen (16) single-family residential, landminium lots on approximately 5.1 acres (4.8 units/ acre); and,

WHEREAS, on September 19, 2022, A & A Real Estate Investments, LLC. submitted an application requesting Final Development Plan approval for a 12,000 square foot building consisting of retail and a restaurant use on approximately 1.54 acres.

WHEREAS, on October 17, 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 actions and findings, the West Chester Township Zoning Commission does hereby recommend approval of the aforesaid application with the following conditions:

- 1.) Revisions to the Final Development Plan shall be submitted to the West Chester Community Development Department (WCTCDD) staff for approval within thirty days with the following included:
 - a) A revised landscaping plan illustrating adequate screening of evergreen trees along the north property line.
- 2.) 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) No dead-end drives shall be permitted in excess of 150 feet from the public right-of-way;
 - b) All drive surfaces shall comply with all safety service vehicles turning radius requirements;
 - c) The building shall be located within 400 feet of a fire hydrant;
 - d) Public fire hydrant connections shall be located within 100 feet; and
 - e) The furthest point of the commercial building shall be located no further than 400 feet from a fire hydrant.

- 3.) Detailed grading plans and stormwater drainage plans and calculations shall be approved by the Butler County Engineers Office (BCEO) and shall meet all WCT and BCEO requirements prior to the issuance of a zoning certificate.
- 4.) All water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) and shall meet all BCWSD requirements prior to the issuance of a zoning certificate.
- 5.) Any amplified sound is prohibited from the outdoor seating area.
- 6.) One (1) ground sign shall be approved in the location and dimensioned as illustrated on the FDP.
- 7.) Building signage shall be approved as noted on the building elevations sheet of the FDP.
- 8.) The recorded Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for Gates of West Chester shall be amended with the record plat of Lot 16 and the approved site plan as a supplemental exhibit to the DCCRRE and shall be recorded prior to the final zoning inspection. A copy of the final, recorded DCCRRE site shall then be provided to the WCTCDD for the case file records.
- 9.) The property owner 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 the landscaping surrounding the base of the ground sign located at the site entryway shall be irrigated with a permanent system prior to a final zoning inspection.
- 10.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 11.) 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.
- 12.) The temporary construction access and vehicle staging area shall be coordinated with the ODOT 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 recommended approval. This action shall take effect the 17th day of October, 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. 22-10
KEEFE; TRACT 2, LOTS 1, 4, AND 6, SIGNAGE – FDP (10-22-B)**

WHEREAS, on February 9, 2016, the West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District) to SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan for Tracts 2 and 3 (04-2016) for a mixed-use development of retail, restaurant, office, and residential land uses, to include 150,395 square feet of commercial use and 104 multi-family units on 18.15 acres; and,

WHEREAS, on December 16, 2019, the West Chester Township Zoning Commission approved a Final Development Plan for Tract 2, Lot 5 (19-22), which included a 4,176 square foot GE Credit Union with a drive-thru on approximately .99 acres; and,

WHEREAS, on June 21, 2021, the West Chester Township Zoning Commission approved a Final Development Plan for Tract 2, Lot 5 (19-22), which included a 4,176 square foot GE Credit Union with a drive-thru on approximately .99 acres; and,

WHEREAS, on September 19, 2022, Liberty Way Investments, LLC. submitted an application requesting Final Development Plan approval for three (3) business park identification signs located along the frontages of Liberty Way and Tylers Place Boulevard.

WHEREAS, on October 17, 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 actions and findings, the West Chester Township Zoning Commission does hereby recommend approval of the aforesaid application with the following conditions:


- 1.) Revisions to the Final Development Plan shall be submitted to the West Chester Community Development Department (WCTCDD) staff for approval within thirty days with the following included:
 - a) A revised sign plan for the signs located within Lot 1 and Lot 6, which illustrates a maximum of seventy-two (72) square feet of display area.
 - b) A revision to the site plan, which locates the sign proposed along Tylers Place Boulevard (Lot 6) to the originally approved location along Preserve Place on either side of Foster Lane (Lot 6 or Lot 9); or

- c) A revision of the sign plan to remove the internal-illumination designation from the sign proposed along Tylers Place Boulevard (Lot 6); and
 - d) A revision of the site plan to remove the sign from the Butler County water main easement located along Tylers Place Boulevard, within Lot 6.
- 2.) The applicant shall obtain an encroachment agreement from Butler County prior to submitting an application for a zoning certificate if the sign located along Tylers Place Boulevard, within Lot 6, is determined to be within the water main easement.
 - 3.) External-Illumination directed upward toward the signage with a maximum of 4,000 on the Kelvan color scale shall be an approved alternative to the prohibition of internal-illumination for the business park identification signage on Lot 6 (or Lot 9).
 - 4.) The property owner 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.
 - 5.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
 - 6.) 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.

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 17th day of October, 2022.

West Chester Township,
Butler County, OH

Chairman:



James Hahn

Secretary:



Timothy Dawson
Township Planner