

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
November 21, 2022**

MEMBERS PRESENT: Richard Grow, Larry Whited, Jim Williams, Brian Asbrock

MEMBERS ABSENT: Jim Hahn, Doug Rinnert

STAFF PRESENT: Timothy Dawson, Township Planner
Beverly Worley, Administrative Professional III
Charles Gavin, FBT; Legal Representation

LOCATION: Township Hall

CALL TO ORDER: 6:00 p.m.

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

Mr. Williams made a motion to approve October 17, 2022 minutes, seconded by Mr. Grow. Mr. Dawson called the roll. Motion carried 4-0.

Mr. Whited made a motion to approve FDP 10-22-A Sharma; Gates of West Chester, Phase 1 and Resolution 22-9; Motion carried 4-0.

Mr. Whited made a motion to approve FDP 10-22-B Keefe; Tract 2, Lots 1,4,6 - Signage and Resolution 22-10; Motion carried 4-0.

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

FDP 11-22-A Bel Haven; Phase 4

The applicant is Bel Haven, LLC. The applicant is requesting final development plan approval for 19 residential lots and 2 open space lots on 5.7 acres located at 7936 Beckett 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.

No questions from the Board.

Applicant **David Labus**
 7959 S. Bel Haven Lane

Mr. Labus stated that he was happy to be back in front of the Board. He stated that they decided to take a smaller bite of the apple this time for a multitude of reasons: 1) started a little later than anticipated; 2) we will not have to do a few items with a smaller project.

Mr. Grow asked Mr. Labus if he wished him to be excused since he lived in Bel Haven. Mr. Labus stated he did not feel it was necessary.

Mr. Williams asked what the time-line is for Phase 4 & 5.

Mr. Labus stated that they have already started the architectural drawings for Phase 5. Phase 4 should begin by the end of December 2022 / January 2023. Phase 5 by the end of 2023.

Mr. Williams asked for an explanation as to why wait for the sidewalk in Phase 5.

Mr. Labus gave a detailed description of the off-site sidewalk proposed.

Proponents **Larry Fox**
 8376 Bel Haven Lane

Mr. Fox stated he liked Bel Haven and has not had any issues in the six years that he has lived there. He shared his concern for public safety.

Mr. Whited stated that Mr. Fox would need to share his safety concerns with the Butler County Engineer's Dept. or the West Chester Services Dept.

Opponents **None**

Neutral **None**

Deliberations

Mr. Grow stated that the approval was given from the previous Board, they are just doing it in phases. The only concern is the delay on the sidewalks.

Other Board members agreed and continued sidewalk discussions.

Mr. Grow asked if the applicant could commit to addressing the sidewalks at the beginning of Phase 5.

The applicant was asked to return to the podium.

Mr. Labus stated that Phase 5 will include the sidewalks and the pedestrian crossing. He also

stated that preliminary discussions with Butler County Engineering Office concluded that the crosswalk would be located at the new entry way across from Hutzelman.

Mr. Williams asked if a time frame would be in consideration if the market isn't cooperative.

Mr. Labus stated that he would rather not go in that direction due to the financing aspect. Everything that they build is financed in some way and so committing to something that they don't have financing in place for is a little bit less comfortable. He felt their track record with West Chester Township has been in good standing.

There was no further discussion.

Mr. Grow made a motion to approve Case # – FDP 11-22-A Bel Haven; Phase 4 with staff and other agency comments and recommendations. Mr. Asbrock seconded the motion.

Aye: Mr. Whited, Mr. Asbrock, Mr. Grow, Mr. Williams

Nay:

Motion carried 4-0

RFDP 11-22-B Fields at Liberty Way, Hyatt House

The applicant is Bayer Becker. The applicant is requesting a revised final development plan approval for a 3,360 s.f. single-story building addition for a conference room located at 7800 Liberty Field Drive

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.

Mr. Williams asked why it was necessary for this to come before the Board.

Mr. Dawson explained that an addition of this magnitude was required.

Mr. Grow asked if the addition still met with the parking requirements.

Mr. Dawson stated it did.

Applicant **Clint Oliver**
 Bayer Becker

Mr. Oliver stated that they were in agreement with everything listed/required on the staff report.

Proponents **None**

Opponents **None**

Neutral **None**

Deliberations

All Board members were in agreement that the case was pretty straightforward.

Mr. Williams made a motion to approve Case # – RFDP 11-22-B Fields at Liberty Way, Hyatt House with staff and other agency comments and recommendations and changes. Mr. Grow seconded the motion.

Aye: Mr. Whited, Mr. Asbrock, Mr. Grow, Mr. Williams

Nay:

Motion carried 4-0

Administrative Business:

The 2023 Zoning Commission Meeting Dates were presented and approved. The dates are as follows:

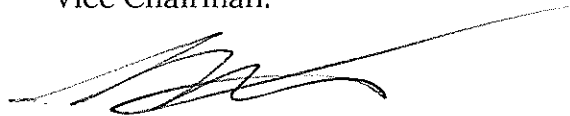
MEETING DATE
JANUARY 18, 2023
FEBRUARY 22, 2023
MARCH 20, 2023
APRIL 17, 2023
MAY 15, 2023
JUNE 21, 2023
JULY 17, 2023
AUGUST 21, 2023
SEPTEMBER 18, 2023
OCTOBER 16, 2023
NOVEMBER 20, 2023
DECEMBER 18, 2023
JANUARY 17, 2024

The next ZC meeting is scheduled for Monday, December 19, 2022 @ 6:00 p.m. This serves as Public Notice for this meeting.

Mr. Whited adjourned the meeting at 6:40 p.m.

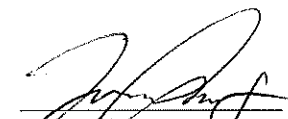
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must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

Vice Chairman:



Larry Whited

Secretary:



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 22-11
BEL HAVEN, PHASE 4 – FDP (11-22-A)**

WHEREAS, on October 24, 2017 the West Chester Township Board of Trustees approved a Zoning Map Amendment from R-1A (Suburban Residence District) to R-PUD (Residential Planned Unit Development District) and a Preliminary Development Plan (29-2017) for 176 single-family residential lots, one (1) lot designated for the construction of a clubhouse, pool, and parking area, and one (1) open space lot designated as potential, future development on approximately 75.02 acres; and,

WHEREAS, on April 16, 2018, the West Chester Township Zoning Commission approved a Final Development Plan (18-7) for Phases 1-3, consisting of eighty-four (84) single-family residential lots, one (1) lot designated for the construction of a clubhouse, pool, and parking area, and four (4) open space lots on approximately 35.8 acres; and,

WHEREAS, on October 17, 2022, Bel Haven, LLC. submitted an application requesting a Final Development Plan approval for Phase 4, consisting of nineteen (19)) single-family residential lots and two (2) open space lot on approximately 5.7 acres; and,

WHEREAS, on November 21, 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 temporary construction road illustrated accessing Beckett Road, which is located across from Hutzelman Farm Drive.

- 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) A temporary, secondary access road;
 - b) Engineering documentation certifying the required load capacity for the bridge constructed in Phases 1-3;

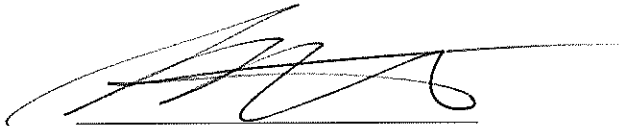
- c) All road widths between 26-30 feet shall be posted "No Parking- Fire Lane" on one side of the road, which contains the fire hydrants;
 - d) A solid road surface shall be provided as structures begin construction;
 - e) All drive surfaces shall comply with all safety service vehicles turning radius requirements;
 - f) All buildings shall be located within 400 feet of a fire hydrant;
 - g) "No Parking-Fire Lane" locations coordinated; and
 - h) The furthest point of the commercial building shall be located no further than 400 feet from a fire hydrant.
- 3.) Detailed site civil plans, to include 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 water 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.) A note added to the record plat, which shall states " the homebuilder will have to take special precautions to ensure basements remain dry due to an apparent high water table," if basements are constructed.
- 6.) The recorded Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for Bel Haven shall be amended with the record plat 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.
- 7.) The property owner or home owners' association (HOA) 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.
- 8.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.

9.) 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 21st day of November, 2022.

West Chester Township,
Butler County, OH

Vice Chairman:



Larry Whited

Secretary:



Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 22-12
THE FIELDS AT LIBERTY WAY; HYATT HOUSE – RFDP (11-22-B)**

WHEREAS, on September 13, 2016, the West Chester Township Board of Trustees approved a Zoning Map Amendment from M-1 (Light Industrial District) and A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (26-2016) for a four-story, extended-stay hotel on Lot 1, a five-story hotel on Lot 2, and 90,000 square feet of future development on approximately 13.35 acres; and,

WHEREAS, on October 17, 2016, the West Chester Township Zoning Commission approved a Final Development Plan (16-19) for a five-story, 70,490 square foot, 115 room hotel on approximately 2.2 acres; and,

WHEREAS, on November 20, 2017, a Final Development Plan (17-23) was approved for a five-story, 103,711 square foot, 136 room extended-stay hotel on approximately 4.06 acres; and,

WHEREAS, on October 17, 2022, HH Liberty Way, LLC. submitted an application requesting a Revised Final Development Plan approval for a 3,630 square foot addition for an outdoor seating area and a conference room within the previously approved extended-stay hotel.

WHEREAS, on November 21, 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.) If not specified in this approval, all other previous conditions of approval shall still apply.
- 2.) The Ohio Department of Transportation's (ODOT) fence, located within the limited-access right-of-way (LARW) along Liberty Way, shall not be removed and the proposed split rail fence shall not be installed.
- 3.) A permit shall be obtained from ODOT in order to maintain the vegetation within the ODOT LARW.
- 4.) 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) A temporary, secondary access road;
 - b) Maintained access around the perimeter of the building during construction;
 - c) All drive surfaces shall comply with all safety service vehicles turning radius requirements;
 - d) The building shall be located within 400 feet of a fire hydrant;
 - e) "No Parking-Fire Lane" locations coordinated; and
 - f) The furthest point of the commercial building shall be located no further than 400 feet from a fire hydrant.
- 5.) Detailed site civil plans, to include 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.
- 6.) The storm sewer and detention/ retention facility as-built shall be provide to the BCEO and approved prior to a final zoning inspection.
- 7.) All water and sanitary sewer main installation and water 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.
- 8.) The recorded Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for The Fields at Liberty Way shall be amended with the record plat 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.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 10.) 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 21st day of November, 2022.

West Chester Township,
Butler County, OH

Vice Chairman:



Larry Whited

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Timothy Dawson,
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