

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
December 19, 2022**

MEMBERS PRESENT: Richard Grow, Larry Whited, Jim Williams,
Doug Rinnert, Jim Hahn

MEMBERS ABSENT:

STAFF PRESENT: Timothy Dawson, Township Planner
Beverly Worley, Administrative Professional III
Brian Asbrock, Not Seated

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 November 21, 2022 minutes, seconded by Mr. Grow. Mr. Dawson called the roll. Motion carried 3-0.

Mr. Whited made a motion to approve FDP 11-22-A Bel Haven; Phase 4 and Resolution 22-11; Motion carried 3-0.

Mr. Whited made a motion to approve RFDP 11-22-B Fields at Liberty Way; Hyatt House and Resolution 22-12; Motion carried 3-0.

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

FDP 12-22-A North Pointe; Streets North, GetGo/WetGo

The applicant is GetGo Portfolio III, LLC. The applicant is requesting final development plan approval for a 6,369 s.f. retail/fueling station and a 3,500 s.f. carwash on 4.131 acres located along Union Center Blvd and Imagination Way.

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 stated that the applicant had asked for numerous variation from the original plan. He asked why staff didn't coach them along the way to not bring it to the zoning commission without having more detailed planning associated with the work that was already approved.

Mr. Dawson replied that the replat of the lot had already been made prior to the application, so the applicant knew the size and scope of their use and how it had to increase the size of the lot. Mr. Dawson stated the applicant did not have any other type of variation of what their use was and deferred to the applicant to explain.

Applicant **Troy Daniel**
 BL Companies/ Civil Engineering Consultant

Rusty Young / Real Estate Mgr.
 GetGo / Wilmington OH

Mr. Daniel gave a PP presentation depicting the differences from the original approval.

Mr. Young replied to Mr. Williams regarding why they were so far removed from the original submittal that the developer had made. He stated that GetGo never had the original submittal and he wasn't sure when the preliminary drawings were approved. He explained how GetGo is different. He also stated the submitted drawings are far from being complete however we can provide what is needed.

Mr. Whited stated that the plans show a 150 foot entrance size but there is a requirement of 200'. He asked if there was an allowance for that.

Mr. Daniel stated there was. He stated that the landscape plan provided is minimal but it does meet the requirement however they are open to make changes.

Mr. Williams stated that this is a final development and most of these things need to be set. He asked if the developer was in attendance.

Mr. Daniel stated the developer was not in attendance and stated that all the items Mr. Williams mentioned can be added to the drawings.

Mr. Williams stated this is more of a preliminary development plan versus a final development plan. It's difficult to approve something not seen.

Mr. Hahn asked how big the gas tanks were.

Mr. Young stated they would be 10,000 and 12,000 gallon tanks.

Mr. Hahn asked what their anticipated flow through was for vehicular traffic.

Mr. Young explained what their predictions were based on a similar location.

Mr. Williams asked for clarification of what Phase this was of the project.

Mr. Dawson stated this is Phase II and explained the percentage of the project. He also stated the concerns in the staff report.

Mr. Williams asked what the status was of Phase I.

Mr. Dawson stated they have received final development plan approval and believed they were currently in the permitting stage. He explained what was happening in each location A-F.

No more questions from the Board.

Proponents **None**

Opponents **None**

Neutral **None**

Deliberations

Mr. Williams stated in his opinion the details are not complete but appeared to be easily corrected. He was just a little concerned because the phases were not being completed in chronological flow.

Mr. Hahn stated that the site actually extends up to the retention pond in F so when he looks at the current rendering it's going to completely change the entire vehicular circulation of the interior of the site. He stated that we approved a previous plan and now we have a second FDP as part of this massive development and it's doubled the intensity and it's not at all what we were told.

Concern was expressed by the Board members to no or little communication between the applicant and the developer. Also stated that the developer was not in attendance.

Mr. Rinnert stated the plan was confusing and doesn't feel the applicant was ready to move forward.

Mr. Whited stated the Board needed more information and that this was not a thorough presentation.

Mr. Grow felt the ingress/egress was a concern and obviously the screening, HVAC, and landscaping were all concerns.

Mr. Whited asked if the increased was done/approved.

Mr. Dawson stated there were multiple issues. The PDP was only approved for drive-thru restaurant use on specific sites; J, K, & I. So the scope of the intensity of the use is not

consistent with the PDP. He also stated the size of the site and layout of the site was not consistent according to the developer's design standards. Mr. Dawson pointed out that originally no drive-thru restaurants were on the plan. When the applicant went before the Board of Trustees, the developer had come with late revisions that the Trustees approved only on those specific sites. Also note the accessory use of the car wash is outside of that scope as well.

Mr. Dawson stated that as far as the land split; he didn't know who but the replat / split of the lot was done prior to the submission of tonight's application.

Mr. Williams made a motion to deny Case # - FDP 12-22-A North Pointe; Streets North, GetGo/WetGo based on staff comments and the presentation. Mr. Hahn seconded the motion.

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

Nay:

Motion carried 5-0

ZMA05-22 Lyons Property

The applicant is Neyer Properties. The applicant is requesting an approval for a Zoning Map Amendment from R-1A (Suburban Residence District) & B-2 (General Business District) to SP-PUD (Special Purpose Planned Unit Development) and a Preliminary Development Plan for mixed use including single-family and multi-family dwellings, commercial, and institutional use on 128.2 acres located at 8470 Lesourdsville West Chester 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 Zoning Map Amendment/Preliminary Development Plan unless additional information is deemed necessary to make an informed decision.

No questions from the Board

Applicant **Adam Rockel / Development/Product Mgr.**
Neyer Properties

Mr. Rockel stated that they held a public open house with residents within ½ mile of the property to show them the proposal and to hear their concerns. They will be going before the BC Planning Commission on January 10.

Mr. Castrejon explained how the process works with Butler County from the preliminary stage to the final development stage.

Mr. Hahn explained to the audience that the Butler County Engineers Office is actually a consultant to the Township.

Additional discussion was held regarding traffic and access roads.

Mr. Hahn asked if there were going to be 2 senior living developments towering over the existing homes.

Mr. Castrejon replied that there's a creek in between and woods on both sides which was felt to be a strong buffer.

Deliberations

Mr. Williams stated that he had no problems with this whatsoever. He stated he has seen Mr. Castrejon's work for many years and he does a superb job.

Mr. Grow stated that he liked the fact that it was 50% developed, it will have plenty of trees/landscaping. No one likes development in their backyard but it happens and it sounded like they were trying to minimize it as much as possible. He felt it was a good presentation and thought out well.

Mr. Rinnert stated it was good project and have addressed all the concerns.

Mr. Whited stated it's an excellence use of the land and enhanced the value of the properties around it.

Mr. Hahn agreed with everyone's comments.

Mr. Whited made a motion to approve Case # - ZMA05-22 Lyons Property with staff and other agency comments and recommendations. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5-0

Administrative Business:

The next ZC meeting is scheduled for Wednesday, January 18, 2023 @ 6:00 p.m.
This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 8:00 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. 22-13**

**NORTH POINTE - STREETS NORTH - THE GATEWAY; GETGO/ WETGO - FDP
(12-22-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 May 16, 2022, the West Chester Township Zoning Commission approved a Final Development Plan for 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 November 21, 2022, GetGo Portfolio III, LLC. submitted an application requesting a Phase 2, Final Development Plan (Site D) approval for a 6,369 square foot retail/ fueling station and a 3,500 square foot carwash on 4.13 acres; and,

WHEREAS, on December 19, 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 deny the aforesaid application.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this decision of denial. This action shall take effect this 19th day of December 2022.

West Chester Township
Butler County

Chairman:

Secretary:



James Hahn



Timothy Dawson
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 22-14
LYONS PROPERTY
ZONING MAP AMENDMENT AND PRELIMINARY DEVELOPMENT PLAN -
ZMA 05-22 (R-1A to SP-PUD)**

WHEREAS, on November 21, 2022, Neyer Properties, Inc. submitted an application requesting a Zoning Map Amendment from R-1A (Suburban Residence District) and B-2 (General Business District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan for 134 single-family residential lots, 428 multi-family residential units, and 198,000 square feet of commercial use, totaling approximately 128.14 acres;

WHEREAS, on December 15, 2022, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval of the aforesaid application; and,

WHEREAS, on December 19, 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.) The residential permitted uses shall be subject to the Preliminary Development Plan (PDP) approval. Residential density shall not exceed the PDP approval and final density shall be subject to the Final Development Plan (FDP) approval.
 - *Detached, single-family dwellings and Multi-family dwellings unit buildings (age restricted & not age restricted).*
- 2.) The commercial permitted uses shall only include the following principally permitted uses of the West Chester Township Zoning Resolution's (WCTZR) O-1, O-2, B-1 and B-2 Districts, Articles 18.021, 18.027, 19.022, 19.026, 19.028 (excluding hospitals), and 21.027.
 - *Professional offices, Research facilities, Art galleries and design studios, Medical offices, and Schools and universities (public and private).*
- 3.) The permitted and conditional uses of the WCTZR, Articles 18.022, 18.023, 21.022, 21.023, 21.024, 21.028, and 21.032 shall only be permitted on the commercial lots at the discretion of the West Chester Township (WCT) Zoning Commission on a case by case basis at the FDP stage.

- *Banks, Daycare centers, Convenience businesses, Personal service businesses, Restaurants, Fast-casual restaurants (excluding drive-through), Private clubs or lodges, and Outdoor dining areas.*
- 4.) 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 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.
 - 5.) The applicant shall coordinate with the West Chester Township Fire Department (WCTFD) prior to submission of the FDP in regard to preliminary review comments and all other applicable fire code requirements, to specifically include the following:
 - a) All two-way streets will need to be a minimum of 26 feet in width;
 - b) All streets shall be a minimum of 24 feet in width;
 - c) The streets signs must be installed once construction begins; all streets must be posted "No Parking – Fire Lane" on both sides if less than 26 feet wide, on one side if the between 26 and 32 feet in width;
 - d) Fire hydrant locations will need to be illustrated and approved at the FDP stage and posted "No Parking – Fire Lane" on hydrant side of road;
 - e) All roadways must meet safety service vehicle turning radius requirements;
 - f) The street names will need to be submitted for approval at the FDP or permitting stage;
 - g) All exterior portions of the buildings shall be within 150 feet of a fire department access road; and
 - h) Building design will indicate requirement for sprinkler system.
 - 6.) Detailed grading plans, including a geotechnical study of the soils, and stormwater drainage plans and calculations shall be provided at the FDP stage and shall meet all OEPA, BCSWCD, BCEO, and WCT requirements prior to the issuance of a zoning certificate.
 - 7.) All water and sanitary sewer main installation upgrades and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) and meet all requirements prior to the issuance of a zoning certificate.
 - 8.) All eleven (11) foot wide alleyways shall be posted as one-way streets.
 - 9.) Streetscape section drawings shall be provided at each FDP stage, which shall utilize key elements varying by street types, such as vehicular circulation, on-

street parking, sidewalks, street trees, ornamental banner poles, lighting, benches, etc.

- 10.) A six (6) foot wide, concrete or asphalt multi-purpose path shall be illustrated on a subsequent FDP, at the discretion of WCT, which extends from the existing sidewalk along Lyonhill Drive to the existing sidewalk along either West Chester-Lesourdsville Road or Cincinnati-Dayton Road. The portions of the path that are located in public right-of-way shall be coordinated with the ODOT, BCEO, and WCT in order to meet public standards and establish maintenance agreements.
- 11.) The parking ratios shall only be approved at the FDP stage. A parking matrix, including all previous approvals with the proposed ratio, shall be provided for each FDP. The parking matrix shall designate how each site is utilizing off-street, on-street, and/or off-site, shared parking spaces. Additionally, a legal shared parking agreement shall be established within the overall Declaration, REA, or some other legal document prior to any FDP.
- 12.) Any requirements for additional off-site, shared parking area construction shall be at the discretion of the WCT Zoning Commission at any FDP stage.
- 13.) 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.
- 14.) All pedestrian connections shall be approved at the FDP stage, as required by the WCT staff.
- 15.) A six (6) foot wide, public-use easement shall be illustrated along the extent of any portion of the multi-purpose path that is located within private property and shall be recorded on the final plat, as required by Butler County.
- 16.) All open space lots shall be designated as such on the record, subdivision plat.
- 17.) Building setbacks shall be approved at the FDP stage.
- 18.) Detailed building elevations shall be provided at the FDP stage, which shall reflect a minimum of 50% high-quality exterior building materials. As required by the West Chester Community Development Department (WCTCDD) staff, colored elevations for all sides of the buildings shall be provided and the specific exterior building materials shall clearly be labeled on the plan.
- 19.) In regard to multi-family residential development, specific interior finish details and individual unit amenities shall be provided at the FDP stage. Such interior

finish details and amenities may include, but shall not be limited to granite countertops throughout, tile bathrooms, crown molding, washer/dryer connections, high-speed internet, etc.

- 20.) In regard to multi-family residential development, the percentages of the unit mix (i.e. one, two, or three bedroom) shall be provided at the FDP stage.
- 21.) In regard to all residential development, detailed plans and descriptions of any common/ public, exterior amenities and elements shall be provided at each FDP stage.
- 22.) In regard to all residential development, detailed floor plans shall be provided at the FDP stage.
- 23.) Outdoor seating area plans shall be provided at any 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.
- 24.) Any dumpster locations, dumpster enclosure, and/or compaction building locations and details shall be provided at each FDP stage. The enclosures shall be pursuant to the 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.
- 25.) All light locations, light fixture details, and photometric analysis shall be provided at each FDP stage to ensure a consistent design that minimizes glare and light spillover and meets the WCTZR, Article 10.28.
- 26.) A detailed landscaping plan shall be provided at the FDP stage, which consists of adequate landscape screening of any building perimeters; trash collection areas; throughout any open space areas/ recreational areas; streetscape details; and ground sign perimeter landscaping details.
- 27.) Any residential development identification sign shall be illustrated on the FDP with setback dimensions. All signage details in regard to height, area, illumination, colors, and materials shall be provided at the FDP stage.
- 28.) Any signage shall only be approved at the FDP stage.
- 29.) The Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for the designated developments, to include any Reciprocal Easement Agreement (REA), Property Owners' Association (POA), and

Homeowners' Association (HOA), shall be submitted the WCT staff for approval at the FDP stage.

30.) 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 December, 2022.

West Chester Township,
Butler County, OH

Chairman:



James Hahn

Secretary:



Timothy Dawson
Township Planner