

## **RESOLUTION NO. 59-2023**

\*\*\*\*\*

### **Resolution approving a Major Change to a PUD and Preliminary Development Plan for Case #MC08-23 – The Fields at Liberty Way; Phase 3**

**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 November 21, 2012, a Revised Final Development Plan (22-12) was approved for a single-story, 3,630 square foot addition to expand the conference and wellness room, change in use within the lobby from meeting rooms to medical office rooms and a 608 square foot outdoor seating area located adjacent to the lobby on the east side of the building on the aforementioned 4.06 acres; and,

**WHEREAS**, on October 16, 2023, MNR Investments, LLC. submitted an application requesting a Major Change to the C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan to develop the existing open space within the PUD district, which include four (4) lots consisting of a total of 49,600 square feet of retail/ service uses on approximately 7.1 acres; and,

**WHEREAS**, on November 14, 2023, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

**WHEREAS**, on November 20, 2023, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

**WHEREAS**, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on December 19, 2023, as applied for by MNR Investments, LLC; and,

**WHEREAS**, all those present for the hearing who wished to be heard voiced their opinions with respect thereto; and,

**NOW THEREFORE, BE IT RESOLVED** that on the basis of the above actions and findings, the West Chester Township Board of Trustees hereby approve the Major Change to a PUD and Preliminary Development Plan with the following conditions:

**SECTION 1.** This approval shall be subject to the previously approved Trustee Resolution 26-16 and corresponding conditions, unless specifically stated in the following conditions.

**SECTION 2.** An updated traffic analysis or any traffic requirements shall be coordinated with the Butler County Engineer's Office in order to address any traffic, access, and /or right-of-way dedications prior to the Final Development Plan (FDP) stage.

**SECTION 3.** 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.) All streets shall be designed to accommodate the turning radius of fire department vehicles. Templates available upon request;
- b.) All streets between 20-26 feet in width shall be posted "NO PARKING - FIRE LANE" on both sides. All streets 26-32 feet in width shall be posted "NO PARKING - FIRE LANE" on one side (fire hydrant side);
- c.) Parking areas and streets shall have no dead-end drives exceeding 150 feet without the use of an approved turn-a-round method (hammerhead, cul-de-sac, etc.);
- d.) No building shall be located more than 400 feet from a fire hydrant
- e.) All buildings shall be designed to applicable codes;
- f.) Underground fuel tanks shall be permitted through the State of Ohio with courtesy copies of plans submitted to the West Chester Fire Department;
- g.) All streets names shall be approved by the West Chester Fire Department prior to submittal to and approval by the Butler County Engineers Office; and

h.) All exterior portions of the buildings shall be located within 150 feet of a fire department access road.

**SECTION 4.** Detailed grading plans 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.

**SECTION 5.** 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.

**SECTION 6.** All internal road circulation, road design, parking, vehicular cross-access connections, and pedestrian connections and facilities shall be approved at the FDP stage.

**SECTION 7.** Detailed building elevations and floor plans shall be provided at the FDP stage. Building elevations 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.

**SECTION 8.** 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.

**SECTION 9.** 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.

**SECTION 10.** 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.

**SECTION 11.** All signage shall be pursuant to the WCTZR, Articles 10 and 20. In specific regard to signage with a changeable copy display, no off-site signage shall be permitted to be displayed and any signage shall also meet any ODOT requirements.


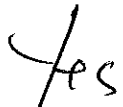
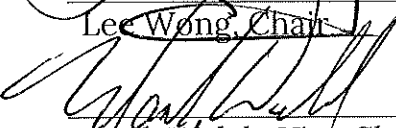
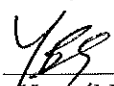
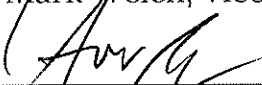
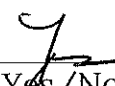
**SECTION 12.** An amended draft Declaration of Covenants, Conditions, Restrictions, and Reservations of Easements (DCCRRE) for “Fields of Liberty Way” or a new DCCRRE, which establishes the property owners’ association (POA) for subject site shall be provided to the WCTCDD for review at the FDP stage. The record DCCRRE shall also include a 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.

**SECTION 13.** 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.

**SECTION 14.** 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 into this approval.


Adopted this 9<sup>th</sup> day of January, 2024.

 _____ Lee Wong, Chair	 _____ Yes/No
 _____ Mark Welch, Vice Chair	 _____ Yes/No
 _____ Ann Becker	 _____ Yes/No

**ATTEST:**

  
\_\_\_\_\_  
Bruce Jones, Fiscal Officer

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Scott D. Phillips, Law Director