

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
December 18, 2023**

MEMBERS PRESENT: Jim Hahn, Larry Whited, Jose Alvarez

MEMBERS ABSENT: Richard Grow, Doug Rinnert, Brian Asbrock (not-seated)

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

Mr. Hahn made a motion to approve ZMA 08-23 Fields at Liberty Way and Resolution 23-13. Motion carried 3-0

Mr. Hahn made a motion to approve ZMA 06-23 Crossings of Beckett; Phase 2 and Resolution 23-11 (denial). Motion carried 3-0

Mr. Whited made a motion to approve Case # MC 09-23 Sharma; Gates of West Chester, a continuance to the January 2024 meeting; seconded by Mr. Alvarez. Motion carried 3-0.

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

ZMA 10-23 Southview-Honerlaw; Honerlaw Farm

The applicant is requesting approval for a Zoning Map Amendment from R-1A (Suburban Residence District) to R-PUD (Special Purpose Planned Unit Development) and a Preliminary Development Plan for 43 single family resident lots with 2.31 units per acre on a total of 18.6 acres located along McCauly Road, Parcel # M5610-012-000-108

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 **Justin Lanham**
 M/I Homes

Mr. Lanham stated that this is Phase 4; a continuation of the existing development. Mr. Lanham proceeded to give a background of M/I Homes.

Mr. Hahn asked if there were any concerns with the conditions in the resolution.

Mr. Lanham stated they do not.

Proponents **None**

Opponents **None**

Neutral **Kyle Dexter**
 McCauley Rd. Resident

Mr. Dexter shared his concern regarding the coyotes in the area. He asked if there will be consideration regarding the wildlife. Mr. Dexter stated he's concerned regarding the traffic and his taxes increasing.

Deliberations

Mr. Alvarez asked staff if there was going to be an additional access besides McCauley.

Mr. Lanham returned to the podium.

Mr. Lanham stated no new access will be developed.

Mr. Hahn stated that Zoning Commission does not have the ability to control wildlife. Mr. Hahn suggested contacting the Ohio Division of Natural Resources.

Mr. Alvarez made a motion to approve Case # - ZMA 10-23 Southview-Honerlaw; Honerlaw Farm based on staff comments and other agency recommendations. Mr. Whited seconded the motion.

Aye: Mr. Alvarez, Mr. Hahn, Mr. Whited

Nay:

Motion carried 3-0

FDP 12-23-A West Chester Plaza, Kroger

The applicant is requesting Final Development Plan approval for a 122,910 s.f. grocer with fuel station and two (2) multi-tenant retail buildings totaling 24,292 s.f. on 24.6 acres located at 7840,7900,7938 Cox Rd. Parcel #'s: M5620-339-000-001, M5610-014-000-021, M5610-014-000-026, M5610-014-000-063, M5610-014-000-022, M5610-014-000-025.

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. Alvarez asked for clarification on the drainage system.

Mr. Dawson stated that the applicant will need to address a few minor details with the county at the permitting stage.

Mr. Hahn asked how much land is not being purchased.

Mr. Dawson explained the difference from the original proposal.

Mr. Hahn asked what issues did Butler County Engineer's Office had with the storm drainage?

Mr. Dawson stated the applicant's engineer could speak of that more in detail than what he could.

Applicant **Anne McBride**
 McBride Dale

Ms. McBride stated that she is representing both Regency and Kroger. She explained that this is largely the plan that the commission saw and approved with a few additional items requested from the Trustees. Ms. McBride stated that they are in agreement with all of the staff's recommendations and conditions.

Scott Trenkamp - Engineer
Thomas Graham Associates

He stated that they have been working with the county engineer's office for a number of years. He explained how they were going to expand the pond. They will be containing the water from a larger watershed then releasing it at levels prior to predevelopment.

Mr. Trenkamp stated that he is working with Eric Pottinger at Butler County Engineer's office to have the other concerns addressed before the permitting stage.

Ms. McBride stated that the sound attenuation fence had been added to the project.

Mr. Whited asked if the applicant was in agreement to add the sidewalk down the southern property line.

Ms. McBride affirmed that they were and it would be put in at the time of the development.

Proponents **Ann McMackin**
 Resident

Ms. McMackin wanted to say thank you for the sidewalks. She particularly uses the sidewalks. She asked is there would be any road closures and if there was going to be a roundabout put in at Cox and Kingsgate.

Ms. McBride stated that they do not expect any roadway closures at this time. There will be one construction entrance. That location will be determined when a contractor is finalized.

Mr. Dawson stated that regarding the roundabout, it is a public improvement by the county engineer's office.

Opponents **None**

Neutral **Zachary Smith**
 Resident

Mr. Smith asked when construction would begin, what can the adjoining neighborhood expect as far as timing.

Ms. McBride stated no date has been set. There are still items they are working on. It typically takes 12-14 months to build a new Kroger store

Deliberations

Mr. Whited stated the project looked good with the conditions as stated. The sidewalk was very important.

Mr. Alvarez stated it was a good plan.

Mr. Hahn asked staff if it was possible to have the construction entrance properly wetted to reduce dust/mud.

Mr. Dawson stated that this would be treated as other construction sites. If a complaint is received, staff would inspect the site. If it's not properly maintained the enforcement mechanism would take place. No line item needs to be added to the conditions/resolution.

Mr. Hahn felt it's a great opportunity for the community.

Mr. Whited made a motion to approve Case # - FDP 12-23-A West Chester Plaza; Kroger based on staff comments and other agency recommendations. Mr. Alvarez seconded the motion.

Aye: Mr. Alvarez, Mr. Hahn, Mr. Whited

Nay:

Motion carried 3-0

Administrative Business:

The next ZC meeting is scheduled for Wednesday, January 17, 2024 @ 6:00 p.m.
This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 6:55 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:

Secretary:



Jim Hahn



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 23-15
SOUTHVIEW-HONERLAW FARM; HONERLAW ESTATES
ZONING MAP AMENDMENT AND PRELIMINARY DEVELOPMENT PLAN -
ZMA 10-23 (R-1A to R-PUD)**

WHEREAS, on November 20, 2023, M/I Homes of Cincinnati, LLC. submitted an application requesting a Zoning Map Amendment from R-1A (Suburban Residence District) to R-PUD (Residential Planned Unit Development District) and a Preliminary Development Plan for forty-three (43) single-family residential lots and two (2) open space lots on approximately 18.6 acres (2.3 units/ acre); and,

WHEREAS, on December 12, 2023, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

WHEREAS, on December 18, 2023, 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.) All recommendations of the approved Traffic Impact Study (TIS), to specifically include the recommendation for a single-lane roundabout located at the intersection of West Chester Road and McCauly Road, shall be provided to the Butler County Engineer's Office (BCEO) and West Chester Township (WCT) prior to the Final Development Plan (FDP) stage.
- 2.) All internal, public roads and pedestrian facilities shall be coordinated and constructed as required by the BCEO and WCT standards for public roads and sidewalks.
- 3.) The draft Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE), which also establishes the home owners' association (HOA), for the Honerlaw Estates residential subdivision shall include a subsection to include the restriction, "No parking along the public roadways during snow events."
- 4.) Detailed site civil engineering plans, including grading plans and stormwater drainage plans and calculations shall be coordinated with the BCEO at the FDP stage.

- 5.) All water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) at the FDP stage.
- 6.) The applicant shall coordinate with the Butler County Water and Soil Conservation District at the FDP stage in regard to the abandonment of any existing septic tanks and/ or private water wells and a high water table note will be required to be added to the final plat to ensure the developer takes special precautions to ensure any basements remain dry.
- 7.) 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.) Streets or roads receiving dedicated names shall first have the approval of the fire department prior to any final approvals by County or Township entities;
 - b.) Turning radii are not indicated on drawing to confirm fire department vehicle access. Design professional will confirm during the design phase. Templates or turning radius requirements are available upon request from the fire department;
 - c.) All streets designed between 20 & 26 feet in width shall be posted "NO PARKING - FIRE LANE" on both sides of the street. All streets designed between 26 and 30 in width shall be posted "NO PARKING - FIRE LANE" on one side (hydrant side);
 - d.) International Fire Code Appendix D, as adopted by the West Chester Township Board of Trustees requires that a secondary, remotely located fire department access road be provided where 1- & 2-family home developments exceed 30 homes. This proposal indicates 45 homes and no additional access except off of Sunstone Drive. This requirement can be overturned by indicating the extension of Sunstone Drive in future development or if all the homes are provided with fire sprinkler protection; and
 - e.) Fire hydrants shall be located on street corners and dead ends as well as compliance with distance requirements.
- 8.) All postal, cluster box locations shall be coordinated with the U.S. Postal Service and locations and details shall be provided at the FDP stage.
- 9.) Building setbacks shall be approved as labeled in the site data table on the Preliminary Development Plan (PDP), Sheet #3.

- 10.) Detailed floor plans and building elevations shall be provided at the FDP stage. All building walls shall contain a minimum of 50% masonry building materials (brick, stone, cultured stone, Hardy-panel, etc.).
- 11.) Street light locations and light fixture details shall be provided at the FDP stage.
- 12.) A detailed landscaping plan shall be provided at the FDP stage, which consists of adequate landscape screening of any building rear wall that is highly visible from the McCauly Road public right-of-way; open space lots; street trees; dwelling perimeter landscaping details; and subdivision monument sign perimeter landscaping details.
- 13.) All open space lots shall be designated as such on the record, subdivision plat.
- 14.) No subdivision identification, monument sign shall be permitted for the subject site.
- 15.) A draft DCCRRE, which also establishes the home owners' association (HOA), for the Honerlaw Estates residential subdivision shall be provided to the WCTCDD for review at the FDP stage. The DCCRRE shall include the Westview record, subdivision plat as a supplemental exhibit to the DCCRRE. A copy of the recorded DCCRRE shall then be provided to the WCTCDD for the case file records prior to the issuance of zoning certificate.
- 16.) The property owner and/ or the 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 retention areas perform the designated function; and all landscaping shall be well maintained in good condition and the landscaping beds surrounding the subdivision identification, monument sign shall be irrigated with a permanent system prior to the issuance of a final zoning inspection.
- 17.) A temporary construction road and vehicle staging area shall be illustrated on the 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 18th day of December, 2023.

West Chester Township,
Butler County, OH

Chairman:



James Hahn

Secretary:



Timothy Dawson
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 23-16
WEST CHESTER PLAZA; KROGER MARKETPLACE
FINAL DEVELOPMENT PLAN - (12-23-A)**

WHEREAS, on September 29, 1986, the Butler County Commissioners approved an R-PUD District and Preliminary Development Plan for a development of a church, school, recreation area, retirement center and a 86,000 square foot retail center, which included a Kroger grocery store store on approximately 67 acres; and,

WHEREAS, on October 3, 1988, the Butler County Commissioners approved a Major Change to the PUD, which eliminated a proposed school building and some of the open space and recreation area and included the addition of approximately 96,000 square feet of commercial use and one outlot along Tylersville Road; and,

WHEREAS, on October 10, 2023, The West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District), R-PUD (Residential Planned Unit Development District) and R-1A (Suburban Residence District to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan for approximately 122,910 square foot Kroger Marketplace retail/ grocer; 15,017 square foot multi-tenant retail building; a 9,275 retail building; and two (2) open space lots for future development on approximately 28.5 acres; and

WHEREAS, on June 21, 2023, Anne McBride submitted an application requesting a Final Development Plan for approximately 122,910 square foot Kroger Marketplace retail/ grocer; 15,017 square foot multi-tenant retail building; a 9,275 retail building; and two open space lots for future development on approximately 24.6 acres; and,

WHEREAS, on December 12, 2023, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

WHEREAS, on December 18, 2023, 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 (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.) The portion of Parcel M5610-014-000-063, which is not included in the subject site, shall be illustrated as retained within the site.
- 2.) If not specifically stated, the current approval shall remain subject to the conditions as previously approved with Trustee Resolution 37-2023.
- 3.) All recommendations of the approved Traffic Impact Study (TIS), to specifically include a copy of the recorded easement agreement between property owners of Parcels M5620180000006 and M5620180000037, shall be provided to the Butler County Engineer's Office (BCEO) and West Chester Township (WCT) prior to the issuance of a zoning certificate. All recommendations of the approved TIS and requirements of BCEO, in coordination with WCT, shall be incorporated into each corresponding FDP as well.
- 4.) All public right-of-way dedications, to include access ways and biker/ pedestrian facilities shall be coordinated and constructed as required by the BCEO and WCT standards for public roads. Additionally, parking shall be prohibited on all public roadways during snow events.
- 5.) A copy of the ingress/ egress easement between Parcel M5610-014-000-063 and Parcel M5610014000064 shall be provided to the WCTCDD staff prior to the issuance of a zoning certificate. The record plat shall reflect this requirement and illustrate it when submitted, as well.
- 6.) 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.) Streets or roads receiving dedicated names shall first have the approval of the fire department prior to any final approvals by County or Township entities;
 - b.) Turning radii are not indicated on drawing to confirm fire department vehicle access. Design professional will confirm during the design phase. Templates or turning radius requirements are available upon request from the fire department;
 - c.) Developer shall coordinate the location and marking of Fire Lanes with the fire department prior to Certificate of Occupancy being issued;
 - d.) All permits and inspections for underground fuel tanks shall be coordinated with the State of Ohio;
 - e.) All private fire hydrants shall be painted red, installed with National Standard threads and facing a direction easily accessible to the fire department. Fire hydrants shall have no obstructions (signs, vegetation, etc.) located within three (3) feet in all directions of the fire hydrant;


- f.) Developer shall confirm the hours of operation of the outdoor fuel center so as to determine fire suppression requirements;
 - g.) During construction, all drive surfaces shall be maintained in a condition acceptable to fire code official and accessible to fire department vehicles. Pavement shall be set at the earliest, most appropriate time during construction schedule;
 - h.) Generator permits and inspections shall be coordinated with the State of Ohio;
 - i.) All proposed buildings comply with the fire hydrant location requirements;
 - j.) Proposed underground fire mains shall be looped;
 - k.) WCFD Pre-Emption device at proposed intersection required to be installed; and
 - l.) Building numbers are required to be seen from the entry point to the property.
- 7.) 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.
- 8.) 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.
- 9.) The portion of sidewalk proposed along the "Future Development" portion (Parcels M561001400022 and 025) of the district shall be constructed with this phase.
- 10.) Any amplified sound is prohibited from the outdoor seating area.
- 11.) All ground signs shall only be approved in the location and dimensions as illustrated on the FDP.
- 12.) Building signage shall be subject to the WCTZR, Articles 17 and 20 in correspondence to the proposed uses, excluding the fuel canopy. The fuel canopy building signage shall be approved as illustrated on the FDP.
- 13.) The front wall area of Retail Building A shall be considered as the north building wall and the front wall area of Retail Building B shall be considered as the west building wall when calculating the allowance of building signage for those buildings.
- 14.) All wall-mounted lights shall be directed upward or downward and shall not be mounted in a manner that is directed outward toward the adjacent residential subdivision to the south.

- 15.) The recorded Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for Gates of West Chester shall be amended with each record plat and the approved FDP as a supplemental exhibits 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.
- 16.) The property owner/ property owner's association 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.
- 17.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 18.) 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.
- 19.) 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 recommended approval. This action shall take effect this 18th day of December, 2023.

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