

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
January 17, 2024**

MEMBERS PRESENT: Jim Hahn, Larry Whited, Jose Alvarez, Brian Asbrock (seated)

MEMBERS ABSENT: Richard Grow, Doug Rinnert,

STAFF PRESENT: Timothy Dawson, Township Planner
Beverly Worley, Administrative Professional III
Charles Gavin, FBT; Legal Representation
Katy Kanelopoulos, Interim Community Development Director

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 the November 20, 2023 minutes, seconded by Mr. Whited. Mr. Dawson called the roll. Motion carried 4-0.

Mr. Hahn made a motion to approve the December 18, 2023 minutes, seconded by Mr. Alvarez. Mr. Dawson called the roll. Motion carried 4-0.

Mr. Hahn made a motion to approve ZMA 10-23 Southview-Honerlaw; Honerlaw Farms and Resolution No. 23-15. Motion carried 4-0.

Mr. Hahn made a motion to approve FDP 12-23-A WCP; Kroger Marketplace and Resolution No. 23-16. Motion carried 4-0.

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

MC 09-23 Sharma; Gates of West Chester

The applicant is requesting approval for a Major Change to expand the existing SP-PUD (Special Purpose Planned Unit Development) district. Expansion will be to the north on 2.84 acres for an additional commercial outlot consisting of 6,710 s.f. retail use and 27 single-family residential lots (landminimums). Overall density of 5 units per acre. Parcel #'s: M5610-016-000-026, M5610-016-000-023.

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 Major Change & Preliminary Development Plan unless additional information is deemed necessary to make an informed decision.

No questions from the Board

Applicant **David Lorei**
 Abercrombie Associates

Mr. Lorei shared the concerns that the Zoning Commission Board and the public discussed from the November meeting. He brought forth the resolutions to those concerns.

Mr. Whited asked what the height is for the mounding.

Mr. Lorei gave a description of the mounding and the screening.

Proponents **None**

Opponents **Andrew Johnston**
 Resident

Mr. Johnston gave a synopsis of the prior application approval versus the proposed application. He stated residents are not against the development; but rather a plea to satisfy all stake holders. Mr. Johnston recited a list of items the residents would like to see happen.

Mr. Hahn asked why they are requesting an easement be granted.

Mr. Johnston stated the easement would be to keep the mature trees on lot 53 & 54.

Wyatt Dolce
Resident

Mr. Dolce stated he would request that the mature trees be protected to keep the character of the name of the neighborhood. He also shared his other concerns.

Neutral **None**

Mr. Hahn asked Mr. Dawson to confirm that this was a preliminary development plan and asked if the applicant would have to come back before the Board with a detailed construction plan.

Mr. Dawson confirmed that was correct. Mr. Dawson clarified that the 2 prior residents were concerned/requiring about was a modification to a conservation easement. Mr. Dawson

stated that the Board could consider modifying this in the approval.

Mr. Galvin (legal counsel) agreed that the Zoning Commission could entertain putting the condition in the recommendation to the Board of Trustees.

Mr. Hahn asked Mr. Sharma to come to the podium.

Mr. Hahn stated that the Board understood that this was a preliminary development plan and that a final development plan will need to be approved if the Board of Trustees approved the current submittal. He asked if his engineer had the correct setbacks for the plan.

Mr. Sharma stated he was sure his architect had the correct information.

Deliberations

Mr. Alvarez stated the summary given by the applicant that they were trying to adjust some of the concerns.

Mr. Asbrock stated the changes that were made since November had been made in good faith and showed their willingness to make the changes.

Mr. Hahn asked Mr. Dawson for clarification on the difference between landscape easement vs. conservation easement.

Mr. Dawson gave an example that the Zoning Commission had issued a conservation easement on a prior case.

Mr. Dawson also stated that if a conservation easement is added to the resolution for the Board of Trustees, that the applicant wouldn't be able to disturb that land; the easement would be platted with the subdivision.

Mr. Galvin stated that a conservation easement is more restricted than a landscape easement. He stated the landscape easement would be more aligned with what the concerns are in a manner that will still allow maintenance and potential planting of replacement trees.

Mr. Hahn discussed the density and felt it was now in the appropriate range. The setbacks will be determined more at the FDP stage.

Mr. Hahn felt it fit the intended future use.

Mr. Hahn made a motion to approve Case # - MC 09-23 Sharma; Gates of West Chester based on staff comments and other agency recommendations. Mr. Asbrock seconded the motion.

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

Nay:

Motion carried 4-0

FDP 01-24-A Anderson Farm

The applicant is requesting Final Development Plan approval for seven (7) single-family residential lots on 3.5 acres; 2 units per acre located at 9273 Tylersville Rd.
Parcel #: M5610-029-000-008

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 **Chris Pernice**
 Monarch Homes

Mr. Pernice shared a two-dimensional architectural drawing of the homes.

Mr. Whited asked if the builder planned for double wide driveways for the homes due to “no parking” on the street.

Mr. Pernice stated he anticipated the driveways to be 12’ wide unless the homeowner asked for something different.

Mr. Dawson asked if the hammerhead was going to be contained within lot 2; will that remain that way or is that something the applicant plans to replat to exclude the hammerhead and have the HOA or property owner maintain.

Josh Liles
Apex Engineering & Surveying

Mr. Liles stated that it would be replat and widen to a 70’ easement.

Proponents **None**

Opponents

**Kathy Fiorenza
Resident**

Ms. Fiorenza stated that the area residents were never really opposed to the subdivision. The big concern was the water runoff that currently comes off that property. Ms. Fiorenza stated she struggles with her property not incurring any adverse conditions from the new homes. Ms. Fiorenza is concerned about the entrance into the subdivision with the line of sight.

Neutral

None

Deliberations

Mr. Whited stated he struggled with the width of the street and the “no parking” on the street.

Mr. Asbrock stated he did recall from the last meeting, the public concern in regards to the storm water runoff. Mr. Asbrock asked Mr. Dawson if the Butler County Engineers Office (BCEO) have taken that into consideration.

Mr. Dawson stated that the BCEO would request a detailed storage drainage report at the permitting stage. The developer has to meet the standards.

Mr. Alvarez stated his concerns regarding the water drainage and the parking (street width).

Mr. Hahn asked if there was a landscape plan, a monument sign plan, and placement of the homes; was any of that submitted with the FDP.

Mr. Dawson stated that they are to be submitted with the application. They were not included with this submittal.

Mr. Hahn stated that WCT is business friendly however they do not like to be taken advantage of. How is the Board supposed to make a competent decision without the information that is required? We are now being asked to make a decision on a FDP that will be said and done after the vote.

Mr. Hahn addressed the water concern. He stated that we (the Board) rely on the Butler County Civil Engineers to do their job. They take a good, hard look to make sure they capture the water and that it’s released at a very slow rate.

Mr. Hahn stated the traffic report was not completed to present at this meeting. If it requires a modification, the engineers will make sure that it is done correctly.

Mr. Dawson stated that information that was omitted from the submittal can be approved at the staff level and will be held to the WCT standards. Mr. Dawson also stated that the traffic analysis was done at the preliminary stage and the access was recommended to be at the location submitted. There were no comments on the line of sight at that time.

Mr. Alvarez made a motion to approve Case # – FDP 01-24-A Anderson Farm based on staff comments and other agency recommendations. Mr. Asbrock seconded the motion.

Mr. Hahn advised the applicant to submit a complete application before coming before the Zoning Commission Board in the future.

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

Nay:

Motion carried 4-0

Administrative Business:

The next ZC meeting is scheduled for Wednesday, February 21, 2024 @ 6:00 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 7:15 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. 23-14
SHARMA; GATES OF WEST CHESTER
MAJOR CHANGE AND PRELIMINARY DEVELOPMENT PLAN -
MC 09-23 (SP-PUD)**

WHEREAS, on February 26, 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 (PDP) (05-2019), which included a 12,000 square foot, multi-tenant building consisting of retail/ restaurant uses and a 1,200 square foot outdoor seating area and fourteen (14) single-family residential, landminium lots on approximately 4.8 acres (2.9 units/ acre); and,

WHEREAS, on October 16, 2023, Copper Creek Homes submitted an application requesting a Major Change to expand the existing SP-PUD (Special Purpose Planned Unit Development District) 2.84 acres to the north, which includes a Preliminary Development Plan for an additional multi-tenant commercial building consisting of a 6,710 square feet on approximately 2.13 acres and a total of twenty-seven (27) single-family residential landminium lots on approximately 5.43 acres (5 units/ acre); and,

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

WHEREAS, on November 20, 2023, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application and passed a motion to continue the case to the following hearing; and,

WHEREAS, on January 17, 2024, 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 density shall be subject to the Final Development Plan approval.
- 2.) The commercial permitted uses shall only include the following principally permitted uses of the West Chester Township Zoning Resolution's (WCTZR) O-1 District, excluding Articles 18.022, 18.023, 18.024, 18.025, 18.026 and 18.028; O-2 District, Article 19.028 only (excluding hospitals); B-1 District, excluding Articles

21.021, 21.025, 21.026, 21.027, and 21.0291. The Conditional Use of an outdoor seating area shall be approved at the Final Development Plan (FDP) stage.

- *Professional offices, Research facilities, Art galleries and studios, Medical offices, Convenience businesses, Personal service businesses, Restaurants, and Fast-casual restaurants.*

3.) The Conditional Use of the WCTZR, Article 21.032 shall only be permitted on the commercial outlots at the discretion of the Zoning Commission on a case by case basis at the FDP stage.

- *Outdoor dining areas*

4.) A revised Traffic Impact Study (TIS) shall be approved prior to all subsequent FDP approvals. All recommendations of the approved TIS and requirements of the Ohio Department of Transportation (ODOT), in coordination with West Chester Township (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 owner shall obtain a right-of-way permit from ODOT and a transfer of maintenance agreement approved by the West Chester Township Board of Trustee for the six (6) foot wide, concrete sidewalk located along the Cincinnati-Columbus Road (U.S. 42) frontage and the sidewalk shall meet all BCEO and WCT requirements prior to issuance of a final zoning inspection.

6.) The applicant shall coordinate with the West Chester Township Fire Department (WCTFD) prior to submission of the FDP in regard to access ways and internal roadways; connections and locations of fire hydrants; fire lane signage; 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.) All streets names shall be approved by the West Chester Fire Department prior to submittal to and approval by the Butler County Engineers Office;
 - g.) All exterior portions of the buildings shall be located within 150 feet of a fire department access road;
 - h.) All streets shall be provided with a hard, packed surface, capable of supporting fire department vehicles during construction. Surface shall be maintained smooth, at all time; and
 - i.) Street Names shall be posted immediately upon initiating construction of buildings.
- 7.) 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, to include the following:
- a.) Provide an updated drainage report to reflect the changes between the original and proposed PUD due to the increased density of development;
 - b.) Develop a plan for drainage behind lots 9-22. The County suggests routing flows west and tying into storm infrastructure, adjusting pipe sizes and detention capacity as needed;
 - c.) Clarify plan for existing 21" storm pipe under lots 33 and 34. (This is the existing pond outlet and should be removed);
 - d.) As a requirement of construction, the owner is to provide a compaction report ensuring the existing pond has been decommissioned and structural fill is adequate for building loads;
 - e.) Coordinate with ODOT, a plan for off-site flows from the US-42 culvert. Currently, flow from US-42 bypasses the onsite detention basin. Should flow from US-42 enter the detention facility, the watershed must be considered when evaluating water quality treatment;
 - f.) Provide a cross-access easement for 9716 Columbus-Cincinnati Road.
 - g.) Dedicate right-of-way along US-42 per Butler County Thoroughfare Plan; and
 - h.) Lots/Units 23-26 and 33-36 are on a steep slope. A geotechnical report should be prepared to determine if the slope can handle the additional load from building development.
- 8.) 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.
- 9.) All internal road circulation, road design, parking, vehicular cross-access connections, and pedestrian connections and facilities shall be approved at the FDP stage.

- 10.) All open space lots shall be designated as such on the record, subdivision plat.
- 11.) Building setbacks shall be approved at the FDP stage.
- 12.) 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.
- 13.) Specific interior finish details and individual residential 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.
- 14.) Detailed floor plans and specific details regarding the unit sizes shall be provided at the FDP stage, which shall include size (measured in square feet) and floor plans.
- 15.) Detailed plans and descriptions of any common/ public, exterior amenities and elements shall be provided at each FDP stage.
- 16.) Outdoor seating area plans shall be provided at each 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.
- 17.) 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.
- 18.) 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.
- 19.) 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.

- 20.) 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.
- 21.) Ground signs located on the commercial outlots shall only be permitted to be located along the Cincinnati-Columbus road frontage and all signage shall be subject to the FDP stage.
- 22.) Ground signs shall only be permitted to be externally-illuminated by LED lighting at a maximum of a 4,000 level on the kelvin color scale.
- 23.) Internally-illuminated building signs on the commercial lots shall be prohibited from being located on the south building wall(s).
- 24.) The Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for "Gates of West Chester," shall be amended to include the REA, POA, and HOA as designated for the overall site and submitted the WCT staff for approval 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.
- 25.) The property owner of record for the commercial lot 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 area performs the designated function; and all landscaping shall be well-maintained in good condition and all landscaping beds shall be irrigated with a permanent system prior to a final zoning inspection.
- 26.) 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.
- 27.) Any outdoor demolition and/or construction for the entire subject site shall only occur between the hours of 6:00 AM and 9:00 PM.
- 28.) All measures to reduce detrimental effects to the adjacent properties due to construction activities shall be stated within a document and provided at the FDP stage.

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 17th day of January, 2024.

West Chester Township,
Butler County, OH

Chairman:


James Hahn

Secretary:


Timothy Dawson
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 24-1
ANDERSON FARM
FINAL DEVELOPMENT PLAN – (01-24-A)**

WHEREAS, on October 25, 2022, 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 for six (6) single-family residential lots on approximately 3.5 acres (1.7 units/acre); and,

WHEREAS, on December 18, 2023, Monarch Homes, LLC. submitted an application requesting a Final Development Plan for six (6) single-family residential lots and two (2) open space lots on approximately 3.5 acres (1.7 units/acre); and,

WHEREAS, on January 17, 2024, 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.) A detailed landscaping plan, which adequately screens Parcel M5660142000024, while maintaining proper line of sight along Tylersville Road; which adequately screens along the frontage of Tylersville Road; with adequate street trees along the private streets; and details of the base of any subdivision identification sign;
 - b.) A detailed plan of a subdivision identification sign, which include location on the site plan, indirect lighting at maximum Kelvin level of 3,000, and all other requirements of the WCTZR, Articles 10 and 11;
 - c.) A hammer-head turnaround will be required at the end of the private drive near Lots 6 and 2; and
 - d.) The draft Declaration (DCCRRE) shall include a (sub)section that states the developer/ HOA Board shall be responsible to construct the proposed stub of the private drive to the west property line, as illustrated on the FDP, once any development occurs on the adjacent property to the west and/or at the request of West Chester Township.

- 2.) If not specifically stated, the current approval shall remain subject to the conditions as previously approved with Trustee Resolution 30-2022.
- 3.) All recommendations of the Traffic Impact Study/ Traffic Analysis shall be coordinated with and meet all Butler County Engineer's Office (BCEO) requirements prior to the issuance of zoning certificate.
- 4.) All site civil engineering plans shall be coordinated with and meet all BCEO requirements prior to a final zoning inspection.
- 5.) All BCEO comments pertaining to the stormwater management shall be coordinated with BCEO and the West Chester Community Services Department and meet all requirements prior to a final zoning inspection.
- 6.) All water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) and meet all requirements prior to a final zoning inspection.
- 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.) All structures will need to be within four-hundred (400) feet of a fire hydrant;
 - b.) Final decision on the street names;
 - c.) The streets shall be capable of supporting all safety services vehicles and the turning radius;
 - d.) Streets constructed at 20-26 feet in width (curb to curb) will be required to be posted "No Parking - Fire Lane"; and
 - e.) A hammer-head turnaround will be required at the end of the private drive near Lots 6 and 2.
- 8.) Any postal, cluster box location 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 illustrated on the FDP and noted in the staff report in regard to Lots 1 and 6.
- 10.) Architectural plans, including all four (4) building wall elevations and floor plans shall be provided at the permitting stage, which shall be clearly labeled as to the model type on the plans.

- 11.) All buildings shall be consistent with the typical building elevations that were provided.
- 12.) The property owner/ 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.
- 13.) All open space areas shall be designated as such on the recorded subdivision plat.
- 14.) One (1) subdivision entryway, monument sign shall be permitted as illustrated on the FDP and subject to the West Chester Township Zoning Resolution (WCTZR), Article 10.15 in regard to traffic visibility.
- 15.) The ground sign shall be permitted to be externally-illuminated by LED lighting at a maximum of a 3,000 level on the kelvin color scale.
- 16.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 17.) 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.
- 18.) 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 17th day of January, 2024.

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