

RESOLUTION NO. 10-2024

Resolution approving a Major Change to the Gates of West Chester SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan for Case #MC 09-23 – Sharma; Gates of West Chester

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, landominium 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 landominium 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 a future hearing; and,

WHEREAS, on January 17, 2024, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application recommended approval; and,

WHEREAS, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on February 13, 2024, as applied for by Copper Creek Homes; 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 a Major Change to expand the existing SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan with the following conditions:

SECTION 1. 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.*

SECTION 2. The Conditional Use of the WCTZR, Article 21.032 shall only be permitted on the commercial lots at the discretion of the Zoning Commission on a case by case basis at the FDP stage.

- *Outdoor dining areas*

SECTION 3. 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.

SECTION 4. 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.

SECTION 5. 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 street 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.

SECTION 6. 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.

SECTION 7. 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.

SECTION 8. The 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.

SECTION 9. All internal road circulation, road design, parking, vehicular cross-access connections, and pedestrian connections and facilities shall be approved at the FDP stage.

SECTION 10. All open space lots shall be designated as such on the record, subdivision plat.

SECTION 11. Building setbacks shall be approved at the FDP stage.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 15. Detailed plans and descriptions of any common/ public, exterior amenities and elements shall be provided at each FDP stage.

SECTION 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.

SECTION 17. Any dumpster locations, dumpster enclosure, and/or compaction 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 23. Internally-illuminated building signs on the commercial lots shall be prohibited from being located on the south building wall(s).

SECTION 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.

SECTION 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.

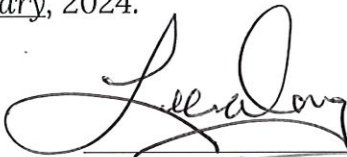

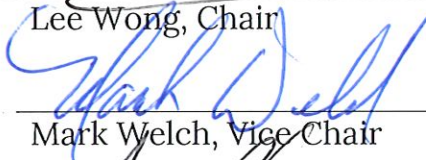

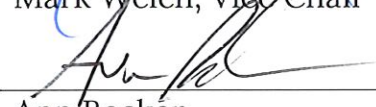

SECTION 26. A temporary construction road and vehicle staging area shall be illustrated on the FDP, which shall be designed to support all construction traffic in all weather conditions. All roadways to access the site shall be maintained free of any dirt, debris, dust, etc. due to the construction of the site.

SECTION 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.

SECTION 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 into this approval.


Adopted this 27th day of February, 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