

RESOLUTION NO. 17-2024

Resolution approving a Major Change to Keefe; Wetherington Pointe, Tract 1, Floor and Décor Outlots C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan for Case #MC 01-24 Keefe; Tract 1, Floor and Decor

WHEREAS, on March 9, 2004, the West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan that established the permitted uses and the access points to the site, including the extension of Tylers Place Boulevard to Hamilton-Mason Road (now Liberty Way) on approximately 47.82 acres; and,

WHEREAS, on May 17, 2004, the West Chester Township Zoning Commission approved a Final Development Plan, which included the Tylers Place Boulevard extension, the Preserve Place Road section, and open space improvements inside the C-PUD boundary; and,

WHEREAS, on July 21, 2014, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan (14-15), which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements. Additionally, the preliminary layout of Lot 3 was provided for Cabela's as the proposed use; and,

WHEREAS, on August 18, 2014, the West Chester Township Zoning Commission approved a Final Development Plan for Tract 1 of the C-PUD, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements (14-17) and the construction of a 75,330 square foot Cabela's on Lot 3 of Tract 1 (14-18); and,

WHEREAS, on January 17, 2024, Summer Zimmers submitted an application requesting a Major Change and Preliminary Development Plan approval for a re-plat of Wetherington Pointe Section 1, Lot 3 for two (2) new outlots containing a 4,012 square foot drive-thru restaurant on 1.3 acres and a 5,960 square foot restaurant on 1.05 acres; and,

WHEREAS, on February 20, 2024, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval of the aforesaid application; and,

WHEREAS, on February 21, 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 March 12, 2024, as applied for by Summer Zimmers; 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 expand the existing C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan with the following conditions:

SECTION 1. The commercial 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 2. 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.

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.) Site utility plan does not indicate the location of fire hydrants. Applicant shall confirm that farthest most remote accessible part of the proposed building is located within 400 feet of a fire hydrant located on their parcel or a public fire hydrant. Fire hydrants on a separate parcel cannot be used to complete this requirement;
- b.) All drivable surfaces shall comply with the turning radius of fire department vehicles. Templates are available upon request;
- c.) Proposed vegetation, signage, etc. shall not obstruct any part of the fire protection systems;
- d.) Prior to issuance of certificate of occupancy, occupant shall coordinate with the fire department to determine location of Fire Lane; and

e.) Each parcel shall have a unique address and not share the address of Floor and Décor.

SECTION 4. All internal parking, road circulation, road design, parking, vehicular cross-access connections, and pedestrian connections and facilities shall be approved at the FDP stage.

SECTION 5. Building setbacks shall be approved at the FDP stage.

SECTION 6. 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 7. 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 8. 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 9. All building signage shall be approved at the FDP stage.

SECTION 10. All ground signs shall be approved at the FDP stage. However, consideration shall be given to the conditions of previous approvals.

SECTION 11. Any dumpster locations and dumpster enclosure 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 that are located along the public frontages shall be adequately screened with landscaping and meet proper line of sight requirements.

SECTION 12. 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 13. 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; and ground sign perimeter landscaping details.

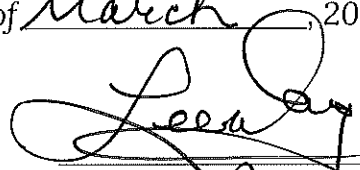
SECTION 14. The property owner or property owners' association shall be responsible for keeping all common features and elements well maintained and free from trash and litter; maintaining all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well maintained in good condition.

SECTION 15. 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 16. 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.

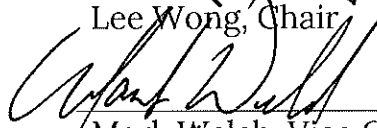
Adopted this 26th day of March, 2024.



Lee Wong, Chair

Yes

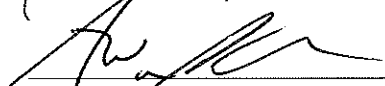
Yes/No



Mark Welch, Vice Chair

YES

Yes/No




Ann Becker

yes

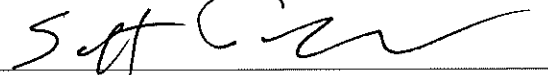
Yes/No

ATTEST:



Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:



Scott D. Phillips, Law Director