

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
February 21, 2024**

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

MEMBERS ABSENT: Richard Grow

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 January 17, 2024 minutes, seconded by Mr. Whited. Mr. Dawson called the roll. Motion carried 5-0.

Mr. Hahn made a motion to approve MC 09-23 Sharma; Gates of West Chester and Resolution No. 23-14. Motion carried 5-0.

Mr. Hahn made a motion to approve FDP 01-24-A WCP; Anderson Farm and Resolution No. 24-1. Motion carried 5-0.

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

MC 01-24 Keefe; Tract 1, Floor and Decor

The applicant is requesting approval for a Major Change to the PUD district for a subdivision of Tract I, which is the original 12.09 acre parcel, to create 2 new outlots. Outlot 1 is proposed to be 1.3 acres and Outlot 2 is proposed to be 1.05 acres which is planned for the development of new neighborhood retail uses located at 7240 Cabela Dr. Parcel #: M5620-400-000-107

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.

Mr. Alvarez asked if the Butler County Planning Commission was going to hear this case.

Mr. Dawson stated they were. The update will be given to the Trustees.

Applicant **Summer Zimmers**
Floor and Decor

Ms. Summers stated that the Planning Commission heard the case yesterday and it was approved.

Ms. Summers gave a brief presentation regarding their proposal to the property.

Proponents **None**

Opponents **None**

Neutral **None**

Mr. Hahn asked Mr. Dawson to confirm the square footage and parking requirements in case a new tenant would move into the space in the future.

Mr. Dawson confirmed the parking requirements would be met.

Deliberations

Mr. Asbrock stated that staff addressed his questions during the presentation.

Mr. Whited stated that staff also address his concerns during the presentation.

Mr. Rinnert was fine with the project.

Mr. Alvarez stated the plan would fill up space for a vacant building and would be good for that area.

Mr. Hahn stated the plan was fine as long as there is enough parking and could possibly re-stripe the southern side for additional parking.

Mr. Whited made a motion to approve Case # - MC 01-24 Keefe; Tract 1, Floor and Décor based on staff comments and other agency recommendations. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5-0

FDP 02-24-A Village North; Phase 2

The applicant is requesting approval for (4) four single story buildings containing a total of 68,500 s.f. retail/restaurant use. A 40,000 s.f. Whole Foods market/grocer with attached 9,000 s.f. multi-tenant building. An 18,500 s.f. multi-tenant building; and an 8,000 s.f. multi-tenant building. Located at 8300 Liberty Way.
Parcel #: M5610-015-000-037

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. Whited asked if there was still going to be a pedestrian cross over at the intersection.

Mr. Dawson stated yes, that it was shown on the plans. They will have a detailed engineering plan at the permitting stage. Mr. Dawson stated that the applicant is also in coordination with the VOA Park to do an improvement that provides pedestrian access on the south side also.

Mr. Alvarez asked how far away is the development to the attached property into Liberty Township. He's concerned with the consideration with the lighting and noise.

Mr. Dawson stated the overall preliminary plan included Liberty Township site as well. The Board is just considering West Chester Township. Mr. Dawson stated that those conditions were put on the approval of the zoning map amendment. This final development plan would remain consistent with that approval.

Mr. Asbrock asked for clarification of the monument sign.

Mr. Dawson stated they are asking for a number of things. Mr. Dawson discussed the requests along with the variance they are asking for. A discussion occurred between the Board and staff regarding the monument sign.

Applicant **Jose Castrejon**
McGill Smith Punshon, Inc.

Mr. Castrejon thanked the Board and staff and the Township for getting the project to this point. He stated that upon approve of the previous preliminary development plan, they were able to secure a great anchor to land in this development. Mr. Castrejon shared a presentation on the project. He stated they concur with the comments and conditions of the resolution. Mr. Castrejon clarified some of the issues with the signage.

Mr. Dawson asked Mr. Castrejon what modification in condition seven you are specifically looking for.

Mr. Castrejon stated that the square footage display area is proposed to be on both sides.

Mr. Alvarez asked if there was a precedent for that.

Mr. Dawson explained the code and that it could be modified in the condition.

Proponents **None**

Opponents **None**

Neutral **None**

Deliberations

There was additional discussion on signage among the Board members.

Mr. Hahn asked the applicant to return to the podium.

Mr. Hahn asked what the applicant really needs. They felt what they were proposing was what was really needed.

Michael Kubicki
Kubicki Real Estate

Mr. Kubicki stated he represented the development and that he had been in negotiations with the proposed business for over a year and that they were extremely particular on what their needs were. The developer was also hoping to attract other high end, high class and larger users in the development which will also need signage to be seen. He stated this would also eliminate sign clutter.

Mr. Hahn asked Staff if the companies will be allowed to have signage on the buildings as well.

Mr. Dawson stated the building signage would be restricted to Article 20 requirements.

Mr. Castrejon stated that they are aware that they would need to follow the requirements of the code regarding the square footage per face of building.

Mr. Hahn asked about backlit lighting.

Mr. Dawson stated that the preliminary development restricted any internal illumination facing east.

All Board members were in positive agreement on the project.

Mr. Alvarez made a motion to approve Case # – FDP 02-24-A Village North; Phase 2 based on staff comments and other agency recommendations and subsequent changes to condition seven. Mr. Rinnert seconded the motion.

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

Nay:

Motion carried 5-0

Administrative Business:

The next ZC meeting is scheduled for Monday, March 25, 2024 @ 6:00 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 7:03 p.m.

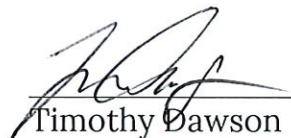
These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audiotape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must be prepaid.

Chairman:



Jim Hahn

Secretary:



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 24-2
KEEFE; WETHERINGTON POINTE, TRACT 1, FLOOR AND DÉCOR OUTLOTS –
MC 01-24**

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-plot 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 21, 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.) 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.

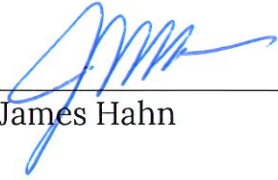
- 2.) All water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) and shall meet all BCWSD requirements prior to the issuance of a zoning certificate.
- 3.) The applicant shall coordinate with the West Chester 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.
- 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.
- 5.) Building setbacks shall be approved at the FDP stage.
- 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.
- 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.

- 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.
- 9.) All building signage shall be approved at the FDP stage.
- 10.) All ground signs shall be approved at the FDP stage. However, consideration shall be given to the conditions of previous approvals.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 in this recommended approval. This action shall take effect the 21st day of February, 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. 24-3
THE VILLAGE NORTH; PHASE 2 - FDP (02-24-A)

WHEREAS, on October 9, 2018, 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 (15-2021) for approximately 497,000 square feet of commercial use, 870 multi-family units, and a 140 room hotel (Sites A-O) on approximately 98.6 acres; and,

WHEREAS, on April 12, 2022, the West Chester Township Board of Trustees approved a Major Change to The Village North SP-PUD and a Preliminary Development Plan (07-2022) for five (5), single-story buildings totaling 44,475 square feet of retail/restaurant use and one (1), single-story building totaling 49,670 square feet of retail/grocer use on approximately 13.6 acres; and,

WHEREAS, on July 18, 2022, the West Chester Township Zoning Commission approved a Final Development Plan (22-7) for construction of the site to include site grading; installation of water, sewer, and utilities and construction of private roadways A, B, and C as illustrated on the FDP, to include the sidewalks, multi-purpose path, and street lighting; and,

WHEREAS, on January 17, 2024, Bryan Grome, on behalf of Village North Investments, LLC., submitted an application requesting a Phase 2, Final Development Plan approval for four (4) single-story buildings containing a total of 68,500 square feet of retail/restaurant use. This proposal includes a 40,000 square foot Whole Foods grocer and attached 9,000 square foot multi-tenant retail building, an 18,500 square foot multi-tenant building and an 8,000 square foot multi-tenant building; and,

WHEREAS, on February 21, 2024, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

NOW, THEREFORE BE IT RESOLVED, that the West Chester Township Zoning Commission does hereby adopt and affirm this Resolution and the following conditions, in issuing its approval of the aforesaid case with the following conditions:

- 1.) Revisions to the Final Development Plan shall be submitted to the West Chester Community Development Department (WCTCDD) staff for approval within thirty (30) days with the following included:
 - a) Replace invasive and blighted species, which are noted as CPB, BB, RHE and GVB on Sheet L103 with species that are similar in aesthetic, but are native or non-invasive and resistant to blight;

- b) Remove any note of “City of West Chester” to “West Chester Township” on the FDP and record plat;
 - c) The corner monument sign on Sheet A-221, meeting Township branding designs for primary, gateway signage;
 - d) A tertiary, gateway sign located at the northern access way with corresponding sign detail meeting Township designs;
- 2.) If not specifically stated, the current approval shall remain subject to the conditions as previously approved with Trustee Resolution 07-2022.
- 3.) 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.
- 4.) 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.
- 5.) 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 shall be designed to accommodate the turning radius of fire department vehicles. Templates are available from fire department, upon request;
 - b) The farthest most remote, accessible exterior portion of the buildings shall be located within 400 feet of a fire hydrant located either on their parcels or a public fire hydrant;
 - c) Prior to issuing a certificate of occupancy, the occupant shall coordinate with the fire department to locate all required Fire Lanes;
 - d) No signage, vegetation, etc. shall be located within three feet of a fire hydrant or any part of the fire protection systems;
 - e) All exterior portions of the building shall be located within 150 of a fire department access road; and
 - f) Fire protection systems must observe the decreased water pressure in the area and plan accordingly for need of a fire pump.
- 6.) Building signage shall be permitted as illustrated on the building wall elevations for Buildings A-1 and B-1 and noted on Sheets A-201 for each and Sheet A-202 for Building C-1.

- 7.) The ground signs shall be permitted with the proposed dimensions of the commercial display areas, which shall be permitted with the typical allowance of the proposed display area being double-sided. Furthermore, the proposed display areas can be installed as illustrated or divided among other uses. Any future proposals for alterations and/or increases of any signage, approved at this time, shall be considered for approval by the Zoning Commission.
- 8.) The property owner and/ or property owners' association shall be responsible for keeping all common features and elements well maintained and free from trash and litter; maintaining the private roads and all drainage ways to ensure the detention areas perform the designated function; and all landscaping shall be well- maintained in good condition.
- 9.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.
- 10.) 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.
- 11.) 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 recommendation of approval. This action shall take effect this 21st day of February 2024.

West Chester Township
Butler County

Chairman:


James Hahn

Secretary:


Timothy Dawson
Township Planner