

RESOLUTION NO. 29-2024

**Resolution approving a Major Change to the BC TID at Liberty Way C-PUD
(Commercial Planned Unit Development District) and Preliminary
Development Plan for Wawa, Case #MC 02-24**

WHEREAS, on August 22, 2017, 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 a Preliminary Development Plan (24-2017) for a mix of uses, including two (2), two-story buildings consisting of a total of 95,000 square feet of medical office use; a four-story, 60,000 square foot building consisting of a one-hundred and one (101) room hotel use; and a one-story, 8,360 square foot, multi-tenant building consisting of retail/ restaurant uses on approximately 14.8 acres; and,

WHEREAS, on April 16, 2018, the West Chester Township Zoning Commission approved a Final Development Plan (18-6) for Phase 1 of the site to include a lot split; right-of-way dedication; and construction of road improvements along Liberty Way; site grading, which includes a retention area; installation of site utilities; and construction of the internal, public roadway and the pedestrian facilities on approximately 14.8 acres; and,

WHEREAS, on August 20, 2018, the West Chester Township Zoning Commission approved a Final Development Plan (18-18) for Phase 2 of the site, to include a two-story, 50,000 square foot Tri Health medical office building on 9.4 acres; and,

WHEREAS, on May 17, 2021, the West Chester Township Zoning Commission recommended denial of an application for a Major Change to the C-PUD and Preliminary Development Plan (21-6), which was submitted by Thorntons, LLC. for a 4,400 square foot retail building/ fuel station on 1.3 acres; and,

WHEREAS, the aforementioned application was withdrawn prior to the Board of Trustees hearing based on the previous recommendation; and,

WHEREAS, on August 16, 2021, the West Chester Township Zoning Commission recommended denial of an application for a Major Change to the C-PUD and Preliminary Development Plan (21-12), which was submitted by Thorntons, LLC. for a 4,400 square foot retail building/fuel station on 1.3 acres; and,

WHEREAS, the aforementioned application was withdrawn prior to the Board of Trustees hearing based on the previous recommendation; and,

WHEREAS, on June 28, 2022, the West Chester Township Board of Trustees denied an application for a Major Change to the C-PUD and Preliminary Development Plan (17-2022), which was submitted by Mike's Car Wash, Inc. for a 5,284 square foot car wash conveyor on 2.52 acres; and,

WHEREAS, on May 20, 2024, Jonathan Woche, on behalf of Wawa, submitted an application requesting a Major Change to the C-PUD and Preliminary Development Plan on Lot 2 for a 6,372 square foot Wawa fuel station/ convenience store with a pick-up window on 2.9 acres; and,

WHEREAS, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on July 9, 2024, as applied for by Jonathan Woche; 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 the existing C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan with the following conditions:

SECTION 1. If not specifically conditioned with an approval of this Major Change and PDP, all subsequent Final Development Plan (FDP) applications shall otherwise remain subject to the conditions as previously and last approved (Trustee Resolution 24-2017).

SECTION 2. Detailed site civil engineering plans, including grading plans and stormwater drainage plans and calculations, shall be coordinated with the BCEO at the FDP stage to include the following:

- a.) The applicant will need to evaluate the feasibility of a cross-access drive with the property to the north and coordinate those efforts with the BCEO;
- b.) Turn arrows will be required for the southbound left lane along the extent of Veterans Boulevard to the northern access way;
- c.) Area of impervious surface appears to have increased from the original proposal. Therefore, a comparison of run-off coefficients is required to determine if additional stormwater storage is required; and
- d.) The Final Development Plan (FDP) shall reflect the current conditions of Liberty Way (widening & re-striped) and Liberty Way shall only be permitted a right-turn access point.

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.) All permits, testing and inspection of underground fuel tanks shall go through the State Fire Marshall's Bureau (BUSTR);
- b.) Applicant shall confirm 24-hour operations and attendance of fuel station pumps to determine if canopy fire suppression system is needed;
- c.) "No Parking" fire lanes shall be coordinated with the FD;
- d.) The building shall be within four hundred (400) feet of a fire hydrant; and
- e.) All drive aisles will need to meet safety service vehicle turning radius requirements.

SECTION 4. Detailed water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department at the FDP stage to include the following:

- a.) The sewer easement located on the north property line shall be labeled on the record plat.

SECTION 5. The site perimeter sidewalks/ crosswalks located within the public right-of-way shall be constructed as required by the BCEO, in regard to the public design standards and for materials and compaction.

SECTION 6. A private, civil agreement shall be obtained with the adjacent property owner for the construction and maintenance of both shared drive aisles.

SECTION 7. Cross-access and storm sewer easements shall be illustrated on the re-plat of the subject site and a maintenance agreement and/or reciprocal easement agreement (REA) document.

SECTION 8. All easements illustrated on the FDP and a draft of the maintenance/ REA document shall be provided at the FDP stage for review and approval. Subsequently, that document and plat will then need to be recorded prior to a final zoning inspection.

SECTION 9. One (1) ground-mounted monument sign shall be permitted on each lot at a maximum of eight (8) feet in height and forty-eight (48) square feet of display area; one (1) offsite directional sign for the use of Lot 2 at the proposed location on Lot 1; and an offsite tenant display of the Lot 2 use within the permitted

display area of the monument sign on Lot 1. If not specifically stated, all signage requirements shall be subject to all other requirements of the WCTZR, Articles 10 and 20.

SECTION 10. Internally illuminated signage shall not be permitted on the east building wall and east canopy face.

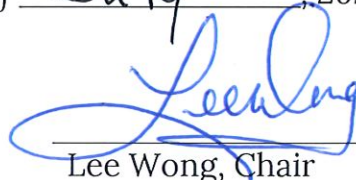
SECTION 11. A landscaping plan, which illustrates adequate screening and buffering along the public right-of-way frontage, shall be provided at the FDP stage.

SECTION 12. The property owner or a recorded 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, and all major landscaping shall be irrigated with a permanent system prior to a final zoning inspection.

SECTION 13. A temporary construction road and vehicle staging area shall be illustrated on each 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 into this approval.

Adopted this 23 day of July, 2024.



Lee Wong, Chair

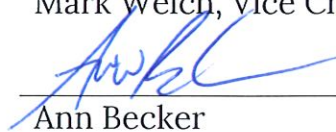
Yes

Yes/No

Absent

Mark Welch, Vice Chair

Yes/No



Ann Becker

Yes

Yes/No

ATTEST:



Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Scott Phillips", written over a horizontal line.

Scott D. Phillips, Law Director