

# AGENDA ITEM COVER SHEET



<b>Trustee Meeting Date:</b>	<b>Agenda Item Type:</b>
November 19, 2024	Business Item
<b>Submitted By:</b>	
Arun Hindupur, Director of Public Works/Community Services	

<b>Motion:</b>
Motion to request to advertise for the Square remodel

<b>Background:</b>
<p>As part of the 2024 budget process, Community Services created CIP 1706 to remodel the Square that was opened in 2008. The remodel will reconfigure the current space to maximize amphitheater and lawn seating for concerts and other events that take place at the Square. New construction additionally reduces concert disturbances for residents of the new apartment buildings located immediately south of the Square by relocating the concert stage to the south side of the park with staging and speakers directed to the north.</p> <p>Per ORC 5575.01, we will be advertised in a newspaper published of general circulation within the Township. Notification will also be posted on the Township website.</p> <p>The Community Services Department requests permission from the Board to advertise for the Square remodel.</p>

<b>Finance</b>	<b>Budgeted Item:</b>	Yes; CIP	
	<b>CIP #:</b>	1706	
	<b>TIF Info:</b>		
	<b>Purchase Order:</b>		<b>Total Encumbrance:</b>

# AGENDA ITEM COVER SHEET



<b>Trustee Meeting Date:</b>	<b>Agenda Item Type:</b>
November 19, 2024	Business Item
<b>Submitted By:</b>	
Arun Hindupur, Director of Public Works/Community Services	

<b>Motion:</b>
Motion to approve solar panel agreement between West Chester Township Board of Trustees and Melink Solar not to exceed \$224,639.80; and authorize Township Administrator to make non-substantive changes with Law Director approval

<b>Background:</b>
<p>As part of the 2024 budget process, Community Services created CIP 1607 to replace the roof on the Administration Building that was last replaced in 1991. This also presents the opportunity to potentially leverage federal stimulus funds to install solar panels which would result in long term savings in the Township’s operating budget specific to energy usage.</p> <p>At the September 10, 2024 Board of trustee meeting permission was given to accept proposals for solar panels. Two proposals were received by the October 29, 2024 deadline. After review Melink Solar LLC was chosen with a bid of \$204,218.00.</p> <p>The Community Services Department requests the Board accept the proposal for solar panels for the administration building at \$224,639.80 which includes 10% contingency of \$20,421.80.</p>

<b>Finance</b>	<b>Budgeted Item:</b>	Yes; CIP, TIF		
	<b>CIP #:</b>	1607		
	<b>TIF Info:</b>	218		
	<b>Purchase Order:</b>	24003506	<b>Total Encumbrance:</b>	\$ 224,639.80

# AGENDA ITEM COVER SHEET



<b>Trustee Meeting Date:</b>	<b>Agenda Item Type:</b>
November 19, 2024	Business Item
<b>Submitted By:</b>	
Arun Hindupur, Director of Public Works/Community Services	

<b>Motion:</b>
Motion to accept bid for roof replacement on Administration building not to exceed \$108,003.50; and to authorize Township Administrator to execute said agreement

<b>Background:</b>
<p>As part of the 2024 budget process, Community Services created CIP 1607 to replace the roof on the Administration Building that was last replaced in 1991. This also presents the opportunity to potentially leverage federal stimulus funds to install solar panels which would result in long term savings in the Township’s operating budget specific to energy usage.</p> <p>At the September 10, 2024 Board of trustee meeting permission was given to accept bids for the Admin roof replacement. Four bids were received at the October 29, 2024 bid opening. After review Mid Miami Roofing Inc. was chosen as the lowest and most responsive bidder at \$98,185.00. They have done work for the Township in the past.</p> <p>The Community Services Department request the Board accept the bid for roof replacing for the administration building at \$108,003.50 which includes 10% contingency of \$9,818.50.</p>

<b>Finance</b>	<b>Budgeted Item:</b>	Yes; CIP, TIF		
	<b>CIP #:</b>	1607		
	<b>TIF Info:</b>	218		
	<b>Purchase Order:</b>	24003466	<b>Total Encumbrance:</b>	\$ 108,003.50

# AGENDA ITEM COVER SHEET



<b>Trustee Meeting Date:</b>	<b>Agenda Item Type:</b>
November 19, 2024	Emergency Resolution Item
<b>Submitted By:</b>	
Katy Kanelopoulos, Director of Community Development	

<b>Motion:</b>
Emergency Resolution 44-2024 extending the moratorium on the cultivation, processing, and retail sale of “adult use” cannabis within West Chester Township for an additional 180 days and declaring an emergency and dispensing with the second reading

<b>Background:</b>
<p>On November 7, 2023, Ohio voters approved State Issue 2 allowing for the cultivation, processing, and retail sale of adult use cannabis. On December 5, 2023, West Chester Township implemented a moratorium on the cultivating, processing, and retail sale of “adult use” cannabis.</p> <p>As with any new law, there remains substantial questions as to the functionality of the new statutes. West Chester Township is proposing an extension of the moratorium on this new use so it can properly vet and analyze the new law once is it fully understood and implemented.</p> <p>This moratorium is not an attempt to thwart the will of the voters. It is simply a chance to properly understand the details and intricacies of this new law so that West Chester does not serve as a test case for the law’s implementation.</p>

<b>Finance</b>	<b>Budgeted Item:</b>	N/A;		
	<b>CIP #:</b>			
	<b>TIF Info:</b>			
	<b>Purchase Order:</b>		<b>Total Encumbrance:</b>	\$ .00

**RESOLUTION NO. 44-2024**

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**Emergency Resolution extending the Moratorium on the cultivation, processing, and retail sale of “Adult Use” cannabis within West Chester Township for an Additional 180 Days and Declaring an Emergency and dispensing with the second reading**

**WHEREAS**, pursuant to its home rule authority and Ohio Revised Code Section 3780.25, the West Chester Board of Trustees previously imposed a moratorium of 360 days on the cultivating, processing, and dispensing of adult use cannabis within West Chester Township through Resolution No. HR 51-2023 (the “Adult Use Cannabis Moratorium”); and

**WHEREAS**, the Adult Use Cannabis Moratorium is set to expire on November 29, 2024; and

**WHEREAS**, the West Chester Township Board of Trustees seeks additional time to study whether to limit or entirely prohibit the processing, cultivating, and dispensing of adult use cannabis; or, alternatively, to develop and implement regulations regarding the possible location and operation of cannabis-related dispensaries, cultivators, and processors within West Chester Township; and

**WHEREAS**, Township staff require additional time to review and make recommendations on zoning, prohibition and/or limitations of adult use cannabis dispensaries, cultivators, and processors so that any necessary regulations conform to goals of the West Chester Township Board of Trustees and help ensure the public peace, health, safety, and welfare of its citizens; and

**WHEREAS**, a one hundred and eight (180) day extension to the Adult Use Cannabis Moratorium will allow the Board of Trustees and Township staff time to accomplish the Township’s goals and help ensure the public peace, health, safety, and welfare of its citizens.

**NOW THEREFORE, BE IT RESOLVED**, that the West Chester Township Board of Trustees does hereby resolve to:

**SECTION 1.** That pursuant to its powers under Ohio Revised Code Section 3780.25, and Ohio Revised Code Chapter 504, the West Chester Township Board of Trustees hereby imposes a one hundred and eighty (180) day extension to the moratorium created by Resolution No. HR 2023-003.

**SECTION 2.** That Township staff remain prohibited from issuing or processing any permits or approvals for any adult use dispensary, cultivator, or processor within West Chester Township.

**SECTION 3.** That Township staff and the Law Director are directed to continue investigating and reviewing the implementation of Chapter 3780 of the Ohio Revised; Township staff will then make a recommendation to the Board of Trustees with respect to regulations regarding the cultivating, processing, and dispensing of adult use cannabis.

**SECTION 4.** It is found and determined that all formal actions of the Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board of Trustees and of any of its committees that resulted in formal action were in meetings open to the public in compliance with all legal requirements, including 121.22 of the Ohio Revised Code.

**SECTION 5.** This resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, and for the further reason that the Board desires to prevent the proliferation of cannabis-related businesses within the unincorporated territory of the Township until the effect of this business enterprise on West Chester Township is reviewed, and for these reasons, this resolution shall be effective upon its passage per Ohio Revised Code Section 504.11.

**BE IT FURTHER RESOLVED,** that by a majority vote of its members, the Board of Trustees of West Chester Township hereby dispenses with the requirement that this Resolution be read on two separate days and authorizes the adoption of this resolution on the first reading.

**BE IT FURTHER RESOLVED,** that this Resolution constitutes an emergency measure necessary for the immediate preservation of the health, safety, and general welfare of Township residents. As such, this Resolution shall be immediately effective upon its passage per Ohio Revised Code 504.11.



# AGENDA ITEM COVER SHEET



<b>Trustee Meeting Date:</b>	<b>Agenda Item Type:</b>
November 19, 2024	Emergency Resolution Item
<b>Submitted By:</b>	
Katy Kanelopoulos, Director of Community Development	

<b>Motion:</b>
Emergency Resolution 45-2024 imposing a moratorium of one hundred and eighty days on short term rentals within West Chester Township and declaring an emergency

<b>Background:</b>
West Chester Township is currently working on a zoning resolution update. The existing zoning resolution does not define short term rentals. This moratorium will allow staff time to complete the zoning resolution update which will provide definitions and districts for short term rentals in the Township.

<b>Finance</b>	<b>Budgeted Item:</b>	N/A;		
	<b>CIP #:</b>			
	<b>TIF Info:</b>			
	<b>Purchase Order:</b>		<b>Total Encumbrance:</b>	\$ .00



**RESOLUTION NO. 45-2024**

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**Emergency Resolution imposing a Moratorium of 180 days on Short-term Rentals within West Chester Township and declaring an emergency**

**WHEREAS**, the Ohio Revised Code authorizes a limited home rule township to exercise all powers of local self-government within the unincorporated area of the township so long as any resolutions passed pursuant to such authority are not in conflict with the general laws of the State of Ohio; and

**WHEREAS**, the West Chester Township Board of Trustees seeks time to study whether to limit or entirely prohibit Short-Term Rentals within West Chester Township; and

**WHEREAS**, Township staff require additional time to review and make recommendations on zoning, prohibition, and/or limitations of Short-Term Rentals so that any necessary regulations conform to the goals of the West Chester Township Board of Trustees and help ensure the public peace, health, safety, and welfare of its citizens; and

**WHEREAS**, a moratorium of one hundred and eighty (180) days on the authorization or establishment of any Short-Term Rentals within West Chester Township will allow the Board of Trustees and Township staff to accomplish the Township's goals and help ensure the public peace, health, safety, and welfare of its citizens.

**NOW THEREFORE, BE IT RESOLVED**, that the West Chester Township Board of Trustees does hereby resolve to:

**SECTION 1.** That pursuant to its powers under Ohio Revised Code, and for the benefit of the health, safety, and general welfare of West Chester Township, the West Chester Township Board of Trustees hereby establishes a moratorium of one hundred and eighty (180) days with respect to the authorization or establishment of any Short-Term Rental within West Chester Township.

**SECTION 2.** As used in this Resolution, "Short-Term Rental" shall mean a dwelling which is rented, wholly or in part, to a person or persons for a fee for less than thirty (30) consecutive days. The term "Short-Term Rental" shall include dwellings in which the operator is present when a short-term rental guest is on the premises and dwellings in which the operator is not present. However, "Short-Term Rental" shall not include Bed and Breakfast facilities, Hotels, or Motels, as defined by the West Chester Township Zoning Resolution.

**SECTION 3.** For the duration of this moratorium, Township staff are prohibited from issuing or processing any permits or approvals for any Short-Term Rentals within West Chester Township.

**SECTION 3.** The Board of Trustees directs the Township staff and the Law Director to investigate and review Short-Term Rentals; Township staff will then make a recommendation to the Board of Trustees with respect to regulations regarding Short-Term Rentals.

**SECTION 4.** It is found and determined that all formal actions of the Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board of Trustees and of any of its committees that resulted in formal action were in meetings open to the public in compliance with all legal requirements, including 121.22 of the Ohio Revised Code.

**SECTION 5.** This resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, and for the further reason that the Board desires to prevent the proliferation of Short-Term Rentals within the unincorporated territory of the Township until the effect of this business enterprise on West Chester Township is reviewed, and for these reasons, this resolution shall be effective upon its passage per Ohio Revised Code Section 504.11.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Lee Wong, Chair Yes/No

\_\_\_\_\_  
Mark Welch, Vice Chair Yes/No

**ATTEST:**

\_\_\_\_\_  
Ann Becker Yes/No

\_\_\_\_\_  
Bruce Jones, Fiscal Officer

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott D. Phillips, Law  
Director

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

# AGENDA ITEM COVER SHEET



<b>Trustee Meeting Date:</b>	<b>Agenda Item Type:</b>
November 19, 2024	Emergency Resolution Item
<b>Submitted By:</b>	
Arun Hindupur, Director of Public Works/Community Services	

<b>Motion:</b>
Emergency Resolution 47-2024 authorizing the removal of snow and ice from dedicated roads in accordance with Ohio Revised Code section 505.82 and pursuant to Limited Home Rule Authority provided under Ohio Revised Code Chapter 504 and declaring an emergency and dispensing with the second reading

<b>Background:</b>
<p>During the winter season, the Community Services Department has expanded its capacity to respond to winter weather emergencies by providing service to the undedicated streets within the Township.</p> <p>In the past, the practice was to allow for the undedicated streets to be maintained by the developer or owner of the property prior to acceptance by the Board of Trustees. In many instances, these streets would go unmaintained during winter weather storms creating both an inconvenience to those traveling the roads and a public safety hazard.</p> <p>Approval of this Resolution will authorize the Township to solicit from the developer/owner the name of the party that will be maintaining that stretch of roadway undedicated to the Township. In the event that the developer chooses the Township as the service provider, we propose to offer service during inclement weather at a cost of \$0.075 per linear foot, as outlined under Section 505.82 of the ORC.</p> <p>The cost to the developer is charged based on a linear footage and the amount of times that the Township must pass over this same stretch of roadway. This practice has been used during past winter seasons and has been found to be successful.</p>

<b>Finance</b>	<b>Budgeted Item:</b>	N/A;		
	<b>CIP #:</b>			
	<b>TIF Info:</b>			
	<b>Purchase Order:</b>		<b>Total Encumbrance:</b>	\$ .00

**RESOLUTION NO. 47-2024**

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**Emergency Resolution authorizing the removal of snow and ice from undedicated roads in accordance with Ohio Revised Code Section 505.82 and pursuant to limited home rule authority provided under revised code chapter 504 and declaring an emergency and dispensing with the second reading**

**WHEREAS**, West Chester Township is a limited home rule Township pursuant to Ohio Revised Code, Chapter 504; and,

**WHEREAS**, when winter conditions arise, residents on undedicated road(s) in West Chester Township may be adversely impacted if an owner(s) or developer(s) of undedicated road(s) have not provided for removal of snow and ice; and,

**WHEREAS**, when there is no method to guarantee undedicated roads will be properly treated and snow and ice properly removed, an immediate danger to the health, safety, and welfare of the inhabitants of the undedicated road(s) exists; and,

**WHEREAS**, pursuant to Ohio Revised Code, Section 505.82 (A), the Township may appropriately notice and apply an equitable service charge for the removal or other treatment of snow and ice and charge the owner(s) of undedicated road(s) when Township resources are used to remove snow and ice from or to treat accordingly the undedicated road(s); and,

**WHEREAS**, pursuant to Ohio Revised Code, Section 505.82 (B), the Township may enter into a contract with a developer whereby the developer agrees to pay the service for the removal or other treatment of snow and ice instead of the owners.

**NOW, THEREFORE BE IT RESOLVED** the West Chester Township Board of Trustees, by authority of Chapter 504 and Section 505.82 of the Ohio Revised Code, does hereby agree to:

**SECTION 1.** Define an emergency **is** and declare one arises from the obstruction by snow and ice on certain undedicated road(s) in the Township.

**SECTION 2.** Authorize the Township Administrator or her designee to cause for the removal or other treatment of snow and ice as provided for in Ohio Revised Code Section 505.82 (A) and (B).

**SECTION 3.** Determine, pursuant to Section 505.82 of the Ohio Revised Code, this Resolution shall remain in effect until April 30, 2025.

**SECTION 4.** Find and determine that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in

full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public peace, health, safety, or welfare of the community and shall become effective at the earliest date permitted by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

	_____ Lee Wong, Chair	_____ Yes/No
<b>ATTEST:</b>	_____ Mark Welch, Vice Chair	_____ Yes/No
_____ Bruce Jones, Fiscal Officer	_____ Ann Becker, Trustee	_____ Yes/No

**APPROVED AS TO FORM:**  
\_\_\_\_\_  
Donald L. Crain, Law Director

# AGENDA ITEM COVER SHEET



<b>Trustee Meeting Date:</b>	<b>Agenda Item Type:</b>
November 19, 2024	Resolution Item
<b>Submitted By:</b>	
Katy Kanelopoulos, Director of Community Development	

<b>Motion:</b>
Resolution 43-2024 approving Major Change for Case # MC 07-24; Union Centre Pavilion; Domino's

<b>Background:</b>
The applicant is requesting a Major Change to the PUD to create an additional outlot for a 2,132 s.f. restaurant with a pick up window on 0.62 acres located at 4842 Union Centre Pavilion Drive. Parcel #: M5610-003-000-077

<b>Finance</b>	<b>Budgeted Item:</b>	N/A;	
	<b>CIP #:</b>		
	<b>TIF Info:</b>		
	<b>Purchase Order:</b>		<b>Total Encumbrance:</b>



**WCT Board of Trustees Staff Report**

**November 19, 2024**

**CASE NO. MC 07-24**

**UNION CENTRE PAVILION; OUTLOT E – MAJOR CHANGE TO THE C-PUD**

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**CASE HISTORY:**

The West Chester Township Board of Trustees approved a Zoning Map Amendment from B-2 (General Business District) and M-2 (General Industrial District) to a C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (04-2000) on February 8, 2000 for a 211,000 square foot retail center and four (4) outlots (A, B, C, and D) on approximately 24.82 acres.

The West Chester Township Zoning Commission approved a Revised Preliminary Development Plan on November 18, 2002 for a lot split of Outlot D creating a total of five (5) retail outlots (A, B, C, D1 and D2).

A Revised Preliminary Development Plan (03-05) was approved on March 17, 2003 for the use of Outlot D2.

Subsequently, numerous Final Development Plans and Revised Final Development Plans were approved for new and existing uses within the site to allow for accessory uses, such as outdoor seating areas.

**REQUEST:** Major Change to a PUD

**PROPERTY OWNER:** Sunrise Pavilion Properties, LLC.

**APPLICANT:** Dryden Builders, Inc.

**LOCATION:**

The subject site is located along the southeast corner of the intersection of Princeton-Glendale Road (SR 747) and Union Centre Boulevard. (Parcel M5610003000077 - Section 04, Town 2, Range 2)

**SITE DESCRIPTION:**

The site consists of .62 acres within the overall PUD, located along the north/south access way to Union Centre Boulevard. The site is characterized as open space and developed area consisting of an access drive and parking area for the existing uses.

**SITE VICINITY:**



**APPLICANT'S PROPOSAL:**

- A .62 acre lot split of Outlot E containing a 2,132 square foot restaurant with a pick-up window use within the original 18.78 lot containing the retail center and the following uses:



<b>Retail Center</b>	148,855 total sf
Retail	97,661 sf
Restaurant	51,194 sf
996 parking provided	667 parking spaces required (1/150 & 1/300)
Outlot E restaurant use	2,132 sf
18 parking spaces provided	15 parking spaces required & 6 stacking spaces (1/150)
42.3 % open space provided	17% open space required

**STAFF  
CONSIDERATIONS:**

The original Preliminary Development Plan (PDP) and Trustee Resolution No. 04-2000 rezoned the property and defined the permitted uses for the overall C-PUD, which allowed for most general retail uses, excluding more intense uses, such as auto sales, display, and storage.

The most recent RPDP (03-05) maintained the original permitted uses and allowed for an additional outlot for those permitted general retail uses if the applicant could show adequate parking; proper circulation; and required amount of open space and stormwater management.

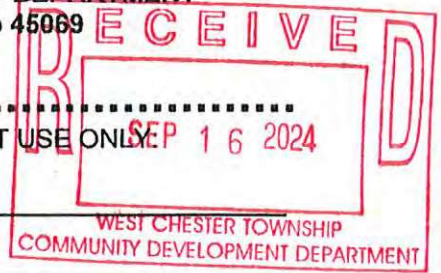
The proposed use is consistent with the previous uses approved and is meeting all parking standards throughout the PUD district.

The Butler County Engineer's Office has indicated the applicant is required to submit a drainage report, which explains the site's impact to the regional detention; a detailed drainage plan, erosion control plan and BMP needs to be submitted; and an extension of the existing sidewalk along the frontage to an intersection curb ramp.

The Butler County Planning Commission held a public hearing on October 8<sup>th</sup> and recommended approval. The Township Zoning Commission held a public hearing on October 21<sup>st</sup> and given all considerations in regard to the existing conditions; the proposed use in relation to the surrounding character; and the overall general welfare of the County and Township, the Zoning Commission recommended approval of the zoning map amendment.

**ACTION:** The Board of Trustees may now approve, approve with modifications, or deny the submitted Major Change, unless additional information is deemed necessary to make an informed decision.

APPLICATION FOR A MAJOR CHANGE  
TO A PUD DISTRICT  
WEST CHESTER TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT  
9577 Beckett Road, Suite 100, West Chester, Ohio 45069  
Telephone: (513) 777-4214



.....  
FOR WEST CHESTER COMMUNITY DEVELOPMENT DEPARTMENT USE ONLY  
CASE # MC 07-24 UC Pavilion; Domino's DATE RECEIVED: \_\_\_\_\_  
FEE RECEIPT # 3921 RECEIVED BY: BKHW

.....  
**THIS APPLICATION MUST BE TYPEWRITTEN - USE ADDITIONAL SHEETS IF NECESSARY**

NAME OF APPLICANT Dryden Builders, Inc.  
ADDRESS 1741 Thomas Paine Parkway  
CITY/STATE/ZIP Centerville, OH 45459  
PHONE NO. (937) 439-2728 FAX NO. \_\_\_\_\_  
EMAIL chris@drydenbuilders.com

NAME, ADDRESS & PARCEL NUMBER OF EACH PROPERTY OWNER OF RECORD  
WITHIN THE PROPERTY WHICH IS REQUESTED FOR THE MAJOR CHANGE:  
1. Sunrise Pavilion Properties, LLC  
2. \_\_\_\_\_  
3. \_\_\_\_\_

REQUEST RE-DESIGNATION OF AREA FROM Undeveloped TO Restaurant  
area  
TOTAL ACRES 0.62

LOCATION OF PROPERTY FOR MAJOR CHANGE:  
SECTION 4 TOWN 2 RANGE 2  
PARCEL (S) M5610003000077

PROPERTY ADDRESS 4842 Union Centre Pavilion Drive  
CITY/STATE/ZIP West Chester Township, OH 45069

(MY) (OUR) INTEREST IN THE PROPERTY TO BE RECLASSIFIED IS AS:  
OWNER \_\_\_\_\_ AGENT  LESSEE \_\_\_\_\_ OPTIONEE \_\_\_\_\_  
APPLICANT Chris Zittel 1741 Thomads Paine Pkwy 937-439-2728  
Signature Address/City/ST/Zip Phone Number

OWNER (S) Sunrise Pavilion Properties, LLC  
[Signature] P.O. Box 425, Mason, OH 45040-0425  
Signature Address/City/ST/Zip Phone Number



**M5610003000065**

WALGREEN CO , REAL ESTATE  
PROPERTY TAX  
PO BOX 1159  
DEERFIELD IL 60015

**M5610003000107**

THOMAS P HODGEKISS TR ETAL  
339 N LAS PALMAS AVE #4519  
LOS ANGELES CA 90004

**M5610003000123**

MSC UNION CENTRE LLC  
PO BOX 133  
HARRISON OH 45030

**M5620440000009**

SCHUMACHER DUGAN  
CONSTRUCTION  
6355 CENTRE PARK DR  
WEST CHESTER OH 45069 3863

**M5620440000008**

NORTH SIDE BANK AND TRUST CO  
4125 HAMILTON AVE  
CINCINNATI OH 45223 2246

**M5620440000036**

MPT OF WEST CHESTER  
SPRINGSTONE LLC  
1000 URBAN CENTER DR STE 501  
BIRMINGHAM AL 35242

**M5610003000114**

EXETER 8655 JACQUEMIN LLC  
100 MATSONFORD RD BLDG 5, STE 250  
RADNOR PA 19087

**M5610003000062**

GRANITE REIT AMERICA INC  
MI DEVELOPMENT AMERICA  
3102 OAK LAWN AVE STE 540  
DALLAS TX 75219

**M5610003000081**

DQ DREAM PROPERTIES LLC  
8730 N PAVILLION DR  
WEST CHESTER OH 45069

**M5610003000119**

SCHUMACHER DEVELOPMENT INC  
6355 CENTRE PARK DR  
WEST CHESTER OH 45069 3863

**M5610003000101**

MAX AUTO REAL ESTATE LLC  
1101 MONROE ST  
TOLEDO OH 43624 1811

**M5610003000069**

GALLENSTEIN INVESTMENTS LLC  
6801 CREEK RD  
CINCINNATI OH 45242 4160

**M5610003000071**

SOMERVILLE BANK  
1600 RUNNYMEDE RD  
OAKWOOD OH 45419

**M5610003000079**

MIKES NO 44 LLC  
100 NORTHEAST DR  
LOVELAND OH 45140

**M5610003000054**

SUNRISE PAVILION PROPERTIES LLC  
PO BOX 425  
MASON OH 45040 0425

**M5610003000082**

DECK XENIA LLC  
272 SUNNY ACRES DR  
CINCINNATI OH 45255

**M5610003000078**

J & E ENTERPRISE LLC  
1709 WAYNE AVE  
DAYTON OH 45410

**PROPERTY OWNER'S AFFIDAVIT**

STATE OF OHIO  
COUNTY OF BUTLER

I (we) Sunrise Pavilion Properties, LLC

hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to the Board of Trustees of West Chester Township approving a Major Change to a PUD for the subject real estate; that we understand that our application will be considered and processed in accordance with the regulations as set forth by the West Chester Township Community Development Department and Zoning Resolution; that we agree to accept, fulfill and abide by those regulations and all stipulations and conditions attached to the Major Change to the PUD plan. I (we) authorize West Chester Township to place a Public Meeting notification sign on the property. I (we) authorize West Chester Township staff and board members to enter and inspect the property. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief.

  
Signature

XINGMING WANG  
Printed Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City / State / Zip

\_\_\_\_\_  
Phone



Subscribed and sworn to before me this 16<sup>th</sup> day of September 2024

  
Notary Public

Person to be contacted for details, other than signatory:

Dryden Builders, Inc., 1741 Thomas Paine Pkwy., Centerville, OH (937) 439-2728  
Name Address/City/St/Zip 45459 Phone Number

**RESOLUTION NO. 43-2024**

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**Resolution approving a Major Change to the Union Centre Pavilion C-PUD  
(Commercial Planned Unit Development District) and Preliminary  
Development Plan for Outlot E, Domino's Case #MC 07-24**

**WHEREAS**, on February 8, 2000, the West Chester Township Board of Trustees approved a Zoning Map Amendment from B-2 (General Business District) and M-2 (General Industrial District) to C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan (2000-04) for a 211,000 square foot retail center and four (4) outlots (A, B, C, and D) on approximately 24.82 acres; and,

**WHEREAS**, on November 8, 2002, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan for a lot split of Outlot D creating a total of five (5) retail outlots (A, B, C, D1 and D2); and,

**WHEREAS**, on November 8, 2002, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan for the use of Outlot D2.

**WHEREAS**, the West Chester Township Zoning Commission approved numerous Final Development Plans and Revised Final Development Plans for new and existing uses within the site to allow for accessory uses, such as outdoor seating areas; and,

**WHEREAS**, on September 16, 2024, Sunrise Pavilion Properties, LLC. submitted an application requesting a Major Change to the PUD for a 1.58 acre lot split of Outlot E, which contains a 10,150 square foot retail use, within the original 18.78 lot containing the retail center; and,

**WHEREAS**, on October 8, 2024, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

**WHEREAS**, on October 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 November 19, 2024, as applied for by United Properties Development, LLC; and,

**WHEREAS**, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on November 19, 2024, as applied for by Sunrise Pavilion Properties, LLC; 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 SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan with the following conditions:

**SECTION 1.** This approval grants changes to the layout as reflected on the plan. However, all of the original conditions of the Zoning Map Amendment and Preliminary Development Plan (PDP) approvals, as specified in Resolutions 04-2000 and 03-05 shall still apply to this approved PDP.

**SECTION 2.** Detailed grading plans and stormwater drainage plans and calculations shall be provided at the FDP stage and shall meet all Ohio EPA, Butler County Engineer's Office, and West Chester Township requirements prior to the issuance of a zoning certificate.

**SECTION 3.** All water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) prior to the issuance of a zoning certificate.

**SECTION 4.** All access ways and internal roadways; connections and locations of fire hydrants; and all other applicable building and fire codes shall meet all West Chester Township Fire Department (WCTFD) and WCTCDD requirements prior to the issuance of a zoning certificate to ensure the site accommodates emergency services.

**SECTION 5.** Adequate pedestrian connections shall be illustrated throughout the PUD and illustrated on the Final Development Plan (FDP).

**SECTION 6.** Detailed building elevations and floor plans shall be provided at the FDP stage, which shall reflect a minimum of 50% brick, or stone, or masonry siding materials



throughout the building. As required by the 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.** Street light locations and light fixture details, which are consistent with the previous FDP approvals, shall be provided at the FDP stage.

**SECTION 8.** A detailed landscaping plan shall be provided at the FDP stage, which shall illustrate adequate landscaping requirements, to include the building, dumpster enclosure, and signage perimeters and all other landscaping and amenity elements within the common spaces.

**SECTION 9.** Dumpster enclosure details shall be provided at the FDP stage. The enclosures shall be pursuant to the West Chester Township Zoning Resolution (WCTZR), Articles 10.031 and 20.043. The enclosure(s) shall be consistent with the high-quality, masonry building materials of the principle building.

**SECTION 10.** All building signage shall be pursuant to the West Chester Township Zoning Resolution, Article 20 in regard to display area.

**SECTION 11.** Any ground-mounted, monument sign shall be pursuant to the West Chester Township Zoning Resolution, Article 20 in regard to location, height, and display area; constructed with quality building materials matching the principle building; and meet the traffic engineer's line of sight requirements.

**SECTION 12.** A draft reciprocal easement agreement (REA), which establishes vehicular cross-access throughout the site, shall be provided at the FDP stage for approval and shall be recorded prior to the issuance of a zoning certificate.

**SECTION 13.** The property owner or a recorded property owners' association for the overall PUD 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 14.** All zoning and property maintenance violations shall be abated and determined to be in conformance prior to the submission of the FDP.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Lee Wong, Chair Yes/No

\_\_\_\_\_  
Mark Welch, Vice Chair Yes/No

**ATTEST:**

\_\_\_\_\_  
Ann Becker Yes/No

\_\_\_\_\_  
Bruce Jones, Fiscal Officer

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott D. Phillips, Law  
Director