

RESOLUTION NO. 07 - 2014

**RESOLUTION APPROVING A ZONING MAP AMENDMENT FROM
"R-1A" TO "C-PUD" AND PRELIMINARY DEVELOPMENT PLAN
FOR CASE #ZMA 05-13 – CROSSINGS OF BECKETT**

WHEREAS, on December 17, 2013, an application was submitted by Silverman and Company for a Zoning Map Amendment for 36.29 acres of land from "Suburban Residence District" (R-1A) to "Commercial Planned Unit Development" (C-PUD) and simultaneous Preliminary Development Plan approval for a retail development that includes a 130,773 SF Kroger Marketplace with a fuel center, 56,000 SF of retail space, 22,000 SF of retail/office space and six (6) outlots; and,

WHEREAS, on January 14, 2014, the Butler County Planning Commission conducted a public hearing for said Zoning Map Amendment and Preliminary Development Plan and recommended approval of the aforesaid application with conditions; and,

WHEREAS, on January 27, 2014, the West Chester Township Zoning Commission conducted a public hearing for said Zoning Map Amendment and Preliminary Development Plan and recommended approval of the aforesaid application with conditions; and,

WHEREAS, by advertisement, a public hearing for the aforesaid Zoning Map Amendment and Preliminary Development Plan was conducted before the West Chester Township Board of Trustees on March 4, 2014 as applied for by Silverman and Company; and,

WHEREAS, all those present for the hearing who wished to be heard voiced their opinions with respect thereto.

NOW THEREFORE, BE IT RESOLVED that on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby concur with the recommendation of approval of the West Chester Township Zoning Commission and does hereby approve the proposed Zoning Map Amendment and Preliminary Development Plan for the aforesaid application as modified with the following conditions:

SECTION 1. A revised Preliminary Development Plan shall be submitted within 30 days of West Chester Board of Trustee approval to reflect the following changes:

- a) The Preliminary Development Plan shall be revised to illustrate and Note #8 shall be revised to reflect the following: the location of the cross-access connections for the property to the south shall be a full access connection approximately four hundred feet (400') from the SR 747 right-of way and which shall be generally aligned with the interior parking lot curb-cut on Site Drive A, which is east of the Service Drive C intersection, and integrated with the approved "loop road" on the property to the south; and, a right-in only connection shall be provided on Site Drive A, which shall be aligned with the temporary right-in approved on the property to the south. The proposed storm water detention area must be revised to accommodate said connections. Exact locations of cross access connections to the property to the south shall be approved by the Butler County Engineer's Office and the West Chester Community Development Department. Access easements for the properties to

the south shall be required to the property line and shall be illustrated on the Phase I Final Development Plan;

- b) Note #1 shall be revised as follows: All parking to be provided, including outlots, shall be in accordance with the West Chester Township Zoning Resolution at the time of submittal for Final Development Plan;
- c) Note #9 shall be revised to reflect the dedication of all right-of-way for Phases 1 and 2 respectively and shall be recorded with the final plat for Phase 1;
- d) The open space parcel/area and proposed landscape areas on the south side of Tylersville Road shall be revised to reflect the requirements of Condition 10c of this resolution;
- e) Additional landscaping shall be added behind the Kroger Marketplace for Phase I to reflect the requirements of Condition 10d of this resolution;
- f) The sidewalk along Tylersville Road shall be extended to the east across the channel;
- g) An interior sidewalk shall be illustrated along Service Drive C on all outlots and tied into the surrounding sidewalk network;
- h) Access to Site Drive B shall be illustrated providing access to Beckett Road for the undeveloped properties east of the tree line to the north and south. Exact location of cross access connections for properties to the north and south shall be approved by the Butler County Engineer's Office and the West Chester Community Development Department. Access easements for the properties to the north and south shall be required to the property line and shall be illustrated on the Phase I Final Development Plan;
- i) Note #6 shall be revised to include the following language: The open space parcel/area along and on the south side of Tylersville Road shall be installed with Phase 1. The revised plan shall be subject to approval by the West Chester Community Development Department;
- j) Note #11 shall be revised to only allow two (2) drive-up or drive-thru restaurants. As high volume traffic generators, the permitted drive-up or drive-thru restaurants shall be allowed on outlots 3 and 4 only as to provide direct access to and from SR 747 through Site Drive B without detrimentally impacting internal traffic flow. If restaurants are developed on the remaining outlots, said restaurants shall be of the non-fast food nature and shall be sit-down dining;
- k) An additional note shall be added to read: Prior to Final Development Plan submittal, the developer shall submit a detailed storm water drainage plan reviewed and approved by the Butler County Engineer's Office, the Butler County Floodplain Administrator and the West Chester Community Development Department; and,
- l) In order to be consistent with adjacent residential uses, an additional note shall be added to codify all structures in Phases I and II, including outlots, shall be constructed with pitched roofs and at least seventy-five percent (75%) of every exterior building elevation shall be constructed with stone, brick

or some other masonry material determined acceptable by the West Chester Community Development Department.

SECTION 2. All recommendations of the Traffic Impact Study, and requirements of ODOT and the BCEO, shall be incorporated in the Preliminary Development Plan and all Final Development Plans. A copy of the approved Traffic Impact Study, as revised per ODOT and BCEO comments, shall be provided to the West Chester Community Development Department within 30 days of West Chester Board of Trustee approval.

SECTION 3. The cross-access connections to the adjoining property to the south shall be constructed with the development of Phase 1 as it is generally described in Note (a) of Section 1 of this resolution, or as otherwise approved on the Final Development Plan, and a non-restricted cross-access easement to benefit all properties to the south shall be provided to the traffic light. Access to the signalized intersection is critical to the proposed development, the adjacent developing office building to the south and the existing development further to the south. This cross-access easement will help alleviate traffic flows, better manage traffic circulation in the area and reduce trips onto State Road 747. At the Final Development Plan stage, a draft copy of the cross-access easement shall be submitted for review by the West Chester Community Development Department, and an approved easement shall be required prior to the issuance of any Zoning Certificate.

SECTION 4. A non-restricted cross-access easement shall be provided on Site Drive B to benefit the future development of the properties to the north and south of the access drive (east of the tree-line), which shall provide access to Beckett Road. The exact location of the access points on Site Drive B shall meet the spacing requirements of the BCEO for distance from Beckett Road. At the Final Development Plan stage, a draft copy of the cross-access easement shall be submitted for review by the West Chester Community Development Department, and an approved easement shall be required prior to the issuance of any Zoning Certificate.

SECTION 5. All required right-of-way for Phases 1 and 2 respectively shall be dedicated with the applicable governing authority per the Butler County Thoroughfare Plan prior to the issuance of a Zoning Certificate.

SECTION 6. A detailed storm water and drainage plan shall be provided for Phases 1 and 2 with the Final Development Plan for Phase 1, which shall demonstrate adequate detention/retention is being provided for all properties in each phase, including the outlots and shall demonstrate no detrimental or negative impact to any adjoining properties or adjacent roadways. A detailed storm water and drainage plan shall also be provided with each subsequent Final Development Plan to demonstrate appropriate tie in to the development's overall drainage plan.

SECTION 7. Permitted Uses shall include the Principally Permitted Uses of the B-1 District, excluding Subsection 21.025, and the Principally Permitted Uses of the B-2 District, excluding Subsections 22.022 (the Kroger Fuel Center shall be specifically permitted), 22.023, 22.024 (low intensity print shops such as Kinko's/FedEx shall be specifically permitted), 22.025, 22.026, 22.027, 22.028, 22.029, 22.0211, 22.0212, 22.0213, 22.0214 and 22.0215. Additionally, a maximum number of two (2) drive-up/drive-thru restaurants may be permitted on outlots 3 and 4 only.

SECTION 8. Outdoor display and sales shall only be permitted for the Kroger Marketplace occupied space, subject to the following conditions: Limited to areas under a permanent canopy, awning or roof that is attached to the principal building, as long as a 5' minimum pedestrian walkway is maintained at all times; Display area shall not exceed 50% of the building's length of any wall that it is located. Any outdoor display and sales at the Fuel Center shall be reviewed at the Final Development Plan Stage and shall only be permitted if it is very limited in nature and incorporated into the design of the kiosk. All other uses shall comply with the typical requirement that all business being conducted in an enclosed building.

SECTION 9. Freestanding signage for Phases 1 and 2, excluding the outlots, shall be approved at the Final Development Plan stage. The freestanding signs that are illustrated on the Preliminary Development Plan do not constitute approval of any signage. Each outlot shall be permitted one monument sign, which shall not exceed 25 square feet of display area per side, shall not exceed 8 feet in height, shall be setback a minimum of 10 feet from any street right-of-way and shall have a sign base that is consistent with the exterior building materials for the principle building. Building signage for the entire site shall be subject to Article 20 of the West Chester Zoning Resolution for all retail uses and Article 17 of the West Chester Zoning Resolution for all office uses. Fuel canopy signage shall be specifically approved at the Final Development Plan stage. Any building signage on the east, north and south elevations shall not be illuminated, unless it is specifically approved at the Final Development Plan stage.

SECTION 10. A detailed Landscaping Plan shall be provided with each Final Development Plan, which shall appropriately address the following requirements:

- a. Street trees along SR 747 and Tylersville Road proposed for the entire site, including Phase 1, Phase 2, and the outlots shall be consistently coordinated with regard to location, spacing and tree type and shall be illustrated on the first Final Development Plan submitted.
- b. Extensive landscaping shall be provided throughout the site, especially in the highly visible areas, such as the main entrances, the corner of SR 747/Tylersville Road, open space parcel/area adjacent to Tylersville Road, and the open space areas along the east property line.
- c. The open space parcel/area along the south side of Tylersville Road shall include a variety of landscaping and substantial mounding in the open space parcel/area along Tylersville Road, which shall provide year round screening to the existing residential to the north. The mounding shall be undulating and vary in height between six and eight feet (6' – 8') above the grade of Tylersville Road so an effective buffer is provided for the entire length of the open space parcel/area. The location of the "Storm Water Basin/Detention" shall be modified to allow for the above mentioned mounding and located at an elevation to provide storm water management which is required and for which it is designed. The mounding and landscaping in the entire open space parcel/area shall be installed prior to the issuance of a Final Zoning Certificate for Phase 1, and shall contain trees and other plants that are a minimum of six feet (6') in height at the time of planting.
- d. All open space areas in Phase 1, including the portion behind the proposed Kroger Marketplace, shall incorporate sufficient plantings to provide year round screening to the existing/future residential to the east and to minimize noise from the delivery area and light spillover. This area shall include a solid row of evergreen trees along the service drive curblin, and a significant amount of native species that are staggered in the stream buffer to provide a dense buffer to the east. Other means of buffering, such as a fence/wall may be determined as necessary at the Final Development Plan stage. All plantings and other buffering improvements shall be subject to the Butler County Floodplain Administrator due to its location within the 75' stream buffer. The required buffer shall also extend

to the east side of 'Site Drive A' near the "Storm Water Detention Area" to minimize the effects of headlights from the anticipated drive-thru and delivery traffic. This required buffer shall be installed prior to the issuance of a Final Zoning Certificate for Phase 1, and shall contain trees and other plants that are a minimum of six feet (6') in height at the time of planting. Said landscape shall not impede nor detrimentally impact storm water or drainage to adversely affect the existing/future residential to the east.

- e. All islands in the parking lot areas shall be planted islands and not concrete or striped islands, except for the areas near the handicapped spaces. The West Chester Community Development Department may specifically recommend striped islands near the Kroger main entrance at the Final Development Plan stage if it is determined that they would improve pedestrian safety.
- f. All landscaping areas and islands shall be irrigated with a permanently installed system. All landscaping shall be maintained in good condition.

SECTION 11. A Photometric Analysis shall be provided with each Final Development Plan, which shall demonstrate that the footcandles are being minimized at the property lines and 0.02 footcandles are being maintained along all property lines that are adjacent to existing and planned residential. Specific light fixture details shall also be provided, which shall utilize a design that minimizes glare and light spillover onto adjoining properties. Any street lighting at the entrances that are required by the BCEO and/or ODOT for safety purposes may be permitted.

SECTION 12. Detailed building elevations shall be provided with all Final Development Plans, which shall illustrate pitched roofs and at least seventy-five percent (75%) of every exterior building elevation, including the fuel center, shall be constructed with stone, brick or some other masonry material determined acceptable by the West Chester Community Development Department. Alternative building materials may be considered for accent purposes only. The rear elevation of the Kroger Marketplace building, which includes delivery docks in close proximity to existing and planned residential, shall be enhanced with quality building materials and measures to reduce sounds that are typical of such delivery areas. structures in Phases I and II, including outlots,

SECTION 13. Cross-access easements shall be required for all private drives for internal access of both Phases, all outlots, and to property lines. Cross-access easements shall be clearly illustrated on all subsequent Final Development Plans. Cross-access easements shall be required to be recorded prior to the issuance of a Zoning Certificate.

SECTION 14. All Final Development Plans shall reflect the open space areas as illustrated on the revised Preliminary Development Plan. All outlots shall provide a minimum of 15% open space for each outlot.

SECTION 15. If any sidewalks located along a public roadway are located on private property, a public use easement shall be provided ensuring public use of the sidewalk.

SECTION 16. The exact location of the lot lines and lot sizes shall generally follow the layout on the Preliminary Development Plan. Final lot layout shall be approved at the Final Development Plan Stage. At no time shall an outlot be permitted on Tylersville Road, except as a portion of outlot 1 is illustrated on the approved Preliminary Development Plan.

SECTION 17. Prior to the approval of any lot splits, a Property Owner's Association (POA) shall be created, which shall be responsible for the maintenance of the following items: 1) All open space areas, which shall be maintained in good condition and free from trash and litter; 2) All common access drives and parking areas; 3) All sidewalks; 4) All drainage ways and storm water facilities, which shall be maintained to perform their designated function; and 5) All common landscaping as it is illustrated on approved Final Development Plans. A Reciprocal Easement Agreement may be permitted if it achieves the same purpose as a POA. A draft copy of the required document shall be provided to the West Chester Community Development Department for review and approval. The required document shall then be recorded and a copy of which provided to the Township.

SECTION 18. All comments and concerns of all state, county and township agencies shall be adequately addressed during Final Development Plan approval.


SECTION 19. Due to the Blue Line Stream to the east of the property, the development shall be subject to all storm water or drainage requirements by any governing entity, including the *Butler County Flood Damage Prevention Regulations* as regulated by Butler County. The developer shall be required to make any and all improvements at its sole expense so as to not detrimentally or adversely impact any adjoining properties or adjacent roadways.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated into this approval.

Adopted this 11th day of March, 2014.

 George Lang, President	<u>No</u> Yes / No
 Mark Welch, Vice President	<u>No</u> Yes / No
 Lee Wong, Trustee	<u>No</u> Yes / No

ATTEST:


Bruce Jones, Township Fiscal Officer

APPROVED AS TO FORM:


Donald L. Crain, Law Director