

RESOLUTION NO. 14 - 2014

**RESOLUTION APPROVING A MAJOR CHANGE TO A PUD
FOR CASE #MC02-14 – HIGHLAND SQUARE LOT 2**

WHEREAS, a C-PUD District and Preliminary Development Plan was approved by the West Chester Township Board of Trustees on March 28, 1995 for land containing 60.880 acres, situated in Section 23, Town 3, Range 2, West Chester Township, Butler County, Ohio. The approval included the conversion of several existing residences to commercial uses, and limiting curb-cuts on Cincinnati-Dayton Road with an access drive to the rear of the structures; and,

WHEREAS, on March 15, 2004, the West Chester Zoning Commission granted Revised Preliminary Development Plan approval for layout changes to the previously approved roadways and reconfigured Lots 1 thru 4 on the south portion of the C-PUD District; and,

WHEREAS, the C-PUD specifically limits auto repair businesses to Lots 15 and 16 of the development and a minimum of 200 feet from a lot in an R district; and,

WHEREAS, on April 15, 2014, Christian Brothers Automotive Corporation submitted an application for a Major Change to a PUD requesting an auto repair business on a portion of Lot 2, which is less than 200 feet from a lot in an R district; and,

WHEREAS, on May 13, 2014, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions of the proposed request; and,

WHEREAS, on May 19, 2014, the West Chester Zoning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions of the proposed request; and,

WHEREAS, by advertisement, a public hearing for the aforesaid Major Change to a PUD was conducted before the West Chester Township Board of Trustees on July 8, 2014 as applied for by Christian Brothers Automotive Corporation; 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 Major Change to the a PUD for the aforesaid application with the following conditions:

SECTION 1. This approval only grants changes to the originally approved Preliminary Development Plan with regard to Lot 2. The northern portion of Lot 2 shall be permitted a lower intensity auto repair business, which shall be limited to the following as specified by the applicant: a)Hours of operation shall be limited to 7 a.m. to 7 p.m. Monday – Friday, except during the first 180 days after occupancy where Saturdays may be permitted during the same hours; b)All vehicles that are left overnight shall be stored inside the building; c)Tire work and body repair shall not be permitted services offered by the facility; and,

d) Heavy Vehicle Services shall be limited to less than 1% of all work performed. Any variation from the above stated restrictions that increases the intensity of the auto repair business shall be considered a Major Change. The southern portion of Lot 2, and Lot 2 as a whole, shall still be permitted all other uses that were originally allowed by overall Cin-Day Properties C-PUD.

SECTION 2. Access to Lot 2 shall be from the existing shared access drives from Highland Pointe Drive and no additional curb-cuts will be granted for Lot 2, unless otherwise approved by the Butler County Engineers Office.

SECTION 3. The final site layout shall be subject to Final Development Plan approval. However, the sites shall be generally designed according to the typical Business District standards as specified in the West Chester Zoning Resolution. The site layout that was submitted with this application shall only be permitted if determined to be appropriate on the Final Development Plan.

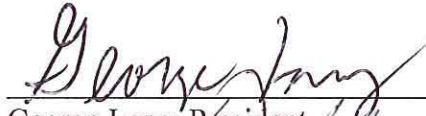
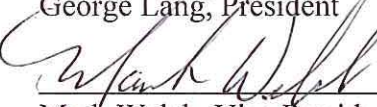
SECTION 4. Similar to the preliminary building elevations that were submitted for the auto repair business, quality exterior building materials, such as brick and stone, shall be utilized on all sides of the buildings.

SECTION 5. A sidewalk shall be provided along the Cincinnati-Dayton Road frontage that connects the existing sidewalks on the adjacent lots to the north and south. The existing sidewalk along the Highland Pointe Drive frontage shall be maintained with the development of Lot 2.

SECTION 6. All comments from other agencies shall be adequately addressed to the satisfaction of the agency during the Final Development Plan approval process.

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

Adopted this 22nd day of July, 2014.


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

ATTEST:



Bruce Jones, Township Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director