

RESOLUTION NO. 25 – 2009

**RESOLUTION APPROVING A ZONING MAP AMENDMENT
FROM “R-1A” TO “C-PUD” AND PRELIMINARY DEVELOPMENT PLAN
FOR CASE #01-09 WEST CHESTER OFFICE PARK TO ROBERT LUCKE INTERESTS, INC.**

WHEREAS, on January 20, 2009, an application was submitted by Robert Lucke Interests, Inc. for a Zoning Map Amendment for 2.871 acres of land from “Suburban Residence District” (“R-1A”) to “Commercial Planned Unit Development” (“C-PUD”) and simultaneous Preliminary Development Plan approval for a commercial development containing office space, a day care and a bank with a drive-thru; and,

WHEREAS, the applicant requested that the public hearing be tabled until further notice to allow time to obtain approvals from the Ohio Department of Transportation and the Butler County Engineer’s Office regarding access to and from the site, and the improvements to the affected traffic and safety network; and,

WHEREAS, on August 14, 2009, the application was resubmitted by Robert Lucke Interests, Inc. for a Zoning Map Amendment for 2.871 acres of land from “R-1A” to “C-PUD” and simultaneous Preliminary Development Plan approval containing a 4,000 s.f. bank with a drive thru, a 5,000 s.f. office/daycare with an outdoor play area, a 7,500 s.f. office and a 5,000 s.f. office; and,

WHEREAS, on September 8, 2009, the Butler County Planning Commission held a public hearing for said Zoning Map Amendment and Preliminary Development Plan and recommended approval of the proposed request with conditions; and,

WHEREAS, on September 21, 2009, the West Chester Township Zoning Commission held a public hearing for said Zoning Map Amendment and Preliminary Development Plan and recommended approval of the proposed request with conditions; and,

WHEREAS, by advertisement, a public hearing for the aforesaid Zoning Map Amendment and Preliminary Development Plan was held before the West Chester Township Board of Trustees on October 27, 2009 as applied for by Robert Lucke Interests, Inc.; 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 application for a Zoning Map Amendment from “R-1A” to “C-PUD” and Preliminary Development Plan for the aforesaid application with the following conditions:

SECTION 1. All requirements of the Ohio Department of Transportation and the Butler County Engineer’s Office regarding traffic control shall be incorporated into the plan.

SECTION 2. Permitted Uses shall include a bank with a drive-thru and the Principal Permitted Uses of the O-1 District, excluding 18.024 and 18.025. Due to parking concerns, if the “office/day care” building is utilized as an office, the office use shall be restricted to professional office, and not medical office, unless it can be demonstrated at the Final Development Plan stage that adequate parking exists. If the building is used for a daycare, the number of staff and students shall be provided to ensure there is adequate parking.

SECTION 3. At the Final Development Plan stage, a detailed drainage plan with calculations, which are prepared and stamped by a professional engineer, shall be provided with responsive comments and a letter of approval from the Butler County Engineer's Office.

SECTION 4. At the Final Development Plan stage, detailed building elevations for all sides shall be provided, which shall be similar in nature to the elevations submitted with this application, which illustrates high quality exterior building materials such as stone and brick with pitched roofs and dimensional shingles. All building materials shall be appropriately labeled, which shall not include vinyl siding. Dumpster enclosure details shall also be provided, which shall use materials similar to the principle buildings and shall be designed to be a minimum of one foot taller than the enclosed dumpster.

SECTION 5. At the Final Development Plan stage, a photometric analysis shall be provided, which shall demonstrate 0.0 footcandles at all property lines. Specific light fixture details shall also be provided, which shall utilize a design that minimizes glare and light spillover, and the pole height shall be minimized.

SECTION 6. At the Final Development Plan stage, a detailed landscape and buffer yard plan shall be submitted which shall conform to the plan prepared by McGill Smith Punshon dated November 10, 2009, including the 6' frontage sidewalk. The entire buffer along the north and east property lines shall be installed prior to the issuance of any Final Zoning Certificate for any structure. All landscaping shall be irrigated with a permanently installed system.

SECTION 7. All proposed curb-cuts shall be approved by the appropriate agency (i.e. Ohio Department of Transportation or Butler County Engineer's Office). Any additional right-of-way that is required by the Ohio Department of Transportation and/or the Butler County Engineer's Office, shall be dedicated prior to the issuance of a Zoning Certificate for any structure. All access drives shall be constructed as approved on the Final Development Plan using the Butler County Engineer's Office standards for commercial drives.

SECTION 8. A West Chester entryway monument sign shall be constructed on the northeast corner of the US Route 42 and Fields Ertel Road intersection, which shall be designed according to the "Primary" signage detail as illustrated in the "Identity Study Summarization for West Chester in Union Township Butler County, Ohio" that was prepared by McGill Smith Punshon, Inc. in November 1998. The sign shall be constructed and maintained by the developer/property owner. The specific location, design, landscaping, etc. for the sign shall be approved as part of a Final Development Plan.

SECTION 9. Any proposed lot lines, including condominium spaces, shall be illustrated on the Final Development Plan. If separate lots are desired, a Property Owner's Association shall be created and 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 private roadways and parking areas; 3)All sidewalks; 4)All drainage ways and retention/detention basins, which shall be maintained to perform its designated function; 5)All landscaping as illustrated on the approved Final Development Plan; 6)Permanently installed irrigation system; and 7)The West Chester entryway monument sign. At the Final Development Plan stage, a draft copy of the Property Owner's Association documents shall be provided. In the event that the Property Owner's Association fails in its responsibilities, the individual property owners shall be jointly and severally responsible therefore, and the Property Owner's Association document shall so state.

SECTION 10. Building and Monument signage shall be pursuant to Article 17 of the West Chester Township Zoning Resolution. Any signage illustrated on the plan shall only be approved if it is consistent with the aforementioned requirements.

SECTION 11. All signs and other permanent objects shall be located a minimum of two feet from all sidewalks.

SECTION 12. A public use easement shall be granted for all frontage sidewalks that are located on private property, and the details of said easement shall be provided with the Final Development Plan submittal.

SECTION 13. The parking lot configuration, roadways and fire hydrant locations for all Final Development Plans shall be coordinated with the West Chester Fire Department.

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

Adopted this 17th day of November, 2009.

Catherine Stoker, President

George Lang

George Lang, Vice President

Lee Wong

Lee Wong, Trustee

ABSTAINED

Yes / No

YES

Yes / No

Yes

Yes / No

ATTEST:

Patricia Williams

Patricia Williams, Township Fiscal Officer

APPROVED AS TO FORM:

Donald L. Crain

Donald L. Crain, Law Director

CERTIFICATE OF PUBLICATION

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