

RESOLUTION NO. 20 – 2008

**RESOLUTION APPROVING A ZONING MAP AMENDMENT
FROM “A-1” TO “R-PUD” AND PRELIMINARY DEVELOPMENT PLAN
FOR CASE #01-08 THE OAKS OF WEST CHESTER TO RHEIN GUNDLER LLC**

WHEREAS, on March 18, 2008, an application was submitted to the West Chester Township Zoning Commission by Rhein Gundler LLC (ZC Case #01-08) for a Zoning Map Amendment from “A-1” to “R-PUD” for 85.011 acres of land, and a Preliminary Development Plan containing 114 single-family residential lots, a clubhouse with a pool and reserved open space areas; and,

WHEREAS, on April 22, 2008, 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 May 19, 2008, 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 was held before the West Chester Township Board of Trustees on June 24, 2008 as applied for by Rhein Gundler LLC; 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 “A-1” to “R-PUD” and Preliminary Development Plan for the aforesaid application with the following conditions:

SECTION 1. The necessary right-of-way along Barret Road shall be dedicated as it is required by the Butler County Thoroughfare Plan, including right-of-way on the west side of Barret Road. Additional right-of-way may be necessary on the west side of Barret Road for future road improvements, and the necessity of said additional right-of-way shall be determined by the Butler County Engineer’s Office. The dedicated right-of-way shall be reflected on all Final Development Plans and shall be dedicated prior to the issuance of any Zoning Certificate.

SECTION 2. All improvements to Barret Road that are required by the BCEO, shall be reflected on all Final Development Plans, which shall be completed at the expense of the applicant and/or developer. Any recommended improvements of the Traffic Study shall be required, as approved by the BCEO. Prior to the issuance of any Zoning Certificate, the developer shall post the necessary bonds guaranteeing construction of the improvements as determined by the approved subdivision plat.

SECTION 3. All public roadways shall be constructed as required by the BCEO standards for public roads unless otherwise approved at the Final Development Plan stage by the BCEO and West Chester Community Development Department. All private roadways shall be constructed to public road standards, with regard to material and compaction. All roadways (public and private) may not exceed a slope of 10%, unless otherwise approved by the West Chester Fire Department, West Chester Roads Department and Butler County Engineer's Office. Any Final Development Plan that requests a slope that is greater than 10%, shall designate it appropriately on the plans and an approval letter from all the aforementioned agencies shall be submitted with the application.

SECTION 4. Building setbacks shall be approved as labeled in the "Project Data" on the approved Preliminary Development Plan, which specifies that there is a 20' minimum required between all houses. At the Final Development Plan stage, all setbacks shall be labeled on all lots to ensure that it will be coordinated that no house will be closer than 20 feet to another house.

SECTION 5. The exterior building materials for all primary structures and detached garages shall be restricted to the following requirements: The entire first floor portion of the front, side and rear exterior wall areas shall be constructed of brick, stone, cultured stone, or other masonry finish determined to be substantially similar by Staff. The areas of the first floor portions expressly excluded from the above stated materials shall include areas where normal building practices prohibit the use of the materials stated above, including but not limited to gas fireplace insert cantilever, gables, overhangs, kitchen and other bays, and other types of protrusions that structurally preclude the use of the above stated materials. All other exterior wall areas may be constructed of the above listed materials. Any request for variation from these guidelines shall be reviewed by the developer and presented to the West Chester Township Planner. The West Chester Township Planner shall approve or deny the proposed variation in writing within ten (10) working days, however, failure to do so shall not constitute approval. In no event shall any exterior wall contain less than 50% coverage of the specified approved masonry materials.

SECTION 6. A Home Owner's Association and Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements shall be created, which shall be responsible for the following, which shall be specified in the Home Owner's Association declaration: 1)keeping all open space and green space areas free from litter and debris; 2)maintain all drainage ways and retention/detention basins (including the retention basin on the west side of Barret Road) to perform their designated function; 3)maintain all landscaping as approved on the Final Development Plan; 4)maintain the pedestrian paths along Barret Road, through the subdivision and connecting into Keehner Park; 5)maintain all shared private driveways; 6)maintain all entryway signs; and 7)maintain the clubhouse and pool. A draft copy of the Home Owner's Association and Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements shall be submitted with the Final Development Plan for review and approval, and must be recorded prior to the issuance of any Zoning Certificate.

SECTION 7. The retention pond on the west side of Barret Road shall be platted as part of this subdivision, and the HOA shall be responsible for the maintenance.

SECTION 8. Detailed plans for all open space and green space areas shall be submitted in conjunction with a Final Development Plan. Prior to the issuance of a Zoning Certificate, all open space and green space areas, as illustrated on the approved FDP, shall be recorded as permanent open space and dedicated to an established Home Owner's Association, and a public use easement shall be recorded for the pedestrian path to ensure the general public's use of the path. A draft copy of the public use easement shall

be submitted with the Final Development Plan for review and approval, and must be recorded prior to the issuance of any Zoning Certificate.

SECTION 9. A detailed landscaping plan shall be submitted with all Final Development Plans, which shall include street trees on all roads and landscaping at the main entrances.

SECTION 10. Subdivision entrance monuments may be permitted and shall require Final Development Plan approval.

SECTION 11. All phases at Final Development Plan stage shall include a detailed drainage plan and calculations prepared and stamped by a professional engineer, which shall meet the approval of the BCEO. In conjunction with the submittal of a Final Development Plan application, an approval letter and responsive comments shall be provided from the BCEO regarding the detailed drainage plan. The exact location and design of any retention or detention facility shall be approved at the Final Development Plan stage, which shall be designed and constructed in a way as to deter water foul from attraction and habitation of the retention pond.

SECTION 12. All private drives to be shared by multiple lot owners shall require a cross access easement, which shall be illustrated on all Final Development Plans and recorded as such. Documentation of the recorded easement shall be provided to the West Chester Community Development Department, prior to the issuance of a Zoning Certificate for any structure using the private drive.

SECTION 13. A public use easement shall be required for all 10' asphalt paths and 6' concrete sidewalks that are located outside of the right-of-way, in addition to an easement for the 4' sidewalk connection to Keehner Park on Lot 114. A draft copy of the easements shall be submitted with the FDP and shall be subject to approval by the West Chester Community Development Department. Documentation of the recorded easements shall be provided to the West Chester Community Development Department, prior to the issuance of a Zoning Certificate for any structure using the private drive.

SECTION 14. All concerns of the BCEO shall be addressed and reflected on the Final Development Plan.

SECTION 15. All private drives that are shared by multiple lots shall be 24' wide and constructed to support the weight of a fire truck, accommodate the turning movements of a fire truck, include a hammer head/turnaround if it is not a through street, and have county water mains and fire hydrants meeting fire code requirements, or as otherwise approved by the West Chester Fire Department, all of which shall be reflected on the Final Development Plan.

SECTION 16. A secondary access point from Street A shall be provided prior to the recording of the record plat for the 62nd lot, or as otherwise determined necessary by the West Chester Fire Department.

SECTION 17. At the Final Development Plan stage, the developer shall submit a tree preservation study to the Zoning Commission that will define the limits of the tree canopy to be preserved along Barrett Road, and the measures to be taken to maintain the trees and protect their health during the construction phase. A substantial buffer of trees shall be kept along Barrett Road, and where mature trees must be removed for construction within the defined buffer, they shall be replaced with a minimum 2 1/2" caliper tree elsewhere within the development in open space and/or along the pathway and/or along the streets including Barrett Road. The study shall also identify existing trees to be preserved within the development

and measures to be taken to protect such trees, in particular, care shall be taken to preserve natural clusters and mature trees in green space areas.

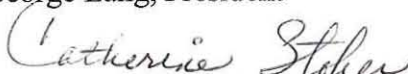
BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval.

Adopted this 8th day of July, 2008.



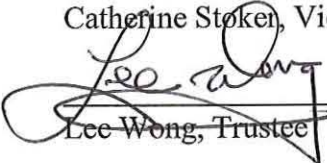
George Lang, President

YES
Yes / No



Catherine Stoker, Vice President

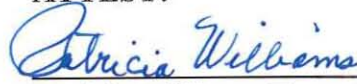
YES
Yes / No



Lee Wong, Trustee

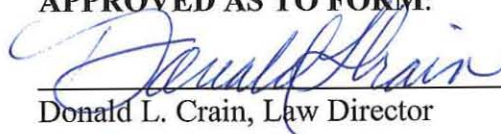
YES
Yes / No

ATTEST:



Patricia Williams, Township Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director

