

RESOLUTION NO. 34 - 2007

**RESOLUTION APPROVING A ZONING MAP AMENDMENT
FROM "R-1A" TO "R-PUD" FOR CASE #01-07 THE VILLAS AT PARK PLACE
TO FOUNDATION DEVELOPMENT GROUP, LLC.**

WHEREAS, on July 13, 2007, an application was submitted to the West Chester Township Zoning Commission by Foundation Development Group LLC for a Zoning Map Amendment for 11.704 acres of land from "Suburban Residence District" (R-1A) to "Residential Planned Unit Development" (R-PUD) and simultaneous Preliminary Development Plan approval that consists of a multi-family development with 48 units (12 buildings) with a clubhouse; and,

WHEREAS, on August 14, 2007, 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 August 20, 2007, the West Chester 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 September 25, 2007 as applied for by Foundation Development Group, 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 and conditions of approval of the West Chester Township Zoning Commission and does hereby approve the application for a Zoning Map Amendment from "R-1A" to "R-PUD" and Preliminary Development Plan for the aforesaid application with the following conditions:

SECTION 1. At the Final Development Stage the applicant shall submit a detailed drainage plan per the requirements of the BCEO, which may include a flood study per the Butler County Flood Damage Prevention Regulations since the property contains a USGS Blueline stream. The detention pond shall be designed in a manner to deter water fowl from attraction and habitation of the pond, and the specific methods shall be noted on the Final Development Plan and installed prior to the issuance of any Final Zoning Certificate. The Property Owner's Association shall be responsible for additional goose control methods if goose population becomes a problem, and a continuous effort shall be made to control and disperse the geese.

SECTION 2. The FDP shall illustrate the appropriate right-of-way dedication on Beckett Road as required by the Butler County Thoroughfare Plan. The right-of-way shall be dedicated prior to the issuance of any Zoning Certificates.

SECTION 3. All roadways shall be approved at the Final Development Plan stage, which shall be constructed to Butler County standards regarding base materials and compaction, and shall satisfy any concerns of the BCEO, West Chester Planning & Zoning Department and West Chester Fire Department.

SECTION 4. The roadways, turning radii and fire hydrant locations shall be subject to approval by the West Chester Fire Department and reflected appropriately on the Final Development Plan.

SECTION 5. A temporary construction easement shall be recorded, which shall allow the future developer of the adjoining property to the west the legal right to enter the property for the purpose of providing a sidewalk connection to the stubbed sidewalk on the subject parcel. A draft copy of the easement shall be submitted with the FDP and shall be recorded prior to the issuance of any Zoning Certificate.

SECTION 6. At the Final Development Plan stage, specifications of the Alternate Emergency Access shall be provided, which shall meet the approval of the West Chester Fire Department. The timing of the installation shall be at the discretion of the West Chester Fire Department. An additional emergency access on the north property line (between Buildings 10 and 11) shall be discussed with the West Chester Fire Department to determine its feasibility. A letter from the West Chester Fire Department shall be submitted with the Final Development Plan regarding the resolution of these issues.

SECTION 7. Specific details regarding building design, materials, floor plans, etc shall be provided at the Final Development Plan stage. In addition, the Final Development Plan shall note where the specific models (Chateau, Villa, Abbey and Canterbury) will be located. Due to the limited size of the "Villa" model, the total number of Villa models shall be restricted to 4 units in the overall development.

SECTION 8. At the Final Development Plan stage, specific details shall be provided for the entryway sign with regard to size, height, building materials, and lighting. The sign shall not obstruct sight distance on Beckett Road, and shall be designed and located appropriately to encourage safe use of the sidewalk that passes through the entrance.

SECTION 9. At the Final Development Plan stage, a detailed landscaping plan shall be provided, which shall reflect the following: 1)Extensive landscaping along the Beckett Road frontage where there is adequate space for the purpose of providing a buffer from the roadway; 2)Landscaping to screen any garage doors that are visible from Beckett Road and/or the main entrance; 3)The existing vegetation along the south, west and north property lines, which shall be preserved and noted accordingly on the plan; 4)All landscaping shall be irrigated with a permanently installed system.

SECTION 10. The location of all sidewalks and walking paths shall be approved at the Final Development Plan stage, which at a minimum shall include a 5' sidewalk across the entire Beckett Road frontage and a sidewalk through the development that will be connected to the adjoining property to the west when that property develops.

SECTION 11. The Final Development Plan shall specifically note where the individual property lines will be located for each unit (footprint only, or also include the driveway, patio area, etc.)

SECTION 12. 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)To maintain in good condition all roadways, driveways, sidewalks, building exteriors, pool, patios, fences, signs, etc; 2)Keeping all open space

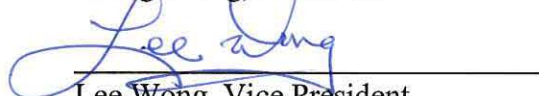
and green space areas free from litter and debris; 3) Maintain all drainage ways and retention/detention basins to perform their designated function; 4) Maintain landscaping in good condition as illustrated on the Final Development Plan, in addition to the landscaping and lawn adjacent to each unit. The Home Owner's Association agreement shall also prohibit the rental of units (reasonable short-term exceptions may apply); 5) Maintain all goose control applications, and if necessary provide a continuous effort to disperse the geese with additional methods if it becomes a problem. 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 must be recorded prior to the issuance of any Zoning Certificate.

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


Adopted this 9th day of October, 2007.


George Lang, President

YES
Yes / No



Lee Wong, Vice President

Yes
Yes / No


Catherine Stoker, Trustee

YES
Yes / No

ATTEST:


Patricia Williams, Township Fiscal Officer

APPROVED AS TO FORM:


Donald L. Crain, Law Director

CERTIFICATE OF PUBLICATION

September 25, 2007

Date

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Date

October 9, 2007

Date

Emergency Reading

Second Reading

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Date and Newspaper

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Patricia Williams 10/31/07

Township Fiscal Officer Signature & Date

Certificate of Publication