

RESOLUTION NO. 35 - 2007

**RESOLUTION APPROVING A ZONING MAP AMENDMENT
FROM "A-1" TO "C-PUD" FOR CASE #02-07 TYLERSVILLE FARM
TO MIDLAND ATLANTIC DEVELOPMENT**

WHEREAS, on July 17, 2007, an application was submitted to the West Chester Township Zoning Commission by Midland Atlantic Development for a Zoning Map Amendment for 9.147 acres of land from "Agricultural" (A-1) to "Commercial Planned Unit Development" (C-PUD) and simultaneous Preliminary Development Plan approval that consists of a multi-tenant retail center, and the roadway extension of Doc Drive through the property and two outlots; 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 Midland Atlantic Development; 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 "A-1" to "C-PUD" and Preliminary Development Plan for the aforesaid application with the following conditions:

SECTION 1. The site plans for the two outlots shall be approved at the Final Development Plan stage. The outlots shall be restricted to one curb-cut each, with the potential of an additional shared curb-cut as determined appropriate by the Zoning Commission at the Final Development Plan stage.

SECTION 2. Permitted uses shall include the Principal Permitted Uses of the B-1 and B-2 Districts, excluding Subsection 21.023, 22.022, 22.023, 22.024, 22.0241, 22.026, 22.027, 22.028, 22.0211 and 22.0212.

SECTION 3. Building signage shall be pursuant to Article 20 of the West Chester Township Zoning Resolution. One monument sign shall be permitted for each of the outlots, 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 incorporate a design that is similar in nature to the monument signs approved for other C-PUD's in the Township (i.e. VOA, University Pointe, Dudley, etc.). Any monument signage for the retail center shall be approved at the Final Development Plan stage.

SECTION 4. A Traffic Impact Study (TIS) shall be prepared by a professional engineer to ensure that the anticipated traffic volumes can be accommodated, which shall be subject the approval of the BCEO. Upon submittal of the first Final Development Plan, a copy of the TIS shall be provided with an approval letter from the BCEO. Any recommendations of the TIS shall be incorporated into the Final Development Plan.

SECTION 5. A Preliminary Drainage Study for the entire site shall be prepared by a professional engineer to ensure that the anticipated storm water runoff volumes are accommodated, which shall be subject to the approval of the BCEO. Upon submittal of the first Final Development Plan, a copy of the Preliminary Drainage Study shall be provided with an approval letter from the BCEO. All Final Development Plans shall include a detailed drainage plan and calculations prepared and stamped by a professional engineer, which shall be subject to approval of the BCEO.

SECTION 6. At the Final Development Plan stage, the applicant shall provide detailed building elevations, which shall reflect high quality building materials such as stone and brick. Since the rear of the retail center will be highly visible from the adjacent office buildings and hospital, the rear elevations should use higher quality materials. Also, since the outlots are highly visible with roadways to the north and south, the buildings shall be designed with high quality materials on all sides, and the north and south elevations shall have the appearance of a building "front."

SECTION 7. At the Final Development Plan stage, the applicant shall provide a detailed Landscape Plan, which shall reflect extensive landscaping throughout the site, especially in highly visible locations. Landscaping shall also be provided at the rear of the building to screen the rear elevations. All landscaping shall be irrigated.

SECTION 8. At the Final Development Plan stage, a photometric study shall be provided, which shall demonstrate that the foot-candles are being minimized at the property lines. Specific details for the light fixtures shall also be provided, which shall reflect a flat lens design to minimize light spillover.

SECTION 9. At the Final Development Plan stage, the applicant shall coordinate the site and parking layout with the West Chester Fire Department to ensure that appropriate fire protection can be provided and maintained.

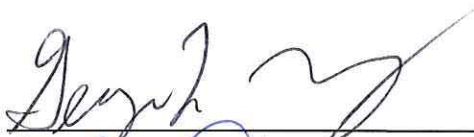
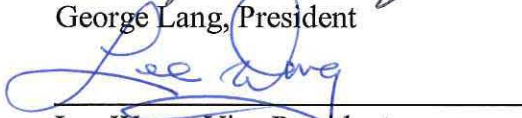
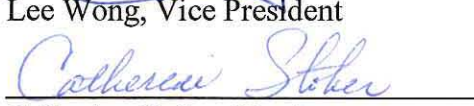
SECTION 10. At the Final Development Plan stage, cross-access easements shall be provided for Doc Drive, the access drive at the north side of the property, and the shared access drive on the adjacent property to the east. A draft copy of the easements shall be submitted with the Final Development Plan. Prior to the recording of the easement, it shall first meet the approval of the West Chester Department of Planning & Zoning. Stipulations may be permitted in the cross-access easement for Doc Drive, to withhold easement rights from a property owner until reciprocal easement rights are granted, as determined appropriate by the West Chester Department of Planning & Zoning.

SECTION 11. All proposed curb-cuts, roadways and access drives shall be constructed as approved by the Butler County Engineer's Office and the West Chester Zoning Commission. All islands in the parking areas shall be landscape islands with a concrete curb, instead of painted islands, except for the repainted parking lot islands on the Home Depot site.


SECTION 12. A Property Owner's Association 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 access drives and parking areas; 3)All sidewalks and any other approved pedestrian pathways; 4)All drainage ways, which shall be maintained to perform its designated function; and 5)All landscaping as illustrated on the approved FDP. A draft copy of the POA documents shall be submitted in conjunction with the application requesting a lot split. Prior to the recording of the POA documents, they shall first meet the approval of the West Chester Department of Planning & Zoning. Documentation of all recorded POA documents shall be provided to the West Chester Department of Planning & Zoning 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	<u>YES</u> Yes / No
 _____ Lee Wong, Vice President	<u>Yes</u> Yes / No
 _____ Catherine Stoker, Trustee	<u>YES</u> Yes / No

ATTEST:



Patricia Williams, Township Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director

CERTIFICATE OF PUBLICATION

September 25, 2007

Date

First Reading

Emergency Reading

Date

October 9, 2007

Date

Second Reading

October 15, 2007 Journal News

Date and Newspaper

First Publication
(After Approval)

October 18, 2007 Pulse Journal

October 22, 2007 Journal News

Date and Newspaper

Second Publication
(After Approval)

October 25, 2007 Pulse Journal

Patricia Williams, 12/31/07

Township Fiscal Officer Signature & Date

Certificate of Publication