

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
May 18, 2015**

MEMBERS PRESENT: Jim Williams, Doug Rinnert,
Art Hupp, Bruce Fisher

MEMBERS ABSENT: Susan Hendel, Jim Hahn

STAFF PRESENT: Michael Juengling, Director
Vicki Sparks, Administrative Assistant

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 7:20 p.m.

Mr. Williams called the meeting to order. Mr. Juengling called the roll.

April minutes are not available at this time.

Glenview Farm Estates-RFDP, 03-15-A

Request: Relief from Resolution 14-20 Condition 12
Applicant: Foxborough, LLC

Mr. Juengling stated that the applicant is requesting that the portion of the concrete pedestrian path located in the right-of-way of Hamilton-Mason Rd, originally specified under Condition 12 be eliminated. The original plan was to extend it to the intersection. Applicant is asking that they not require that portion. ODOT does not feel this would be practical due to the steep hill. Mr. Juengling stated that the motion tonight is to not require that leg. The commissioners gave Mr. Juengling the authority to make adjustments however Mr. Juengling felt that was over stepping the bounds therefore bringing it back before the ZC board. Staff agrees with the applicant to forego this portion.

Mr. Williams feels that based on ODOT's position that it ties up ZC's hands. All agree that the board approves staff's recommendation.

This case has been approved with the staff's recommendation and is part of the official record.

OWC-RCO-188 Reach Out Lakota

Mr. Juengling stated that the property is located at 6561 Station Road in Olde West Chester. Applicant seeking approval for a major change for a building addition at Reach Out Lakota. This is considered a major change in the Olde West Chester district as opposed to a major change to a PUD. Applicant is Hutsenpillar Contractors, Inc.

Mr. Juengling stated that in April of 2006, the Olde West Chester Architectural Advisory Committee and the West Chester Zoning Commission granted a Major Use Change and a building to be built for Reach Out Lakota. The applicant is requesting approval for a building addition and a reduction of the front yard

setback requirement from 30 feet to 6-3/4" from the right-of-way.

The addition is to be constructed of brick per the submitted plans to match the existing building. All requirements of the Butler County Engineers Office regarding the setback from the Station Road right-of-way so as not to impede the realignment plans for the Cincinnati-Dayton Road / Station Road intersection are to be met.

All requirements of the Butler County Flood Plain Manager and the Butler County Flood Hazard regulations are to be met.

The West Chester Community Development Department shall be authorized but not required to approve minimal changes to the plan.

Other agency comments:

West Chester Fire Department – all construction is to be in accordance with applicable codes and regulations.

Butler County Flood Plain Manager – all work on the property shall comply with all requirements of the Butler County Flood Damage Prevention Regulations. A floodplain development permit will be required.

Butler County Engineers Office - Verification is to be provided to verify the location of the Station Road right-of-way. A grading plan is to be submitted. There is a planned roadway project that currently grades within the remaining right-of-way area. Grading must be coordinated with the roadway project. If a retaining wall is required, the wall shall be outside of the right-of-way. This may affect the buildable area for the building.

Submit a site plan that shows the 100 year flood plain, as well as mitigation plans.

Olde West Chester Architectural Advisory Committee met on May 6, 2015 conducted a public meeting and recommended approval of the aforesaid application for architectural characteristics.

The West Chester Zoning Commission is to approve, approve with modifications, or deny the aforesaid application, unless additional information is deemed necessary.

Mr. Williams wanted to clarify that the front yard setback requirement is correct. Mr. Juengling stated that it is correct.

Mr. Hupp asked is there any reason why they couldn't add on to the building at the other end rather than going so close to the other end. Mr. Juengling stated there is parking at the other end and from what's been described; the addition is going to be for storage and the way the current floor plan is the storage at the north end of the building. If put at the other end, they would lose some parking and the interior floor would need to be adjusted.

Mr. Fisher asked if there was a sidewalk on the left side of the street along Station Rd. Mr. Juengling stated there is not.

Applicant Bob Hutsenpiller
 7404 Liberty One Dr.
 Liberty Township, OH 45044

We are a drop off center for Reach Out Lakota. I sit on the board of the community foundation. We've given them a \$15,000 grant for their expansion. The problem is they lease the ground from the church. They cannot expand to the south because of the church parking. The expansion wasn't planned early on

for the north side of the road and BCEO took additional right of way to handle the new intersection which squeezed on to the addition. This is the best scenario that they could come up with. The existing building is on a crawl space, the new addition will be on a slab at the same elevation. The MOE's are met for the flood elevation. The foundation acts as a retaining wall.

Mr. Williams asked what the space will be used for. Mr. Hutsenpiller – storage and clothing.

Mr. Fisher states so there's no reason for a retaining wall to be built? Mr. Hutsenpiller – No, the foundation is the retaining wall.

Mr. Hupp – did you consider going to the back of the building? Mr. Hutsenpiller said yes but the church also has parking there.

Mr. Hupp asked about the sign on the side of the building. Mr. Hutsenpiller stated the sign does not go back up. The brick will be matched as close as possible.

No one spoke for, against, or neutral regarding this case.

Public portion closed.

Bruce Fisher – since the OWAAC gave them a thumbs up; I see that as a big positive.

Mr. Rinnert makes a motion to approve OWC-RCO-188 Reach Out Lakota with all staff comments and other agency comments. Mr. Hupp seconds the motion.

Cases passes 4 – 0.

RFDP 05-15-A Village At The Streets of West Chester

Mr. Hupp recused himself. Mr. Williams asked the applicant if he was ok with 3 board members voting on this case. 2-1 will pass the case.

Mr. Juengling stated the location of property is located within the Village of the Streets of West Chester; Village Center Ave. Applicant is requesting a revision to a Final Development Plan approval to revise the unit mix from 50% one bedroom and 50% two bedroom units to 35% one bedroom and 65% two bedroom units. The applicant is TA@SOW, LLC. The property is currently called Savoy at the Streets of West Chester. On June 22, 2004 the West Chester Township Trustees granted approval with conditions to Village at the Streets of West Chester, LLC for a Zoning Map Amendment for 32.461 acres of land from CBD to SP-PUD for 332 condominium/townhomes. On December 20, 2004, the West Chester Zoning Commission approved a Revised Preliminary Development Plan for layout Revisions to accommodate for Flood Plain requirements. On May 16, 2005 the Zoning Commission approved a Final Development Plan for Phase I of the development, which included 141 owner occupied condominium units. On February 22, 2010 Zoning Commission approved a Revised Preliminary Development Plan for detail changes to the plan. On February 28, 2011 Zoning Commission approved a Revised Final Development Plan for the Townhome portion of the development which included 60 owner-occupied townhome units. On October 15, 2012 Zoning Commission approved a Revised Preliminary Development Plan to allow the previously approved 272 condominium units to be changed to luxury apartments with related amenities. On December 17, 2012 Zoning Commission approved, with conditions a Final Development Plan for the 272 apartment units. One condition (Resolution 12-15; Condition #2) stated "A unit mix of 50% one bedroom units and 50% two bedroom units shall be maintained, or adjusted as market demand dictates." On December 16, 2013 Zoning Commission approved a Final Development Plan for two accessory structures for the apartment development.

Mr. Juengling stated that the unit mix from 50% one bedroom units and 50% two bedroom units to 35% one bedroom units and 65% two bedroom units is substantial and could have a long term effect on the originally proposed high end, "renter by choice" concept, thereby creating more of a market rate development. Consideration should be given to something greater than 35% one bedroom units. All other conditions of the prior approval should remain in effect.

We received no other comments back from other agencies.

ACTION:

The West Chester Township Zoning Commission is to approve, approve with modifications, or deny the aforesaid application, unless additional information is deemed necessary to make a decision.

Mr. Fisher – is there any difference in the increase in the amount of total units?

Mr. Juengling – No, just the mix of 1 and 2 bedroom units.

Mr. Williams – if staff is strongly recommending or providing language that says something greater than 35% one bedroom units; what are you thinking?

Mr. Juengling – staff isn't opposed to the 35% but trying to stick with the renter by choice; the upper end apartments for empty nesters and millennials that are just out of school. We think something greater than 35 is more appropriate. Even more around the 40% range for 1 bedroom would be more acceptable to staff.

Applicant: Michael Copfer
TA@SOW, LLC
4901 Hunt Road, Suite 300
Cincinnati, OH 45242

Mr. Copfer handed out new pamphlet of the changes and reviewed the material piece. The statistics show that the larger apartments are being leased more than the smaller. With the observations and statistics we are asking to change the unit mix but I'm really asking to build 39 closets to meet our market demand. I respectfully ask for your approval.

Questions:

Mr. Fisher asked how much each bedroom is renting for.

Mr. Copfer – on average – 1 bedroom unit \$1,060; 1 bedroom with den \$1,309; 2 bedroom unit \$1,430; 2 bedroom with den \$1,600.

Close public portion and begin deliberations.

Mr. Williams – given the information; the change would be somewhat acceptable.

Mr. Fisher – agrees

Mr. Rinnert – would lean more towards 40%

Mr. Juengling – staff was interested in keeping it at 40% to keeping it with the high-end apartments. I think it will still be maintained at the 35% according to the data.

Mr. Rinnert makes a motion to approve RFDP-05-15-A Village at the Streets of West Chester; Savoy with all staff recommendations and changing it to 35% one bedroom with den and 65% 2 bedrooms.

Mr. Fisher seconds the motion.

Case passes 3-0

Administrative Matters:

Communication & Miscellaneous Business

Mr. Williams commended Vicki Sparks for her 30 years of overall service; West Chester and Liberty Township. Specifically the last 18 years to West Chester Township.

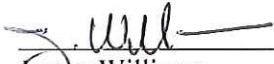
Mr. Williams stated that the next scheduled meeting would be June 15, 2015 at 6:30 p.m.

The Commission voted unanimously to adjourn.

These Minutes do not purport to be the entire record. A complete transcription of these proceedings was taken under supervision of the Secretary from an audio tape and may be obtained upon written request. Any charges for preparing such transcripts shall be borne by the person requesting same and must be prepaid.

Chairman:

Secretary:


James Williams


Michael Juengling

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 15-5
GLENVIEW FARM ESTATES – 7287 PRINCETON-GLENDALE ROAD, RFDP**

WHEREAS, On April 26, 2005, the West Chester Township Board of Trustees granted approval with conditions to Foxborough, LLC (ZC Case #02-05) a Zoning Map Amendment from “A-1” to “R-PUD” for 83± acres of land, and a Preliminary Development Plan Containing 110 single-family residential lots and reserved open space areas; and,

WHEREAS, on September 19, 2005, the West Chester Zoning Commission granted Final Development Plan approval for Phase 1 of the Glenview Farm Estates development, which included 55 single-family residential lots, pool house; and,

WHEREAS, on May 19, 2014, the West Chester Zoning Commission granted Revised Preliminary Development plan approval for Phase 2 of the Glenview Farm Estates development, which included reducing the width of 54 lots from 100’ to 90’, eliminating the loop road, reducing the road width from 28’ to 25’, reducing the overall lot count by 1 and related modifications to the originally approved layout; and,

WHEREAS, on August 18, 2014, the West Chester Township Zoning Commission granted Final Development Plan approval for Phase 2, including 16 conditions, including to provide a buffer for Lots 69 and 77 thru 83, as well as the installation of a pedestrian path along Hamilton-Mason Rd.

WHEREAS, on February 4, 2015 an application was submitted by Foxbrough, LLC requesting that the condition of planting trees in the rear of lots 69 and 77 thru 83 be eliminated and the condition requiring a pedestrian path along Hamilton-Mason Rd. be modified to eliminate that portion of the path that is to be located in the road right-of-way.

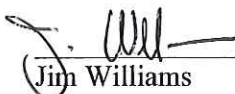
NOW, THEREFORE BE IT RESOLVED that the West Chester Township Zoning Commission does hereby approve said Revised Final Development Plan subject to staff comments and to modify condition #12 of Resolution #14-20 to state the developer is to work with staff to continue the path through the open space to the intersection and to open the path for public use and to remove condition #10 from Resolution #14.20.

BE IT FURTHER RESOLVED that all plats, plans, applications, and other data submitted are hereby incorporated in this approval as modified by this resolution. This action shall take effect this 16th day of March 2015.

West Chester Township
Butler County

Chairman:

Secretary:



Jim Williams



Michael E. Juengling
Community Development Director

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 15-14
REACH OUT LAKOTA ADDITION OWC-RCO 188**

WHEREAS, on April 14, 2015, Hutsenpiller Contractors Inc. submitted an application for a Major Use Change located at 6561 Station Road for an addition to the existing structure of Reach Out Lakota; and,

WHEREAS, on May 6, 2015, the Olde West Chester Architectural Advisory Committee conducted a public meeting and recommended approval for the aforesaid application with conditions; and,

WHEREAS, on May 18, 2015 the West Chester Township Zoning Commission conducted a public meeting for said application.

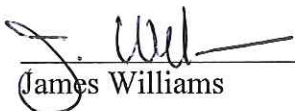
NOW THEREFORE BE IT RESOLVED, that the West Chester Township Zoning Commission does hereby approve of said Major Use Change for the aforesaid application at 6561 Station Road consistent with the submitted site plan and building elevations with the following conditions:

1. Grading must be coordinated with and approved by the Butler County Engineers Office. All structures including any required retaining wall shall stay outside the right-of-way and setback area. All requirements of the Butler County Engineers Office regarding the setback from the Station Road right-of-way are to be met so as not to impede the realignment plans for the Cincinnati-Dayton Road / Station Road intersection.
2. The addition is to be constructed of brick per the submitted plans in order to match the existing building.
3. All requirements of the Butler County Flood Plain Manager and the Butler County Flood Hazard Regulations are to be met.
4. The West Chester Planning & Zoning Department staff shall be authorized to approve minimal changes to the plans.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval. This action shall take effect this 18th day of May, 2015.

West Chester Township
Butler County

Chairman:


James Williams

Secretary:


Michael Juengling
Community Development Director

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 15-15
VILLAGE AT THE STREETS OF WEST CHESTER
SAVOY, RFDP**

WHEREAS, on June 22, 2004, the West Chester Township Trustees granted approval with conditions to Village at the Streets of West Chester, LLC (06-04) for a Zoning Map Amendment for 32.461 acres of land from "CBD" to "SP-PUD" and a Preliminary Development Plan that contained an urban designed residential village with 332 condominiums/townhomes and a limited commercial component; and,

WHEREAS, on December 20, 2004, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan for layout revisions to the previously approved plan to accommodate the FEMA Floodplain requirements; and,

WHEREAS, on May 16, 2005 the West Chester Township Zoning Commission approved a Final Development Plan for Phase I of the development, which includes 141 owner-occupied condominium units, 60 owner-occupied townhome units, Village Green area, roadways and common areas; and,

WHEREAS, on February 22, 2010, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan for detail changes to the plan; and,

WHEREAS, on February 28, 2011 the West Chester Township Zoning Commission approved a Revised Final Development Plan for the townhome portion of the development, which included 60 owner-occupied townhome units; and,

WHEREAS, on October 15, 2012, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan allowing the previously approved 272 condominium units to be changed to luxury apartment units with related amenities; and,

WHEREAS, on December 17, 2012, the West Chester Township Zoning Commission approved a Final Development Plan for 272 luxury apartment units and related amenities; and,

WHEREAS, on November 8, 2013, the West Chester Township Zoning Commission approved a Revised Final Development Plan for two accessory structures for the apartment development, which included a maintenance building and a detached six-bay garage structure; and,

WHEREAS, on April 14, 2015, an application was submitted by TA@SOW, LLC for Revised Final Development Plan approval to modify the unit mix of 50% one bedroom and 50% two bedroom to 35% one bedroom and 65% two bedroom; and,

WHEREAS, on May 18, 2015, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

NOW THEREFORE BE IT RESOLVED, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve said Revised Final Development Plan for the aforesaid application consistent with the submitted site plan with the following conditions:


1. A total number of 272 apartment units are approved. A unit mix of 35% one bedroom units and 65% two bedroom units shall be maintained. During the permit review for each building, the exact number of one bedroom and two bedroom units shall be clearly labeled on the plan. In addition, a running total for the entire apartment development shall be provided by the applicant for all the units that have been constructed, or permitted to be constructed, to-date at the time of permit application. The floor plans shall be generally consistent with the floor plans that were provided with regard to layout. Also during the permit review for each building, the individual floor plans for each unit shall be illustrated on the plans and each unit shall be clearly labeled as to the unit type (1 BR, 1BR + Den, 2BR or 2BR + Den) and unit size. The rent levels shall be consistent with the targeted "renter by choice" demographic.
2. The West Chester Community Development Department Staff shall be authorized to approve minimal revisions to the approved RFDP. Any changes to the plan that are required by other agencies (Butler County Engineers Office, Butler County Building Department, West Chester Fire Department, etc.) shall be subject to approval by the West Chester Township Community Development Department.
3. All other conditions of previous approvals shall continue to apply.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval as modified by this resolution. This action shall take effect this 18th day of May 2015.

West Chester Township
Butler County

Chairman:

Secretary:



James Williams



Michael Juengling
Community Development Department