

**WEST CHESTER TOWNSHIP  
ZONING COMMISSION  
February 22, 2016**

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

MEMBERS ABSENT:

STAFF PRESENT: Michael Juengling, Director  
Timothy Dawson, Township Planner  
Beverly Worley, Administrative Assistant

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 7:42 p.m.

Mr. Hahn called the meeting to order. Mr. Dawson called the roll.

Minutes were presented from the Zoning Commission meeting from January 25, 2016 and approved as submitted.

Mr. Dawson was sworn in by Mr. Hahn.  
Mr. Dawson swore in case participants.

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**Springs at West Chester – FDP, 01-16-A**

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The applicant is Continental 323 Fund LLC. They are requesting a Final Development Plan approval to develop a 308 unit multi-family residential development with club house.

The subject property is located along West Chester Road, approximately 345 feet west of Union Centre Blvd.

Subject property consists of 19.31 acres having approximately 1255 feet of frontage on West Chester Road. The site is characterized as flat, rolling, partially vegetated with mature trees along the south and west property lines with an existing retail use (Garden Store) consisting of mostly open space with a portion of the Mill Creek along the northwest corner of the site.

The West Chester Board of Trustees approved a Zoning Map Amendment from M-2 (General Industrial District) to R-PUD (Residential Planned Unit Development District) on October 27, 2015, in conjunction with a Preliminary Development Plan for a 308 unit, multi-family apartment development with a clubhouse and pool on 19.314 acres.

The conditions placed on the preliminary approval specifically address the 5' sidewalk along West Chester Road with conformity of the building design along with the LUP recommendations / unit mix of the buildings/ and interior unit and sight amenities .

The applicant is requesting a Final Development Plan approval for a 308 unit, multi-family development with clubhouse and pool. The applicant is proposing (7) two and three-story residential buildings containing 24 multi-family units per building as well as (7) two and three-story residential buildings containing 20 multi-family units per building. These buildings consist of 154 (50%) studio & one-bedroom units, 126 (41%) two-bedroom units and 28 (9%) three-bedroom units. There are a total of 308 units at 16.96 units per acre. They are also proposing 535 parking spaces – on and off street at a ratio of 1.74 spaces per unit. The Zoning Resolution requires 616 parking spaces at a ratio of 2 spaces per unit. The applicant is providing 43.5% open space where 20% is required.

The design of the G24 units has been maintained from the preliminary approval. The layout of the building consists of studios, one-bedroom units, two- bedroom units, & three-bedroom units. The layout is consistent on all three floors.

The B20 building elevations have been revised from the preliminary approval. It's more of an urban flat roof design; coming in conformance with the conditions to meet the Land Use Plan recommendation.

The layout of the 20 unit building is a little different from the 24 unit building. The garage is on the 1<sup>st</sup> floor; one is attached to the 2 & 3 bedroom. The other garage units for the other floors – they fill in as the units on the 24 unit building.

The centrally located clubhouse design is maintained from the preliminary approval. The color elevation of each building is consistent with each other and conforming to the Land Use Plan recommendation.

Accessory building and structures – perimeter fence and headwall fencing for safety along the retaining and head walls for the storm drainage into Mill Creek are in place.

#### **STAFF RECOMMENDATIONS:**

Street light locations and details have been provided, which conform to the comprehensive Land Use Plan's recommendation for an "urban streetscape" and are designed to complement the other accessory structures.

The proposed drainage plan shall meet the Butler County Engineer's Office (BCEO) requirements prior to issuance of a Final Zoning Certificate to ensure that the Storm Water Detention Area is adequate to serve the entire site.

A Traffic Impact Study was not required by the BCEO. The applicant is going to have to meet the requirements of the access way.

The main access drive on West Chester Road shall meet all BCEO requirements prior to issuance of a Final Zoning Certificate.

The proposed 5' concrete sidewalk along the West Chester Road frontage shall be installed and the appropriate easements shall be provided granting legal access to connect to the existing curb ramps at Union Centre Boulevard and Meridian Way with the maintenance responsibilities clearly defined. This easement shall be recorded, but before it is recorded, it shall first meet the approval of the West Chester Community Development Department Staff prior to the issuance of a Final Zoning Certificate.

A detailed landscape plan has been submitted, which depicts all existing trees and proposed plantings, as well as detailed elevations depicting the proposed design, materials, and height of the fences along the perimeter of the site, the pool, private yards, pet playgrounds, and dumpster enclosures. All major landscaping areas shall be installed and irrigated with a permanent system prior to issuance of a Final Zoning Certificate.

A detailed sign plan has been provided, which is proposing two wall signs and a canopy sign on the Clubhouse and two 8' tall, monument signs are proposed for the site. The two wall signs are proposed along the facade in the east and west elevations and both consist of 24 Sq. Ft. display area and are self-illuminated. The canopy sign is proposed along the south elevation and consists of 24 Sq. Ft. display area, as well, but is non-illuminated. The freestanding signs are located along the West Chester Rd. and Union Centre Blvd. right of ways and both contain 50 Sq. Ft. of display area and are self-illuminated. The West Chester Zoning Resolution limits Residential District signs to two (2) monument signs at 6' in height and 16 Sq. Ft. of display area, which does not allow for self-illumination, per the West Chester Zoning Resolution, Article 11.081. The proposed ground signs do not meet the West Chester Township Zoning Resolution, Articles 10 and 11, but are consistent with Preliminary Development Plan approval (29-2015).

#### **OTHER AGENCIES COMMENTS:**

##### Butler County Engineer's Office:

- The sidewalk width along West Chester Road shall maintain as close to a 5' width from back of curb where possible,
- The perimeter fence shall not encroach on the width of the sidewalk,
- The retaining wall shall abut the west edge of the head wall, which will move the wall out approximately 1' which will achieve the required width of the walk to be located on top of the wall,
- An elevation view of the wall with the walk shall be provided,
- Construction drawings shall be submitted and stamped by a registered Professional Engineer in the State of Ohio,
- Coordination concerning the alignment of the sidewalk at the intersection of West Chester Road and Union Centre Boulevard is on-going

Butler County Soil and Water Conservation District:

- Pet playgrounds shall have adequate waste disposal facilities available on site (waste bags and bin stations);
- A tall grass buffer shall be provided along the pet playground adjacent to the local tributary/ stream.

Butler County Health Department:

- The proposed pool shall meet Ohio Department of Health engineering plan review prior to construction.

West Chester Township Fire Department:

- All structures shall meet all applicable codes and standards;
- All structures shall be located within 400' of a fire hydrant;
- The proposed access gates shall have an alternate power source and Knox Box/ siren activation for ingress;
- The Fire Department has final approval and shall be consulted to ensure underground main remains in service should a main break occur in reference to connection locations, underground piping size, looping of the fire main, and isolation valves.

**ACTION:**

The Zoning Commission is to approve, approve with modifications, or deny the submitted Final Development Plan, unless additional information is deemed necessary to make an informed decision.

Questions:

Mr. Williams – asked what was the difference in parking spaces from the preliminary development plan to the Final Development Plan?

Mr. Dawson – it was reduced 3 spaces

**Applicant: Sara Johnson**  
**Continental 323 Fund LLC**  
**W134N8675 Executive Parkway**  
**Menomonee Falls, WI 53051**

Gave an overview of the development markets in the area and of the Final Development Plan. Reviewed the highlights of the amenities of the project. Passed around color samples of the architectural materials.

**Questions:**

No questions from the Board

**Proponents:           None**

**Opponents:           None**

**Neutral:               None**

**Deliberations**

Mr. Williams – Project is pretty straight forward. I think this is something we've seen coming for a long time. I move we accept and move forward.

Ms. Hendel – I'm fine with it. To me it's sad but it's great progress.

Mr. Hupp – I'm good with it.

Mr. Rinnert – I like it. I think it will help the area grow. Pleased to see the proper procedures took place through the channels. I'm all for this project.

Mr. Hahn – I too think it's a great project.

**Mr. Rinnert made a motion to approve Case # Springs at West Chester – FDP, 01-16-A; with the minimum conditions as recommended by staff and other agencies. Mr. Hupp seconds it.**

**Aye: Ms. Hendel, Mr. Hupp, Mr. Hahn, Mr. Williams, Mr. Rinnert**

**Nay:**

Motion carries 5 – 0

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**Keefe Property, Lot 4 – FDP, Freddy's Restaurant, 01-16-B**

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The applicant is PSP Foods, Inc. They are requesting a Final Development Plan for a restaurant on Lot 4.

The subject property is located along Tylers Place Boulevard, Cabela Drive, and Trailside Drive, approximately 720 feet south of Liberty Way.

The subject property consists of 1.459 acres and has approximately 285 feet of frontage along Cabela Drive. The site is characterized as flat and consists of vacant, open space with existing landscaping and sidewalk improvements from a prior approval of Tract 1.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from Agricultural District (A-1) to Commercial Planned Unit Development District (C-PUD) on March 9, 2004, in conjunction with a Preliminary Development Plan that defined the general uses and access points for the overall C-PUD. The intent of the Zoning Map Amendment and Preliminary Development Plan was to start with general business uses on the western portion of the development and make a transition into less intensive uses of neighborhood / business use to the west.

A Final Development Plan was approved on May 17, 2004, which included the Tylers Place Boulevard extension, the Preserve Place road section inside the C-PUD boundary, and open space improvements.

A Revised Preliminary Development Plan for Tract 1 was approved on July 21, 2014, which included four development parcels, an open space parcel, an internal private street layout, miscellaneous improvements and preliminary site details for a Cabela's retail store on Lot 3.

A Final Development Plan for Tract 1 was approved on August 18, 2014, which included improvements to Tylers Place Boulevard, the construction of the internal roadways, and several common elements, such as decorative fences, stone columns, landscaping and signage; as well as, a Final Development Plan for the construction of a 75,330 sq. ft. Cabela's retail store.

A Final Development Plan for Tract 1, Lots 1 and 2 of was approved on August 17, 2015, which included the construction of a 12,192 sq. ft., one-story building with a proposed retail and restaurant use on Lot 1 and a 9,312 sq. ft., one-story building with a proposed retail and restaurant use on Lot 2.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development) District to a SP-PUD (Special Purpose Planned Unit Development) District on January 26, 2016, in conjunction with a Preliminary Development Plan for Tracts 2 and 3, which included 150, 395 sq. ft. of mixed retail, restaurant, and office uses on Tract 2, Lot 1 and a multi-story (2 and 4 story buildings), 104 unit, multi-family residential development on Tract 3.

The applicant is requesting Final Development Plan approval for a 3,476 sf one-story building consisting of a proposed drive-thru restaurant use. They are also proposing 50 parking spaces which 23 are required. 35% open space provided which 15% is required. The applicant is providing 8 x 18 length/ width area on the parking space, zoning resolution requires 9 x 18; per article 10.171.

#### **STAFF CONSIDERATIONS:**

The proposed Final Development Plan maintains the intent of the originally approved Trustee Resolution as a General Business use and by maintaining the required 200' setback from the adjacent Residential District to the south.

Building elevations have been provided, which meet Staff's recommendation for a minimum of 50% brick/ masonry façade materials. The 'ice cream cone' architectural feature meets the West Chester Zoning Resolution, Article 10.23.

All the following conditions shall be met prior to the issuance of a final zoning certificate:

The Traffic Impact Study (TIS) was approved for the overall Tract 1

The drainage plan has been submitted and shall meet the requirements of the BCEO.

The applicant shall obtain appropriate cross-access easements and maintenance agreements. These shall be recorded and meet the approval of the West Chester Community Development Department.

A detailed landscaping plan has been submitted, which demonstrates that adequate screening is being provided to the existing residential districts to the west, southwest, and south.

A photometric analysis has been provided that demonstrates acceptable light levels are being maintained along the adjacent, existing residential districts to the west, southwest, and south.

A detailed sign plan has been provided as well. The applicant is proposing seven (7) building signs at a total of 164.20 sq. ft. The west elevation proposes a 75.92 sq. ft. display area. The zoning resolution allows for a 76 s.f. display area. The north and south elevations propose six signs totaling 88.30 sq. ft. of display area. The West Chester Zoning Resolution, Article 20.092 requires a display area of 76 sq. ft. for the west elevation and 122.13 sq. ft. of display area for the north and south elevations. The proposed building signage meets the West Chester Township Zoning Resolution, Article 20.092.

## **OTHER AGENCIES COMMENTS:**

### Butler County Engineer's Office:

- The elevations at the intersection of the water main and stormwater pipe in the southwest corner of the property shall be verified to meet the BCEO requirements;
- Curb cuts along the west property line shall meet width requirements and shall use a flexamat material, rather than rip-rap for appearance and maintenance.

### Butler County Health Department:

- The proposed use shall meet Ohio Department of Health plumbing and food requirements.

### West Chester Township Fire Department:

- All structures shall meet all applicable codes and standards;
- All structures shall be located within 400' of a fire hydrant;

## **ACTION:**

The Zoning Commission is to approve, approve with modifications, or deny the submitted Final Development Plan, unless additional information is deemed necessary to make an informed decision.

## **Questions:**

Mr. Hupp – the 200' set back – is the structure within the setback?

Mr. Dawson – the dumpster enclosure is located within the 200' but the requirement is for the drive-thru location.

Mr. Hahn – questioning the parking spaces. If they meet with the requirement, how many spaces will it reduce?

**Applicant: Matt Saunders  
PSP Foods, Inc  
6389 N. Quail Hollow Rd., #101  
Memphis, TN 38120**

**Johnathon Evans  
Evans Engineering  
4240 Airport Rd., #108  
Cincinnati, OH 45226**



We want to bring a first-class fast food restaurant. This will be our third in the area. It's a free-standing building and will meet all the requirements.

Mr. Williams – can you address the parking space size.

Mr. Evans – there must have been an error on the plans. The spaces are definitely 9'. They are actually longer because of the angle parking.

Mr. Hahn – what is the building materials that are being used for construction?

Mr. Saunders – you'll see the 50% brick that we've incorporated, the remaining will be EFIS along with the vinyl canopy.

**Proponents:           None**

**Opponents:           None**

**Neutral:               Ms. Roberta Preiss  
7160 Eagleswing Dr  
West Chester, OH**

It's not about the future of this area, the buildings are all lovely. What I feel really sad about is the view. We've been bounced around from Towne Properties, Wetherington itself. The appropriate buffers, trees; we are told there's no money anywhere to fix. The view out my friend's window is Cabella's and now Freddy's. The value of her home has dropped and she feels no one will want to purchase her home with that kind of view. The address is 7086 Wetherington Dr. Is there anything you can do to help us out? We would like our homes to be worth something since we paid so much for them.

Mr. Dawson – the area being discussed is a retention of the C-PUD; it is a part of Wetherington; part of the HOA.

**Deliberations:**

Mr. Williams – does the landscaping plan depict the number of shrubs in the density that's shown? Is that the way it's going to be designed?

Mr. Dawson – if it is approved tonight that is what the inspection will be based on.

Mr. Williams – once the landscaping grows; this will not be an issue. I think what I see on the plan will be adequate once this landscaping grows.

Mr. Hahn – there's a significant amount of space; who owns the detention pond?

Mr. Hupp – we need to be a little more careful in the future and take this into consideration.

Mr. Dawson – I don't have the answer to the ownership at this time. We can make it a condition.

Mr. Hahn – It's far enough away from the applicant's sight that I don't feel we need to make this issue as part of the applicant's submittal.

Mr. Williams – I do think this needs to be recorded somewhere to influence the owner to do something to that portion.

Mr. Dawson to follow up with the HOA regarding this concern.

**Ms. Hendel made a motion to approve Case # 01-16-B, Keefe Property, Lot 4 – Final Development Plan – Freddy's Restaurant with the minimum conditions as recommended by staff and other agencies. Mr. Rinnert seconds it.**

**Aye: Ms. Hendel, Mr. Rinnert, Mr. Hahn, Mr. Williams, Mr. Hupp**

**Nay:**

**Motion carries 5 – 0**

**Administrative Matters:**

The next meeting is March 21, 2016 @ 6:30 p.m. We have one (1) cases.

Mr. Hahn adjourned the meeting at 7:42 p.m.

Chairman:

  
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James Hahn

Secretary:

  
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Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 16-3  
SPRINGS AT WEST CHESTER - FDP**

**WHEREAS**, on May 26, 2015 the West Chester Township Land Use Committee approved a land use amendment to the West Chester Comprehensive Land Use Plan, which reclassified the subject property, located at 5623 West Chester Road, from the existing Office/ General Retail land use classification to the Downtown/ Regional Center land use classification with conditions; and,

**WHEREAS**, on October 27, 2015, the West Chester Board of Trustees approved Continental 323 Fund, LLC's request for a Zoning Map Amendment from M-2 (General Industrial District) to R-PUD (Residential Planned Unit Development District) and Preliminary Development Plan for a 308 unit, multi-family apartment development with a clubhouse and pool on 19.314 acres located at 5623 West Chester Road; and,

**WHEREAS**, on January 15, 2016, Continental 323 Fund, LLC. submitted an application requesting a Final Development Plan for a 308 unit, multi-family apartment development with a clubhouse and pool on 19.314 acres located at 5623 West Chester Road; and,

**WHEREAS**, on February 22, 2016, the West Chester Township Zoning Commission conducted a public meeting for said Final Development Plan.

**NOW THEREFORE BE IT RESOLVED**, that the West Chester Township Zoning Commission does hereby approve of said Final Development Plan for The Springs at West Chester consistent with the submitted site plan with the following conditions:

- 1.) A revised Final Development Plan shall be submitted prior to issuance a Final Zoning Certificate to reflect the following changes: 1.) The final location of the sidewalk at the intersection of West Chester Road and Union Centre Boulevard; 2.) An elevation view of the wall with the walk shall be provided; and 3.) A tall, grass buffer shall be provided along the pet playground adjacent to the local tributary/ stream.
- 2.) The Final Development Plan conforms to the Comprehensive Land Use Plan's recommendations for the Downtown/ Regional Center land use classification.
- 3.) The Final Development Plan maintains the intent of the approved Trustee Resolution (29-2015) and Preliminary Development Plan.
- 4.) The drainage plan shall meet the Butler County Engineer's Office (BCEO) requirements prior to issuance of a Final Zoning Certificate to ensure that the Storm Water Detention Area is adequate to serve the entire site.
- 5.) A Traffic Impact Study was not required by the BCEO.
- 6.) The main access drive on West Chester Road shall meet all BCEO requirements prior to issuance of a Final Zoning Certificate.

- 7.) The sidewalk width along West Chester Road shall maintain as close to a 5' width from back to curb where possible.
- 8.) The 5' concrete sidewalk along the West Chester Road frontage shall be installed and the appropriate easements shall be provided granting legal access to connect to the existing curb ramps at Union Centre Boulevard and Meridian Way with the maintenance responsibilities clearly defined. This easement shall be recorded, but before it is recorded, it shall first meet the approval of the West Chester Community Development Department Staff prior to the issuance of a Final Zoning Certificate.
- 9.) The perimeter fence shall not encroach on the width of the sidewalk.
- 10.) The retaining wall shall abut the west edge of the head wall, which will move the wall out approximately 1' which will achieve the required width of the walk to be located on top of the wall.
- 11.) All required construction drawings shall be submitted and stamped by a registered Professional Engineer in the State of Ohio.
- 12.) Pet playgrounds shall have adequate waste disposal facilities available on site (waste bags and bin stations).
- 13.) The clubhouse pool shall meet Ohio Department of Health engineering plan review prior to construction.
- 14.) All structures shall meet all West Chester Fire Department's applicable codes and standards and shall be located within 400' of a fire hydrant.
- 15.) The proposed access gates shall have an alternate power source and Knox Box/ siren activation for ingress.
- 16.) The West Chester Fire Department has final approval and shall be consulted to ensure underground main remains in service should a main break occur in reference to connection locations, underground piping size, looping of the fire main, and isolation valves.
- 17.) All buildings and accessory buildings and structures elevations conform to the Comprehensive Land Use Plan's recommendation by projecting an urban, flat roof design, as well as Staff's recommendation of a minimum of 50% brick/ masonry facade materials on the Final Development Plan.
- 18.) Any revisions to the approved unit-mix shall be considered a major revision and require a Revised Final Development Plan.

- 19.) Specific details have been submitted concerning the interior amenities for each unit, which conform to the “luxury apartment” recommendation of the Comprehensive Land Use Plan, which include Interior finishes such as granite countertops throughout, tile bathrooms and crown molding, and amenities such as washer/dryer connections and high-speed internet.
- 20.) Specific details have been submitted concerning the site amenities to ensure the long term success of the development, which include the Clubhouse, Pool w/fountains, Fitness Center, Outdoor Grilling Areas, an Outdoor Fire pit, Business Center, Cyber Café, wireless “hotspots” in all common areas, planned social activities, etc.
- 21.) The common open space and common elements shall be held in private ownership and the owner shall be responsible for keeping all open space areas and common elements maintained and free from trash and litter; maintain all drainage ways and retention/detention basins to perform their designated function; and maintaining all landscaping in good condition as illustrated on the Final Development Plan.
- 22.) A detailed landscape plan has been submitted, which depicts all approved plantings, as well as detailed elevations depicting the approved design, material, and height of the fences along the perimeter of the site, the pool, private yards, pet playgrounds, and dumpster enclosures. All major landscaping areas shall be installed and irrigated with a permanent system prior to issuance of a Zoning Certificate.
- 23.) A detailed sign plan has been provided, which includes two wall signs and a canopy sign on the Clubhouse and two 8’ tall, monument signs. The two wall signs along the facade in the east and west elevations and both consist of 24 Sq. Ft. display area and are self-illuminated. The canopy sign is located along the south elevation and consists of 24 Sq. Ft. display area, as well, but is non-illuminated. The freestanding signs are located along the West Chester Rd. and Union Centre Blvd. right of ways and both contain 16 Sq. Ft. of display area and are self-illuminated.
- 24.) Street light locations and details have been provided and conform to the Comprehensive Land Use Plan's recommendation for an “urban streetscape” and are designed to complement the other accessory structures.
- 25.) All street names shall be approved by the West Chester Fire Department.
- 26.) The applicant shall meet all other agencies requirements prior to issuance of a Final Zoning Certificate.
- 27.) The West Chester Community Development Department Staff shall be authorized to approve minimal revisions to the approved FDP. Any changes to the plan that are required by other agencies shall be subject to approval by the West Chester Township Community Development Department.

**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval as modified by this resolution. This action shall take effect this 22nd day of February 2016.

West Chester Township,  
Butler County, OH

Chairman:



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James Hahn

Secretary:



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Timothy Dawson  
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 16-4  
KEEFE PROPERTY TRACT 1, LOT 4 – FREDDY’S RESTAURANT, FDP**

**WHEREAS**, on March 9, 2004, the West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development) District for 47.842 acres of land with a general Preliminary Development Plan that established the permitted uses and the access points to the site, including the extension of Tylers Place Boulevard to Hamilton-Mason Road (now Liberty Way); and,

**WHEREAS**, on May 17, 2004, the West Chester Zoning Commission approved a Final Development Plan for the Tylers Place Boulevard extension, the Preserve Place road section inside the C-PUD boundary and open space improvements; and,

**WHEREAS**, on July 21, 2014, the West Chester Zoning Commission approved a Revised Preliminary Development Plan for Tract 1 of the C-PUD, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements. Additionally, the preliminary layout of Lot 3 was provided for Cabela’s as the proposed use; and,

**WHEREAS**, on August 18, 2014, the West Chester Zoning Commission approved a Final Development Plan for Tract 1 of the C-PUD, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements and the construction of a 75,330 sq. ft. Cabela’s on Lot 3 of Tract 1 of the Keefe Property; and,

**WHEREAS**, on August 17, 2015, the West Chester Zoning Commission approved a Final Development Plan for Tract 1, Lots 1 and 2, which included a 12,192 sq. ft., one-story building with a proposed retail and restaurant use on Lot 1 and a 9,312 sq. ft., one-story building with a proposed retail and restaurant use on Lot 2.; and,

**WHEREAS**, on January 26, 2016, the West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development) District to a SP-PUD (Special Purpose Planned Unit Development) District and a Preliminary Development Plan for Tracts 2 and 3, which included 150,395 sq. ft. of mixed retail, restaurant, and office uses on Tract 2, Lot 1 and a multi-story (2 and 4 story buildings), 104 unit, multi-family residential development on Tact 3, Lot 2; and;

**WHEREAS**, on January 15, 2016, PSP Foods Inc. submitted an application requesting a Final Development Plan for a 3,476 sq. ft., one-story drive-thru restaurant; and,

**WHEREAS**, on February 22, 2016, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

**NOW, THEREFORE BE IT RESOLVED,** that the West Chester Township Zoning Commission does hereby approve of said Final Development Plan for the Keefe Property Tract 1, Lot 4 – Freddy’s Restaurant consistent with the submitted site plan with the following conditions:

- 1.) A revised Final Development Plan shall be submitted prior to issuance of a Zoning Permit to reflect the following changes: Additional plantings shall be depicted on the landscape plan along the west property line to provide an adequate buffer to the adjacent residential district to the west.
- 2.) The Final Development Plan maintains the intent of the originally approved Trustee Resolution (16-2004) as a General Business use and by maintaining the required 200' setback from the adjacent Residential District to the south.
- 3.) The Traffic Impact Study (TIS) was submitted for the overall Tract 1 and was approved by the Butler County Engineer's Office (BCEO) with conditions.
- 4.) Curb cuts along the west property line shall meet width requirements and shall use a flexamat material, rather than rip-rap for appearance and maintenance.
- 5.) The drainage plan shall meet the Butler County Engineer's Office (BCEO) requirements prior to issuance of a Final Zoning Certificate to ensure that the Storm Water Detention Area is adequate to serve the entire site, which shall be tied into the overall stormwater design for Tract 1.
- 6.) The elevations at the intersection of the water main and stormwater pipe in the southwest corner of the property shall be verified to meet the BCEO requirements.
- 7.) The drive-thru restaurant use shall meet Ohio Department of Health plumbing and food requirements.
- 8.) All structures shall meet all West Chester Fire Department’s applicable codes and standards and shall be located within 400' of a fire hydrant.
- 9.) Cross-access easements shall be provided for Cabela Drive and Trailside Drive, granting legal access to all lots in Tract 1 and the maintenance responsibilities shall be clearly defined. This easement shall be recorded, but before it is recorded, it shall first meet the approval of the West Chester Community Development Department Staff.
- 10.) Building elevations have been provided, which meet Staff’s recommendation for a minimum of 50% brick/ masonry façade materials. The ‘ice cream cone’ architectural feature meets the West Chester Zoning Resolution, Article 10.23.
- 11.) The common open space shall be held in private ownership and the owner shall be responsible for keeping all open space areas free from trash and litter, maintaining all drainage ways and retention/detention basins to perform their designated function, and maintaining all landscaping in good condition as illustrated on the Final Development Plan.




- 12.) A detailed landscape plan has been submitted, which demonstrates that adequate screening is being provided to the adjacent residential districts to the west, southwest, and south. All major landscaping areas shall be installed and irrigated with a permanent system prior to issuance of a Zoning Certificate.
- 13.) A photometric analysis has been provided that demonstrates acceptable light levels are being maintained along the adjacent, existing residential districts to the west, southwest, and south.
- 14.) A detailed sign plan was submitted, which consists of seven (7) self-illuminated building signs at a total of 164.20 sq. ft. The west elevation proposes a 75.92 sq. ft. display area and the north and south elevations propose six signs totaling 88.30 sq. ft. of display area.
- 15.) The applicant shall meet all other agencies requirements prior to issuance of a Final Zoning Certificate.
- 16.) The West Chester Community Development Department Staff shall be authorized to approve minimal revisions to the Final Development Plan. Any changes to the plan that are required by other agencies shall be subject to approval by the West Chester Community Development Department.

**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 22nd day of February 2016.

West Chester Township  
Butler County

Chairman:

  
\_\_\_\_\_  
James Hahn

Secretary:

  
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Timothy Dawson  
Township Planner