

**RESOLUTION NO. 35-2004**

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**RESOLUTION APPROVING A ZONING MAP AMENDMENT FROM “CBD” TO “SP-PUD”  
FOR CASE #06-04, VILLAGES AT THE STREETS OF WEST CHESTER LLC**

**WHEREAS**, on April 13, 2004, Villages at the Streets of West Chester, LLC submitted an application for a Zoning Map Amendment from “CBD” to “SP-PUD” for 32.461 acres of land situated in Section 27, Town 3, Range 2 and also requested Preliminary Development Plan approval for the development of an upscale, urban designed village adjacent to the Streets of West Chester retail development containing 332 residential units and a small commercial component with low intensity commercial uses; and,

**WHEREAS**, on May 11, 2004, the Butler County Planning Commission recommended approval of the proposed request; and,

**WHEREAS**, on May 17, 2004, the West Chester Township Zoning Commission recommended approval of the proposed request; and,

**WHEREAS**, by advertisement, a public hearing to amend the West Chester Township Zoning Resolution was held before the West Chester Township Board of Trustees on June 8, 2004 as applied for by Villages at the Streets of West Chester 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 the aforesaid Zoning Map Amendment and Preliminary Development Plan consistent with the submitted site plan with the following conditions:

**SECTION 1.** A revised plan shall be submitted within 30 days, which address the following items: 1)All general site details, such as “pool with clubhouse,” “village green,” etc., should be labeled accordingly; 2)The specific details of the plan that are illustrated, but are not specifically included with this PUD (ie. additional parking north of the PUD, etc.) and are not existing conditions, shall be removed; 3)The general location of the limited commercial uses shall be labeled on the plan, which shall be restricted to the area of the “village green” or as otherwise approved at the Final Development Plan Stage; 4)The bridge shall clearly illustrate that sidewalks are provided on both sides of the roadway; 5)Private streets and public streets shall be labeled accordingly; 6)The 100 Year Floodplain and Floodway shall be illustrated on the plan; and 7)A typical section shall be added to the plan for all roadways. The revised plan shall be subject to approval by the West Chester Planning and Zoning Department.

**SECTION 2.** Prior to submittal of a Final Development Plan, the design of the road shall be coordinated with the BCEO, West Chester Fire Department and West Chester Planning & Zoning



Department with regard to location, alignment, design, on-street parking, etc. Letters of approval from the BCEO and the West Chester Fire Department shall be submitted in conjunction with the application and related materials.

**SECTION 3.** Prior to submittal of a Final Development Plan, the access over and design of the 10' bike path, and the plant materials used in the open space meadows, shall be coordinated with the West Chester Parks Department. A letter of approval shall be submitted in conjunction with the application and related materials.

**SECTION 4.** In conjunction with the Final Development Plan submittal, a detailed drainage plan shall also be submitted with responsive comments from the BCEO. The drainage plan shall meet the requirements of the BCEO and shall be coordinated with the Butler County Floodplain Administrator due to the property's location with Floodway and 100 Year Floodplain on site.

**SECTION 5.** All roadways and sidewalks shall be constructed to Butler County Engineer Standards, with regard to materials and compaction. All roads illustrated in an approved Final Development Plan shall be constructed prior to the issuance of any Final Zoning Certificate with the exception of the final surface, which shall be completed within a reasonable time as development occurs, as determined by West Chester Planning & Zoning Staff.

**SECTION 6.** In conjunction with the Final Development Plan submittal, draft copies of the appropriate cross-access easements shall be submitted, which grant the use of all roads, sidewalks, bike paths and other common use areas to West Chester Township and the general public. All easements shall be subject to approval by West Chester Planning & Zoning Staff. No Zoning Certificates may be issued until recorded copies of all appropriate easements have been provided to West Chester Planning & Zoning Staff. Easements may be recorded via the record plat subject to Staff approval, and upon receipt of the adequate assurances as approved by Staff.

**SECTION 7.** In conjunction with the Final Development Plan submittal, draft copies of the documents creating a Property Owner's Association, Operating Agreement, or Declaration of Restrictions and Covenants shall be submitted for review. The Property Owner's Association shall be responsible for the maintenance of the following items: 1)All open space areas, which shall also be maintained free from trash and litter; 2)All private roadways and parking areas; 3)All sidewalks, bike paths and all other approved pedestrian ways; 4)All drainage ways and retention/detention basins, which shall be maintained to perform their designated function; and 5)All landscaping as illustrated on an approved FDP. No Zoning Certificate shall be issued for any structure until the aforementioned documents have been approved and recorded copies have been submitted to the West Chester Planning & Zoning Staff with a list and contact information of the POA officers and responsible members.

**SECTION 8.** Any traffic control device that is required by the BCEO shall be incorporated into the Final Development Plan, and shall be installed prior to the issuance of any Final Zoning Certificate. The developer shall be responsible for all costs incurred with the purchase and installation of all traffic control devices.

**SECTION 9.** The location of the fire mains, fire hydrants, fire lanes, building access and emergency exits shall be determined at the Final Development Plan stage for any phase, which shall be subject to approval by the West Chester Fire Department.

**SECTION 10.** Permitted uses for the limited commercial component shall be low intensity neighborhood oriented uses, such as a coffee house, wine and cheese store, bakery, tailor or other similar uses subject to Staff discretion. Building signage for the limited commercial component shall be pursuant to Article 30 of the West Chester Township Zoning Resolution. Ground mounted signage is not permitted; However, Staff may approve unique, small scale, sidewalk signage.

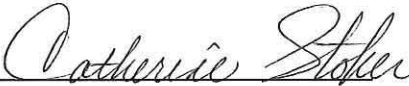
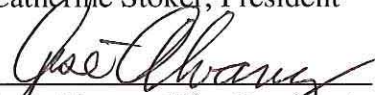
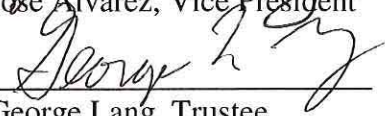
**SECTION 11.** The design and type of exterior building materials used on the specific buildings shall be approved at the Final Development Plan stage. However, all buildings shall be designed similar in nature to the renderings submitted with this application, which illustrate upscale urban designed buildings with high quality exterior building materials such as brick on all elevations.

**SECTION 12.** All phases at the Final Development Plan stage shall include a detailed landscaping plan.


**SECTION 13.** All phases at the Final Development Plan stage shall include a parking summary to verify if adequate parking is being provided. Any off-street surface parking shall contain significant perimeter buffers.

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

Adopted this 22<sup>nd</sup> day of June, 2004.

 Catherine Stoker, President	<u>yes</u> Yes / No
 Jose Alvarez, Vice President	<u>Yes</u> Yes / No
 George Lang, Trustee	<u>YES</u> Yes / No

**ATTEST:**

  
Patricia Williams, Township Clerk

**APPROVED AS TO FORM:**

  
Donald L. Crain, Law Director



## CERTIFICATE OF PUBLICATION

June 8, 2004

Date

First Reading

          
Date

Emergency Reading

June 22, 2004

Date

Second Reading

June 28, 2004 Journal News

Date and Newspaper

First Publication  
(After Approval)

July 1, 2004 Pulse Journal

July 5, 2004 Journal News

Date and Newspaper

Second Publication  
(After Approval)

July 8, 2004 Pulse Journal

*Patricia Williams*

*12/28/04*

Clerk Signature & Date

Certificate of Publication