

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
June 20, 2016**

MEMBERS PRESENT: Susan Hendel, Jim Williams
Doug Rinnert, Jim Hahn

MEMBERS ABSENT: Bruce Fisher, Gerry Stoker

STAFF PRESENT: Aaron Wiegand, Director
Timothy Dawson, Township Planner
Beverly Worley, Administrative Assistant

LOCATION: Township Hall

CALL TO ORDER: 6:35 p.m.

ADJOURNMENT: 8:42 p.m.

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

Minutes were presented from the Zoning Commission meeting from May 16, 2016 and approved as written.

New Business

Case ZMA01-16-BC TID at Liberty Way – the applicant has requested to postpone their application from consideration at this meeting. We also have no recommendation from Butler County Planning Commission regarding this project. Therefore I make a motion to postpone case ZMA01-16 BC TID at Liberty Way until the July 18, 2016 Zoning Commission meeting. Mr. Rinnert seconds the motion.

There are four ZC members, typically there are five. For the applicants, if there comes a vote of 2 – 2; the application will be denied. You have the option to postpone and re-submit for the July 18th meeting or you can proceed.

Everyone agreed to continue.

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

Princeton Crossing – Imago Dei Church – RPDP – 05-16-A

The applicant is Michael Cornette. He is requesting a revised final development plan approval to build a 14,150 s.f. church/worship center.

The subject property is located along Princeton-Glendale Road (S.R. 747), approximately 1100 feet south of Port Union Road.

Subject property consists of 3.21 acres having approximately 720 feet of frontage along Princeton-Glendale Road. The site is characterized as vacant, gradually sloping in grade from south to north, and heavily vegetated with trees.

CASE HISTORY

The Union Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) and B-2 (General Business District) to C-PUD (Commercial Planned Unit Development District) on March 28, 1995, in conjunction with a Preliminary Development Plan (Res. No. 95-14) for the development of a commercial office/retail development on approximately 12.92 acres.

The West Chester Zoning Commission approved a Final Development Plan on June 19, 2000, which included Phase 1 for lot 2 (12,000 s.f. office building); lot 3 (6,000 s.f. office building); lot 4 (6,000 s.f. office building); and lot 5 (32,400 s.f. Convenience Store).

The West Chester Zoning Commission approved a Revised Final Development Plan on June 17, 2002, which was for lot 1 (13,488 s.f. office building for Life Success Seminars, Inc.), and lot dimensions only for lot 2 (19,290 s.f. office building), lot 3 (19,290 s.f. office building) and lot 4 (32,400 s.f. office building). The FDP also approved the access point located near the joint property line of Lots 1 & 2 as a temporary full movement driveway until development occurs on lots 2-7, which will become a right-in/right-out access only.

The West Chester Zoning Commission approved a Revised Final Development Plan on April 20, 2015, which changed the existing "Life Success Seminars" use requirement of Lot 1 to allow for office and/or a Church use.

The land use is consistent with the intent and purpose of the Comprehensive Land Use Plan and the designated classification, Trustee Resolution No. 95-14, Zoning Commission Resolution No. 95-3 (Case No.13-94), and the West Chester Zoning Resolution as a Principal Permitted Use.

The applicant proposes a single-story with a walk-out, 14,150 s.f. church.

The West Chester Comprehensive Land Use Plan and the Connections Plan did not recommend a connection from along S.R. 747.

The applicant will be providing 107 parking spaces where 41 are required for the church use. The applicant is also proposing 37 potential parking spaces in the future which will bring the total to 144 parking spaces. That leaves the site with 15.4% open space where 15% is required.

Floor plans have been provided, which depict typical primary uses of a church (offices, auditorium, Sunday-school classrooms, etc.). Any future proposed use(s), which are determined to be an increase in the intensity of the church use (i.e. colleges), will be subject to the West Chester Zoning Resolution, Article 26.18.

Building elevations have been provided, which demonstrate that high quality exterior building materials (brick, stone, etc.) are being utilized throughout.

STAFF RECOMMENDATIONS

The Traffic Impact Study (TIS) is required to meet all the Ohio Department of Transportation (ODOT) and the Butler County Engineer's Office (BCEO) requirements. All rights-of-way are to be dedicated, as required by ODOT and the BCEO.

The BCEO has indicated that the grading plan needs to be revised to reflect the existing drainage pattern that remains along the east property line and the storm water calculations need to be submitted to ensure the sizing of the proposed underground detention facility and the storm drain system.

The WCFD has indicated that all structures are to be within 400 feet of a fire hydrant; all drive lanes are required to accommodate fire department vehicles' and their turning radius; and both drive aisles in front of the building are required to have posted signs, stating: "No Parking - Fire Lane."

A cross-access easement has been depicted on the western-most drive aisle. A draft copy of the cross-access easement is to be submitted to the WCCDD for approval.

A detailed landscaping plan has been provided, which depicts extensive landscaping throughout the site; however adequate screening of the residences along the east property line is to be provided.

A photometric analysis has been provided, which demonstrates acceptable light levels are being maintained along the adjacent residences to the east.

One (1) ground-mounted, monument sign is illustrated on the RFDP, which is setback 35' from Princeton-Glendale Road (S.R. 747). No sign details were submitted for the one (1) ground-mounted, monument sign illustrated on the RFDP. Therefore, the sign is to only be permitted as a staff level revision if it is determined to be an appropriate size and constructed with quality building materials and is in conformance with West Chester Township Zoning Resolution, Articles 10 and 18.

A revised plan is to be submitted within 30 days to reflect the following changes: 1.) The grading plan reflects the existing drainage pattern remains along the east property line; 2.) The storm water calculations are submitted to ensure the sizing of the proposed

underground detention facility and the storm drain system; 3.) All structures are within 400 feet of a fire hydrant; and 4.) Adequate landscaping screening is provided along the east property, adjacent to the residences, on the landscaping plan.

ACTION:

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

**Applicant: Mr. Mike Cornette
Cornette-Violetta Architects
1117 Cypress Street
Cincinnati OH 45206**

**Joe Koehling
Business Administrator – Imago Dei Church
112 Meadowview Ct.
Fairfield OH**

We have been in West Chester for over 8 years about a mile from this location. We would like to stay in this area.

Questions:

Mr. Williams – are you ok with all the submittals and requests?

Mr. Cornette – absolutely, no objections

Mr. Williams – are there any additional expansions?

Mr. Cornette – yes, all possible future expansions are shown on the site plans

Proponents: None

Opponents: None

Neutral: None

Deliberations

Mr. Williams – seems pretty straight forward to me

Ms. Hendel – it does to me too

Mr. Williams – it will make that property look very nice

Mr. Rinnert – it will be a good addition to that area; I'm pleased with it

Mr. Williams made a motion to approve Case # Princeton Crossing – Imago Dei Church – RPDP – 05-16-A; with the revisions as submitted and the minimum conditions as recommended by staff and other agencies. Mr. Rinnert seconds it.

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

Nay:

Motion carries 4 – 0

Tekulve Office / Warehouse & Storage – FDP – 05-16-B

The applicant is West Chester Office Park, LLC. He is requesting a final development plan for the use of self-storage.

The subject property is located along Cincinnati-Columbus Road (U.S. 42) approximately 1700 feet south of Butler-Warren Road.

Subject property consists of 7.71 acres having approximately 505 feet of frontage on Cincinnati-Columbus Road. The site is characterized as flat, partially vegetated with mature trees along the rear, north and west property lines with a mix of existing uses consisting mostly of office and warehouse, as well as one church/daycare, and one non-conforming residential use.

CASE HISTORY

The West Chester board of Trustees approved a Zoning Map Amendment from R-1A (Suburban Residential District) and B-2 (General Business District) to C-PUD (Commercial Planned Unit Development District) on October 27, 2015, which was in conjunction with a Preliminary Development Plan to retain the existing businesses and develop the rear of the property with two self-storage buildings, totaling 41 units at 30,750 s.f. on approximately 7.71 acres.

The land use is consistent with the intent and purpose of the Comprehensive Land Use Plan and the designated classification, Trustee Resolution No. 28-2015, and the West Chester Zoning Resolution, Article 22.025 as a Principal Permitted Use.

The applicant proposes to retain the existing development and proposes the development of three, self-storage, buildings, totaling thirty-three (33) units at 22,350 sf.

The first building is 10,500 s.f. containing 14 15' x 50' units; the second building is 8,250 s.f. containing 11 15' x 50' units, and the third is 3,600 s.f. containing 8 15' x 30' units. This totals 33 units at 22,350 s.f.

The applicant is proposing 32 additional parking spaces where 8 are required for the use. On the existing site, the applicant currently has 181 parking spaces where 141 are required. This totals the site at 213 parking spaces where 149 are required. That leaves the site with 27% open space where 15% is required.

The proposed use of the new buildings is intended for self-storage only. Any future proposed use(s), which are determined to be an increase in the intensity of the self-storage use will be subject to the West Chester Zoning Resolution, Article 26.18.

STAFF RECOMMENDATIONS

The Traffic Impact Study (TIS) is required to meet all the Ohio Department Transportation (ODOT) and the Butler County Engineer's Office (BCEO) requirements.

All rights-of-way are to be dedicated, as required by ODOT and the BCEO. ODOT has indicated that a turn lane warrant analysis is required for further review. Based on the use of the site, they would like to review the turn lane.

In consideration of the proposed five (5) foot wide, concrete sidewalk along the Cincinnati-Columbus Road (U.S. 42) frontage, the owner is required to obtain a right-of-way permit from ODOT in conjunction with a transfer of maintenance agreement approved by the West Chester Township Board of Trustees and the sidewalk is required to meet all ODOT and BCEO requirements, prior to issuance of a final zoning certificate. ODOT has indicated that the truncated domes on the access ways are not required; and a cross-section view of the sidewalk is required for further review.

Pursuant to Section 14 of Trustee Resolution No. 28-2015, an approval letter has been obtained from the utility easement holder, Duke Energy, with conditions. Due to Duke Energy's requirements of development within their easement, the applicant has adjusted the Final Development Plan (FDP) from the approved Preliminary Development Plan (PDP) as described: 1.) The buildings have been shifted out of the easement; 2.) A decrease in eight (8) units and 8,400 square feet of the buildings; 3.) A decrease of 16 parking spaces; 4.) An increase of 3.4% in open space; and 5.) The landscaping plan has been limited to a seven (7) foot height at maturity in the easement.

The BCEO has indicated that the final review of the detention area will occur once they have received the basin sizing calculations and the pipe sizing calculations.

The WCFD has indicated that all structures are to be within 400 feet of a fire hydrant; the development is required to include the installation of private fire hydrants; all drive lanes are required to accommodate fire department vehicles' and their turning radius; and the drive aisle along the east side of the storage building are required to have posted signs, stating: "No Parking - Fire Lane."

Cross-access easements are not required due to the property being under single ownership. At the time of any future lot splits, cross-access easements are to be provided.

A detailed landscaping plan has been provided, which is consistent with the PDP, with the exception for those requirements of the Duke Energy utility easement. The revisions to the landscaping plan have addressed Duke Energy's requirements of the utility easement and maintained adequate screening along the adjacent residential districts.

A photometric analysis has been provided, which demonstrates acceptable light levels are being maintained along the adjacent residential districts.

Sign locations and details were not submitted with the FDP. Therefore, any future, proposed ground-mounted and/or building signs are to be subject to the West Chester Zoning Resolution, Article 26.18.

All outside storage is required to meet Article 23.04 and 23.041 of the West Chester Zoning Resolution. Any existing violations of the Zoning Resolution are required to be abated prior to the issuance of a final zoning certificate.

Any violations of the 2000 International Property Maintenance Code are required to be abated prior to the issuance of a final zoning certificate.

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.

**Applicant: Joe Tekulve
6128 Branch Hill Guinea Pike
Milford OH 45150**

Project is pretty straightforward, boring. Large, huge storage for motor homes, boats, contractors to store their equipment and etc.

Questions:

Mr. Hahn – the detention shows within the right of way. There are stipulations on the elevations; they can only be so steep and we are working within those requirements.

Proponents: None

Opponents: None

Neutral: None

Deliberations

Mr. Rinnert – All requirements are being met and there's not much else to do with it.

Ms. Hendel made a motion to approve Case # Tekulve Office / Warehouse & Storage – FDP – 05-16-B; with the revisions as submitted and the minimum conditions as recommended by staff and other agencies. Mr. Rinnert seconds it.

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

Nay:

Motion carries 4 – 0

MC02-16 Lucke Properties – El Rancho Grande

The applicant is Garibaldi Rodriques. The applicant is requesting a major change use for a 6,400 s.f. restaurant with outdoor seating.

The subject property is located at the Northeast corner of S.R. 42 and Fields-Ertel Road

Subject property consists of 2.87 acres having approximately 390 feet of frontage on S.R. 42 and 400 feet of frontage along Fields-Ertel Road. The site is characterized as vacant, rolling from northeast to southwest, vegetated with portions of mature trees along the north and east property lines.

CASE HISTORY

The West Chester Board of Trustees approved a Zoning Map Amendment from R-1A (Suburban Residence District) to C-PUD (Commercial Planned Unit Development District) on November 17, 2009, which was in conjunction with a Preliminary Development Plan (Res. No. 25-2009) for a 4,000 s.f. bank with a drive-thru, a 5,000 s.f. office/ daycare with an outdoor play area, a 7,500 s.f. office, and a 5,000 s.f. office on approximately 2.87 acres.

The land use is consistent with the Comprehensive Land Use Plan (CLUP) and the designated Office/ General Retail and Office/ Residential Transitional land use classifications and the West Chester Zoning Resolution as a Principal Permitted Use. In consideration of the surrounding land uses, the proposed restaurant is located within the Office/ General Retail classification portion of the PUD and the parking area for the use is located in the Office/ Residential Transitional classification portion of the PUD. Based on the CLUP, which recommends development characteristics that achieve "parking in the rear - screened from adjacent residential uses" and "landscaped buffers and berms," the applicant will be providing a transition to the adjacent residential district with parking in the rear, which includes a 15 foot setback from the parking area. A privacy fence will be located along the parking area to screen the parking area and landscaping will be provided along the property lines behind the fence to screen the

fence from the adjacent residences.

The applicant proposes a 6,400 s.f. restaurant with outdoor seating.

Any future redevelopment or change in land use will be subject to the West Chester Zoning Resolution, Article 26.18.

The applicant is providing 123 parking spaces where 43 are required. The common open space and common elements are to be held in private ownership. The owner is to be responsible for keeping all open space areas and common elements maintained. The applicant is providing 35% open space where 15% is required.

Detailed floor plans and detailed building elevations are to be provided at the FDP stage. The building elevations are to demonstrate that high quality exterior building materials are being utilized throughout.

STAFF RECOMMENDATIONS

All recommendations of the Traffic Impact Study (TIS) and requirements of the Butler County Engineer's Office (BCEO) are to be incorporated into the Final Development Plan (FDP).

All rights-of-way are to be dedicated, as required by the Ohio Department of Transportation (ODOT) and the BCEO

The temporary, full movement access way on Fields Ertel Road and the right-in/ right-out access ways on Cincinnati-Columbus Road (U.S. 42) are required to meet all ODOT and BCEO requirements.

ODOT has indicated that a variance approval is required for the right-in/right-out access on U.S. 42; the drive widths and radii are to be illustrated on the right-in/right-out access way. The guardrail end treatment designs are to be provided; the trees located along U.S. 42 are to meet sight distance requirements and storm drainage calculations are to be provided.

The temporary, full movement access along Fields Ertel Road is to remain only until future development occurs to the east constructs a permanent, full movement access, which meets all BCEO requirements. The permanent, full movement access is to be revised at the FDP stage, which is to depict the cross-access connection at the southern-most drive aisle.

A detailed storm water drainage plan is to be provided at the FDP stage, which demonstrates that the proposed storm water retention/ detention/ rain garden areas are adequate to serve the entire site.

The BCEO has indicated that a 100 foot, including a 50 foot diverging taper, eastbound left turn lane is required to be constructed for the temporary, full-access way on Fields Ertel Road. Due to sight obstruction from the eastbound left turning vehicles, a short, westbound left turn pocket is required to be constructed for the secondary access to

Kroger. The privacy fence and landscaping along the north and east property lines are required to not obstruct storm water drainage.

The BCWSD has indicated that water service must be from BCWSD, which is located on the west side of (US 42) and sanitary service is available on the east side of US 42.

The West Chester Fire Department has indicated that all structures are to be within 400 feet of a fire hydrant and all drive lanes are required to accommodate fire department vehicles' and their turning radius.

The four (4) separate parcels, totaling 2.87 acres, for the development site are to be consolidated and recorded as one parcel under single ownership, due to the proposed building and parking locations.

A complete (blanket) cross-access easement is to be provided for entire site. At the FDP stage, the cross-access way connection to the adjacent property to the east is to be relocated from the alignment with the right-in/ right-out drive aisle to the alignment with the southern-most drive aisle. Furthermore, an additional cross-access connection to the adjacent property to the north is to be illustrated in alignment with the western-most drive aisle. The cross-access connections are to be constructed only at the time the future development occurs. The property owner will be responsible for the cost of the construction of the connections at the time those developments occur. At the FDP stage, a draft copy of the cross-access easement documentation, with the maintenance responsibilities clearly defined, is to be submitted to the WCCDD for approval and then be recorded prior to issuance of a final zoning certificate.

A public use easement is required to be provided for the 5 foot wide concrete sidewalk located along the public frontages. The easements are to be illustrated on the FDP and the easement documentation defined then it is to be submitted to the WCCDD for approval and then be recorded.

A landscaping plan has been provided, which depicts extensive landscaping throughout the site and depicts the privacy fence along the parking area and the landscaping screening to the rear of the fence along the property lines to provide adequate screening to the adjacent residential districts. A detailed landscaping plan is to be provided at the FDP stage, which includes a detail of the privacy fence.

A photometric analysis is to be provided at the FDP stage, which demonstrates acceptable light levels are being maintained along the existing residential property to the east and north.

A West Chester entryway monument sign is to be constructed on the northeast corner of the U.S. 42 and Fields-Ertel Road intersection. The West Chester entryway monument sign is to be revised on the FDP to depict the location of the sign at an angle that it is directed at the intersection of both public rights-of-way and is setback two feet, minimum, from the sidewalk.

Two (2) ground-mounted, monument signs are illustrated on the PDP along the public right-of-way frontages at the right-in/ right-out access and the full access. No sign

details were submitted for the sign. Therefore, the signs are to only be permitted through the FDP process. All ground-mounted signs are to be consistent with the exterior building materials for the principle building

ACTION:

The Zoning Commission is to recommend approval, approval with modifications, or denial of the submitted Major Change & Preliminary Development Plan, unless additional information is deemed necessary to make an informed decision.

Questions:

Mr. Williams – privacy fence with the landscaping; where was this taken?

Mr. Dawson – this was just an example of what it would look like. It was not taken in West Chester

Mr. Rinnert – Are we requiring the applicant to build and pay for a monument sign. Why would we require that when it benefits the township and not him?

Mr. Dawson – This is part of the entry way signage plans

Mr. Williams – have we requested this before?

Mr. Dawson – Yes we have. Examples: Foxboro; gateway signage at Hamilton-Mason and 747 is currently going on.

Mr. Hahn – Cross-access; would you please review again for clarification?

Mr. Dawson – The Comprehensive Land Use Plan designates the adjacent northern parcel and the eastern adjacent parcel as office/residential/transitional not as a suburban residential district.

Applicant: Dan Wheeler (standing in for Mr. Rodriques)
110 Boggs Lane, #165
Springdale OH 45246

We hired MSP to develop a site plan that we feel is quite a bit less impact that what was originally approved. We paid particular attention to the land use which more than doubled the green area requirement, we agreed to the fencing, the buffering and the landscaping on the residential side even though they are transition neighborhoods.

The layout lends itself a lot better than the 4 building site from before as far as the other access to the other 2 sites if they are developed. The 4 building site did not allow access to the north or east. We don't have a problem with the cross over easement subject to easement restriction or maintenance agreement.

El Rancho has a good following especially in Cincinnati. They have a lot of community involvement. This is a first class operation.

Applicant: Doug Smith
MSP Architects
3700 Park 42 Dr
Cincinnati OH 45241

Questions:

Mr. Hahn – cross access easement – how do you feel about it.

Mr. Smith – I think it's favorable in this plan. I think it's a win-win for all involved.

Mr. Williams – does it make sense to put the easement in now?

Mr. Wheeler – it might be good to say we enter into with certain stipulations.

Mr. Hahn – please show us the drawing you have

Mr. Wheeler – shows drawing and gives description of architecture

Mr. Hahn – do you have any problems with the staff recommendations?

Mr. Wheeler – if you want to build it; you have to cooperate. We are as flexible as you guys are.

Mr. Dawson – at the final develop plan stage we have asked the applicant to explain why they have so many parking spaces; it's tripled than what is required. We need to them to validate the reason for the parking or it will need to be reduced which will increase the amount of open space.

Mr. Wheeler – Mason location has 91 parking spaces; on certain holidays that we need additional parking. We don't want to impose on neighborhood businesses during those times or have it to be dangerous or inconvenient for customers. Seats 160 inside and 45 outside.

Mr. Hahn – will you have outdoor music on the patio?

Mr. Wheeler – anything heard will be towards the street. Most locations in the strip malls don't allow for it so our policy is to have very little.

Mr. Williams – temporary curb cuts and the relocation; because it could be years before the access roads would be put it; why wouldn't we run a privacy fence on the entire boundary?

Mr. Hahn – there will be (he points it out to Mr. Williams)

Mr. Dawson – that will be part of the final development plan. One of the conditions is the property owner is responsible for constructing the cross-access easements which entail taking down part of the fence to make those connections.

Mr. Wheeler – the only thing we would ask is that a maintenance agreement be attached to it so the ones who are actually using it so they wouldn't get saddled with the burden of maintaining it.

Mr. Hahn makes announcement:

We want to hear from everyone but if you have the same comment that someone else has already stated, we'd like you to refrain from coming up and repeating the same thing.

Proponents: **Robert Lucke**
 8825 Chapel Square Lane
 Cincinnati OH 45249

Currently own this property. I worked with West Chester quite a few years ago. There are a couple points I'd like to make: 1) during this time period, all these issues were discussed and agreed to implement this on the site, i.e., the privacy fence, the intense landscaping, the sign; I can't remember too many times we said no. Unfortunately this was prior to the depression we went through and the property kind of stalled. Easements – again we agreed with the township when they requested it; there was a clear path for it to be put in. As a developer I didn't agree with it but West Chester wanted it and we agreed. It's going to be a hardship for anyone who buys around it, I think it's going to affect their values but that's a personal opinion.

2) on the intensity – we've had multiple people interested. The first thing we said if it's for an office, please contact the staff to see if they are receptive to what's being proposed.

3) parking is never enough; most jurisdiction require 2 ½ per thousand; we put in 5 or 6. The last thing you want is not enough parking. I understand the intensity of it but I think the landscaping does a good buffer.

Opponents: **Richard Steiner**
 9677 Friar Tuck Dr
 West Chester OH 45069

These lots were zoned C-PUD based on previous application in 2009. At that time the zoning changed from residential to C-PUD to build office space, a bank and a daycare. Trustees approved the change in 2009. The changed allowed for business development that would function during the week. No evening hours, no weekends, and minimal traffic issues. Now the applicant is requesting another zone change to allow more intense use – the restaurant will be open 7 days a week until 10/11:00 at night; this is not compatible with residential neighborhoods around it. The noise, food odors, and increase traffic, 7 days a week, should not be allowed in a residential area. The current Land Use Plan calls for the protection of our route 42 gateway by retaining single family residences. We cannot expect to do that with this commercial activity to gain a foothold at this location.

Opponents: **Brian Sturgeon**
 7048 Windwood
 Cincinnati OH 45241

I live on the westside of 42; in Rolling Hills subdivision. So right now, basically, you have 4 lanes that come into one lane; if the right turn out lane that will add another lane going into one; that's accidents waiting to happen. If you get rid of the right turn out lane that makes it a little more acceptable to me.

Marty Hanrahan
7241 Willowood Ct.
Cincinnati OH 45241

I'm with several members of the Rolling Knolls HOA. A few things that we feel are important; obviously the reiteration of the traffic issue 1) but not only in terms of what's on 42 but the turn into Rolling Knolls; but the egress out of Kroger because that's dead-on; although the picture shows it slightly askew; its not. We feel this is a huge issue. 2) the liquor issue, open 7 days a week. We have children within 120'-130' of the egress out of there. 3) we already have a place on 42 with an enormous noise issue; there's always complaints about it. The noise abatement. I don't see anything on the plan where there was any building up of the berm to raise the fence or to raise the noise buffer. We appreciate your time, thanks.

Jim Ikeler
6999 Sprucewood Ct
Cincinnati OH 45241

I lived there since 1977. When my wife and I were working, we had to opportunity to use the Windwood/42 intersection multiple times a day; since we've retired, it's multiple times a week. We are not traffic engineers but could possibly be qualified to be subject-matter experts.

We had high hopes for that intersection change when they fixed 42; that really has not helped. It's a motor-raceway. Everyone wants to beat the light and/or the traffic where it turns into one lane.

Right in/right out – some people turn left anyways even with a traffic light 50' up.

Sidewalks – if it's just on their side then it's not a good idea. You need sidewalks on both sides with a traffic light with a walk sign. You need some kind of control for pedestrians to cross safely.

Opponents: **William Trau**
 9930 Boxwood Ct.
 West Chester OH 45069

We've talked about the traffic on 42; the other issue is going to be Windwood. This is going to increase that traffic pattern unbelievably. You can hardly get out of there now at 5:00. With a restaurant going in there, it increases traffic. We have lots of kids; it's a catastrophe waiting to happen. Thank you.

Laura Kaiser
10032 Honeywood Dr.
Cincinnati OH 45241

You respectfully asked that everyone not repeat but respectfully we are talking 50 years of our lives versus 2 hours of this time.

I would like to ask that if you are afraid to speak and are opposed to this case, please stand.

I guarantee I will hear any outdoor music. I have sensitive hearing; I have to wear earplugs when I go out to movie theaters.

Are you personally familiar with the Rolling Knolls & Windwood cut-thru for Dimmick? We, as a neighborhood, have called the police station to monitor the speed. It's a 35 and people go 50 already; it's around rush hour – morning, noon and evening. Now we feel we will get it all day because of the restaurant.

On Windwood, there's a swim & tennis club, we have lots of children, some walking alone. With a restaurant and alcohol, this could be very dangerous.

I am a member of the HOA and I'm trying to speak for others. Several members have written in and I wonder how they get distributed to you / this meeting. Mr. Hahn stated that they receive a packet and that they read every single one of the letters.

I'm strongly opposed and I guarantee none of us want this.

Joseph Witzman
10108 Sonya Dr
Cincinnati OH 45241

On the east side of the properties, my house faces 42. I am a fan of El Rancho Grande; I'm not concerned with hearing their music; theirs is not loud. My concern is if they don't make a go of it in 5 years and this is opened up to another liquor establishment with music or even live music that it will drastically affect all of us to the east as much as it is to the residents to the west.

I just don't want to see this area become an entertainment zone as it develops.

Opponents: **Melody Long**
 10120 Cincinnati – Columbus Rd
 West Chester OH 45241

I live right next door to where they want to put the restaurant. We have lived there for a couple years and we have had an issue of getting in and out of our driveway since we have lived there. The traffic is ridiculous; it's bumper to bumper. I don't know how you can address it. My mom even had an accident at our driveway.

Also, when they start to build, will they put a fence up so the dust won't get over to our house and yard?

Neutral: **None**

Deliberations

Mr. Williams – right in/right out is somewhat standing; it's just in a bad location. I thought the street widening was going up to Dimmick but apparently it's being done in phases.

The Rolling Knolls community is a cut-thru; it's never going to go away. Traffic is traffic – yes I have seen an increase.

The alcohol issue is an issue; however I can't see the restaurant causing more of an issue. I'm not biased to that. I do understand the concern; I have kids who drive and they will probably frequent the place.

Ms. Hendel – traffic is the biggest issue – getting out of Kroger is a nightmare. I don't know how to fix it.

Mr. Hahn – Unfortunately traffic is not our issue to fix; that's left up to the engineer's office to resolve. Whether it's this restaurant or something else; something will go there. A high volume of traffic will occur. With the intensity that was proposed; this is a much less intense site, that's for sure.

There were several comments that I think were very good comments from the public with respect to the fence; is the fence going to be high enough, is there a possibility we can berm that; I think we need to take a look at that. I think that's a very good comment. I like the idea of the sidewalks. Those are things we can control. The egress in/egress out at Fields-Ertel that becomes more of BCEO's issue. There's obvious concerns as everyone would have with new construction with noise and dust; it is an inconvenience but it eventually does go away. The music, this wasn't our time to hear music issues. I think we can control that as well. Future use, Tim Dawson we will look to you to see what we can do down the road. Relating to this case, we can control how they play their music, where the speakers are located. Those type of things we need to look at as well.

Mr. Rinnert – I would like to thank everyone here for conducting themselves as well as you have. This has been the most courteous group come before us. I agree with all the traffic problem on 42 and will continue to be a problem. The music we can control; the intensity for this parcel now with this project is less than we have had in the past. It had

been suggested in the past to turn this property into a park but unfortunately the township cannot afford to do that. I think with that said I think we can control this best than the other previous projects.

Mr. Hahn – when reviewing this case my mind directly went to the Silver Spring House in Symmes Township. It had the same kind of situation; same type of intersection. They have done a wonderful job there; i.e. brought the building to the front; they have parking in the rear; not enough parking by the way. They have a wonderful fence, great landscaping. This is just one of those tough situations that we have to deal with as zoning commissioners to look at these hard zone between commercial and residential. We need to make sure we look again at the Land Use Plan to make sure it conforms and to make sure zoning conforms. What can we do to make sure there's the least amount of impact to the residents in this area?

Mr. Williams – Mr. Chairman you stated earlier by setting some of the controls in place through the Final Development Plan review. At this stage I don't see that there's any way we should stop this from going forward. This is something basically we have to review at the Final Development Plan.

Mr. Hahn addressing Mr. Dawson – so this is something we handle at the Final Development Plan?

Mr. Dawson – yes that is correct. It will be more detailed.

Mr. Hahn – how do we incorporate all the comments that were made tonight?

Mr. Rinnert / Mr. Williams – they are recorded.

Mr. Dawson – all those comments are addressed in the resolutions through the BCEO and ODOT; their requirements. Plus the township's considerations for the landscape buffer and once we get into the Final Development Plan stage we can look at the live entertainment and hours of operations as well.

Mr. Williams made a motion to approve Case # MC02-16 Lucke Properties – El Rancho Grande; with the conditions stipulated by staff and other agencies. Mr. Rinnert seconds it.

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

Nay:

Motion carries 4 – 0

WCV Hutzelman Square – Buffalo Wings & Rings Restaurant – FDP – 05-16-C

The applicant is Jeff Piatt. He is requesting a final development plan approval for a 59,015 s.f. restaurant with outdoor seating.

The subject property is located along Princeton-Glendale Road with access from Market Place Drive, approximately 1100 feet north of Hutzelman Way

The subject site consists of 1.27 acres having approximately 220 feet of frontage along Princeton-Glendale Road. The site is characterized as a vacant, flat open space, which has been cleared for construction.

CASE HISTORY

The West Chester Township Trustees approved a Zoning Map Amendment from R-1A (Suburban Residential District) to a C-PUD (Commercial Planned Unit Development District) on March 13, 2001, in conjunction with a Preliminary Development Plan (Zoning Commission Case 13-94) for the development of a 145,000 s.f. multi-tenant retail building and five outlots on approximately 39.245 acres.

The West Chester Zoning Commission approved a Revised Preliminary Development Plan on April 21, 2014, which was for modifications to the original layout, which included reducing the size of the southern portion of the large multi-tenant retail center and creating a new outlot on the north side of Hutzelman Way.

The West Chester Township Zoning Commission approved a Revised Preliminary Development Plan on October 20, 2014, which was for modifications to the original layout, which included an expanded development parcel along SR 747 for a 29,600 s.f. daycare and reducing the size of the southern portion of the large multi-tenant retail center.

The West Chester Zoning Commission approved a Revised Preliminary Development Plan on June 15, 2015, which was for modifications to the original layout, which included reconfiguring the site layout to consist of 6 buildings totaling 137,500 s.f. of mixed commercial, office and retail uses in the undeveloped area north of the already approved FDP areas of the Chase Bank (4,353 s.f.), West Chester Music and Dance academy (11,829 s.f.) and Children's learning Adventure (33,032 s.f.).

The land use is consistent with the intent and purpose of the Comprehensive Land Use Plan and the designated classification, Trustee Resolution No. 09-2001, Zoning Commission Resolution No. 15-17, and the West Chester Zoning Resolution, Article 20.

The applicant proposes a 5,915 s.f. restaurant with an outdoor seating area

The applicant is proposing 98 parking spaces where 40 are required. That leaves the site with 21% open space where 15% is required.

STAFF RECOMMENDATIONS

The Traffic Impact Study (TIS) is required to meet all the Ohio Department of Transportation (ODOT) and the Butler County Engineer's Office (BCEO) requirements.

All rights-of-way are to be dedicated, as required by ODOT and the BCEO Thoroughfare Plan prior to the issuance of a zoning permit.

ODOT has indicated that turn lane use signage is required along S.R. 747 for the right turn lane to alert oncoming motorists turning into Plum Square Drive, which requires detailed construction plans and a permit application to be submitted to ODOT. Any utility work in the ODOT right-of-way requires a separate permit address by each utility holder, which is to be submitted to ODOT Office of Permits.

The BCEO has indicated that the property to the north is not accounted for within the existing detention area. Therefore, the 12 inch pipe extending to the property to the north is to be removed; the proposed 8 inch pipe is required to be revised to a 12 inch pipe; pipe size information is required for the proposed pipe connecting to the catch basin with the existing 24 inch pipe; and roof drains are to be shown connecting to a structure, which connects to the pipe.

The BCWSD has indicated that a water main extension to the north is required for future development. A revised plan is to be submitted within 30 days, which must receive approval by the BCEO, BCWSD, and the WCCDD.

A cross-access easement has been depicted on the plat on the north and west drive aisles. A draft copy of the cross-access easement documentation, for granting legal access through the site and with the maintenance responsibilities clearly defined, is to be submitted to the WCCDD for approval and then be recorded.

The Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCRREE) for Hutzelman Square at West Chester Village has been provided to the WCCDD and approved.

A detailed landscaping plan has been submitted, which depicts extensive landscaping throughout the site and is consistent with the approved Revised Preliminary Development Plan.

No ground-mounted sign is illustrated on the FDP. Therefore, any future, proposed ground-mounted signs are to be subject to Article 26.18 of the West Chester Zoning Resolution, which requires a Minor Change to the PUD.

There are two (2), 32.3 s.f. and one (1), 64 s.f. self-illuminated, building signs depicted On the east, north, and south elevations for a total of 128.6 s.f. The proposed signs are meeting the West Chester Township Zoning Resolution, Article 20.092, which allows for 161.3 s.f. of display area based on the square feet of the building frontage.

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.

**Applicant: Stephen Hunt
Law Firm of Aronoff, Rosen and Hunt
2200 US Bank Tower
425 Walnut St.
Cincinnati OH**

I am the attorney for the Hutzelman Farm Inc; owner and developer of the site. We have no issues on requirements and recommendations.

**Tom Davis
Buffalo Wings & Rings
564 Old State Route 74
Cincinnati OH 45244**

We are family style restaurant. This is a prime location for our restaurant. Mr. Davis passed information out on colors and sign detail information and menu.

Mr. Williams – is this a Cincinnati based company? How many locations do you have?

Mr. Davis – yes it is. We have 51 locations nationwide. From California to Florida, North and South Dakota and 13 overseas. Most recent locations – Beechmont, Kings Mills; 2 under construction – Crestview Hills, KY and Liberty Township.

Proponents: None

Opponents: None

Neutral: None

Deliberations

Mr. Williams – seems pretty straight forward to me. The menu has made me hungry.

Ms. Hendel – the whole development is coming along nicely.

Mr. Hahn – speaking to the Hutzelman's; you staying and being involved has been a key

Mr. Rinnert – it has brought nothing but class projects.

Mr. Williams made a motion to approve Case # CV Hutzelman Square – Buffalo Wings & Rings Restaurant – FDP – 05-15-C; with the conditions recommended by staff and other agencies. Mr. Rinnert seconds it.

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

Nay:

Motion carries 4 – 0

Administrative Matters:

It is that time of year to vote for the annual Chairman and Vice Chairman.

Mr. Rinnert nominated Jim Hahn for Chairman. Ms. Hendel and Mr. Williams seconds the motion.

No other nominations. We now need a motion to accept nomination. Mr. Rinnert and Mr. Williams – so moved.

For V. Chair – Mr. Rinnert and Mr. Hahn nominate Mr. Williams; he accepts.

Ms. Hendel makes motion to accept Mr. Williams as V. Chair.

Mr. Dawson gave Roll Call for nominations.

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

Nay:

Motion carries 4 – 0

The next meeting is July 18, 2016 @ 6:30 p.m.

Mr. Hahn adjourned the meeting at 8:42 p.m.

Chairman:

Secretary:


James Hahn


Timothy Dawson

**WEST CHESTER ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-7
PRINCETON CROSSING – IMAGO DEI CHURCH - RFDP**

WHEREAS, on March 28, 1995, the Union Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) and B-2 (General Business District) to C-PUD (Commercial Planned Unit Development District) in conjunction with a Preliminary Development Plan (Res. No. 95-14) for development of a commercial office/retail development on approximately 12.92 acres; and

WHEREAS, on June 19, 2000, the West Chester Zoning Commission approved a Revised Final Development Plan of Phase 1 for lot 2 (12,000 sf office building); lot 3 (6,000 sf office building); lot 4 (6,000 sf office building); and lot 5 (32,400 sf Convenience Store); and

WHEREAS, on June 17, 2002, the West Chester Zoning Commission approved a Revised Final Development Plan, which included lot 1 (13,488 sf office building for Life Success Seminars, Inc.), and lot dimensions only for lot 2 (19,290 sf office building), lot 3 (19,290 sf office building) and lot 4 (32,400 sf office building); and

WHEREAS, on April 20, 2015, the West Chester Zoning Commission approved a Revised Final Development Plan, which changed the existing “Life Success Seminars” use requirement of Lot 1 to allow for office and/or a Church use; and

WHEREAS, on May 16, 2016, Michael Cornette submitted an application for a Revised Final Development Plan approval on lots 3 and 4 for a single-story with a walkout, 14,150 sf church; and

WHEREAS, on June 20, 2016, the West Chester Township Zoning Commission conducted a public hearing for said Revised Final Development Plan.

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

- 1.) The land use is consistent with the intent and purpose of the Comprehensive Land Use Plan and the designated classification, Trustee Resolution No. 95-14, Zoning Commission Resolution No. 95-3 (Case No.13-94), and the West Chester Zoning Resolution as a Principal Permitted Use.

- 2.) The Traffic Impact Study (TIS) shall meet all the Ohio Department of Transportation (ODOT) and the Butler County Engineer's Office (BCEO) requirements. A copy of the approved TIS and letters of approval from the appropriate agencies shall be provided to the West Chester Community Development Department (WCCDD) prior to the issuance of a zoning permit.
- 3.) All rights-of-way shall be dedicated, as required by ODOT and the BCEO Thoroughfare Plan, prior to the issuance of a zoning permit.
- 4.) The Revised Final Development Plan (RFDP) shall meet all ODOT requirements prior to the issuance of a zoning permit.
- 5.) The RFDP shall meet all BCEO requirements prior to the issuance of a zoning permit.
- 6.) The RFDP shall meet all requirements of the West Chester Fire Department prior to the issuance of a final zoning certificate.
- 7.) A draft copy of the cross-access easement documentation, for granting legal access through the site and with the maintenance responsibilities clearly defined, is to be submitted to the WCCDD for approval and then shall be recorded prior to the issuance of a final zoning certificate.
- 8.) The potential addition of 37 future parking spaces, including the parking lot, sidewalk, and landscaping, shall be subject to a staff level revision approval by the WCCDD prior to issuance of a zoning permit.
- 9.) The common open space and common elements shall be held in private ownership. The owner shall be responsible for keeping all open space areas and common elements maintained and free from trash and litter; maintaining all drainage ways to ensure the detention area performs the designated function; and maintaining all landscaping in good condition.
- 10.) Any future proposed use(s), which are determined to be an increase in the intensity of the church use (i.e. colleges), shall be subject to the West Chester Zoning Resolution, Article 26.18.
- 11.) A detailed landscaping plan has been provided, which depicts extensive landscaping throughout the site; however adequate screening of the residences along the east property line is to be provided.
- 12.) No sign details were submitted for the one (1) ground-mounted, monument sign illustrated on the RFDP. Therefore, the sign shall only be permitted as a staff level revision if it is determined to be an appropriate size and constructed with quality building materials and is in conformance with West Chester Township Zoning Resolution, Articles 10 and 18.

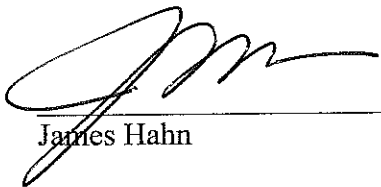
13.) The WCCDD Staff shall be authorized to approve minimal revisions to the approved RFDP. Any changes to the plan that are required by other agencies (Butler County Engineers Office, Butler County Building Department, West Chester Fire Department, etc.) shall be subject to approval by the WCCDD.

14.) A revised plan is to be submitted within 30 days to reflect the following changes:
1.) The grading plan shall reflect that the existing drainage pattern remains along the east property line; 2.) The stormwater calculations shall be submitted to ensure the sizing of the proposed underground detention facility and the storm drain system; 3.) All structures shall be within 400 feet of a fire hydrant; and 4.) Adequate landscaping screening shall be provided along the east property, adjacent to the residences, on the landscaping plan.


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 20th day of June 2016.

West Chester Township,
Butler County, OH

Chairman:


James Hahn

Secretary:


Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-8
TEKULVE OFFICE/ WAREHOUSE AND STORAGE – FDP**

WHEREAS, on October 27, 2015, the West Chester Board of Trustees approved a Zoning Map Amendment from R-1A (Suburban Residential District) and B-2 (General Business District) to C-PUD (Commercial Planned Unit Development District) in conjunction with a Preliminary Development Plan (Res. No. 28-2015) to retain the existing development and develop the rear of the property with two self-storage buildings, totaling 41 units at 30,750 sf; and

WHEREAS, on May 16, 2016, West Chester Office Park, Llc. submitted an application for a Final Development Plan approval to retain the existing development and develop the rear of the property with three, self-storage buildings, totaling 33 units at 22,350 sf; and

WHEREAS, on June 20, 2016, the West Chester Township Zoning Commission conducted a public hearing for said Final Development Plan.

NOW THEREFORE BE IT RESOLVED, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve of said Final Development Plan for Tekulve Office/ Warehouse and Storage is consistent with the submitted site plan with the following conditions:


- 1.) The land use is consistent with the intent and purpose of the Comprehensive Land Use Plan and the designated classification, Trustee Resolution No. 28-2015, and the West Chester Zoning Resolution, Article 22.025 as a Principal Permitted Use.
- 2.) The Traffic Impact Study (TIS) shall meet all Ohio Department of Transportation (ODOT) and the Butler County Engineer's Office (BCEO) requirements. A copy of the approved TIS and letters of approval from the appropriate agencies shall be provided to the West Chester Community Development Department (WCCDD).
- 3.) All rights-of-way shall be dedicated, as required by ODOT and the BCEO Thoroughfare Plan prior to the issuance of a zoning permit.
- 4.) The owner shall obtain a right-of-way permit from ODOT in conjunction with a transfer of maintenance agreement approved by the West Chester Township Board of Trustee for the 5' concrete sidewalk along the Cincinnati-Columbus Road (U.S. 42) frontage and the sidewalk shall meet all BCEO requirements prior to issuance of a final zoning certificate.
- 5.) Pursuant to Section 14 of Trustee Resolution No. 28-2015, an approval letter has been obtained from the utility easement holder, Duke Energy, with conditions.
- 6.) The FDP shall meet all ODOT requirements prior to issuance of a zoning permit.
- 7.) The FDP shall meet all BCEO requirements prior to the issuance of a zoning permit.
- 8.) The FDP shall meet all requirements of the West Chester Fire Department prior to the issuance of a final zoning certificate.

- 9.) At the time of any future lot splits, cross-access easements shall be depicted on the plan for granting legal access throughout the site with the maintenance responsibilities clearly defined. The easements shall be submitted to the WCCDD for approval and shall then be recorded.
- 10.) The common open space and common elements shall be held in private ownership. The owner shall be responsible for keeping all open space areas and common elements maintained and free from trash and litter; maintaining all drainage ways to ensure the detention area performs the designated function; and maintaining all landscaping in good condition.
- 11.) The use of the new buildings is intended for self-storage only. Any proposed increase in intensity of the use shall be subject to the West Chester Zoning Resolution, Article 26.18.
- 12.) Sign locations and details were not submitted with the FDP. Therefore, any future, proposed ground-mounted signs and/or building signs shall be subject to the West Chester Zoning Resolution, Article 26.18.
- 13.) All outside storage shall meet Article 23.04 and 23.041 of the West Chester Zoning Resolution. Any existing violations of the Zoning Resolution shall be abated before issuance of a final zoning certificate.
- 14.) Any violations of the 2000 International Property Maintenance Code shall be abated prior to issuance of a final zoning certificate.


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 20th day of June 2016.

West Chester Township,
Butler County, OH

Chairman:


James Hahn

Secretary:


Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-10
LUCKE PROPERTY – EL RANCHO GRANDE RESTAURANT – MAJOR CHANGE**

WHEREAS, on November 17, 2009, the West Chester Board of Trustees approved a Zoning Map Amendment from R-1A (Suburban Residence District) to C-PUD (Commercial Planned Unit Development District) on November 17, 2009, which was in conjunction with a Preliminary Development Plan (Res. No. 25-2009) for a 4,000 sf bank with a drive-thru, a 5,000 sf office/daycare with an outdoor play area, a 7,500 sf office, and a 5,000 sf office on approximately 2.87 acres; and

WHEREAS, on May 17, 2016, Garibaldi Rodriques submitted a Major Change application requesting a Preliminary Development Plan approval for a 6,400 sf restaurant with outdoor seating on approximately 2.87 acres; and

WHEREAS, on June 14, 2016, the Butler County Planning Commission conducted a public hearing for said Major Change and recommended approval with conditions, on the basis that the proposed land uses conform to the Butler County Land Use Plan; and

WHEREAS, on June 20, 2016, the West Chester Township Zoning Commission conducted a public hearing for said Major Change.

NOW THEREFORE BE IT RESOLVED, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby recommend approval of the aforesaid application consistent with the submitted site plan with the following conditions:

Based upon the evidence submitted and a careful review of the same, the West Chester Zoning Commission hereby finds and concludes as follows:

- 1.) The land use is consistent with the Comprehensive Land Use Plan (CLUP) and the designated Office/ General Retail and Office/ Residential Transitional land use classifications and the West Chester Zoning Resolution as a Principal Permitted Use.
- 2.) Any future redevelopment or change in land use shall be subject to the West Chester Zoning Resolution, Article 26.18.
- 3.) All recommendations of the Traffic Impact Study (TIS) and requirements of the Butler County Engineer's Office (BCEO) shall be incorporated into the Final Development Plan (FDP). A copy of the approved TIS and letters of approval from the appropriate agencies shall be provided to the West Chester Community Development Department (WCCDD).
- 4.) All rights-of-way shall be dedicated, as required by the Ohio Department of Transportation (ODOT) and the BCEO Thoroughfare Plan prior to the issuance of a zoning permit.
- 5.) The temporary, full movement access way on Fields Ertel Road and the right-in/ right-out access ways on Cincinnati-Columbus Road (U.S. 42) shall meet all ODOT and BCEO requirements at the FDP stage.


- 6.) The temporary, full movement access along Fields Ertel Road shall remain only until future development to the east constructs a permanent, full movement access, which meets all BCEO requirements. The permanent, full movement access shall be revised at the FDP stage, which shall depict the cross-access connection at the southern-most drive aisle.
- 7.) A detailed stormwater drainage plan shall be provided at the FDP stage, which demonstrates that the proposed storm water retention/ detention/ rain garden areas are adequate to serve the entire site.
- 8.) The FDP shall meet all ODOT requirements prior to the issuance of a zoning permit.
- 9.) The FDP shall meet all requirements of the BCEO and the Butler County Water and Sewer Department prior to the issuance of a zoning permit.
- 10.) The FDP shall meet all requirements of the West Chester Fire Department prior to the issuance of a final zoning certificate.
- 11.) The four (4) separate parcels, totaling 2.87 acres, for the development site shall be consolidated and recorded as one parcel under single ownership, due to the proposed building and parking locations and in conformance with the BCEO requirements prior to issuance of a zoning permit.
- 12.) A complete (blanket) cross-access easement shall be provided for entire site. At the FDP stage, the cross-access way connection to the adjacent property to the east shall be relocated from the alignment with the right-in/ right-out drive aisle to the alignment with the southern-most drive aisle. Furthermore, an additional cross-access connection to the adjacent property to the north shall be illustrated on the FDP in alignment with the western-most drive aisle. The cross-access connections shall be constructed only at the time the future development occurs. The property owner shall be responsible for the cost of the construction of the connections at the time those developments occur. At the FDP stage, a draft copy of the cross-access easement documentation, with the maintenance responsibilities clearly defined, shall be submitted to the WCCDD for approval and shall then be recorded prior to the issuance of a final zoning certificate.
- 13.) A public use easement shall be provided for the 5 foot wide concrete sidewalk located along the public frontages that are located on private property. The easements shall be illustrated on the FDP and the easement documentation, with the maintenance responsibilities clearly defined, shall be submitted to the WCCDD for approval at the FDP stage and then shall be recorded prior to the issuance of a final zoning certificate.
- 14.) 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; maintaining all drainage ways to ensure the retention/ detention area performs the designated function; and maintaining all landscaping in good condition.

- 15.) A reduction in the parking shall be depicted on the FDP, unless the applicant can demonstrate a need for the proposed amount of parking.
- 16.) Detailed floor plans, as well as detailed building elevations shall be provided at the FDP stage, which demonstrate that the architectural design is consistent with the CLUP recommendations and high-quality exterior building materials (brick, stone, etc.) are being utilized throughout.
- 17.) A detailed landscaping plan shall be provided at the FDP stage, which is consistent with the Preliminary Development Plan. A detail of the privacy fence shall be included in the landscaping plan at the FDP Stage, which shall be subject to the West Chester Zoning Resolution, Article 20.10.
- 18.) A West Chester entryway monument sign shall be constructed on the northeast corner of the US Route 42 and Fields Ertel Road intersection, which shall be designed according to the "Primary" signage detail as illustrated in the "Identity Study Summarization for West Chester in Union Township Butler County, Ohio" that was prepared by McGill Smith Punshon, Inc. in November 1998. The sign shall be constructed and maintained by the developer/property owner. The specific location, design, landscaping, etc. for the sign shall be approved as part of a Final Development Plan. All signs and other permanent objects shall be located a minimum of two feet from all sidewalks.
- 19.) The West Chester entryway monument sign shall be revised on the FDP to depict the location of the sign at an angle that it is directed at the intersection of both public rights-of-way and is setback two feet, minimum, from the sidewalk.
- 20.) Two (2) ground-mounted, monument signs are illustrated on the PDP along the public right-of-way frontages at the right-in/ right-out access and the temporary, full access. No sign details were submitted for the sign. Therefore, the signs shall only be permitted through the FDP process. All ground-mounted signs shall be consistent with the exterior building materials for the principle building. All signage shall meet the West Chester Township Zoning Resolution, Articles 10 and 20.

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 20th day of June 2016.

West Chester Township,
Butler County, OH

Chairman:


James Hahn

Secretary:


Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-11
WCV-Hutzelman Square- Buffalo Wings & Rings, FDP**

WHEREAS, an application of Hutzelman Farms, Inc. was approved by the West Chester Township Trustees on March 13, 2001 for a district change from R1-A to C-PUD for land containing approximately 39.245 acres, situated in Section 11, Town 2, Range 2. A Preliminary Development Plan was also approved that contained a 145,000 sf multi-tenant retail building and five outlots; and

WHEREAS, on February 28, 2011, a Final Development Plan was approved by the West Chester Zoning Commission for a Chase Bank with a drive-thru on the outlot located on the northwest corner of S.R. 747 and Hutzleman Way intersection; and

WHEREAS, on April 21, 2014, a Revised Preliminary Development Plan was approved by the West Chester Zoning Commission for modifications to the original layout, which included reducing the size of the southern portion of the large multi-tenant retail center and creating a new outlot on the north side of Hutzelman Way; and

WHEREAS, on October 20, 2014, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan for modifications to the original layout, which included an expanded development parcel along SR 747 for a 29,600 sf daycare and reducing the size of the southern portion of the large multi-tenant retail center; and

WHEREAS, on June 15, 2015, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan approval for modifications to the original layout, which includes reconfiguring the site layout to consist of 6 buildings totaling 137,500 sf of mixed commercial, office and retail uses in the undeveloped area north of the already approved FDP areas of the Chase Bank (4,353 sf), West Chester Music and Dance academy (11,829 sf) and Children's learning Adventure (33,032 sf); and

WHEREAS, on May 17, 2016, Jeff Piatt submitted an application requesting Final Development Plan approval for a 5,915 sf restaurant on lot D; and

WHEREAS, on June 20, 2016, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

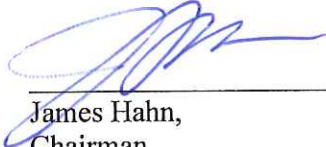
NOW, THEREFORE BE IT RESOLVED, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve of said Final Development Plan for Buffalo Wings & Rings is consistent with the submitted site plan with the following conditions:

- 1.) The land use is consistent with the intent and purpose of the Comprehensive Land Use Plan and the designated classification, Trustee Resolution No. 09-2001, Zoning Commission Resolution No. 15-17, and the West Chester Zoning Resolution, Article 20.
- 2.) The Traffic Impact Study (TIS) shall meet all the Ohio Department of Transportation (ODOT) and the Butler County Engineer's Office (BCEO) requirements.
- 3.) All rights-of-way shall be dedicated, as required by ODOT and the BCEO Thoroughfare Plan prior to the issuance of a zoning permit.
- 4.) The FDP shall meet all ODOT requirements prior to the issuance of a final zoning certificate.
- 5.) The FDP shall meet all requirements of the BCEO and the Butler County Water and Sewer Department (BCWSD) prior to the issuance of a zoning permit. A revised plan shall be submitted within 30 days, which shall receive approval by the BCEO, BCWSD, and the WCCDD.
- 6.) The FDP shall meet all requirements of the West Chester Fire Department prior to the issuance of a final zoning certificate.
- 7.) A draft copy of the cross-access easement documentation, for granting legal access through the site and for the future development to the north with the maintenance responsibilities clearly defined, shall be submitted to the WCCDD for approval and then shall be recorded prior to issuance of a final zoning certificate.
- 8.) The Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for Hutzelman Square at West Chester Village has been provided to the WCCDD and approved. The DCCRRE shall be recorded prior to issuance of a final zoning certificate.
- 9.) No ground-mounted sign is illustrated on the FDP. Therefore, any future, proposed ground-mounted signs shall be subject to Article 26.18 of the West Chester Zoning Resolution, which requires a Minor Change to the PUD.

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 20th day of June 2016.

West Chester Township
Butler County

Chairman:



James Hahn,
Chairman

Secretary:



Timothy Dawson,
Township Planner