

**RESOLUTION NO. 03-2002**

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**A RESOLUTION APPROVING A ZONE DISTRICT  
CHANGE FOR WEST CHESTER TOWNSHIP  
MAP AMENDMENT CASE # 11-01**

**WHEREAS**, by advertisement, a public hearing to amend the West Chester Township Zoning Resolution was held on January 8, 2002 as applied for by Cousins Properties, Inc., for a district change from CBD (Central Business District) to C-PUD (Commercial Planned Unit Development) District for the following described property:

Situate in the State of Ohio, County of Butler, Township of West Chester, lying in Section 33, Town 3, Range 2, and being more particularly described as follows:

Commencing at an Iron Spike (found) in the northeast corner of Section 33 and lying in the pavement of WEST CHESTER ROAD (formerly RIALTO ROAD);

Thence with the east line of Section 33, S 4° 54'09" W, 490.73 feet to a point in the westerly Right-of-Way line of MUHLHAUSER ROAD as recorded in Plat Envelope 2900, Page A;

Thence departing east line of Section 33 along the westerly right-of-way of MUHLHAUSER ROAD, S 32° 43'27" W, 409.91 feet to a point being the **TRUE POINT OF BEGINNING** for the herein described parcel of land;

Thence continuing also said right of way, S 32° 43'27" W, 468.90 feet to an Iron Pin (found) in the northeast corner of a tract of Markwood Enterprises, Inc. as recorded in Official Records 6320, Page 1281;

Thence following said tract for the next two (2) courses:

N 57° 16'33" W, 251.12 feet to a point;

S 21° 42'15" W, 313.99 feet to an Iron Pin (found) in the north right-of-way line of UNION CENTRE BOULEVARD as recorded in Official Records 6100, Page 1747;

Thence following said Right-of-Way for the next ten (10) courses:

N 66°43'39" W, 33.12 feet to a point;

Along a curve to the left an arc distance of 56.88 feet as defined by a radius of 879.27 feet, chord bears N 72°42'29" W, 56.87 feet to a point;

N 78° 41'12" W, 149.98 feet to a point;

N 83°41'20" W, 145.61 feet to a point;

N 84°31'51" W, 65.34 feet to a point;

N 5° 33'51" E, 19.69 feet to a point in the east property line of Schumacher Dugan Construction, Inc., as recorded in Deed Book 1805, Page 709;

Continuing along said line, N 84°31'51" W, 24.58 feet to a point;

S 5° 28'09" W, 19.69 feet to a point;

N 84°31'51" W, 527.71 feet to a point;

N 83°43'15" W, 58.99 feet to a point;

Departing said Right-of-Way, along a new line, N 6°31'12" E, 840.71 feet to a point in the south right-of-way line future extension of Centre Pointe Drive;

Thence along said right-of-way the following five (5) courses:

S 83°28'48" E, 991.22 feet to a point;

Along the curve to the right an arc length of 214.95 feet as defined by a radius of 470.00 feet, chord bears

S 70°22'41" E, 213.09 feet to a point;

S 57°16'33" E, 124.41 feet to a point;

S 53°51'33" E 234.92 feet to a point;

S 57°16'33" E, 65.93 feet to the true point of beginning, containing 25.657 acres of land, subject to the easements and restrictions of record.

The Basis of bearing is the Centerline of MUHLHAUSER ROAD, per State Plane Coordinates.  
(i.e., N 32°43'27" E)

**WHEREAS**, all those present for the hearing who wished to be heard voiced their opinions with respect thereto; and

**WHEREAS**, the West Chester Township Zoning Commission recommended approval (Resolution 01-29) of this district change from CBD (Central Business District) to C-PUD (Commercial Planned Unit Development) District for the aforesaid application with the following conditions:

1. Preliminary Development Plan (PDP) approval shall be granted for development of a 25.66 acre lifestyle retail village with approximately 200,000 square feet of mixed retail uses and two (2) outlots. Permitted uses shall include principal permitted uses of the CBD District.
2. A traffic impact study shall be submitted with any Final Development Plan (FDP) application. Exact locations for access points along Union Centre Boulevard and Muhlhauser Roads and any necessary road improvements to any public street shall be determined at FDP stage. No FDP shall be approved until a traffic impact study is completed and the results are mutually agreed upon by the applicant, the Township and the Butler County Engineer's Office (BCEO). Cost of determined road improvements shall be at the property owner or developer's expense.
3. A detailed storm water drainage plan and calculations shall be submitted with any FDP application. No FDP shall be approved until said study is completed and the results are mutually agreed upon by the applicant, the Township and the Butler County Engineer's Office (BCEO).
4. No FDP shall be approved until the site design and layout are mutually agreed upon by the applicant, the Township and the Butler County Engineer's Office (BCEO).
5. The layout of any proposed town center must create a sense of place and an urban environment where uses can interrelate to one another and interact with pedestrians. Zoning Commission shall review any subsequent FDP to promote the synergy of uses and to promote "sense of places" where consumers can gather and experience.



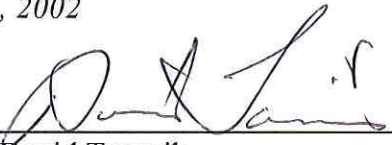
6. The designed hardscape areas shall be incorporated into and calculated as the open space requirement. No FDP shall be approved until the proposed open space and green space areas have been approved by the West Chester Planning and Zoning Department, recorded as such, and dedicated to an established Property Owner's Association. Detailed plans for the use of these areas shall be submitted prior to FDP approval.
7. The design of the proposed uses should consider the synergy between similar uses (i.e. entertainment and restaurants) and between uses and pedestrians. The site layout and design should create identities and places not only for vehicular traffic but pedestrians as well. Zoning Commission shall review any subsequent FDP to promote internal and external (from adjoining properties) pedestrian movements.
8. In order to maintain the CBD vista along Union Centre Boulevard and Muhlhauser Road, those frontages and frontage on any other external public road shall be required to meet the CBD standards of street trees and sidewalks and the twenty-five (25) ft. pavement and fifty (50) ft. building setbacks. Any submitted FDP shall illustrate these requirements.
9. The development should create aesthetic vistas from adjoining properties. The orientations of the proposed retail buildings should provide aesthetic vistas or visual linkage from either vantage point. Any submitted FDP shall address this issue and promote the intended vistas.
10. Signage, required open space, building elevations and materials, landscaping, parking and access aisle layout, emergency access to buildings, fire hydrant locations, pedestrian facilities, dumpster locations and enclosures, etc. for the multiple lifestyle retail buildings and outlots shall be reviewed and approved at FDP stage.
11. Internal drives/streets, excluding the extension of Centre Point Drive, are considered private and shall be constructed to the BCEO standards. At the property owner or developer's request and with the BCEO and Township agreement, the applicable private drives/streets may be re-designated as public streets if constructed to the BCEO's public street standards.
12. Internal applicable private drives/streets shall be a minimum width of 24' and shall be at the approval of the Fire Department and the West Chester Planning and Zoning Department.
13. No FDP shall be approved until utility plans, including, but not limited to water and sewer service and fire hydrant systems have been submitted, reviewed and approved by the West Chester Fire Department, the Butler County Environmental Services Department, and West Chester Planning and Zoning Department. Any necessary improvements shall be at the applicant's and/or developer's cost.
14. Any phase of development shall comply with the West Chester Township Fire Hydrant Resolution. Location and number of fire hydrants shall be determined at FDP stage for any phase and shall be approved by the West Chester Township Planning and Zoning and Fire Departments.
15. No FDP shall be approved until cross access easements have been recorded that provide cross access to the traveling public and to both outlots.

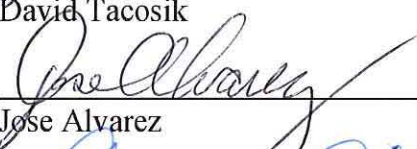
16. A property owners association shall be responsible for keeping all open space areas free from trash and litter and shall be required to maintain all landscape/hardscape and all drainage ways and retention/detention basins to perform designated function.
17. All phases at FDP stage shall include a detailed landscaping plan and pedestrian facility plan. Location, design and construction of said pedestrian facilities shall be approved by the West Chester Planning and Zoning Department.
18. Exact location, design and maintenance agreements of any retention or detention facility shall be determined and approved at FDP stage. Any retention pond shall be designed and constructed in a way as to deter water foul attraction and habitation of the retention pond.
19. Development of any outlot shall require subsequent PDP & FDP approval.


**WHEREAS**, said application was reviewed by the Board of Township Trustees with respect to consistency with the West Chester Township Land Use Plan.

**NOW THEREFORE, BE IT RESOLVED**, that by failure to achieve the unanimous vote necessary to overturn the decision of the West Chester Township Zoning Commission, the Board of Trustees does hereby approve the district change from CBD (Central Business District) to C-PUD (Commercial Planned Unit Development) District.


Adopted the 22nd day of January, 2002

  
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David Tacosik


  
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Jose Alvarez

  
\_\_\_\_\_  
Catherine Stoker

**ATTEST:**

  
\_\_\_\_\_  
Patricia Williams, Township Clerk

**APPROVED AS TO FORM:**

  
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Donald L. Crain, Law Director

