

RESOLUTION NO. 09 - 2001

**A RESOLUTION APPROVING A ZONE DISTRICT
CHANGE FOR WEST CHESTER TOWNSHIP MAP
AMENDMENT CASE # 05-00**

BE IT RESOLVED, by the Board of Township Trustees of West Chester Township, Butler County, Ohio, that:

WHEREAS, by advertisement, a public hearing to amend the West Chester Township Zoning Resolution was held on December 18, 2000 and January 22, 2001 as applied for by Hutzelman Farms, Inc. requesting a district change from R1-A (Suburban Residence District) to C-PUD (Commercial Planned Unit Development) District for the following described property:

Situated in Section 11, Town 2, Range 2, West Chester Township, Butler County, Ohio and being a 39.245 acre tract of land further described as follows:

Beginning at the Northeast corner of aforementioned Section 11, said point being in the boundary of the lands of the Hutzelman Farms Inc. as recorded in Deed Book 1742, Page 450 of the Butler County, Ohio Records and being at the centerline intersection of Tylersville Road and Princeton-Glendale Road (S.R. 747);

Thence along the Easterly line of said section and along the centerline of Princeton Glendale Road (S.R. 747) and along said boundary, South 04° 28' 41" West, 3406.51 feet;

Thence leaving said section line and said centerline, continuing along said boundary, South 83° 28' 40" West, 414.85 feet;

Thence leaving said boundary, North 04° 28' 41" East, 368.90 feet;

Thence North 51° 20' 13" West, 302.84 feet;

Thence North 79° 16' 49" West, 93.20 feet;

Thence North 01° 24' 57" East, 177.10 feet;

Thence North 02° 59' 40" East, 277.06 feet;

Thence North 09° 34' 26" East, 93.71 feet;

Thence North 07° 51' 42" East, 118.13 feet;

Thence North 13° 54' 09" East, 369.63 feet;

Thence North 43° 46' 49" East, 341.06 feet;

Thence North 49° 23' 07" East, 315.63 feet;

Thence North 38° 24' 29" East, 178.72 feet;

Thence North 10° 17' 43" East, 261.38 feet;

Thence North 29° 01' 32" West, 252.78 feet;

Thence North 01° 44' 24" West, 234.67 feet;

Thence North 89° 23' 09" West, 312.62 feet;

Thence North 11° 58' 56" East, 164.11 feet;

Thence North 09° 25' 38" West, 273.05 feet to a point in the Northerly line of aforementioned Section 11 and in the centerline of aforementioned Tylersville Road;

Thence along said section line and said centerline, North 80° 34' 22" East, 666.69 feet to the point of beginning containing 1,709,515.90 square feet or 39.245 acres of land and being subject to all easements and right-of-ways of record.

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 01-02) of this district change from R1-A (Suburban Residence 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 the 145,000 square foot multi-tenant retail building and the five (5) outlot buildings north of Hutzelman Way and closest to the multi-tenant retail building only, access points with necessary road improvements along S.R. 747 and Tylersville Road, and permitted uses only. The number of outlots and the number of buildings per outlot shall be determined and approved with subsequent PDPs for the northernmost and southernmost outlot areas.
2. Permitted uses of the subject property shall include principal permitted and conditional uses of the O-1, O-2 and B-1 zoning districts excluding section 21.023, and the principal permitted uses only of the B-2 zoning district, excluding sections 22.023, 22.024, 22.0241, 22.027, 22.029, 22.0211, 22.02111 and 22.02112. The occupants of the multi-tenant retail building shall be consistent with the specialty retail and restaurant uses outlined in the Hutzelman Commercial Property Analysis written by Frank Raeon.
3. Impervious setbacks (including building and parking) along the west and south borders shall be a minimum of one hundred (100) feet.
4. Impervious setbacks (including building and parking) along Tylersville Road and S.R. 747 property lines shall be determined at subsequent PDP and FDP approval.
5. Prior to any FDP approval, the traffic impact study submitted shall be approved by the Butler County Engineers Office (BCEO) and the Ohio Department of Transportation (ODOT) and the West Chester Planning and Zoning Department.
6. Exact location and design of each access point with necessary road improvements shall be illustrated on any FDP and shall have final approval by ODOT, the BCEO and the West Chester Township Planning and Zoning Department.
7. Prior to FDP approval for any Phase, a sight distance study shall be completed by the applicant and approved by the BCEO and the West Chester of Planning and Zoning Department. Any necessary road improvements, acquisition of right-of-way (ROW), and easements for site distance must be approved prior to FDP approval for any Phase. All necessary improvements shall be completed and paid for by the applicant and/or developer.

8. All Phases at FDP stage shall include a detailed drainage plan and calculations prepared and stamped by a professional engineer and shall be approved by the West Chester Township Planning and Zoning Department and the BCEO.
9. 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.
10. The commercial area in the northeast corner of West Chester Village shall access the existing trunk sewer along S.R. 747 by extending the sewer to the northern property line such that it can provide sewer service for undeveloped property north of Tylersville Road. The developer and/or applicant shall pay for any other needed improvements to the existing utility system as deemed necessary by the BCDES and/or The West Chester Planning and Zoning Department.
11. No FDP shall be approved until all relevant issues have been resolved by the Butler County Soil/Water Conservation Department and approved by the West Chester Planning and Zoning Department.
12. 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 Department and the Township Fire Department.
13. All roadways shall be considered public and constructed as required by the BCEO standards for public roads unless otherwise approved at FDP stage by the BCEO and West Chester Planning and Zoning Department.
14. Internal access drives 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.
15. All street names shall be reviewed and approved by the West Chester Fire Department and West Chester Planning and Zoning Department at FDP stage for any Phase.
16. No FDP shall be approved until cross access easements have been recorded that provide cross access to all outlots and the traveling public.
17. 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.
18. 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 drainage ways and retention/detention basins to perform designated function and all landscape.

19. 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 and shall be a minimum of 5' concrete sidewalks and 8' pedestrian paths.
20. No signage shall be approved at this PDP stage. All signage shall be approved at subsequent Final Development Plans by the West Chester Planning and Zoning Department.
21. 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.
22. Building design for the multi-tenant retail building, including exterior materials and architectural features, shall be determined at FDP stage.

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

THEREFORE BE IT RESOLVED, that by unanimous vote necessary to modify the decision of the West Chester Township Zoning Commission the Board of Trustees does hereby modify the conditions of approval by including the following condition:

1. The applicant, developer, and/or builder shall be required to note on the title or deed of each lot "Property subject to the Butler County Airport Zone District Restrictions." No Zoning certificate shall be issued until documentation of such has been provided to the West Chester Township Department of Planning and Zoning.

THEREFORE BE IT FURTHER 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 R-1A to C-PUD (Commercial Planned Unit Development) District, for the aforesaid application.

Adopted the 13th day of March, 2001

ATTEST:

Patricia Williams
Patricia Williams, Township Clerk

APPROVED AS TO FORM:

Donald L. Crain
Donald L. Crain, Law Director

David Tacosik Yes
David Tacosik
Jose Alvarez Yes
Jose Alvarez
Catherine Stoker Yes
Catherine Stoker

February 27, 2001	First Reading

Date	
March 13, 2001	Emergency Reading

Date	
March 13, 2001	Second Reading

Date	
March 19, 2001 – Journal News	First Publication
_____	(After Approval)
Date and Newspaper	
March 21, 2001 – Pulse Journal	

March 26, 2001 – Journal News	Second Publication
_____	(After Approval)
Date and Newspaper	
March 28, 2001 – Pulse Journal	

<u>April 25, 2001</u> <i>Adriana Williams</i>	Certificate of Publication
Clerk Signature & Date	