

RESOLUTION NO. 10-2001

**A RESOLUTION APPROVING A ZONE DISTRICT
CHANGE FOR WEST CHESTER TOWNSHIP MAP
AMENDMENT CASE # 06-00**

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 In-Line Development Company, requesting a district change from R1-A (Suburban Residence District) to R-PUD (Residential 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 137.092 acre tract of land further described as follows:

Beginning at a point found by measuring from the Northeast corner of aforementioned Section 11, said point being in the boundary of the lands of 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), along the Northerly line of said section and along the centerline of Tylersville Road and along said boundary, South 80° 34' 22" West, 666.69 feet to the true point of beginning;

Thence from the point of beginning thus found, leaving said section line and said centerline, and said boundary, South 09° 25' 38" East, 273.05 feet;

Thence South 11° 58' 56" West, 164.11 feet;

Thence South 89° 23' 09" East, 312.62 feet;

Thence South 01° 44' 24" East, 234.67 feet;

Thence South 29° 01' 32" East, 252.78 feet;

Thence South 10° 17' 43" West, 261.38 feet;

Thence South 38° 24' 29" West, 178.72 feet;

Thence South 49° 23' 07" West, 315.63 feet;

Thence South 43° 46' 49" West, 341.06 feet;

Thence South 13° 54' 09" West, 369.63 feet;

Thence South 07° 51' 42" West, 118.13 feet;

Thence South 09° 34' 26" West, 93.71 feet;

Thence South 02° 59' 40" West, 277.06 feet;

Thence South 01° 24' 57" West, 60.00 feet;

Thence South 40° 18' 59" West, 45.06 feet;

Thence South 80° 23' 31" West, 742.70 feet;

Thence South 77° 51' 55" West, 177.80 feet;

Thence South 82° 20' 02" West, 192.16 feet;

Thence South 85° 04' 48" West, 129.41 feet;
Thence South 49° 38' 10" West, 454.28 feet;
Thence North 85° 43' 06" West, 401.69 feet to a point in the Westerly line of the aforementioned lands of Hutzelman Farms Inc.;

Thence along said Westerly line, North 04° 28' 47" East, 133.53 feet;
Thence along said Westerly line extended, North 04° 52' 24" East, 2670.33 feet to a point in the aforementioned northerly line of said section 11 and the aforementioned centerline of Tylersville Road; Thence leaving said Westerly line, along said section line and along said centerline, North 80° 34' 22" East, 2109.35 feet to the point of beginning containing 5, 971,747.07 square feet, or 137.092 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 01-03) of this district change from R1-A (Suburban Residence District) to R-PUD (Residential Planned Unit Development) District for the aforesaid application with the following conditions:

1. Prior to any FDP approval, the traffic impact study submitted shall be approved by the Butler County Engineers Office (BCEO), the Ohio Department of Transportation (ODOT) and the West Chester Planning and Zoning Department.
2. Exact location and design of each access point with necessary road improvements shall be illustrated on any FDP and shall be approved by ODOT, the BCEO and the West Chester Township Planning and Zoning Department.
3. 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 Township 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. All roadways in the single-family area, except Planters Lane, shall be considered public and constructed as required by the BCEO standards for public roads. Planters Lane, designated as a private road, shall be constructed to meet the West Chester Township Fire Department standards for accommodating fire safety apparatus and approved by the West Chester Planning and Zoning Department.
9. All roadways internal to the Woods Development, excluding Hutzelman Way, shall be private and shall be constructed to meet the West Chester Township Fire Department standards for accommodating fire safety apparatus and approved by the West Chester Planning and Zoning Department.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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 from attraction and habitation of the retention pond.
17. All building elevations including design and materials, in the Woods area, shall be approved at FDP stage.
18. No FDP shall be approved until the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for West Chester Village are reviewed and approved by Zoning Commission.
19. All lots shall be sold at a price consistent with the testimony given at the January 22, 2001 Zoning Commission hearing.

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 conditions:

1. The lot sizes of the Groves shall be 100' x 150', the Gardens shall be 80' x 150'; the Meadows shall be 80' x 150'; Jeanne's creek shall be 70' x 120'; and the Willows shall be 70' x 120'.
2. 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 a 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 R-PUD (Residential Planned Unit Development) District, for the aforesaid application.

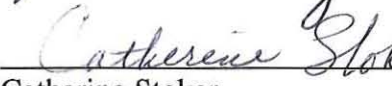
Adopted the 13th day of March, 2001



David Tacosik Yes




Jose Alvarez Yes




Catherine Stoker Yes

ATTEST:



Patricia Williams, Township Clerk

APPROVED AS TO FORM:



Donald L. Crain, Law Director

<u>February 27, 2001</u>	First Reading
Date	
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	Emergency Reading
Date	
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<u>March 13, 2001</u>	Second Reading
Date	
<u>March 19, 2001 – Journal News</u>	First Publication
Date and Newspaper	(After Approval)
<u>March 21, 2001 – Pulse Journal</u>	
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<u>March 26, 2001 – Journal News</u>	Second Publication
Date and Newspaper	(After Approval)
<u>March 28, 2001 – Pulse Journal</u>	
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<u><i>Patricia Williams, April 25, 2001</i></u>	Certificate of Publication
Clerk Signature & Date	