

RESOLUTION NO. 2000-05

**A Resolution Approving a Zone District Change for
Union Township Map Amendment Case # 14-99
And Dispensing with the Second Reading
And Declaring an Emergency**

WHEREAS, by advertisement, a public hearing to amend the Union Township Zoning Resolution was held on December 20, 1999 as applied for by West Chester Plaza LLC (14-99) to redistrict from M-2 (General Industrial District) and R-PUD (Residential Planned Unit Development District) to C-PUD (Commercial Planned Unit Development District) for the following described property:

Parcel M5610 028 000 024

Situate in Sections 27 & 28, Town 3, Range 2 B.T.M., Union Township, Butler County, Ohio, being part of the 1.6827 acre reserved parcel as conveyed to Planned Development Company of Ohio as Exhibit B-10A by deed filed in the office of the Butler County, Ohio Recorder in Deed Book 1685 at Page 01, etc. which is shown on a plat of survey filed in the Butler County Engineer's Record of Land Division in S.R. Volume 21 at Plat No. 139 and being more particularly described as follows:

Beginning in the centerline of Rialto Road, on the southerly line of said Section 28, at the southwest corner of said 1.6827 acre tract, said beginning being, S 87° 58' 49" E, distant 720.28', as measured along said centerline and said Section line, from a found spike marking the southwest corner of said Section 28; thence from said beginning, continuing with the meridian of said S.R. Volume 21, Plat No. 139:

- 1) Leaving said centerline and said section line, through said Section 28, with the westerly lines of said 1.6827 acre tract, N 02° 01' 11" E, 61.11'; thence,
- 2) Continuing along another westerly line of said 1.6827 acre tract, along the arc of a tangent curve to the left, having a radius of 390.00', an arc length of 173.10', the chord of which bears N 10° 41' 43" W, distant 171.68'; thence,
- 3) Continuing along another westerly line of said 1.6827 acre tract, along the arc of a tangent curve to the left, having a radius of 520.00', an arc length of 18.81', the chord of which bears N 24° 26' 48" W, distant 18.81' to a westerly corner of the 0.3428 acre tract as conveyed to Cincinnati Bell, Inc. by deed filed in the office of said recorder in Deed Book 1699 at Page 698, etc. Which is shown on a plat of survey filed in said Engineer's Record of Land Division in S.R. Volume 22 at Plat No. 155; thence;
- 4) Leaving said westerly line, with a southerly line of said 0.3428 acre tract, and in part through said original 1.6827 acre tract, N 64° 31' 02" E, (crossing the centerline of Beckett Road at an original corner of said 1.6827 acre tract at 27.90') a total distance of 210.00' to the northernmost common corner of said 0.3428 acre tract and said original 1.6827 acre tract; thence,
- 5) With the easterly common line of said 0.3428 acre tract and said 1.6827 acre tract, S 21° 25' 53" E, 294.20' to a set P.K. nail in the centerline of said Beckett Road, marking the southernmost common corner of said 0.3428 acre tract and said 1.6827 acre tract; thence,
- 6) Leaving the lines of said 0.3428 acre tract, with said centerline and an easterly line of said 1.6827 acre tract, S 31° 40' 33" E, (crossing the aforementioned southerly line of said Section 28 at 87.14') a total distance of 112.04' to a set P.K. nail at the intersection of the centerlines of said Beckett Road and the aforementioned Rialto Road marking the southeast corner of said 1.6827 acre tract; thence,
- 7) Continuing through said Section 27, with the centerline of said Rialto Road and a southerly line of said 1.6827 acre tract, N 65° 53' 57" W, 55.12' to a found P.K. nail on the northerly line of said Section 27; thence,
- 8) With said section line, the centerline of said Rialto Road and a southerly line of said 1.6827 acre tract, N 87° 58' 49" W 268.26' to the place of beginning, containing 1.6669 acres of land, more or less, 0.0089 acres of which lying within said Section 27 and 1.6580 acres of which lying within said Section 28.

Parcel M5610 028 000 039

Situated in Section 28, Town 3, Range 2, B. T. M., Union Township. Butler County, Ohio, being part of a 550.943 acre tract as conveyed to TFAC, Inc. as Exhibit A-6 by deed filed in the office of the Butler County Ohio Recorder in Deed Book 1436 at page 97, etc. and being more particularly described as follows:

Beginning at a set P.K. nail in the centerline of Beckett Road at the southernmost corner of the subdivision entitled, "Beckett Ridge Section 35 Phase R-X-4", the record plan of which is filed in the office of said recorder in Plat Envelope 1743 at Pages A,B,C and D; thence from said beginning running with the meridian of same.

- 1) Leaving said centerline with a southeasterly line of said subdivision, through said 550.943 acre tract, by new division lines. N 33° 35' 22"E, 50.00'; thence,
- 2) Leaving said southeasterly line, continuing through said tract, parallel with and distant 50.00' as measured at right angles, northerly from the existing centerline of said Beckett Road, S 56° 24' 38" E, 271.04'; thence,
- 3) Along the arc of a tangent curve to the right, having a radius 520.00' (crossing the existing centerline of said Beckett Road at an arc length of 229.90') a total arc length of 299.50', the chord of which bears, S 39° 54' 38" E, distant 295.38'; thence,
- 4) Along the arc of a tangent curve to the right, having a radius 390.00' an arc length of 173.10', the chord of which bears, S 10° 41' 43" E, distant 171.68'; thence,
- 5) Tangent to said curve S 02° 01' 11" W, 61.11' to the south line of said Section 28, being the centerline of Rialto Road; thence,
- 6) With said section line and said centerline, N 87° 58' 49" W, 100.00'; thence,
- 7) Leaving said section line and said centerline, parallel with and distant 100.00'; as measured at right angles, westerly from the 5th course herein described, N 02° 01' 11" E, 61.11'; thence,
- 8) Along the arc of a tangent curve to the left being concentric with and distant 100.00' westerly from the 4th course herein described having a radius 290.00', an arc length of 128.71', the chord of which bears
N 10° 41' 43"W, distant 127.66'; thence,
- 9) Along the arc of a tangent curve to the left, being concentric with and distant 100.00' southwesterly from the 3rd course herein described, having a radius 420.00', an arc length of 241.90', the chord of which bears N 39° 54' 38" W distant 238.57'; thence,
- 10) Tangent to said curve, being parallel with and distant 100.00' as measured at right angles, southwesterly from the 2nd course herein described, and parallel with the existing centerline of said Beckett Road, N 56° 24' 38" W, 271.04': thence,
- 11) N 33° 35' 22" E, 50.00' to the place of beginning, containing 1.7304 acres of land, more or less.

Parcel M5610 028 000 069

Situated in Section 28, Town 3, Range 2, Union Township, Butler County, Ohio and being more particularly described as follows:

Beginning at a point in the centerline of West Chester Road and the south line of Section 28, said point being S 87° 58' 49" E, a distance of 239.88 feet from the southwest corner of Section 28, Thence along proposed easterly right-of-way lines of Lakota Drive West (80' R/W), the following four courses:

- 1) N 02° 01' 15" E a distance of 30.00 feet;
- 2) N 36° 26' 58" W a distance of 62.18 feet to a 5/8" iron pin set;
- 3) N 02° 01' 11" E a distance of 183.48 feet to a 5/8" iron pin set at a point of curvature;
- 4) Along a non-tangent curve to the left, an arc distance of 416.02 feet to the north line of an original tract conveyed to Richard L. and Patricia F. Alderson (O.R. 6133 pg. 1207) and the centerline of existing Lakota Drive West (formerly Beckett Road), said curve having a radius of 612.96 feet and a chord bearing N 17° 31' 15" W for 408.08 feet;

Thence along said centerline, S 56° 24' 38" E, a distance of 189.33 feet to a point in the northwesterly line of a 1.7304 acre tract conveyed to the Butler County Commissioners (D.B. 1667 Pg. 682);

Thence along said northwesterly line, S 33° 35' 22" W, a distance of 50.00 feet;

Thence along southwesterly line of said tract, the following four courses:

- 1) S 56° 24' 38" E, a distance of 271.04 feet to a point of curvature;
- 2) Along a curve to the right, an arc distance of 241.89 feet to a point of compound curvature, said curve having a radius of 420.00 feet and a chord bearing S 39° 54' 41" E for 238.56 feet;
- 3) Along a curve to the right, an arc distance of 128.71 feet to a point of tangency, said curve having a radius of 290.00 feet and a chord bearing S 10° 41' 43" E for 127.66 feet;
- 4) S 02° 01' 11" W, a distance of 61.11 feet to a point in the centerline of West Chester Road;

Thence along said centerline, being the south lines of Section 28, N 87° 58' 49" W a distance of 378.42 feet to the point of beginning, containing 3.665 acres more or less.

Subject to easements, conditions, right-of-way and restrictions of record, if any.

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

WHEREAS, the Union Township Zoning Commission recommended approval (Resolution 99-34) of this district change from M-2 and R-PUD to C-PUD; and

WHEREAS, said application was reviewed by the Board of Township Trustees and determined to be consistent with the Union Township Land Use Plan.


THEREFORE BE IT RESOLVED, that by a failure to achieve the unanimous vote necessary to overturn the decision of the Union Township Zoning Commission, the Board of Trustees does hereby approve the district change from M-2 and R-PUD to C-PUD with the following conditions, for the aforesaid application:

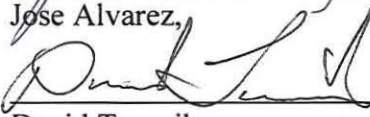
- 1) Preliminary Development Plan (PDP) approval shall be granted for development of a 2,400 square foot building, a 7,500 square foot single-story bank building with drive-thru and a 30,000 square foot retail shopping center (existing West Chester Plaza) including a drive-thru restaurant and outdoor seating area.
- 2) Approved access points, as illustrated on the PDP, shall be limited to a full movement along Lakota Drive West and a full movement along West Chester Road. Exact location and design of additional access points shall be illustrated on any Final Development Plan (FDP) and shall be approved by the BCEO, and the Union Township Zoning Commission.
- 3) Prior to any FDP approval, a detailed traffic impact study shall be submitted.
- 4) All necessary road improvements and needed right-of-way (ROW) shall be determined prior to any FDP approval and shall be illustrated on any FDP application. Necessary ROW shall be dedicated by the applicant and/or developer and all necessary road improvements shall be completed and paid for by the applicant and/or developer.
- 5) Development of any lots shall comply with the Union Township Fire Hydrant Resolution. Location and number of fire hydrants shall be determined at FDP stage for any Phase.
- 6) The PDP shall be revised to indicate a waterline easement for the relocated and existing water main located along West Chester Road and Lakota West Drive. No Final Development Plan shall be approved until the waterline easement has been recorded and documentation of said recording is forwarded to the Department of Planning & Zoning.
- 7) As illustrated on the PDP, a six (6) ft. concrete sidewalk shall be constructed along the subject property's frontage along West Chester Road and Lakota Drive West. Design and exact location of the sidewalks shall be decided at FDP stage.
- 8) Although generally illustrated on the PDP, exact site layout (including building, parking, drive-thru lanes and dumpster locations, and internal vehicular movement) shall be reviewed and approved at FDP stage. All internal access aisles shall be constructed to 24 feet and meet the Union Township Fire Department standards for accommodating fire safety apparatus.
- 9) Prior to any FDP approval, a ten (10) ft. slope easement along West Chester Road shall be recorded with the Butler County Engineer's Office (BCEO). Exact location shall be determined by the BCEO.
- 10) No FDP shall be approved until a detailed drainage plan and calculations and grading plan are submitted, reviewed and approved by the Union Township Planning & Zoning Department and the Butler County Engineer's Office.
- 11) No Final Development Plan shall be approved until the proposed open space areas have been recorded as such and dedicated to an established Property Owner's Association. Detailed plans for use of those areas shall be submitted prior to FDP approval.

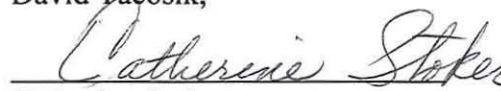
- 12) No FDP shall be approved until a detailed landscaping plan is submitted, reviewed and approved by the Union Township Planning & Zoning Department and the Butler County Engineer's Office.
- 13) Shopping center identification signage, ground signage and building signage shall be approved at FDP stage.
- 14) No Final Development Plan shall be approved until the looped water main and fire hydrant system are reviewed and approved by the Union Township Fire Department and Butler County Department of Environmental Services.
- 15) Any subsequent food service use occupying any of the tenant spaces or outlot buildings shall require FDP approval.
- 16) Hours of operation of the entire Plaza, including outlots, shall be 6:00 a.m. to 12:00 a.m.
- 17) Development of any outlot shall require subsequent PDP & FDP approval.
- 18) Prior to FDP, a photometric lighting plan shall be submitted for review by staff.
- 19) Final Development Plan (FDP) approval for the Plaza shall require a detailed landscaping plan to be reviewed and approved by Zoning Commission. The landscaping plan, at a minimum, shall illustrate at least thirty-five (35) additional trees or double the existing number of trees, whichever is greater, to be installed on top of the existing earthen berm. In addition, at the lowest portion of the berm, the northwestern section of the property, an additional fifteen (15) trees shall be planted and extended west to align with the existing preserved tree line. The species of tree and layout shall be determined and approved by Zoning Commission. The installation of said trees shall be at the cost of the developer/applicant. The applicant/developer shall be responsible for the maintenance of existing and proposed trees for one (1) year from the date the proposed trees are planted. If the Beckett Ridge Homeowners Association does not grant approval to install said trees on their property, then this condition shall not apply.
- 20) Prior to FDP, approval a rear building exterior color plan shall be submitted for review by staff.
- 21) The proposed outlots shall be required to meet all of the development standards including but not limited to building and parking setbacks, lot coverage, drive-thru stacking lanes, and parking of the Business Districts of the Union Township Zoning Resolution.
- 22) Zoning Commission shall determine the appropriate location and screening for the drive-thru device so as to minimize any noise detriment to the adjoining neighbors.

This resolution shall be adopted as an emergency necessary for the immediate preservation of the public peace, health, safety, or welfare of the community.


Adopted the 8th day of FEBRUARY, 2000


 Yes
 Jose Alvarez,

 Yes
 David Tacosik,

 Yes
 Catherine Stoker,

Township Trustees

Attest: 
 Patricia Williams
 Township Clerk

Approved as to form: 
 Don Crain, Law Director

Date	February 8, 2000	First Reading
Date	Waived	Emergency Reading
Date and Newspaper	<i>Feb. 17, 2000 West Chester Press</i>	Second Reading
Date and Newspaper	<i>Feb 16, 2000 Pulse Journal</i>	First Publication (After Approval)
Date and Newspaper	<i>March 2, 2000 West Chester Press</i>	Second Publication (After Approval)
Date and Newspaper	<i>Feb. 23, 2000 Pulse Journal</i>	
Clerk Signature & Date	<i>Patricia Melvin 3/16/00</i>	Certificate of Publication