

**WEST CHESTER TOWNSHIP  
ZONING COMMISSION  
September 19, 2016**

MEMBERS PRESENT: Susan Hendel, Jim Williams, Bruce Fisher  
Doug Rinnert, Gerry Stoker, Jim Hahn

MEMBERS ABSENT:

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

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 7:18 p.m.

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

August minutes were approved as written.

Mr. Williams swore in Mr. Dawson and anyone who will provide testimony.

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**Old Business**

We will open case **Lexie's Place FDP – 06-16-C**, the applicant is requesting final development approval for a residential subdivision of 10 lots.

Tim Dawson – There has been no progress made on the plans. The applicant has verbally indicated to staff that he would like to withdraw the case from the hearing. Unfortunately the applicant did not submit a formal request of withdraw. Tonight the Zoning Commission will hear the case. Given the considerations that no further revisions have been submitted, staff considerations have not changed.

Mr. Williams – so with that I don't believe we need to hear the case again. And the applicant is not here tonight correct? Would anyone here like to speak for this case, against this case or have neutral information? Since there are none, we will begin deliberations.

**Mr. Fisher made a motion to deny Case # Lexie's Place FDP – 06-16-C; Mr. Stoker seconds it. Mr. Stoker also mentions that it is important to note that the staff has made attempts to reach out to the applicant with no response.**

**Aye: Ms. Hendel, Mr. Stoker, Mr. Williams, Mr. Rinnert, Mr. Fisher**

**Nay:**

**Motion carries 5 – 0; the case has been denied.**

Mr. Williams calls a recess at 6:36 p.m.

Meeting reconvenes at 6:37 p.m. with Mr. Hahn taking Chairman Position.

**New Business:**

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**BTC – Lot 2/Bldg. D – Kinder Garden School – RFDP – 08-16-A**

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The applicant is Trudi Simpson. They are requesting a Revised Final Development Plan approval for a 9,846 s.f. daycare (ages 6 weeks to 5 years)/Private School (grades K-4) with a 15,136 s.f. outdoor playground area, which includes a 780 s.f. accessory structure and a 4' and 6' high, 3-channel, aluminum fence around perimeter.

The subject site is located along two private access roads approximately 250 feet east of Princeton-Glendale Road (S.R. 747).

The site consists of a 2.54 acre lot, which does not have any public road frontage and an existing 11,994 s.f. office/retail condo building. The building currently consists of a restaurant with an outdoor dining area on the west side of the building and a vacant tenant space with a drive-thru on the east side of the building. The lot includes existing parking areas, landscaping, private access roads, and signage.

**CASE HISTORY**

The Beckett Towne Center - Office Complex, Phase II Preliminary Development Plan was approved on March 18, 1991 for the development of a retail/office development.

A Revised Preliminary Development Plan for Phase II was approved on April 19, 2004 for the development of eight buildings, totaling 96, 915 s.f., with a combination of office and retail uses. (Res. No. 04-18)

A Final Development Plan for Phase II, Building D was approved on August 16, 2004 for an 11,995 s.f., single-story, multi-tenant, office/retail building. (Res. No. 04-39)

A Revised Final Development Plan for Building D was approved on February 28, 2005 for the addition of a drive-thru lane on the east side of the building and a low intensity use in the east tenant space, excluding a drive-thru restaurant use. (Res. No. 05-09)

A Revised Final Development Plan was approved on July 17, 2006 for the addition of a 500 s.f., outdoor dining area on the west side of the building for the existing restaurant use in the west tenant space. (Res. No. 06-29)

The applicant is proposing a 9,846 s.f. Daycare (ages 6 weeks to 5 years)/ Private School (grades K - 4) with a 15, 136 s.f., outdoor play area, which includes a 780 s.f. accessory structure and a 4' and 6' high, 3-channel, aluminum fence around the

perimeter.

## **STAFF CONSIDERATIONS**

The Revised Final Development Plan (RFDP) is consistent with the intent and purpose of the Revised Preliminary Development Plan (RPDP) and approved Zoning Commission Resolution No. 04-18, which allowed slight modifications of the usage for each building at the Final Development Plan (FDP) stage. The subsequent development plans for the subject building (Building D), prior to the current application, have been approved with modifications from office/ medical office to low-intensity office and retail uses. The proposed daycare/ private school use is defined as both, a low-intensity office and retail use, pursuant to the West Chester Township Zoning Resolution (WCTZR), Articles 18.023 and 21.027, and in conformance with Section 5 of the Zoning Commission Resolution No. 04-18.

The parking spaces for the site have been reduced from 101 spaces to 80 spaces, due to the addition of the outdoor play area. In order to meet the required 79 spaces, the parking space areas have been reduced from a 10' x 19' dimension to an 8' x 19' dimension. The WCTZR, Article 10.171 requires no less than a 9' x 19' dimension. The Zoning Commission has previously approved 8' x 19' parking spaces for multi-family developments with density levels of 15 units/ acre.

As shown on the RFDP, seven (7) parking spaces, located in the northeastern most portion of Lot 2, have been dedicated to the adjacent property owner to the east (M5610004000047) by easement agreement and were not included in the proposed parking calculations. The recorded easement agreement (Bk. 8921 Pg.724) for the parking spaces was provided to the WCCDD for review and approved.

The applicant will be providing 24% open space where 15% is required.

The existing drive-thru area on the east side of the building will no longer be accessible due to the proposed fence enclosure and the proposed bumper blocker on the north side. The drive-thru window was previously removed and the applicant is proposing a doorway for building ingress/ egress to the outdoor play area at the window location.

The existing dumpster enclosure is currently encroaching on the adjacent property to the east. As shown on the RFDP, the dumpster enclosure will be relocated from the east property line to the southeast portion of the site. The proposed dumpster enclosure meets all WCTZR requirements.

A detailed landscaping plan has been provided, which is consistent with the previously approved FDP (ZC Res. No. 04-39). The only changes to the previously approved landscaping plan are the types of plantings.

A sign detail has been provided, which revises the existing, freestanding, monument sign from multi-tenant signs to one (1) sign with a display area of 40 s.f., which meets all WCTZR requirements.

Any violations of the 2000 International Property Maintenance Code are required to be

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abated prior to the issuance of a final zoning certificate.

**ACTION:** The West Chester Township 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.

Mr. Stoker – when fencing in the area, will this affect the fire access to the building?

Mr. Dawson – on the west side of the fence located on this drive aisle, this is a gated entry for fire access as well as another gated access. They will be placing bollards to restrict any type of vehicle access.

Mr. Hahn – parking – they are going from 101 down to 79; the requirement is 79?

Mr. Dawson – the requirement is 79. We are reducing the parking from 101 minus the 7 spaces in the NE most portion that has already been dedicated to the adjacent property owner. That would be 101 parking spaces minus the playground area down to 80 spaces that are 8' x 19'.

Mr. Hahn – had they not reduced the 10' x 19', how many spaces would they have had?

Mr. Dawson – they would have had 74; they would have been missing the requirement by 6 spaces.

Mr. Hahn – they will restripe the lot?

Mr. Dawson – that is correct. The option was to either ask for a consideration for a reduction of the size of the parking spaces or a reduction in the requirement of the amount of parking spaces.

**Applicant Trudi Simpson**  
**5900 West Chester Road, Ste C**  
**West Chester OH 45069**

Hands out a map of the other 2 private schools in the area.

It is my intention, this evening, to respectfully request a change in use for the property located at 8374 Princeton-Glendale Road. We feel that the transition from office to educational zoning will not be too much of a change as the previous tenant was a music school. The main change will be the addition of a 15,000 square foot outdoor play space which will change the layout of the parking lot. We have been working with the company who did the original layout of this complex and they have rearranged the parking places so there are enough for both our use and the use of the restaurant currently in occupancy. This change will require us to sealcoat and restripe the parking lot, leaving the spaces on the North side of the building 9 feet across but reducing the size of the spaces on the South side of the building to accommodate the appropriate number of spaces. We have secured a company to perform this service in accordance with our proposal and are waiting for approval from zoning. We have also worked closely with the West Chester Fire Department to ensure proper access to the building on all sides. Overall, the design

of the play space and fence has been tastefully done to include muted tones of brown, beige and green to complement the existing design of the building. This building is necessary for our organization to grow.

The Kinder Garden School is an Early Childhood School that serves children age's birth to kindergarten entry. We also have a Chartered Non-Public School that serves school age children in grades Kindergarten through 4th grade. When we started our school in this community, we only served the infant, toddler and preschool ages. Once we had our first class of kindergarteners, our families were so impressed with the quality of education we provide, they did not want their children to leave us. I had several families ask to extend our program through first grade so their children could seamlessly transition into the public elementary school in second grade. We received our charter in 2008 and have successfully enrolled 15-30 children each year since and have grown to our current grade offering of K-4th. As a matter of fact, last spring, we graduated one of our first infants enrolled. She passed the Third Grade Reading test at the Advanced level and according to the Iowa Test of Basic Skills was reading at a 7th grade reading level by the end of 3rd grade. My point is that we send our students back into the community as strong learners. The only thing holding us back in our current facility is size and floor plan.

The location of the proposed facility will fill a void in the educational community especially as it relates to the other 2 Chartered Non-Public Schools in the district. The location of our proposed facility will allow us to continue serving families in the West Chester area but also reach those in Fairfield and Liberty Township. When you look at the map of our school district, Mother Teresa Catholic Elementary School and The International Academy of Cincinnati, the only other private elementary schools in the area, are both located north of this facility. It is our hope that offering a private school in this area which is not religiously affiliated will give the neighbors in West Chester more educational options for their children. Similarly, the fact that we serve many different age groups, we give our families options for younger siblings.

In closing, we have worked hard so far to take the current building from neglected to manicured, we have worked with the Fire Department to meet their specifications for access to the building and we have worked with engineers and surveyors to make sure we plan for the appropriate number of parking spaces. We have proven to have a successful business model and have grown our Charter school over the past 8 years. Now, in order to continue to grow in West Chester, we need a larger facility that will accommodate our Charter school children. We are prepared to grow, all we need is a positive vote from you! Thank you!

Mr. Stoker – how many children do you have outside at one time and how do you monitor them?

Ms. Simpson – at any given time we can have 75 at one time and given the square footage and what the Ohio Department of Family and Children's Services allow. They are monitored by their teachers. We have certain child/staff ratio's we have to meet.

Mr. Stoker – do you have video cameras.

Ms. Simpson – yes we do.

Mr. Hahn – how many will you enroll in this facility?

Ms. Simpson – 200 maximum

Mrs. Hendel – how many teacher per students?

Ms. Simpson – depends on the age; infants 5 to1 per state; for the school age 18 to 1. Our ratios are much lower; we have a large staff.

Mr. Hahn – are all students arriving at one time?

Ms. Simpson – our facility opens at 6:30 a.m. Our school begins at 9:00 a.m.

Mr. Fisher – how are students dropped off?

Ms. Simpson – parents drop them off. We do have an option as a charter school to use bus transportation through Lakota Schools.

**Proponents**            **None**

**Opponents**            **None**

**Neutral**                **Roland Young**  
Primrose Schools of West Chester  
8376 Princeton-Glendale

We moved in August 2010. One of our biggest challenges was visibility. My concern is 1) whether this layout further impairs our visibility. And 2) adds to a parking issue. I think it's great the empty building is going to be used and I think it's great it's going to be a school, we overlap to a degree. They offer things we do not and vice versa. I think we can be complimentary to each other.

I would like answers to; previously this building was used by a different type of school – dancing and music. The front entrance was facing our building, where the playground is. With the new proposal, with the entrance being moved to the other side, we will have the fencing and structures which will further our visibility. I have a duty to my employees and my own living to keep our school open. Was consideration given to keeping the front entrance as is and moving the playground to the front?

I can't say I'm opposed, I love seeing empty buildings being filled but I am concerned in the change of the layout and how it will adversely affect us.

Parking – we all compete for parking. I know with our school, 180 children, there are many families there at once. And as a good neighbor I expect times when we will need additional parking as well as they will need additional parking.

Is there a solution with the playground being on the other side?

Mr. Hahn – how many children are in your school?

Mr. Young – Right now our enrollment is between 170-180

Mr. Hahn – is your drop off/pick up the same?

Mr. Young – yes very comparable; but that's not my issue.

Mr. Dawson – I would like to address Mr. Young's questions –

- 1) Playground area being on the north side of building. Staff did work with the applicant to find the most efficient way to meet the needs which a certain square footage is required by the state for the use. Having on the north side was not the optimal decision due to the consideration by the Butler County Engineer's Office and the West Chester Fire Department with regards to cross access and access to the site.
- 2) Concern for visibility – I would advise him to work with staff to take a look at the site history to see if there's an option for directional signage to his site.

### **Deliberations**

Ms. Hendel – several places back there that would have issues with signage. The traffic flow is worse when kids are coming and going.

Mr. Fisher – I think this goes to the issue of a growing community and I'm very favorable.

Mr. Stoker – I'm excited to see the new school get started. As Mr. Young stated I think they will compliment each other.

Mr. Rinnert – I am in favor of it. I do have concerns about what we can do to help Mr. Young out with signage. It is difficult to see back in there. Anything that can be done to help him, we should do. I am in favor of this.

Mrs. Hendel – Mr. Dawson hit it on the head, just work with the zoning department to see what can be done.

Mr. Hahn – I agree with Mr. Rinnert. I'm looking at the resolution from history. This is a PUD; in the PUD there are certain requirements for the amount of square footage for signage per building, correct?

Mr. Dawson – the base consideration is the WCTZR, which would be article 10. 20 and 17 in some instances of the office uses. It is a consideration to the Zoning Commission if they want to vary from the base code for PUD's as long as it is within the intent and character of the site.

Mr. Hahn – in respect to the project itself, I think it is fantastic. They have met all the conditions requested from staff. In my opinion I look forward to them opening their facility. To address Mr. Young, I think there is a good opportunity for him to have additional signage so that he doesn't lose the visibility that he's worried about.

Mr. Dawson – staff will have to review the history of the PUD and the conditions of the approval but that is something we can look into for him.

Mr. Rinnert – that was a nice presentation; she did a nice job.

**Mr. Stoker made a motion to approve Case # TC – Lot 2/Bldg. D – RFDP – 08-16-A Kinder Garden School as submitted staff and other agencies. Mr. Rinnert seconds the motion.**

**Aye: Ms. Hendel, Mr. Stoker, Mr. Hahn, Mr. Rinnert, Mr. Fisher**

**Nay:**

**Motion carries 5 – 0**

**Administrative Matters:**

The next meeting is October 17, 2016 @ 6:30 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 7:18 p.m.

Chairman:

Secretary:

  
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James Hahn

  
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Timothy Dawson



**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 16-16  
BTC – OFFICE COMPLEX PHASE II - LOT 2/ BUILDING D –  
KINDER GARDEN SCHOOL - RFDP**

**WHEREAS**, on June 5, 1975, the Butler County Board of Commissioners approved a Residential Planned Unit Development District and Overall Concept Plan for the development of a residential community with a golf course and neighborhood commercial uses for Beckett Ridge; and

**WHEREAS**, on March 18, 1991, the West Chester Township [Union Township] Zoning Commission approved a Preliminary Development Plan for the development of a retail/office development; and

**WHEREAS**, on April 19, 2004, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan for the development of eight buildings totaling 96,915 s.f., with a combination of office and retail uses in Beckett Towne Center; and

**WHEREAS**, on August 16, 2004, the West Chester Township Zoning Commission approved a Final Development Plan for an 11,995 s.f., single-story, multi-tenant office/ retail building, specified as Building D on the approved Revised Preliminary Development Plan; and

**WHEREAS**, on February 28, 2005, the West Chester Township Zoning Commission approved a Revised Final Development Plan for the addition of a drive-thru lane on the east side of Building D and a low intensity retail use in the east tenant space, to exclude a drive-thru restaurant use; and

**WHEREAS**, on July 17, 2006, the West Chester Township Zoning Commission approved a Revised Final Development Plan for the addition of a 500 s.f., outdoor dining area on the west side of the building for the existing restaurant use in the west tenant space; and

**WHEREAS**, on August 16, 2016, Trudi Simpson submitted an application requesting a Revised Final Development Plan approval for a daycare/ private school use within the remaining tenant space of Building D, which includes the addition of a 15,136 s.f. outdoor play area on the south side of the building; and

**WHEREAS**, on September 19, 2016, the West Chester Township Zoning Commission held a public meeting for said Revised Final Development Plan.

**NOW, THEREFORE BE IT RESOLVED**, that the West Chester Township Zoning Commission does hereby approve said Revised Final Development Plan consistent with the submitted site plan with the following conditions:

- 1.) This approval shall only grant changes to the previously approved Revised Final Development Plan (RFDP) (*ZC Res. No. 05-09*) with regard to Lot 2 and the east tenant space of Building D. Any future application to reestablish the use of the drive-thru shall be subject to the West Chester Zoning Resolution, Article 26.182 and the restrictions as previously approved. The

Beckett Towne Center Planned Unit Development (PUD) shall otherwise remain subject to the restrictions as previously approved.

- 2.) The minimum number of parking spaces shall be maintained as required by the West Chester Township Zoning Resolution, which is dependent on the specific use for each tenant space. At the time that a zoning permit is requested for each tenant space, it shall be verified that the minimum number of parking spaces are available for the proposed use. If the proposed tenant use does not meet the aforementioned parking requirements, the zoning permit shall be denied, regardless if it is an approved use within the development.
- 3.) An amended draft copy of the Declaration of the Condominium Ownership for Beckett Towne Center Condominium (DCOBTCC), Amendment No. 4 [Bk. 8917 Pg. 690], to include the approved RFDP and the future property owner, as shown in Exhibit A and specified in Exhibit A-1, shall be provided to the West Chester Community Development Department (WCCDD) and approved. The DCOBTCC shall then be recorded prior to the issuance of a final zoning certificate and a copy of which shall be provided to the WCCDD.
- 4.) A draft copy of the Property Owners' Association agreement (POA), which shall be responsible for granting legal access throughout the site and the maintenance of all common space and common features throughout the Beckett Towne Center (PUD), shall be provided to the WCCDD and approved. The POA shall then be recorded prior to the issuance of a final zoning certificate and a copy of which shall be provided to the WCCDD.
- 5.) The landscaping plan shall only vary in the types of plantings from the previously approved Final Development Plan (ZC Res. No. 04-39); the quantity, locations, and sizes shall remain consistent. All landscaping is to be maintained in good condition and all major landscaping areas are to be irrigated with a permanently installed system.
- 6.) The WCCDD Staff shall be authorized to approve minimal revisions to the RFDP. Any changes to the plan that are required by other agencies shall be subject to approval by the WCCDD.
- 7.) Any violations of the 2000 International Property Maintenance Code shall be abated prior to the 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 19th day of September, 2016.

West Chester Township,  
Butler County, OH

Chairman:

Secretary:

  
James Hahn

  
Timothy Dawson,  
Township Planner