

**Record of Proceedings: November 8, 2016**  
**West Chester Township Board of Trustees - Special Meeting**

(Fiscal Officer Note: Whereas Township Hall was being used as a 2016 General Election polling location, this Special Meeting was conducted at the Miami University Voice of America Learning Center, 7847 VOA Park Drive, West Chester.)

Convene: President Welch convened the meeting at 6:00 p.m.

Roll Call: Mr. Welch, Mr. Lang, and Mr. Wong responded.

Pledge of Allegiance: Repeated by those present.

**Public Hearing**

Mr. Welch declared open the Public Hearing for Case #ZTA 04-16 – West Chester Township Trustees Zoning Text Amendments and asked staff to make their presentation. Thereupon Mr. Tim Dawson proceeded to present:

Staff report: Mr. Dawson reiterated for the record the case before the Board; #ZMA 04-16, and the applicant was the West Chester Township Board of Trustees who was requesting Zoning Text Amendments. He said the purpose for the zoning text amendments was to identify appropriate processes for uses not previously defined or clearly defined as a use in the existing Zoning Resolution. The West Chester Township Board of Trustees approved Resolution 25-2016 to initiate Text Amendments to the Zoning Resolution on September 13, 2016.

Mr. Dawson identified each of the applicable zoning text sections and staff considerations:

Regarding Variance Standards- The proposed text amendments account for recent case law and more accurately addresses West Chester Township's authority and governance of variances.

Regarding Permissible Use By District Table: All zoning districts and related uses, in addition to the current text amendments, will be included in the permissible uses by district table.

Regarding Cellular Wireless Telecommunication Towers- The proposed text amendments place additional conditions on the location, size, and appearance of these type of cellular wireless telecommunication towers within residentially zoned districts.

Regarding Sexually Oriented Businesses- The proposed text amendments propose consistency between the Sexually Oriented Business licensing, pursuant to the West Chester Township Zoning Resolution Governing Sexually Oriented Businesses and Employees and the Ohio Revised Code.

Regarding Institutional Care Facilities- The proposed text amendments will categorize and define some care facilities as institutional care facilities and conditionally permit such uses in appropriately zoned districts under appropriately permitted processes to protect the public health, safety, morals, and general welfare of the community.

The Butler County Planning Commission has recommended approval without any conditions. The West Chester Township Planning Commission recommended approval of the text amendments the Board initiated, however, they recommended consideration of an additional amendment to the bed-and-breakfast facilities land use. The Commission's proposed text



amendment includes the provision of being owner-occupied or owner-managed and owner-maintained in commercial districts.

Mr. Dawson said the Board of Trustees is to accept the Zoning Commission's recommendation of approval, approve with modifications, or deny the proposed Text Amendments to the West Chester Township Zoning Resolution. He concluded by asking if the Trustees had any questions.

In response to Mr. Wong's question, Mr. Dawson defined "owner occupied" for bed-and-breakfasts in a commercial area as meaning the building was owner-occupied, or owner-managed and owner-maintained. Mrs. Boyko clarified that in a commercial district the property need not be owner occupied, though it must be owner-managed and owner-maintained relative virtual bed and breakfasts. Mr. Wong commented that he didn't want to see any unintended consequences to a hotel chain in the future. Mrs. Boyko added that the Board, as applicant, initiated the zoning text amendment process by approving Resolution 25-2016. Furthermore, the Board had fulfilled all of the requirements of the Township Zoning Resolution as well as statute.

Mr. Welch asked for comments as follows:

Proponent Comments: none.

Opponent Comments: none.

Neutral Comments:

James Jones, 7865 Tara Drive, expressed why he was opposed to the proposed Professional Psychiatric Services (PPS) facility.

Gordon Perry, 9381 Meadow Ridge Drive, asked if the proposed amendment pertaining to institutional care facilities means that the proposed PPS facility would be a permissible use or a conditional use, requiring approval by the Trustees.

Norma Lloyd, 7903 Wise Avenue, said she concluded it would be wrong if money was more important than our children and neighborhoods. She was concerned that money could buy anything.

In response to Mr. Welch's question as to whether either of the other Trustees had any additional questions, neither had any.

Mrs. Boyko said the audience should know that the Board was not voting on any specific or particular use for a piece of property. The Board was not voting on a treatment facility on Route 42 that evening. Rather, the Board was conducting a First Reading on proposed amendments to the Township zoning text resolution, though one of the proposals speaks to treatment facilities. She said such facilities would be subject to conditional use approval by the Board of Zoning Appeals approval, not the Board of Trustees.

Hereupon Mr. Dawson read the First Reading of Resolution 32-2016:

"Now therefore be it resolved, on the basis of the above actions and findings, the

West Chester Township Board of Trustees does hereby concur with the recommendation of approval of the West Chester Township Zoning Commission for the proposed text amendments to the West Chester Township Zoning Resolution as initiated by West Chester Township Board of Trustees Resolution 25-2016 for the aforesaid application as documented and demonstrated in Attachment A and with the following condition: 1.) Propose an amendment to Article 18.024 of the West Chester Township Zoning Resolution in accordance with the West Chester Township Zoning Resolution and the Ohio Revised Code and as demonstrated in Attachment B and as documented herein”, commenting that there was one condition.

Thereupon Mr. Welch declared closed the Public Hearing for Case #ZTA 04-2016 – West Chester Township Trustees.

**Adjournment**

**MOTION** made at 6:25 p.m. by Mr. Mr. Lang, seconded by Mr. Wong, to adjourn the meeting. Discussion: none. **Motion carried unanimously.**

**Respectfully Submitted,**



**Bruce Jones, Fiscal Officer**

**Approved,**



**Mark Welch, President**