

**RESOLUTION NO. 23-2016**

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**RESOLUTION APPROVING A MAJOR CHANGE TO A PLANNED UNIT DEVELOPMENT  
AND PRELIMINARY DEVELOPMENT PLAN FOR CASE #MC 02-16 – LUCKE  
PROPERTY – EL RANCHO GRANDE RESTAURANT**

**WHEREAS**, on November 17, 2009, the West Chester Board of Trustees approved a Zoning Map Amendment from R-1A (Suburban Residence District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan (Res. No. 25-2009) for a 4,000 sq. ft. bank with a drive-thru; a 5,000 sq. ft. office/daycare with an outdoor play area; a 7,500 sq. ft. office; and a 5,000 sq. ft. office on approximately 2.87 acres; and,

**WHEREAS**, on May 17, 2016, Garibaldi Rodriques submitted an application for a Major Change to a PUD requesting Preliminary Development Plan approval for a 6,400 sq. ft. restaurant with outdoor seating on approximately 2.87 acres; where Resolution 25-2009 only permitted a bank with a drive-thru and the Principal Permitted Uses of the O-1 District, excluding 18.024 and 18.025; and,

**WHEREAS**, on June 14, 2016, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

**WHEREAS**, on June 20, 2016, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

**WHEREAS**, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on July 26, 2016 as applied for by Garibaldi Rodriques; and,

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

**WHEREAS**, the proposed land use, submitted in the aforesaid application and illustrated on the PDP, is consistent with the Comprehensive Land Use Plan (CLUP) and the designated Office/General Retail and Office/Residential Transitional land use classifications and the West Chester Zoning Resolution as a Principal Permitted Use.

**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 and does hereby approve the application for a Major Change to a PUD and Preliminary Development Plan with the following conditions:

**SECTION 1.** Any further development or change in land use shall be subject to the West Chester Zoning Resolution, Article 26.18.

**SECTION 2.** All recommendations of the Traffic Impact Study (TIS) and requirements of the Butler County Engineer's Office (BCEO) shall be approved by West Chester Township (WCT) and incorporated into the Final Development Plan (FDP). A copy of the approved TIS and letters of approval

from the appropriate agencies shall be provided to the West Chester Community Development Department (WCCDD).

**SECTION 3.** All rights-of-way shall be dedicated, as required by the Ohio Department of Transportation (ODOT) and the BCEO Thoroughfare Plan, prior to the issuance of a zoning certificate.

**SECTION 4.** The temporary, full-movement access on Fields Ertel Road and the right-in access on Cincinnati-Columbus Road (U.S. 42) shall be approved by WCT and shall meet all ODOT and BCEO requirements at the FDP stage.

**SECTION 5.** The temporary, full-movement access on Fields Ertel Road shall remain only until future development to the east constructs a permanent, full-movement access which shall meet all WCT and BCEO requirements.

**SECTION 6.** The permanent, full-movement access shall be revised at the FDP stage, which shall depict the cross-access connection at the southern-most drive aisle.

**SECTION 7.** The right-out access proposed on Cincinnati Columbus Road (US 42) as illustrated on the Preliminary Development Plan is denied or at a minimum shall be redesigned to eliminate detrimental impact to and conflict with the intersection at Windwood Drive pending ODOT review and determination. If ODOT determines a right-out is still permitted, then WCT shall approve any right-out design at the FDP stage and any reference in this Resolution to the right-in shall mean right-in/right-out.

**SECTION 8.** A detailed storm water drainage plan shall be provided at the FDP stage, which demonstrates the proposed storm water retention/ detention/ rain garden areas are adequate to serve the entire site.

**SECTION 9.** All comments from other agencies shall be adequately addressed to the satisfaction of the agency and WCT during the FDP and zoning permit approval process.

**SECTION 10.** The four (4) separate parcels, totaling 2.87 acres, for the development site shall be consolidated and recorded as one parcel under single ownership prior to issuance of a zoning permit.

**SECTION 11.** A complete (blanket) cross-access easement shall be provided for the entire site. At the FDP stage, the cross-access connection to the adjacent property to the east shall be relocated from the alignment with the right-in drive aisle to the alignment with the southern-most drive aisle. Furthermore, an additional cross-access connection to the adjacent property to the north shall be illustrated on the FDP in alignment with the western-most drive aisle. The cross-access connections shall be constructed only at the time future development occurs. The property owner shall be responsible for the cost of the construction of the connections at the time those developments occur. At the FDP stage, a copy of the cross-access easement documentation, with maintenance responsibilities clearly defined, shall be submitted to the WCCDD for approval and shall be recorded prior to the issuance of a final zoning certificate.

**SECTION 12.** A public access easement shall be provided for the 5 foot wide concrete sidewalk along the public frontages located on private property. The easements shall be illustrated on the FDP and the easement documentation, with the maintenance responsibilities clearly defined, shall be submitted

to the WCCDD for approval at the FDP stage and then shall be recorded prior to the issuance of a final zoning certificate.

**SECTION 13.** The common open space and common features shall be held in private ownership and the owner shall be responsible for keeping all open space areas and common features maintained and free from trash and litter; maintaining all drainage ways to ensure the retention/ detention area performs the designated function; and maintaining all landscaping in good condition.

**SECTION 14.** A reduction in the number of parking spaces shall be depicted on the FDP and approved by Zoning Commission.

**SECTION 15.** Detailed floor plans and detailed building elevations shall be provided at the FDP stage, which demonstrate the architectural design is consistent with the CLUP recommendations and high-quality exterior building materials (brick, stone, etc.) are being utilized throughout.

**SECTION 16.** A detailed landscaping plan shall be provided at the FDP stage, which is consistent with the Preliminary Development Plan (PDP). A detail of the privacy fence shall be provided with the FDP, which shall be subject to the West Chester Zoning Resolution, Article 20.10.

**SECTION 17.** A photometric lighting plan for any outdoor lighting, including but not limited to parking lot, exterior building, signage, etc., shall be designed to direct downwardly and away from any residence adjacent to or within immediate proximity to the proposed building and shall be approved at the FDP stage.

**SECTION 18.** No live or amplified music, including a PA system, shall be permitted in the outdoor seating area after 10:00 p.m. Sunday-Thursday and after 11:00 p.m. Friday-Saturday.

**SECTION 19.** A West Chester entryway monument sign shall be constructed on the northeast corner of the US Route 42 and Fields Ertel Road intersection, which shall be designed according to the "Primary" signage detail as illustrated in the "Identity Study Summarization for West Chester in Union Township Butler County, Ohio" that was prepared by McGill Smith Punshon, Inc. in November 1998. The sign shall be constructed and maintained by the developer/property owner. The specific location, design, landscaping, etc. for the sign shall be approved at the FDP stage. All signs and other permanent objects shall be located a minimum of two feet from all sidewalks.

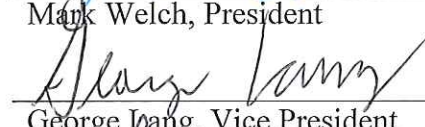
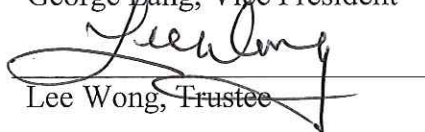
**SECTION 20.** The West Chester entryway monument sign shall be revised on the FDP to depict the location of the sign at an angle that it is directed at the intersection of both public rights-of-way and is setback two feet, minimum, from the sidewalk.

**SECTION 21.** The two (2) ground-mounted monument signs as are illustrated on the PDP along the public right-of-way frontages at the right-in/ right-out access and the temporary, full access respectively are not approved. No sign details were submitted for the signs. The signs shall be considered at FDP stage. All ground mounted signs shall be consistent with the exterior building materials for the principle building.

**SECTION 22.** All other signage shall meet the West Chester Township Zoning Resolution, Articles 10 and 20.

**BE IT FURTHER RESOLVED** that all plats, plans, applications, and other data submitted are hereby incorporated into this approval.

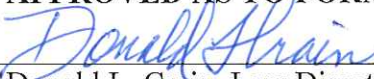
Adopted this 9th day of August, 2016.

 _____ Mark Welch, President	<u>YES</u> Yes/No
 _____ George Iang, Vice President	<u>YES</u> Yes/No
 _____ Lee Wong, Trustee	<u>Yes</u> Yes/No

**ATTEST:**

  
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Bruce Jones, Fiscal Officer

**APPROVED AS TO FORM:**

  
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Donald L. Crain, Law Director