

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
October 17, 2016**

MEMBERS PRESENT: Jim Williams, Bruce Fisher, Doug Rinnert, Jim Hahn

MEMBERS ABSENT: Susan Hendel, Gerry Stoker

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

LOCATION: Township Hall

CALL TO ORDER: 6:33 p.m.

ADJOURNMENT: 8:02 p.m.

Mr. Hahn called the meeting to order and proceeded to make the following announcement:

I am James Hahn, Chairman of the West Chester Zoning Commission. I would like to thank everyone for being here tonight. I need to address some important information. Our first case this evening, the applicant is the West Chester Township Trustees requesting text amendments to the 2015 version of the West Chester Zoning Resolution. There are various changes proposed. One of those amendments pertain to institutional care facilities. There may be some confusion that we will be hearing a specific case tonight with respect to these institutional care facilities but that is incorrect. The commission will only be hearing requests for text changes from the trustees to the zoning resolution. If you are here tonight for a specific case for institutional care facilities, please be aware that this meeting may not be the best forum to discuss your concerns on those matters. But of course as this is a public hearing you'll be provided allotted time if you wish to speak.

I would also like to inform the applicants this evening; you have the opportunity to postpone until next month as we only have four members tonight. If there should be a tie of 2-2; then it will not pass.

Mr. Dawson proceeded with roll call. We have a quorum.

September minutes were approved as written.

Mr. Hahn swore in Mr. Dawson then Mr. Dawson swore in the public who will provide testimony in tonight's cases;

ZTA04-16 West Chester Township Trustees

The applicant is the West Chester Township Board of Trustees. They are requesting Zoning Text Amendments. The purpose is to identify appropriate processes for uses not previously defined or clearly defined.

The West Chester Township Board of Trustees approved a motion to initiate Text Amendments to the Zoning Resolution on September 13, 2016.

The Butler County Planning Commission recommended approval without any conditions on October 11, 2016.

The purpose of these amendments are to identify appropriate processes for uses not previously defined or clearly defined as a use in the existing Zoning Resolution.

Variance Standards

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

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.

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.

Sexually Oriented Businesses

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

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.

ACTION:

The Zoning Commission is to forward a recommendation to the Board of Trustees regarding the approval, approval with modifications, or disapproval of the proposed Text Amendments to the West Chester Zoning Resolution, unless additional information is deemed necessary to make an informed decision.

**Applicant: West Chester Township Trustees
Ben Yoder
Frost Brown Todd; Attorney for West Chester Township
West Chester OH 45069**

I can go into this as detailed or as generic as you like. The Ohio Revised Code 519.12 allows three different types of entities to propose amendments to Zoning Resolutions: Board of Trustees, Zoning Commission, or an affected property owner. After that, the next step regardless of which body initiated the proposed text amendment, in turn goes out to the Regional Planning Commission for their input and recommendations, then to Zoning Commission for their input and recommendations, and ultimately that decision is made by the Trustees whether to modify the Zoning Resolution.

The actual proposed Text Amendments here are fairly straight forward:

Variance Standards

Frankly to be blunt this is semantics; not much more. In Ohio Law, there's a difference between use variances and dimensional variances. West Chester only does dimensional variances. Typically there are two different standards that Ohio courts recognize when dealing with variance: 1) Use Variance – and unnecessary hardship, and in theory for dimensional variance arguably a lesser standard called 2) Practical Difficulties.

It's close to the same analysis. Out of an abundance of caution, to be safe, we changed the name of the standard from being practical difficulties to unnecessary hardship. None of the factors actually changed. The standards to meet unnecessary hardship remain the same, the name just changed.

We also inserted that these are factors, in essence, not elements. You don't necessarily have to satisfy all of them.

Permissible Use by District Table

These next set of changes really aren't changes. R-PUD, CBD, R-1, R-2, R-3, R-4, & A-1; those are new items included in the use chart but these are old uses located elsewhere in the Zoning Resolution. So for readability/clarity sake, we included all in the use chart. All the uses other than Institutional Care Facilities – nothing has changed. The exact same way they were permitted before, is the exact same way they are permitted now.

Cellular Wireless Telecommunication Towers

This is an odd one. It's nothing more than a change as time changes with technology. The Ohio Law allows townships to regulate some cell towers but not all; only if in residential districts and it depends on height of the cell tower and the involved structures that are located around it.

There are some ambiguities in the case law and in the Zoning Resolution about whether the cell tower located in the right away are regulated by the Zoning Resolution or not.

We thought we'd clean this up and make it more streamlined for all. As its regulated now, if it is under 5' it's not technically considered a telecommunication tower such that its regulated within the context of section 11.13 But if it's over 5', the regulations do apply.

I can go through every regulation of changes but its pretty much common sense changes. If in a residential neighborhood that purposefully put all its public utilities underground; you're going to need to put them underground because that's what the developer wanted done. If you can keep all the public utilities on one side of the road instead of on both then do that also.

It also defines the telecommunication tower then in turn create it as a conditional use.

Mr. Rinnert – This only pertains to cell towers, correct?

Mr. Yoder – Yes, correct.

Sexually Oriented Businesses

It's no secret by now, the Township had its first run in with a Sexually Oriented Business proposing to be located in West Chester. At the time we already did have regulations on the books – Sexually Oriented Business regulations both in our Zoning Resolution and also we had a separate licensing scheme. Going through the process we saw ways that we could make them even more compatible with each other. The language and definition contained in the licensing regulations are the same ones used in the Zoning Resolution. It's not referenced to the overseer; it's not this, that or the other; it's the identical things to rule out any issued in that regard.

No change in the areas of where Sexually Oriented Businesses can or cannot be located. All the radius that applied before to schools, churches, and the typical things you're allowed to regulate remain the same. There's no ability to put in a new or a different Sexually Oriented Business otherwise.

Something that did change relating to Sexually Oriented Business is parking. There's a variety of different types of Sexually Oriented Business – anything from an adult bookstore to an adult cabaret. And types and degrees of parking you need can differ from one use to another. So the way in which the proposed Zoning Resolutions Amendments would work is that staff makes a determination of what its closet to – if it's an adult bookstore then they would take the bookstore/retail related parking standard and apply it; if it's an adult cabaret they'd take more of the bar parking and apply it there.

Another change was signage. Signage, even without it being a Sexually Oriented Business, is very highly litigious area. The U.S. Supreme Court just recently issued a decision, which is a bit discombobulated even to us zoning lawyers, basically says you can't regulate the content of speech. If you have to look at the sign to tell what type of sign it is; that's illegal, or you have to pass strict scrutiny to do that. Before there were specific signage regulations to Sexually Oriented Business -

now they'll be treated just like the signage regulation that would apply to whatever district/area they are in. So if their next door neighbor can have an x' by x' signage, then so can the Sexually Oriented Business.

Other changes, more clearly spelled out is that the licensing regulations and the issuance of a Zoning Certificate are intertwined; you can't have one without the other. The license is going to say specifically what's allowed on it, what can be done at that facility. It's not carte blanche that any Sexually Oriented Business can be done there. In turn the ZC will work similarly. Also states that if you don't qualify for a license then there are all sorts of regulations, not zoning related but passing back ground checks, and/or not having criminal records. If you can't pass the permit test to get your license, you likewise will not be given a zoning certificate. This is making it all one in the same.

Institutional Care Facilities

The last change is related to institutional care facilities. I know there is concern over particular drug treatment uses; this does not apply to any specific section. All this does is change the language; it is not permitting or prohibiting anything. Due to the increase in drug use, the need for drug treatment and the types of treatment are increasing. The Township reviewed what can and cannot be done concerning the use. Drug treatment facilities are constitutionally protected from discrimination; however you can regulate by the zoning districts.

The review concluded that there is a need to distinguish between intermediate or long-term, over-night care of drug treatment, nursing homes, and physical therapy, which would be defined as a conditional use, which require further consideration for secondary effects.

Mr. Hahn – I had a question for staff that I posed earlier in the week. I was made aware of the bed and breakfast zoning requirements and how it is not up to date with the current market trends. I contacted staff to research the matter. Mr. Dawson have you vetted Article 18.024?

Mr. Dawson – Staff has reviewed the use and staff's consideration to the Commission to distinguish the bed and breakfast use between residential and commercial districts, as an amendment to Article 18.024 of the O-1, Low Intensity Office District as the following: bed and breakfast facilities provided it is owner-occupied or owner-managed and owner-maintained and contains not more than four guest rooms is consistent with the zoning district to maintain the health, safety, morals, and welfare of the community.

Proponents **Gene Droves**
 8382 Country Oaks Station
 Pisgah Youth Organization

I am with the Pisgah Youth Organization and ballfields on U.S. 42. Our board and the PYO Trustees – we are in unanimous agreement with the support of West Chester's new Zoning Resolution as it relates to the Institutional Care Facilities category. We believe this is the correct approach to allow the local zoning board to determine conditional uses

based on conditions / facts presented at the time the applicant submits their application. It was mentioned earlier about a dispute going on right now, this is a perfect example why, in our opinion, this is the right thing to do to allow this to be a conditional use in the resolution so it can be reviewed by folks as yourselves. We strongly urge this board to recommend approval of the West Chester Township's latest zoning resolution, which is being discussed here tonight.

Opponents None

Neutral None

Deliberations

Mr. Fisher – Thumbs up.

Mr. Williams – The definitions provide much needed clarity.

Mr. Rinnert – I agree. It is needed and very good. Nice presentation explained in detail.

Mr. Hahn made a motion to approve Case # ZTA04-16 West Chester Township Trustee based on staff's comments with exception of adding a change to Article 1801 Low Intensity Office District 18.024 shall read as Bed & Breakfast facilities provided it is owner occupied or owner managed and maintained and does not contain more than four guest rooms . Mr. Williams seconds the motion.

Aye: Mr. Fisher, Mr. Hahn, Mr. Rinnert, Mr. Williams

Nay:

Motion carries 4 – 0

Keefe Property, Tracts 2&3 Phase 1 – Misc. Improvements – FDP – 09-16-A

The applicant is Liberty Way Investments, LLC. The applicant is proposing Phase 1 Final Development Plan for the purpose of grading; sanitary and storm utilities; the storm retention area; the private street and sidewalks; and the installation of landscaping and street lighting.

The subject site is located along Liberty Way, Tyler's Place Boulevard, and Preserve Place, approximately 1800 feet west of the I-75 interchange.

The site consists of 18.15 acres and has approximately 1255 feet of frontage along Liberty Way. The site is characterized as rolling, partially vegetated with mature trees along the south and west property lines and consists of vacant, open space with a temporary storm water detention system and a temporary private street running from northwest and southeast through the site.

CASE HISTORY

The West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District) to SP-PUD (Special Purpose Planned Unit Development District) for Tracts 2 and 3 on February 9, 2016, in conjunction with a Preliminary Development Plan for a mixed-use development of retail, restaurant, office, and residential land uses on 18.15 acres.

STAFF CONSIDERATIONS

The Final Development Plan was slightly altered from the PDP by shifting the location of 'Private Street A' further south to allow for a larger, retail use floor area on the northern portion of Tract 2, which resulted in a decrease in the amount of retail/ restaurant use floor area on the southern portion. The alteration is considered to be minor in nature; therefore, the Phase 1, Final Development Plan (FDP) is consistent with the approved Preliminary Development Plan and Trustee Resolution No. 04-2016.

Detailed civil engineering plans and calculations were provided to the Butler County Engineer's Office (BCEO) for review. The BCEO has indicated that revisions are needed in regard to road widths; construction notes and specifications; location and construction of traffic signals; locations of crosswalks and raised medians; and the alignment of the Taylor Street intersection.

Vehicular cross-access easements, public use easements, and the Property Owners' Association (POA) are not required for this proposed Phase 1, FDP for miscellaneous improvements.

A photometric analysis was provided that demonstrates acceptable light levels are being maintained along the adjacent residential districts.

A detailed landscape plan was submitted, which includes the street trees and the storm water retention area trees and wetland planting details. However, the tree plantings have not been specified with the landscaping detail table's codes; but rather, the landscaping has been generalized with varying species based on market availability and timing of installation.

The applicant stated that the Phase 1 improvements are contingent upon future plans for Phase 2 building construction. Therefore, the applicant intends to submit an application for the zoning certificate on Phase 1 concurrently with Phase 2. The West Chester Township Zoning Resolution does not require the obtainment of a final zoning certificate within a designated time period, but a reasonable time period should be designated upon condition to ensure the site is finalized.

ACTIONS

The Zoning Commission is to approve, approve with modifications, or deny the submitted Final Development Plan, unless additional information is deemed necessary to make an informed decision.

Questions

Mr. Hahn – My question is regarding your last comment regarding a time line

Mr. Dawson – If you take a look at the draft resolution, we've stated a condition upon finalization of the construction improvements.

Applicant **DWayne Furukawa**
Steiner & Associates
4016 Townsfair Way, Ste 200
Columbus, OH 43219

I'm here on behalf of Liberty Way Investments, LLC. I think Mr. Dawson went through everything pretty distinctly and we agree with all the conditions that he stipulated within the packet. I'm here to answer any questions you may have.

Mr. Williams – the storm water plans that were shown; is the asphalt for that already been predetermined? So therefore you already created your storm water plan associated with that showing all the lines heading to the retention pond?

Mr. DeVerne / Bayer Becker – the storm water pond is designed to accommodate all the future development for that site. All the storm lines have been extended to bring the water back to the pond. It has all been reviewed by the Butler County Engineer's Office.

Proponents **None**

Opponents **None**

Neutral **None**

DELIBERATIONS

Mr. Fisher – Great idea; excited about it.

Mr. Williams – I concur; I think it's time.

Mr. Rinnert – I think its fine; they are doing what they've been doing all along.

Mr. Hahn – it is a miscellaneous final development plan; they will be back before us again with landscaping. It's nice to see Steiner's in our township. I think it's great.

Mr. Williams made a motion to approve Case # Keefe Property, Tracts 2&3 Phase 1 – Misc. Improvements – FDP – 09-16-A with staff considerations and conditions. Mr. Rinnert seconds the motion.

Aye: Mr. Fisher, Mr. Hahn, Mr. Rinnert, Mr. Williams

Nay:

Motion carries 4 – 0

Fields at Liberty Way, Lot 2, Holiday Inn Express – FDP – 09-16-B

The applicant is HiFive Design Group. The applicant is requesting a Final Development Plan for lot 2, a five story, 115 room hotel.

The site consists of 13.35 acres having approximately 915 feet of frontage along Cox Road. The site is characterized as vacant, mostly flat, and heavily vegetated mature trees throughout the site.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from M-1 (Light Industrial District) and A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) on May 17, 2016, in conjunction with a Preliminary Development Plan for a four-story, extended-stay hotel on Lot 1, a five-story hotel on Lot 2, and 90,000 s.f. of future development on approximately 13.35 acres.

The applicant is proposing a five-story, 70,490 gsf., 115 room hotel on the northwest most portion of the site (Lot 2 on the PDP).

A secondary access road is not required for this proposed FDP, due to the proposal of only one development site, but it will be required to be provided on any future FDP that proposes the development of an additional building.

The applicant is proposing 120 parking spaces where 116 spaces are required and they are proposing 25% open space where 15% is required.

The floor plan is typical of a hotel; this is showing a pool, fitness room, and a general lobby. The elevations are consistent with the preliminary development plan and the recommendation of 50% brick masonry.

STAFF RECOMMENDATIONS

The FDP was slightly altered from the PDP by proposing 2,200 more g.s.f., one less room, and 3 more parking spaces for the hotel use and 2% less open space for the site. The alteration is considered to be minor in nature; therefore, the Final Development Plan (FDP) is consistent with the Preliminary Development Plan (PDP) and Resolution No. 26-2016.

A five (5) foot, concrete sidewalk is provided with connections to the existing sidewalk along Cox Road at the access way and runs along the north side of the private, access road to the site and then, terminates at the entryway to the site. To ensure pedestrian connectivity throughout the overall PUD, a crosswalk should be provided across the site's entryway and an additional portion of sidewalk should be provided on the west side of the entryway, which is stubbed to the future development to the south.

A ground-mounted, monument sign elevation and building elevations depicting building

signs were provided. However, the display area details were not provided on the elevations. The proposed location of the ground sign is setback seven (7) feet from the property line, where the West Chester Township Zoning Resolution requires a ten (10) foot setback. However, the applicant agreed to provide additional landscaping around the base of the sign to enhance the site's entryway. The proposed location is not a detriment to the overall PUD and will provide better visibility of the sign from the internal street and main access way.

Since the signage display area was not presented to the Zoning Commission, it is staff's consideration is that it meet Articles 10 & 20 of the Zoning Resolution.

ACTION

The West Chester Township Zoning Commission is to approve, approve with modifications, or deny the submitted Final Development Plan, unless additional information is deemed necessary to make an informed decision.

Questions

Mr. Hahn – will the final entrance/exit have a crosswalk to the park? There's going to be a light there, correct?

Mr. Dawson – the recommendation from the Butler County Engineer's Office is that it warrants a traffic signal.

Mr. Hahn – would there be an opportunity to include a pedestrian cross at that time?

Mr. Dawson – Yes

Applicant **Blake Helmes**
 HiFive Design Group
 202 West Main St.
 Mason, OH 45040

Thank you for the opportunity to present to you tonight. Mr. Dawson's report was very thorough. I do have one question from reading the report; it says a secondary access road is not required for this proposed Final Development Plan due to the proposal of only one development site but will be required to be provided on any future Final Development Plan that proposes any development of an additional building. I believe that was meant to say for Fire Department (FD) access. During the discussion with the FD regarding the secondary access; we had discussed with the county during the preliminary development plan phase that we would have the primary drive be available to serve two hotels for the period of 2 years followed by an additional where we could apply for an extension and then receive use of that curb cut serving 2 hotels if no other development happened. In talks with the FD, they indicated if a second property is developed then the need for a FD access was going to be required into this site. We identified that it would come in at the future curb cut when this develops. I would like to request clarification on that comment.

Mr. Dawson – That is correct. The reasoning for the consideration in the staff report that it's not required at this time, because it was a condition of the Preliminary Development Plan. It's not required at this time with negotiations with the FD that it was only one building site and would not be required by the FD. If you take a look at the draft resolution, we are not conditioning the secondary access until the additional FDP. That could be a temporary emergency access meeting the FD's requirements.

Mr. Hahn gave Mr. Helmes a copy of the draft resolution to read to verify if it reads correctly. Mr. Helmes said yes.

Proponents **None**

Opponents **None**

Neutral **None**

DELIBERATIONS

Mr. Fisher – Happy to see this project finally get off the ground.

Mr. Williams – I agree. Will they bring back the building materials or renderings to demonstrate the building materials?

Mr. Dawson – Mr. Williams this is part of a final development plan.

Applicant is asked to return to the podium.

Mr. Helmes – Shows an example via PowerPoint of the building. We will be using an EFIS brick pattern with stone. The second picture showcases the new contemporary direction of the Holiday Express brand. This shows exactly the building height, 5-story building and different colors of the stone. Same size of a brick, it's a regular brick 7 5/8 x 2 2/3" and it has same 3/8" border joint. The beauty of this is it provides the additional R value and it goes well with the concrete shell construction. We've used for several projects now.

Mr. Fisher – Has the EFIS brick passed the litigation test?

Mr. Helmes – Yes.

Mr. Rinnert – it's a good project and is needed there.

Mr. Hahn made a motion to approve Case # Fields at Liberty Way, Lot 2, Holiday Inn Express – FDP – 09-16-B with. Mr. Rinnert seconds the motion.

Aye: Mr. Fisher, Mr. Hahn, Mr. Rinnert, Mr. Williams

Nay:

Motion carries 4 – 0

Keefe Property, Tract 1, Lots 1&2 – Signage – FDP – 09-16-C

The applicant is Mike Gilbert is requesting a Revised Final Development Plan for signage for two multi-tenant buildings to include a total of 6 tenants.

The subject site is located along Liberty Way, Tylers Place Boulevard, Trailside Drive, and Cabela Drive approximately 1,400 feet west of the I-75/ Liberty Way interchange.

The site consists of 4.02 acres having approximately 540 feet of frontage on Liberty Way. The site is currently under construction for two commercial retail buildings.

STAFF RECOMMENDATIONS

A Final Development Plan for Lots 1 and 2 of Tract 1 was approved on August 17, 2015, which included the construction of two multi-tenant retail buildings.

A staff level revision for Lots 1 and 2 of Tract 1 was approved on December 24, 2015, which included a reduction in the building square footage on Lot 1, a decrease in parking, and an increase of open space as well as a reduction of building square footage on Lot 2 with an increase in parking spaces and a decrease in open space.

A Revised Final Development Plan for Lot 2 of Tract 1 was approved on July 18, 2016, which included directional signs and three (3) building signs, in addition to the directional signs, totaling 120 s.f. The internal units of the building remained subject the West Chester Township Zoning Resolution, Article 20.092.

A detailed sign plan was provided, which consists of building signage for the existing two (2) buildings located on lots 1 and 2. The property owner is proposing a sign plan for both multi-tenant buildings in an effort to meet the tenants' needs and resolve multiple requests for variations in signage throughout both lots.

There are currently three existing tenants, one on lot 1 and two on lot 2. The existing tenant, Mattress Firm, located in the east unit of the building on lot 1 has been permitted 92.5 s.f of signage, pursuant to Article 20.092 and has distributed half of the area, 45.8 s.f., on the north and south building walls. The existing tenants on lot 2, Potbelly's, located in the east unit and Mod Pizza, located in the west unit, have been permitted 120 s.f of signage, pursuant to Zoning Commission Resolution No. 16-12.

If the division of unit #7606 occurs to allow for two units in the future, the future unit's front wall elevation will consist of half of the unit #7606's 101 s.f. The future unit would be an interior unit with an allowable 50.5 s.f. (101/2) front wall elevation, which could be divided between the front and back walls. In addition, the allowable signage for unit #7606 will have to conform to the division of signage display area between the future unit. For example; if the unit #7606 is divided, the allowable front wall elevation cannot exceed 50.5 s.f., instead of the 101 s.f. proposed.

The proposed sign plan aims to extend ZC Resolution No. 16-12 to lot 1 to standardize and establish the property owner's signage distribution for all future tenants, instead of

multiple, individual tenant requests of sign variation throughout the site.

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.

Applicant **Mike Gilbert**
 4209 Gallatin Pike
 Nashville, TN 37216

Can't state enough how much we appreciate you hearing our case and Tim's involvement and patience in putting this complicated piece together. We don't disagree with anything Tim has presented. We hope this clarifies the entire development for us and our future tenants. We understand after this meeting, the tenants will go to Tim on a staff level for their final sign approval.

Proponents **None**

Opponents **None**

Neutral **None**

DELIBERATIONS

All board members react positively to application.

General Comments **Nancy Willis**
 8890 Meadow View
 West Chester OH 45069

This does not have to do with this case.

Mr. Hahn – Let us close this case and we will call you back up.

Mr. Williams made a motion to approve Case # Keefe Property, Tract 1, Lots 1&2 – Signage – FDP – 09-16-C. Mr. Fisher seconds the motion.

Aye: Mr. Fisher, Mr. Hahn, Mr. Rinnert, Mr. Williams

Nay:

Motion carries 4 – 0

Ms. Willis is called back to the stand.

Mr. Hahn – Mrs. Willis are you here to speak regarding ZTA04-16 West Chester Township Trustees?

Ms. Willis – Yes on the 3 medical facilities

Mr. Hahn – We aren't really hearing on those medical facilities. The language was only for the zoning code on institutional care facilities. If you are talking about a specific facility, we will listen to whatever you have to say, but they will more than likely go before the Board of Zoning Appeals.

Mr. Dawson – We are only addressing proposed text amendments; not any specific case. If adopted by the Board of Trustees, cases would be heard by the Board of Zoning Appeals through a conditional use process or the Zoning Commission if rendered a PUD.

Mr. Hahn – There's a chance you would come back before us but more than likely it would be the Board of Zoning Appeals.

Ms. Willis – I am not used to the public meetings. I am curious as to why these are clustered up at 42 & Cox Rd. Union Centre is beautiful and this Liberty Way will be; it seems like not much attention is paid to our end of the township. I went to the last Trustee Mtg., they said there was a moratorium on these three units. I just wanted to emphasize the feelings of the people in our neighborhood.

Mr. Hahn – thank you for coming before us. If there is a specific case, please keep your eyes peeled. We do post the public hearings in the Pulse Journal.

Administrative Matters:

The next meeting is November 21, 2016 @ 6:30 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 8:02 p.m.

Chairman:



James Hahn

Secretary:



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-17
ZONING TEXT AMENDMENTS**

WHEREAS, on September 13, 2016, the West Chester Township Board of Trustees approved Resolution No. 24-2016 initiating text amendments to the West Chester Township Zoning Resolution with regard to Variance Standards, Permissible Uses By District, Cellular Wireless Telecommunication Towers, Sexually Oriented Businesses, and Institutional Care Facilities; and

WHEREAS, said text amendments were submitted to the Butler County Planning Commission, as required by law, for a recommendation to the West Chester Township Zoning Commission; and

WHEREAS, on October 11, 2016, the Butler County Planning Commission conducted a public hearing and recommended approval of the proposed text amendments to the West Chester Township Zoning Resolution; and

WHEREAS, said proposed text amendments were submitted to the West Chester Township Zoning Commission, as required by law, for a recommendation to the West Chester Township Board of Trustees; and

WHEREAS, on October 17, 2016, the West Chester Township Zoning Commission conducted a public hearing for the proposed text amendments to the West Chester Township Zoning Resolution; and

WHEREAS, the West Chester Township Zoning Commission reviewed various sources to discern and distinguish the relevant and applicable data and information necessary to deliberate on said proposed text amendments with respect to addressing significant community matters by adequately defining and identifying appropriate land uses and processes to permit said land uses.

NOW THEREFORE BE IT RESOLVED, on the basis of the above findings, the West Chester Township Zoning Commission does hereby recommend approval of said text amendments to the West Chester Township Zoning Resolution (known as Case ZTA 04-16) as initiated by West Chester Township Board of Trustees Resolution 24-2016 for the aforesaid application as documented and demonstrated in Attachment A and with the following conditions:

- 1.) Propose and consider 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:
 - A. The West Chester Township Zoning Commission finds new market trends have resulted in a desire to distinguish between the bed and breakfast land use permitted in residential zoning districts and in commercial zoning districts (Office, Business, and Industrial Districts), and determines an amendment to the West Chester Township Zoning Resolution, Article 18.024, is necessary, in order to adequately define and identify

appropriate land uses in an effort to protect and preserve the public health, safety, morals, and general welfare of the community.

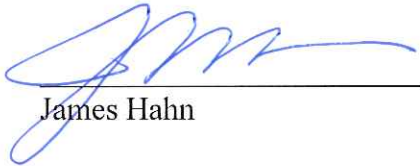
- 2.) Propose an amendment to the West Chester Township Zoning Resolution pursuant to the West Chester Township Zoning Resolution and the Ohio Revised Code as documented and demonstrated in Attachment B.

BE IT FURTHER RESOLVED, the submitted text amendments, application, and other data submitted are hereby incorporated in this recommendation. This action shall take effect this 17th day of October 2016.

West Chester Township
Butler County

Chairman:

Secretary:



James Hahn



Timothy Dawson
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-18
KEEFE PROPERTY, TRACTS 2 & 3, PHASE 1 – MISCELLANIOUS
IMPROVEMENTS, FDP**

WHEREAS, on March 9, 2004, the West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District), which was in conjunction with a Preliminary Development Plan that established the permitted uses and the access points to the site, including the extension of Tylers Place Boulevard to Hamilton-Mason Road (now Liberty Way) on approximately 47.82 acres; and

WHEREAS, on May 17, 2004, the West Chester Township Zoning Commission approved a Final Development Plan, which included the Tylers Place Boulevard extension, the Preserve Place road section inside the C-PUD boundary and open space improvements.; and

WHEREAS, on July 21, 2014, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements. Additionally, the preliminary layout of Lot 3 was provided for Cabela's as the proposed retail use; and

WHEREAS, on August 18, 2014, the West Chester Township Zoning Commission approved a Final Development Plan on Tract 1, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements and the construction of a 75,330 s.f. Cabela's on Lot 3 of Tract 1 of the Keefe Property; and

WHEREAS, on February 9, 2016, the West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District) to SP-PUD (Special Purpose Planned Unit Development District), which was in conjunction with a Preliminary Development Plan on Tracts 2 and 3, which included a mixed-use development of retail, restaurant, office, and residential land uses on 18.15 acres; and

WHEREAS, on September 13, 2016, Liberty Way Investments, LLC. submitted an application requesting a Final Development Plan approval on Tracts 2 and 3, which includes site grading; sanitary and storm utilities; storm retention area; private roadway and sidewalk construction; and landscaping on 18.15 acres; and

WHEREAS, on October 17, 2016, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.


NOW, THEREFORE BE IT RESOLVED, that the West Chester Township Zoning Commission does hereby recommend approval of said Final Development Plan for the aforesaid application consistent with the submitted site plan with the following conditions:

- 1.) A revised plan shall be submitted to the West Chester Community Development Department (WCCDD) prior to the issuance of a final zoning certificate, which shall reflect the following changes: 1.) A revised landscaping plan shall be provided that specifies the species of the proposed trees included in the landscaping detail table. The revised plan shall be subject to approval by the West Chester Community Development Department.
- 2.) All comments and concerns of the Butler County Engineer's Office (BCEO) shall be addressed prior to the issuance of a zoning permit, to include revisions needed in regard to road widths; construction notes and specifications; location and construction of traffic signals; locations of crosswalks and raised medians; and the alignment of the Taylor Street intersection. Any changes to the plan that are required by other agencies shall be subject West Chester Township (WCT) approval.
- 3.) Vehicular cross-access easements, public use easements, and the Property Owners' Association (POA) shall be provided on all future Final Development Plans (FDP).
- 4.) All landscaping shall be maintained in good condition and all major landscaping areas, excluding the wetland area, shall be irrigated with a permanently installed system prior to issuance of a final zoning certificate.
- 5.) All Phase 1 improvements, as shown on the FDP, shall be installed within six (6) months of when the initial construction is completed.
- 6.) Any revisions to Phase 1 that are required to conform to the future Phase 2 plans will be subject to Article 26.18.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval as modified by this resolution. This action shall take effect this 17th day of October 2016.

West Chester Township
Butler County

Chairman:



James Hahn

Secretary:



Timothy Dawson
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-19
THE FIELDS AT LIBERTY WAY, LOT 2 – HOLIDAY INN EXPRESS, FDP**

WHEREAS, on May 17, 2016, the West Chester Township Board of Trustees approved a Zoning Map Amendment from M-1 (Industrial District) and A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District), in conjunction with a Preliminary Development Plan for four-story, extended-stay hotel on Lot 1, a five-story hotel on Lot 2, and 90,000 s.f. of future development on approximately 13.35 acres; and

WHEREAS, on September 13, 2016, HiFive Design Group, INC. submitted an application requesting a Final Development Plan approval on Lot 2, which includes a five-story, 70, 490 g.s.f., 115 room hotel; and

WHEREAS, on October 17, 2016, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.

NOW THEREFORE BE IT RESOLVED, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby recommend approval of the aforesaid application, consistent with the submitted site plan, with the following conditions:

- 1.) A revised plan shall be submitted to the West Chester Community Development Department (WCCDD) within 30 days, which shall reflect the following changes: 1.) A crosswalk shall be provided across the site's entryway and an additional portion of sidewalk shall be provided on the west side of the site's entryway, which shall be stubbed to the future development to the south; and 2.) Landscaping shall be provided around the base of the ground sign. The variety of landscaping shall be consistent with the landscaping provided around the perimeter of the building. The revised plan shall be subject to approval by the West Chester Community Development Department.
- 2.) All comments and concerns of the Butler County Engineer's Office (BCEO) shall be addressed prior to the issuance of a zoning permit, to include the water quality volume calculations and the drainage plans to accommodate the site. Any changes to the plan that are required by other agencies shall be subject West Chester Township (WCT) approval.
- 3.) Rights-of-way shall be dedicated prior to the issuance of a final zoning certificate for the limits of the right-in/ right-out on Cox Road; the right drop lane, including the signal poles and cabinet for the future, full-access way; the sidewalk along Cox Road; and the pinch point along Liberty Way, as required by the Butler County Thoroughfare Plan.
- 4.) The temporary, full-movement access way on Cox Road shall only occur for a period two years from the issuance of any final zoning certificate. At the time of expiration, the owner shall request, in writing to the BCEO, a one-time extension to remain another two years, subject to BCEO and WCT.
- 5.) The developer shall post a Performance Bond with the BCEO for the temporary, full-movement access way. The bond shall include all costs associated with the modification of the access way; construction of the right-in/ right-out access way; and the right drop lane along Cox Road.

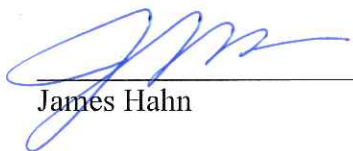
- 6.) A secondary access road shall be provided on any future Final Development Plan (FDP) that proposes the development of an additional building.
- 7.) The Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements shall be recorded prior to the issuance of a final zoning certificate and a copy of which shall be provided to the West Chester Community Development Department (WCCDD).
- 8.) All landscaping shall be maintained in good condition and all major landscaping areas, excluding parking lot islands, shall be irrigated with a permanently installed system prior to issuance of a final zoning certificate.
- 9.) One (1), double-sided, internally-illuminated, ground sign shall be permitted, which shall be consistent with the details provided. All sign display areas shall meet the West Chester Township Zoning Resolution, Articles 10 and 20.
- 10.) The WCCDD staff shall be authorized to approve minimal revisions to the approved FDP. Any changes to the plan that are required by other agencies shall be subject to approval by the WCCDD staff.

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 17th day of October, 2016.

West Chester Township,
Butler County, OH

Chairman:

Secretary:



James Hahn



Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-20
KEEFE PROPERTY, TRACT 1, LOTS 1 & 2 – SIGNAGE, RFDP**

WHEREAS, on March 9, 2004, the West Chester Township Board of Trustees approved a Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District), which was in conjunction with a Preliminary Development Plan that established the permitted uses and the access points to the site, including the extension of Tylers Place Boulevard to Hamilton-Mason Road (now Liberty Way) on approximately 47.82 acres; and

WHEREAS, on May 17, 2004, the West Chester Township Zoning Commission approved a Final Development Plan, which included the Tylers Place Boulevard extension, the Preserve Place road section inside the C-PUD boundary and open space improvements.; and

WHEREAS, on July 21, 2014, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements. Additionally, the preliminary layout of Lot 3 was provided for Cabela's as the proposed use; and

WHEREAS, on August 18, 2014, the West Chester Township Zoning Commission approved a Final Development Plan for Tract 1 of the C-PUD on August 17, 2015, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements and common development improvements and the construction of a 75,330 s.f. Cabela's on Lot 3 of Tract 1 of the Keefe Property; and

WHEREAS, on August 17, 2015, the West Chester Township Zoning Commission approved a Final Development Plan for Lots 1 and 2 of Tract 1, which included the construction of a 12,192 s.f. one-story building with a retail and restaurant use on Lot 1 and a 9,312 s.f., one-story building with retail and restaurant uses on Lot 2; and

WHEREAS, on July 18, 2016, the West Chester Township Zoning Commission approved a Revised Final Development Plan for Lot 2 of Tract 1, which included directional signs and three (3) building signs in addition to the directional signs, totaling 120 s.f; and

WHEREAS, on September 13, 2016, Mike Gilbert submitted an application requesting a Revised Final Development Plan approval for Lots 1 and 2 of Tract 1, which included all building signage; and

WHEREAS, on October 17, 2016, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application.


NOW, THEREFORE BE IT RESOLVED, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby approve of said Revised Final Development Plan for the Keefe Property, Tract 1, Lots 1 and 2 Signage as submitted with the following conditions:

- 1.) The building sign display area for the end units on Lots 1 and 2 shall be calculated using the area of the long side of the unit, instead of the short side that fronts Liberty Way, as required by the West Chester Township Zoning Resolution, Article 20.092 for lots that have a single public frontage.
- 2.) The permitted display area for the end units, calculated using the long side of the unit, shall be able to be distributed to the unit's north and south wall elevations, but no signage shall exceed the permitted eight percent (8%) of the total square footage of each wall elevation (not cumulative).
- 3.) The internal unit(s) of the building shall remain subject the West Chester Township Zoning Resolution, Article 20.092.
- 4.) All building sign display area shall conform to the permitted total square footage prior to the issuance of a zoning permit for future alterations to the tenant units that increase the number of tenants and decrease the unit's front wall elevation area.
- 5.) The West Chester Community Development Department staff shall be authorized to approve minimal revisions to the approved Revised Final Development Plan.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval as modified by this resolution. This action shall take effect this 17th day of October 2016.

West Chester Township
Butler County

Chairman:



James Hahn,
Chairman

Secretary:



Timothy Dawson,
Township Planner