

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
November 21, 2016**

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

MEMBERS ABSENT: Bruce Fisher

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

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 7:16 p.m.

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

October minutes were approved as written.

Old Business:

ZMA01-16 BC TID at Liberty Way – while Butler County Planning Commission has heard this case; the applicant has formerly requested to continue the case to the December meeting rather than being present this evening.

Mr. Hahn entertained a motion to continue this case until the December 19, 2016 West Chester Township Zoning Commission meeting. Mr. Williams – so moved. This will serve as public notice for case ZMA01-16 BC TID at Liberty Way to be continued to the December 19, 2016 meeting at 6:30 p.m.

New Business:

ZMA06-16 Mercedes Benz West Chester – Signage – the applicant has requested to postpone until the December 19, 2016 meeting.

Mr. Dawson was sworn in by Mr. Hahn.
Mr. Dawson swore in case participants.

ZMA05-16 Rinck Farm

The applicant is Chris Wunnenberg, Schumacher Dugan. They are requesting a

rezoning of the property from B-2 (General Business District) to M-2 (General Industrial District). The purpose for the rezoning is to develop the property for distribution, warehouse, office, and manufacturing land uses.

The subject site is located at the NW corner of Union Centre Blvd. and St. Rt. 747 (Princeton-Glendale Rd). The site consists of 39.7 acres having approximately 3,050 feet of double-frontage along Princeton-Glendale Road (SR 747) and Union Centre Blvd. The site is characterized as vacant, flat, and heavily vegetated with trees along the east property line.

The Comprehensive Land Use Plan offers the following guidance for the future development of the subject property as Office/Light Industrial. This is defined as professional and corporate office, warehouse, and research and development uses and related compatible uses.

Staff Considerations

The recommended land use was re-designated from General Industrial to Office/Light Industrial with the 2013 update of the Comprehensive Land Use Plan due to the extension of Union Centre Blvd., which was used as a transition between the two designations.

The West Chester Township Land Use Planning Committee has indicated that the proposed rezoning to M-2, General Industrial District is not consistent with the designated Office/Light Industrial land use classification. The committee has stated that the intent of the recommended Office/Light Industrial land use classification was to allow a less intense industrial use north of Union Centre Blvd., which provides a transition to adjacent Community Mixed Use land use classification to the north and allow for a mix of commercial office and retail land uses along the Princeton-Glendale Rd corridor.

In consideration of the current character and intensity of the surrounding area land uses, the Committee recognized that there are a mix of land use designations, including office, retail, and light industrial along the SR 747 corridor and residential land uses to the north and maintain that a General Industrial land use designation is not consistent, but agreed that a Light Industrial land use designation for the subject site would be appropriate. Therefore, the Committee recommended a land use map amendment from Office/Light Industrial to Light Industrial.

The Light Industrial land use classification is defined as low intensity manufacturing, corporate facilities, warehouse, research and development uses, and related compatible uses.

ACTION

The West Chester Township Zoning Commission is to recommend approval, approval with modifications, or denial of the submitted Zoning Map Amendment unless additional information is deemed necessary to make an informed decision.

No questions from the board members.

Applicant

**Chris Wunnenberg
Schumacher Dugan
6355 Center Park Drive
West Chester, OH 45069**

As you know, M-2 allows all of M-1; M-1 allows all of O-1 / O-2 and B-1 / B-2. There are restrictions in M-2 on the B uses as it's authorized only within 300 feet of a dedicated street. In 2006, we requested the township to zone it from M-2 to B-2 because we thought we had a user to use as Big Box Retail. It was agreed to rezone. After economic issues the project fell through.

As we've looked at this, B-2 is not going to work as big box retail has moved on to other areas in the township. This area has basically been reverted to light industrial type of use. We've submitted for M-2 because 1) it's what it was prior to the first rezoning, and 2) because of a difference of what you can do in M-1 and M-2. M-2 is the only area we can do manufacturing. The difference between M-1 and M-2 is that you can make parts or manufacture things out of raw materials.

We've have just recently reacquired the property to the north which is zoned M-2, the front 450 ft is B-2. We decided we can put a larger acreage together to create a General Industrial or Light Industrial parcel that would be attractive to a client for a larger site. We think that M-2 makes a lot of sense to try to attract manufacturing. We are willing to accept M-1 designation for this.

Ms. Hendel – do you have someone looking at the property as to why you want the change?

Mr. Wunnenberg – we have two.

Ms. Hendel – why do you want an M-2?

Mr. Wunnenberg – two reasons 1) it had been M-2; M-2 is surrounding it. Filling this corner of M-2 would not affect any body adjoining the properties to the north or west and; 2) M-2 offered the opportunity to offer manufacturing.

Mr. Stoker – the Land Use Plan is that used as a guide and not necessarily a requirement?

Mr. Dawson – it's a recommendation from the Committee to the Zoning Commission; it is not a requirement.

Mr. Hahn – Actually I think it is according to the West Chester Zoning Resolution 26.152, if the zoning request does not meet the Land Use Plan we have no option but to make a recommendation for denial of the case based on that resolution.

Mr. Dawson – the Land Use Planning Committee's hearing of the case, which is stated in the staff report, is a recommendation to the Zoning Commission but the chairman is correct that it's stated in the Zoning Resolution as a requirement of a PUD.

Proponents **None**

Opponents **None**

Neutral **None**

Deliberations

Mr. Williams – M-1 is Light Industrial correct? M-2 is manufacturing with all of M-1. From a versatility standpoint they are asking for M-2 so they have the flexibility for a client to come through who may want a manufacturing operation. Or the Light Industrial use of warehouse and other functions that were identified earlier. So the request is to become M-2?

Mr. Hahn – that is correct; which does not comply with the Land Use Plan.

Mr. Hahn – what if we make an amendment to the case for the approval of an M-1. So we make a motion to modify the case to indicate ZMA approval to an M-1 Light Industrial District instead of the requested M-2 General Industrial District. Then incorporate the M-1 zoning modifications then the M-1 would match what the Land Use Plan has changed it.

Mr. Williams – would that be based on conditional approval from the Land Use Planning Committee?

Mr. Dawson – the Trustees would receive both recommendations from the Land Use Planning Committee and the Zoning Commission. A recommendation for the map amendment to Light Industrial and recommendation from the Zoning Commission to be consistent with the Comprehensive Land Use Plan and modified the case to rezoning from B-2 to M-1 instead of the applied for M-2.

Mr. Hahn makes motion to modify the case to indicate Zoning Map Amendment approval to an M-1 Light Industrial District instead of the requested M-2 General Industrial District and incorporate the M-1 zoning modifications and all applicable documents. Mr. Williams seconds the motion.

Aye: Mr. Stoker, Mr. Hahn, Mr. Rinnert, Mr. Williams, Ms. Hendel

Nay:

Motion carries 5 – 0

Mr. Dawson – We need another motion to approve the case.

Mr. Hahn made a motion to approve Case # ZMA05-16 Rinck Farm as modified to M-1 Light Industrial District. Mr. Williams seconds the motion.

Aye: Mr. Stoker, Mr. Hahn, Mr. Rinnert, Mr. Williams, Ms. Hendel

Nay:

Motion carries 5 – 0

FDP 10-16-A Beckmark II; Spectrum Retirement Community

The applicant is Spectrum Acquisition West Chester, LLC. The applicant is requesting a Final Development Plan for a one and two story, 89,750 s.f., 100 unit institutional care facility.

The subject site is located along Hamilton-Mason Road, approximately 1000 feet west of Cincinnati- Dayton Road.

The site consists of 3.68 acres having approximately 700 feet of frontage along Hamilton-Mason Road. The site is characterized as rolling north to south, partially vegetated with mature trees along the south property line, and consists of four (4) vacant lots.

The applicant is proposing an institutional care facility use. This will include a 88,500 s.f. institutional care use as well as 1,250 s.f. of office use for staff. The use is meeting all parking requirements and open space requirements for the Final Development Plan site. They will be providing 62 parking spaces where 40 are required and 15% open space that is required.

STAFF CONSIDERATIONS

The Final Development Plan is consistent with the Preliminary Development Plan and Resolution No. 26-2016.

It should be noted that the West Chester Township Board of Trustees approved zoning Text Amendments (Trustee Resolution 32-2016) on November 8, 2016, which included the amendment that defined the Institutional Care Facilities land use. Site specific conditions for this proposed use include proper licensing from all applicable agencies and maintenance of said license(s); site enclosures, and Emergency Medical Service transportation considerations.

The applicant will be providing good pedestrian connectivity with an addition of a 5' concrete sidewalk along the public right of way. The applicant is also providing cross access to the west and south for future development as well as providing emergency secondary access to the adjacent property to the east.

The Final Development Plan needs to reflect the two-way left turn lane and conversion of the median islands to be striped for a 300 foot westbound exclusive left turn lane. The Butler County Engineers Office and Water and Sewer Department have indicated that some roof revisions that need to be addressed within 30 days of approval.

The rain garden was shown at a lower elevation than the proposed outlet structure. The grading plan, a majority of the site drains to the southeast and the outlet of the drainage utilities to the southwest. That would need to be revised as well.

Also there are some abandon water lines, not used for the site, which would need to meet the requirements of the Water and Sewer department.

The Engineers Office is asking for detailed storm water calculations to be sure the site is able to drain properly.

The applicant still has not provided any vehicular cross-access or public use easements. Public use easements would be for the sidewalk located along Hamilton-Mason Road in the public right of way. The Community Development Department would need to receive a draft copy of these legal documents for review and approval within 30 days as well.

The applicant has provided extensive landscaping plan, consistent with the Preliminary Development Plan. All common features and elements of the site will be held under single ownership and the owner will be responsible for keeping the common features and elements maintained.

The applicant is proposing one ground mounted sign along Hamilton-Mason Road, which is consistent with the location approved at the Preliminary Development Plan stage. The sign structure details were submitted for the sign, which match the principal building materials. However, the display area dimensions were not provided. Therefore, the display area will be subject to the West Chester Township Zoning Resolution, Articles 10 and 20.

ACTIONS

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.

No questions from the board

Applicant **James Whitaker**
 422 Beecher Road
 Gahanna, OH

We've read through the conditions of approval and we do not have any issues with anything that is listed on there. We have already provided Mr. Dawson some of the items listed. Any of the others that need to be submitted within the 30 days will not be a problem. We are excited to be a part of the community.

Mr. Williams – Is memory care primarily dementia and Alzheimer?

Mr. Whitaker – Yes. That's a small part of the clientele. There is a separate area just for that; they require more care.

Mr. Williams – what is the % breakdown?

Mr. Whitaker – I believe at this facility it's between 10-15%.

Proponents **None**

Opponents **None**

Neutral **None**

DELIBERATIONS

Mr. Williams – it seems to be fairly straight forward.

Mr. Hahn – it does. They have some issues with their site plan they need to work out but they agree with all conditions based on staff and other agencies.

Ms. Hendel – if they were meeting all staff conditions; it's an awesome facility and needed.

Mr. Stoker – It's a good facility.

Mr. Rinnert – Good project. We should move forward

Mr. Rinnert made a motion to approve Case # FDP 10-16-A Beckmark II; Spectrum Retirement Community with staff considerations and conditions. Ms. Hendel seconds the motion.

Aye: Mr. Stoker, Mr. Hahn, Mr. Rinnert, Mr. Williams, Ms. Hendel

Nay:

Motion carries 5 – 0

Administrative Matters:

The next meeting is December 19, 2016 @ 6:30 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 7:16 p.m.

Chairman:

Secretary:



James Hahn



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-21
RINCK FARM - ZMA 05-16 (B-2 to M-2)**

WHEREAS, on April 11, 2006, the West Chester Township Board of Trustees approved a Zoning Map Amendment from M-2 (General Industrial District) to B-2 (General Business District) on approximately 23.08 acres; and

WHEREAS, on October 17, 2016, Chris Wunnenberg submitted an application for a Zoning Map Amendment from B-2 (General Business District) to M-2 (General Industrial District) on approximately 39.7 acres; and

WHEREAS, on November 8, 2016, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions, on the basis that the proposed land uses conform to the Butler County Land Use Plan; and

WHEREAS, on November 15, 2016, the West Chester Township Land Use Planning Committee conducted a public hearing for the aforesaid application and recommended an amendment to the Comprehensive Land Use Plan from the designated Office/ Light Industrial land use classification to the Light Industrial land use classification for the subject site; and

WHEREAS, on November 21, 2016, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application; and

NOW THEREFORE BE IT RESOLVED, that on the basis of the above findings, the West Chester Township Zoning Commission does hereby recommend approval with the modification of the Zoning Map Amendment from B-2 (General Business District) to M-1 (Light Industrial District), rather than the requested Zoning Map Amendment from B-2 (General Business District) to M-2 (General Industrial with the following condition:

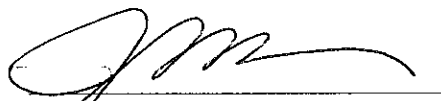
- 1.) All comments from other agencies shall be adequately addressed to the satisfaction of the agencies and West Chester Township during the zoning certificate approval process.

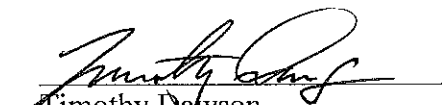
BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval as modified by this resolution. This action shall take effect this 21st day of November, 2016.

West Chester Township,
Butler County, OH

Chairman:

Secretary:


James Hahn


Timothy Dawson,
Township Planner

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 16-22
BECKMARK II – SPECTRUM RETIREMENT COMMUNITY, FDP**

WHEREAS, on February 10, 2015, 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), in conjunction with a Preliminary Development Plan for four (4) single-story office buildings and four (4) single-story retail buildings (69,600 square feet total) on 6.43 acres; and

WHEREAS, on May 16, 2016, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan for a one and two story, 89,750 s.f., 100 unit, senior retirement community on 6.43 acres; and

WHEREAS, on October 18, 2016, Spectrum Acquisition West Chester, LLC. submitted an application for a Final Development Plan (FDP) approval for a one and two story, 89,750 s.f., 100 unit, senior retirement community on 6.43 acres; and

WHEREAS, on November 21, 2016, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application; and

WHEREAS, the terms and conditions of this Resolution shall inure to the benefit of the applicant and any properly licensed successor organizations to the applicant performing the same services as provided for in this Resolution.

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

Based upon the evidence submitted and a careful review of the same, the West Chester Zoning Commission hereby finds and concludes as follows:

- 1.) Issuance of a zoning certificate in accordance with this Resolution shall relate exclusively to the site, building, and use as permitted in this Resolution, pursuant to and compliant with any other applicable provisions of the West Chester Township Zoning Resolution, as an institutional care facility. In this instance, assisted living facility, memory care, physical rehabilitation and related services will be provided at site; and. Any remaining parcels included in the C-PUD or uses not considered in this Resolution shall remain subject to Article 26.18 of the West Chester Zoning Resolution.
- 2.) The applicant shall at all times maintain in good standing an active license from all Federal, State and local governing entities for which services are regulated at the subject site. The applicant shall provide prompt written notice to West Chester Township of suspension or revocation of any such licensure. Notwithstanding the foregoing, in the event that the applicant's license is suspended or revoked by the applicable licensing agency or agencies, the zoning certificate shall be suspended until such suspension or revocation is cured by the applicant.

- 3.) A revised plan is to be submitted to the West Chester Community Development Department (WCCDD) within 30 days to reflect the following: a) A 24 foot wide gate shall be provided along the emergency, secondary access to the adjacent property to the east, which shall be coordinated with the West Chester Township Fire Department; b) a grading plan reflecting the secondary access and minimized grading and no wall construction in the right-of-way; c) a two-way left turn lane and a 300 foot westbound-exclusive left turn lane along Hamilton-Mason Road; d) the proposed and existing right-of-way; e) a utility plan reflecting the rain garden outlet directing drainage to the southeast tributary; f) vehicular cross-access ways; and g) public access ways for the portions of the 6 foot wide, concrete sidewalk located along the public frontages that are located on private property. All rights-of-way shall be dedicated, as required by the Butler County Engineer's Office (BCEO) Thoroughfare Plan prior to the issuance of a final zoning certificate.
- 4.) All curb-cuts/ access ways along Hamilton-Mason Road and cross-access ways shall meet all West Chester Township and BCEO requirements.
- 5.) All water and sanitary services not used for the development shall be properly abandoned under the discretion of the Butler County Water and Sewer Department (BCWSD) at such time deemed necessary by the BCWSD.
- 6.) All internal drive aisles; all access ways; and fire lane signage shall accommodate emergency services. The 'port-cochere' shall meet a 13 foot height clearance. Fire hydrant locations shall be coordinated with the West Chester Fire Department and shall not be physically or visually obstructed.
- 7.) Detailed stormwater calculations shall be provided to the BCEO for review within 30 days and approved prior to applying for a zoning certificate.
- 8.) The draft, vehicular cross-access easement agreements, with the maintenance responsibilities clearly defined, shall be provided to the WCCDD for review within 30 days and shall then be approved and recorded prior to the issuance of a final zoning certificate.
- 9.) The property owner shall be responsible for the cost of the construction of the emergency, secondary access to the adjacent property to the east.
- 10.) The draft, public use easement agreement, with the maintenance responsibilities clearly defined, shall be provided to the WCCDD for review within 30 days and shall then be approved and recorded prior to the issuance of a final zoning certificate.
- 11.) While consideration of institutional care facilities would generally require fencing or other enclosures along property lines, the West Chester Zoning Commission concludes the proposed, site-specific, retaining wall, guardrail and grading as shown on FDP is deemed sufficient.
- 12.) The common features and common elements shall be held in private ownership and the owner shall be responsible for keeping all common features and elements maintained and free from trash and litter; maintaining all drainage ways to ensure the rain garden detention area performs the designated function; and maintaining all landscaping in good condition. The three remaining parcels under different ownership, which are illustrated as open space for the


overall Commercial Planned Unit Development (C-PUD) shall be maintained by the property owner(s).

- 13.) All major landscaping areas shall be maintained in good condition and irrigated with a permanent system prior to the issuance of a final zoning certificate.
- 14.) The ground sign display area shall be subject to Article 20. All other signs shall be subject to the West Chester Township Zoning Resolution, Articles 10 and 20.
- 15.) The applicant agrees to reimburse the Township for any non-reimbursed EMS medical transports to and from the proposed facility that exceeds 18 non-reimbursed transports annually starting from January 1st each year. Proof of failure to be reimbursed for services must be submitted to the applicant with invoice. The applicant will pay the Township within 30 days from receiving the invoice. The invoiced amount will be reasonable and comparable to other cities and townships in the county for same or similar EMS services.
- 16.) The applicant shall at all times maintain a contract with a 24 hour private medical transportation service provider for non-life threatening injuries or illnesses.
- 17.) The applicant shall meet all other agencies' requirements prior to the issuance of a final zoning certificate.
- 18.) The WCCDD staff shall be authorized to approve minimal revisions to the approved Final Development Plan. 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 approval as modified by this resolution. This action shall take effect this 21st day of November, 2016.

West Chester Township
Butler County

Chairman:



James Hahn

Secretary:



Timothy Dawson
Township Planner