

**RESOLUTION NO. 09-2017**

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**RESOLUTION APPROVING A MAJOR CHANGE TO A PLANNED UNIT DEVELOPMENT AND PRELIMINARY DEVELOPMENT PLAN FOR CASE #MC 12-16 – KEEFE PROPERTY; TRACT 1; LOT 1 - CHICK-FIL-A**

**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) and 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, and open space improvements inside the C-PUD boundary; 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 retail store as the proposed use; and,

**WHEREAS**, on August 18, 2014, the West Chester Township Zoning Commission approved a Final Development Plan, which included the lot layout of four development parcels, one open space parcel, Tylers Place Boulevard improvements, common development improvements, and a 75,330 square foot Cabela's retail store on Lot 3 of Tract 1; 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 a 12,192 square foot multi-tenant building with retail and restaurant uses on Lot 1 and a 9,312 square foot multi-tenant 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 square feet; and,

**WHEREAS**, on October 17, 2016, the West Chester Township Zoning Commission approved a Revised Final Development Plan approval for Lots 1 and 2 of Tract 1, which included all building signage; and,

**WHEREAS**, on December 19, 2016, GBC Design, Inc. on behalf of Chick-Fil-A, Inc., submitted an application requesting a Major Change to the C-PUD and Preliminary Development Plan, which included a split of Lot 1 for a 4,594 square foot Chick-Fil-A restaurant with a drive-thru and outdoor seating; and,

**WHEREAS**, on January 10, 2017, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

**WHEREAS**, on January 23, 2017, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application and offered consideration for public comments regarding traffic concerns by clarifying the previous conditions of Zoning Commission Resolutions 14-15 and 14-18; and,

**WHEREAS**, the West Chester Township Zoning Commission 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 February 28, 2017 as applied for by GBC Design, Inc; and,

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

**NOW THEREFORE, BE IT RESOLVED** that 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 Major Change to the Keefe Property; Tract 1 Commercial Planned Unit Development District and Preliminary Development Plan with the following conditions:

**SECTION 1.** The current approval shall only grant changes to the subject site. The remaining Keefe Property; Tract 1 C-PUD shall otherwise remain subject to the conditions as previously and last approved (Trustee Resolution 16-2004 and Zoning Commission Resolution 14-15).

**SECTION 2.** The lot split provided on the Final Development Plan (FDP) shall be consistent with the proposed lot split provided on the Preliminary Development Plan (PDP) and shall be recorded prior to the issuance of a zoning certificate.

**SECTION 3.** A utility plan, grading plan, and stormwater drainage plan and calculations shall be provided at the FDP stage and shall meet all requirements of the Butler County Engineer's Office (BCEO) and West Chester Township (WCT).

**SECTION 4.** All access and road ways; locations of fire hydrants; and fire lane signage shall be coordinated with the West Chester Township Fire Department and incorporated into the FDP to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.

**SECTION 5.** At which time the property ownership changes, an amended property owners association; vehicular cross-access; and public use easement agreements shall be provided for maintenance of the site and granting legal access throughout the Keefe Property; Tract 1 C-PUD.

**SECTION 6.** The property owner or a recorded property owners association shall be responsible for keeping all common features and elements well 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 7.** Dumpster enclosure details shall be provided at the FDP stage. The enclosures shall comply with the provisions of the West Chester Township Zoning Resolution, Article 20.043 and shall be consistent with the high-quality masonry building materials for the principle building.

**SECTION 8.** Detailed floor plans, including indoor and outdoor seating charts shall be provided at the FDP stage.

**SECTION 9.** Detailed building elevations shall be provided at the FDP stage. The building elevations shall demonstrate at least fifty percent high-quality masonry building materials (brick, stone, etc.) are being utilized throughout.


**SECTION 10.** A detailed landscaping plan shall be provided at the FDP stage, which shall be consistent with the PDP. All major landscaping areas are the responsibility of the property owner or a recorded property owners association and shall be well maintained in good condition and irrigated with a permanent system prior to the issuance of a zoning certificate.

**SECTION 11.** A detailed sign plan shall be provided at the FDP stage. All signage shall be approved at the FDP stage. All ground-mounted signs shall be consistent with the exterior building materials for the principle building. All building signage shall remain subject to the previously approved conditions of Zoning Commission Resolution 16-20.

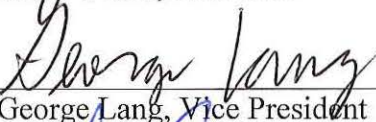
**SECTION 12.** All comments from other agencies shall be adequately addressed to the satisfaction of the reviewing agencies and WCT during the FDP and zoning certificate approval process.

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

Adopted this 14<sup>th</sup> day of March, 2017.

  
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Mark Welch, President

YES  
Yes/No

  
\_\_\_\_\_  
George Lang, Vice President

YES  
Yes/No

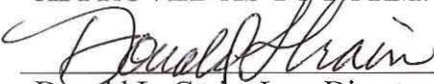
  
\_\_\_\_\_  
Lee Wong, Trustee

yes  
Yes/No

**ATTEST:**

  
\_\_\_\_\_  
Bruce Jones, Fiscal Officer

**APPROVED AS TO FORM:**

  
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Donald L. Crain, Law Director