

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
March 20, 2017**

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

MEMBERS ABSENT:

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

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 7:10 p.m.

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

New Business:

FDP – 02-17-A WCV, Hutzelman Square; Lot E

The applicant is Mike Gilbert. He is requesting a Final Development Plan for a 8,189 sq. ft. multi-tenant building including retail and restaurant land uses.

The subject site is located along Princeton-Glendale Road (SR747), approximately 1,000 feet north of Hutzelman Way. The site consists of 1.6 acres having approximately 265 feet of frontage along Princeton-Glendale Road (SR 747). The site is characterized as flat and vacant with existing utilities.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from R1-A (Suburban Residence District) to C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan (09-2001) on March 13, 2001 for a 145,000 square foot multi-tenant building and five outlots for a total of 213,150 square feet of mixed office/ retail land uses on approximately 39.25 acres.

The Traffic Impact Study (TIS) was approved at this time with the proposed intensity and established the access to the Planned Unit Development. The TIS was re-evaluated with the submission of the Crossings of Beckett PDP approval, which ensured alignment of the Market Place Drive intersection and approval of a traffic signal during Phase I of the Kroger site.

There have been multiple revisions to the original Preliminary Development Plan and Final Development Plans on four outlots, most notably: Chase Bank Final Development Plan was approved in 2011 on Lot B, West Chester Music and Dance Academy was approved in 2014 on Lot A1, Children's Learning Adventure Daycare facility was approved in February of 2105 on Lot C. The Preliminary Development Plan was last revised in June of 2015 which included 186,714 sq. ft. of mixed use for the entire PUD.

Along with a separate Final Development Plan approval for an extension to Market Place for a Final Development Plan for Buffalo Wings and Rings restaurant was approved in 2016 on Lot D, which brought the PUD to 181,429 sq. ft. of mixed uses.

This brings us to the Final Development Plan for Lot E.

Ohio Department of Transportation has indicated the public right-of-way permit and agreements have been submitted by Hutzelman Farms Inc. / In-Line Development for future plans and construction of Market Place Drive. An easement dedication to Hutzelman Farms Inc. for the curb ramp improvements on the south side of the intersection will be established on the record plat for the subject site to ensure construction.

Market Place Drive is a shared private roadway that provides two access ways to the subject site from the public-right-of-way and two additional access ways are provided with the cross-access easement agreement with the property to the south.

Additionally, the proposed off-site storm water detention areas are not constructed either. Therefore, in order to ensure proper traffic circulation and access to the site the remaining portion of Market Place Drive and the remaining storm water detention areas will need to receive Final Development Plan approval and issuance of a final zoning certificate prior to the issuance of a final zoning certificate for the subject site. It should be noted the applicant for the Final Development Plan of the detention area and Market Place Dr. has submitted for next month's hearing.

Adequate pavement striping and/or directional signage will need to be provided on the FDP to increase the efficiency of the site's vehicular traffic circulation, specifically for the preferred drive-thru entryway at the southwestern most curb-cut on the subject site.

The applicant has submitted an amended Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements for Hutzelman Square which includes the proposed change of ownership, shared parking spaces, vehicular cross-access, and utility easements for the site. However a public use easement agreement will need to be included to the amendment to ensure public use of the pedestrian access along SR 747 which is located on private property.

A revised civil site engineering plan will need to be provided at the Final Development Plan stage which review concerns regarding the size of the storm drain pipes in coordination with future storm water detention plans.

As shown on the latest approved Revised Preliminary Development Plan (RPDP) (06-15-B/ 15-17), Lot E was approved for a 12,600 sf multi-tenant building, which included a

9,300 sf retail/ commercial use; a 1,500 sf restaurant use; and a 1,800 sf restaurant with a drive-thru use. I received the final revisions to the plan on Friday, the 17th. There have been multiple revisions throughout the review process due to the uncertainty of the end users. Therefore to simplify matters, I have condensed the limits of the applicant's request for the Zoning Commission to consider and if there are any specific questions regarding how the plan may be revised at the zoning application process following the Final Development Plan approval, I'd be willing to address those after the presentation.

The Final Development Plan (FDP) varies from the RPDP by proposing a 8,292 sq. ft. multi-tenant building, which includes a 5,019 sq. ft. restaurant with a drive-thru use and a 216 sq. ft. outdoor seating area and a 3,273 sq. ft. unit with a retail/ restaurant use and a 561 sq. ft. outdoor seating area.

The applicant is 74 designated parking spaces and 16 shared parking spaces which is a total of 90 parking spaces which the zoning resolution requires 74 with the intensity of the use. Also they will be providing 20% open space where 15% is required.

In contrast to the RPDP, the FDP proposes a reduction in the area of the building and a larger area of restaurant use rather than retail use. Although the proposed uses differ from the specified uses of the RPDP approval, the FDP does not diminish the integrity of the approved uses and is not considered to be a detrimental impact in regard to the intensity of the land use or site design, including consideration for the outdoor seating areas, which are located approximately 340 feet from the nearest residential subdivision.

The latest approved RPDP landscaping guidelines illustrated a "mounded parking lot buffer" within the open space area along Market Place Drive. The intent of the mounding was to minimize headlight glare and spillover from the parking spaces on the subject site facing north onto Market Place Drive and Lot F, as shown on the RPDP. Therefore, if the applicant elects to propose parking along Market Place Drive facing north at the zoning certificate application stage, mounding or evergreen shrubs will need to be provided to be consistent with the RPDP by screening the headlight spillover to the north of the site.

The building elevations are consistent with a recommendation of at least 50% high-quality masonry materials.

The applicant is proposing five building signs with a total display area of 260 square feet. This exceeds the 8% of the front wall elevation area that has been approved with previous FDP's for the PUD. The subject site should maintain consistency with all previous approved signage, which was pursuant to the West Chester Zoning Resolution, Article 20.092

The landscaping plan is consistent with the RPDP approval. It is adequate landscaping for the site.

Some Final Development Plan approval conditions to consider: it should be noted that the dumpster enclosure details were included in the final revisions and the applicant stated there is a 3' change in grade from Market Place Dr. to the parking spaces.

Therefore they feel a berm is not required. Staff considerations include headlight angles at the southernmost point of the northbound drive aisle and ask that the Board consider the applicant provide evergreen shrubs at a consistent height and spacing rather than the proposed 3' change grade to achieve proper screening of headlight spillover.

ACTION

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

Questions from the Board:

Mr. Williams – Are you saying the applicant does not want to the berm?

Mr. Dawson – Correct, on the proposed grading plan there's a 2-3' drop from Market Place Dr. with the site grading. They feel additional mounding is not necessary. Market Place Dr. would be 2-3' higher with the proposed grading.

Mr. Williams – What distances are we talking about? Is it over 50' that it grades up 3'?

Mr. Dawson – I believe it's 5' intervals.

Mr. Williams – About 15'?

Mr. Dawson – At the elevation proposed on Market Place Dr. it's 631.6 and the parking places are proposed at an elevation drop of 630; so 2-3'. So staff's consideration for the evergreen shrubs would be to ensure that any headlight glare entering the site at the southernmost portion to the drive-thru which would have different headlight angles, some additional screening with the shrubs would ensure this.

Applicant **Brooke Lindholm**
Bayer-Becker
6900 Tylersville Rd
Mason

Just to clarify a couple of points: the actual building footprint that we submitted is 8,292 sq. ft., which I believe Mr. Dawson was including the outdoor seating area. We agreed with everything that staff presented and actually re-submitted plans on Friday addressing his comments. The only 2 points that I'd like to speak on; clarify: The berm issue seems to be causing some confusion. We are specifically asking the language to be modified to say berm or planting because where we are potentially looking at adding parking, the road is actually sitting 633 elevation and the building is about 3' lower than that so if we were to put a berm there we would need 30-35 feet to grade up 3' to a berm, have a 5' landing, then grade back down to the existing site. There's just not enough room there. Since the intent of the berm is to shield the headlight glare, we feel we can accomplish this because the site is lower and by putting in the additional plantings as he's requested.

The second item is regarding storm drain sizing. We haven't seen comments come back

from Butler County on this so we would just like it to say “that the utility plan must comply with Butler County Engineer’s Office for storm sizing”.

**Mike Gilbert
Development Management Group
4209 Gallatin Pike
Nashville TN 37216**

I am representing Anchor Retail Solutions, out of Cincinnati. We don’t take any exception to what Ms. Lindholm or Mr. Dawson has said. We are happy to provide additional low level landscaping shrubs in that area. Mr. Dawson explained where we are on our tenancy in this development and the potential impact of the size of this building. You see a couple different site plans there and on one of the plans it suggests parking along the northern edge makes things a little tighter so we hope to have that resolved soon. We will address with Mr. Dawson at the staff level with your permission. We do like the building design, Panera is excited to be in this development.

Mr. Hahn – Who did you say the tenant was going to be?

Mr. Gilbert – Panera will be the tenant on the end with a drive-thru.

Mr. Hahn – Are you still looking for a retail tenant?

Mr. Gilbert – The plan can be for retail or for restaurant and we hope to resolve that soon also. It’s leaning toward restaurant which would be the alternate site plan that Mr. Dawson had. It would reduce the square footage of the building and add some additional parking and a patio seating area.

**Proponents Steven Hunt
 2200 US Bank Centre
 425 Walnut St.
 Cincinnati, OH**

I am the attorney representing the Hutzelman Farms, owner of the site. We have been working with the developer of this site. As you know from our prior presentations we are very picky about who’s going on this site. The applicant has been excellent to work with. We support their plan. As I’ve indicated previously, under this structure of this community, Hutzelman Farms also has plan approval rights so assuming you approve tonight, we likewise have some tweaks. We are requiring the landscape change also, we agree that it’s appropriate. I will make the changes to the declaration that Mr. Dawson suggested. Also as Mr. Dawson indicated we will be back next month to show the extension of the road and the plan for the storm water detention areas.

Children’s Learning Adventure will open April 10th. Buffalo Rings & Wings is scheduled to open mid to late May. The project is moving forward. There’s interest on the other parcels and I’m sure we’ll be back on those in the future.

**Cy Groves
Buffalo Rings & Wings
4782 Princeton-Glendale**

The whole site is similar to our Finneytown location. They are good people and good neighbors. I'm excited about it.

Opponents None

Neutral None

DELIBERATIONS

Mr. Williams – The only thing I see that we need to do is correct the resolution on the square footage and the statement regarding storm drainage to meet Butler County comments.

Mr. Dawson – The revised resolution states that the revisions will need to be provided prior to the Zoning Certificate, within 30 days of the approval. So that's where the specific language for the 12" diameter would be. So we can revise that to state in general terms "the drain piping to meet BCEO requirements. And to the previous revision where it states the applicant is requesting a Final Development Plan, the square footage on that would be changed. The square footage in the presentation was stated for the limits of the proposal that included the outdoor seating but specifically to the use would be revised.

Mr. Hahn – I think we need to also remove the dumpster enclosure detail.

Mr. Dawson – yes the dumpster revisions were submitted on Friday, which will be revised as well.

Mr. Hahn – Item #10 regarding parking spaces proposed / landscaping

Mr. Dawson – it would be revised to strike the mounding and add the evergreen shrubs

Mr. Dawson – so to clarify we are revising the second to last paragraph in the case history, square footage, also section #1 to strike item #4, item #2 to be defined in general terms as defined by BCEO, condition # 10 we will strike mounding to appropriately screened for headlights.

Mr. Williams made a motion to approve Case # – 02-17-A WCV, Hutzelman Square; Lot E with all the minimum conditions recommended by staff and the Board's revisions as stated. Ms. Hendel seconds the motion.

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

Nay:

Motion carries 5 – 0

Administrative Matters:

The next meeting is April 17, 2017 @ 6:30 p.m. This serves as Public Notice for this meeting.

Mr. Hahn adjourned the meeting at 7:10 p.m.

Chairman:

Secretary:



James Hahn



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 17-6
WCV; HUTZELMAN SQUARE; LOT E – FDP (02-17-A)**

WHEREAS, on March 13, 2001, the West Chester Township Board of Trustees approved a Zoning Map Amendment from R1-A (Suburban Residence District) to C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan (09-2001) for a 145,000 square foot (sf) multi-tenant retail building and five outlots for a total of 213,150 sf of mixed office/ retail land uses on approximately 39.25 acres; and

WHEREAS, on February 28, 2011, the West Chester Township Zoning Commission approved a Final Development Plan (11-07) for a 4,353 sf Chase Bank with a drive-thru on the outlot located on the northwest corner of S.R. 747 and Hutzelman Way intersection (Lot B); and

WHEREAS, on April 21, 2014, a Revised Preliminary Development Plan (14-06) was approved by the West Chester Zoning Commission for modifications to the original layout, which included reducing the size of the southern portion of the large multi-tenant retail center and creating a new outlot and a separate 11,830 sf retail building on the northwest corner of Hutzelman Way and Market Place Drive (Lot A1), resulting in a new total of 196,750 sf of mixed office/ retail/ restaurant land uses within the PUD; and

WHEREAS, on May 19, 2014, a Final Development Plan (14-09) was approved for a 11,829 sf West Chester Academy of Music and Dance on Lot A1; and

WHEREAS, on October 20, 2014, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan (14-25) for modifications to the original layout, which included another reduction in area of the southern portion of the large multi-tenant retail center to 100,079 sf and an expansion to the adjoining outlot north of the Chase Bank side of Hutzelman Way along Princeton-Glendale Road/ SR 747 (Lot C) for a 29,600 sf daycare facility, resulting in a new total of 169,561 sf of mixed office/ retail/ restaurant land uses within the PUD; and

WHEREAS, February 23, 2015, the West Chester Township Zoning Commission approved a Final Development Plan (15-3) for a 33,032 sf Children's Learning Adventure daycare facility on Lot C; and

WHEREAS, on June 15, 2015, the West Chester Township Zoning Commission approved a Final Development Plan (15-16) on June 15, 2015 for the extension of Market Place Drive and Plum Square as well as an additional parking lot with a connecting sidewalk north of the West Chester Music and Dance Academy; a double faced (48 sf per face) ground-mounted directory sign and tree plantings on the north side of Plum Square; and decorative street lighting along the north side of Plum Square and the west side of Market Place Drive; and

WHEREAS, on June 15, 2015, the West Chester Township Zoning Commission approved a Revised Preliminary Development Plan (15-17) for modifications to the original layout, which included reconfiguring the site layout to consist of six buildings totaling 137,500 sf of mixed uses in the undeveloped area (Lots A2, A3, A4, D, E, and F) north of the already approved plans for a 4,353 sf Chase Bank (Lot B), an 11,829 sf West Chester Music and Dance Academy (Lot

A1), and a 33,032 sf Children's Learning Adventure (Lot C), resulting in a new total of 186,714 sf of mixed office/ retail/ restaurant land uses within the PUD; and

WHEREAS, on June 20, 2016, the West Chester Township Zoning Commission approved a Final Development Plan (16-11) for a 5,915 sf Buffalo Wings and Rings restaurant on Lot D, which was reduced from the 11,200 sf approved on the latest Revised Preliminary Development Plan (15-17), resulting in new total of 181,429 sf of mixed office/ retail/ restaurant land uses within the PUD; and

WHEREAS, on February 14, 2017, Mike Gilbert submitted an application requesting a Final Development Plan for a 8,292 sf multi-tenant building including a restaurant with a drive-thru use and a 216 sf outdoor seating area and a retail/ restaurant use with a 561 sf outdoor seating area on Lot E; and

WHEREAS, on March 20, 2017, 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 the aforesaid application as submitted with the following conditions:

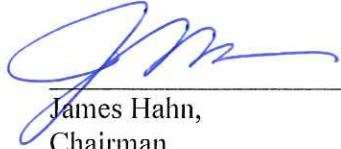
- 1.) Revisions to the Final Development Plan (FDP) shall be submitted the West Chester Township staff within 30 days with the following included: 1) All applicable revisions to the FDP pertaining to both outdoor seating areas; 2) A utility plan meeting all Butler County Engineer's Office requirements regarding the pipes downstream of all catch basins or yard drains and all pipe sizes coordinated with the Final Development Plan for the off-site detention areas; and 3) Adequate pavement striping and/or directional signage to clarify primary access to the drive-thru aisle at the southwestern most curb-cut on the subject site.
- 2.) The current approval shall only grant changes to the subject site. The remaining WCV; Hutzelman Square C-PUD shall otherwise remain subject to the conditions as previously and last approved (Trustee Resolution 09-2001 and Zoning Commission Resolution 15-17).
- 3.) All public rights-of-way shall be dedicated, as required by the Ohio Department of Transportation (ODOT) prior to the issuance of a zoning certificate.
- 4.) An easement shall be dedicated to Hutzelman Farms Inc. on the record plat for the curb ramp improvements located on the south side of Market Place Drive within the subject site prior to the issuance of a zoning certificate.
- 5.) All access and road ways; locations of fire hydrants; and fire lane signage shall be coordinated with the West Chester Township Fire Department to ensure the site accommodates emergency services prior the issuance of a zoning certificate. Fire hydrants shall not be physically or visually obstructed and the dual meter service pit shall have impact protection.

- 6.) Market Place Drive and the remaining detention basins proposed within the WCV - Hutzelman Square C-PUD shall receive FDP approval and the issuance of a zoning certificate prior the issuance of a zoning certificate for the subject site.
- 7.) An amended Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCRRE) including a public use easement agreement for the five foot wide, concrete sidewalk along the public right-of-way that is located on private property and all exhibits pertaining to the easement agreements , vehicular cross-access agreements, and public use easement agreements The amended DCRRE shall be provided to WCT staff for approval and shall be recorded prior to the issuance of a zoning certificate.
- 8.) 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(s) perform the designated function; and maintaining all landscaping in good condition.
- 9.) Dumpster enclosure details shall be provided prior to the issuance of a zoning certificate. The dumpster enclosure shall comply with the provisions of the West Chester Zoning Resolution, Article 20.043 and shall be consistent with the high-quality masonry building materials for the principle building.
- 10.) At the zoning certificate application stage, any parking spaces proposed along Market Place Drive that are facing north shall include evergreen shrubs at a consistent height and spacing to achieve proper screening of the head-in parking and Market Place Drive within the landscaped area to be consistent with the latest approved Revised Preliminary Development Plan (RPDP) (15-17).
- 11.) 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.
- 12.) All building signage shall be pursuant to the West Chester Township Zoning Resolution, Article 20.092. Illuminated building signs shall be prohibited on the west building elevation facing the residential subdivision(s).
- 13.) All ground-mounted signs shall be consistent with the RPDP (06-15-B/ 15-17), excluding directional signage for the drive-thru.
- 14.) All comments from other agencies shall be adequately addressed to the satisfaction of the reviewing agencies and WCT prior to the issuance of a zoning certificate.
- 15.) The West Chester Community Development Department (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 WCT staff.

BE IT FURTHER RESOLVED, that all plats, plans, applications, and other data submitted are hereby incorporated in this approval. This action shall take effect this 20th day of March 2017.

West Chester Township
Butler County

Chairman:



James Hahn,
Chairman

Secretary:



Timothy Dawson,
Township Planner