

**WEST CHESTER TOWNSHIP  
ZONING COMMISSION  
May 15, 2017**

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

MEMBERS ABSENT: James Hahn

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

LOCATION: Township Hall

CALL TO ORDER: 6:30 p.m.

ADJOURNMENT: 6:50 p.m.

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

April minutes are approved as written.

Staff and anyone speaking in tonight's case are sworn in.

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New Business:

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**FDP – 04-17-A Keefe Property, Tract 1, Lot 1; Chick-fil-A**

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The applicant is GBC Design, Inc. on behalf of Chick-fil-A. The applicant is requesting approval for a Final Development Plan and is proposing a split of Lot 1 for a 4,594 sq. ft. restaurant with a drive-thru and outdoor seating.

The subject site is located along Liberty Way, Tylers Place Blvd, and Trailside Dr. approximately 1,400 feet west of the I-75 / Liberty Way interchange. The site consists of 1.16 acres having approximately 370 feet of frontage on Liberty Way. The site work has been completed to include initial grading, utilities, and majority of the parking area.

The case history began in 2004 which established the permitted uses and density. Multiple revisions have occurred since the original approval. Most notably was the Final Development Plan for lots 1 & 2 of Tract 1 which was approved on August 17, 2015 for a 12,192 sq. ft. multi-tenant building with retail/restaurant uses on Lot 1 and a 9,312 sq. ft. multi-tenant building with retail/restaurant uses on Lot 2.

Most recently, the West Chester Township Board of Trustees approved a Major Change to the Keefe Property; Tract 1 C-PUD and Preliminary Development Plan (09-2017) on March 14, 2017, which included a split of Lot 1 for a 4,594 square foot Chick-fil-A restaurant with a drive-thru and outdoor seating.

The applicant is proposing 106 seats. Also proposing 46 parking spaces where 31 are required and 23% open space where 15% is required.

The applicant has provided details of the floor plans, building elevations, landscaping, and dumpster enclosures, which are all consistent with the PDP and conditions of Trustee Resolution 09-2017.

The applicant's sign plan proposes a 48 sq. ft. monument sign, four building signs totaling 99.7 sq. ft., and a business identification sign on the existing multi-tenant monument sign. All proposed signs are consistent with the previous conditions of the Trustee Resolution.

In order to increase the efficiency of the site's traffic circulation, pavement striping indicating the northernmost drive aisle as the "Drive-Thru" aisle should be provided.

Additionally, two, off-site, drive-thru directional signs are proposed on the south side of Trailside Drive to direct eastbound traffic to access the designated drive-thru lane along the northernmost drive aisle via Outfitters Way. The property owner has provided a letter of agreement with Wetherington Pointe Owners' Association for the off-site sign locations. However, the recorded Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements for Wetherington Pointe (DCCRREE) should be amended by the current property owner to assign legal access and establish maintenance responsibilities for the off-site signage.

The subject site, Lot 1, and Lot 2 are currently under single ownership. If the property ownership of the subject site changes in the future, the proposed drive-thru pavement striping and directional signs located on the current Lot 1 would become off-site locations. Therefore, the recorded DCCRREE should be amended by the current property owner to assign legal access and establish maintenance responsibilities for the off-site signage prior to any change in property ownership to the subject site.

The storm water pipe sizing calculations are still under review by the Butler County Engineer's Office (BCEO) at this time. The BCEO has indicated the revisions are minor in nature and will coordinate with the applicant's engineer to resolve any discrepancies between the plans and calculations prior to the issuance of a zoning certificate.

## **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.

No questions from the Board.

**Applicant**                    **Alan Wiley**  
**GBC Design**  
**565 White Pond Dr**  
**Akron OH 44320**

Thank you Tim for the nice presentation. If you have any questions, I'd be happy to answer them. I also brought material boards if you'd like to see them.

Mr. Williams – I am familiar with the locations on Tylersville and Kemper; is this one of the few with outdoor seating?

Mr. Wiley – No, they really started to add outdoor seating to all the locations that have room for it. They have the 2 seat patio tables out by the building. This location didn't have room for the full patio. They do like to offer outdoor seating for the patrons.

Mr. Williams – It's a nice feature. I just don't remember it being at those other locations.

Mr. Wiley – No, it's really been in the last 3 years that they started

Mr. Williams – You don't have any issues with Lot 1, Lot 2, the DCCRREE?

Mr. Wiley – No

**Proponents**                    **None**

**Opponents**                    **Jason Watkins**  
**7278 Weatherby Ct**

I live in the development right across the street from this. I'm not really against this but more neutral. The concern is the continued traffic volume in this space. In the local paper today and several times in the past weeks, it talks about the expansion of Tylersville and how it becomes a tax dollar obligation. When we look at planning these developments and the way they were structured, they weren't intended for this type of volume. Again not against the development; it's the doing it right and taking traffic volume into consideration. Thank you.

**Neutral**                    **None**

### **DELIBERATIONS**

Mr. Fisher – gives it a thumbs up.

Mr. Rinnert – It's a good project. They've dotted all their I's and crossed all their T's, it's a nice looking building and I like the outdoor seating. It's a good project for that area.

Mr. Stoker – I live over in Wetherington myself and I appreciate the landscaping designs. It really does make a big difference and I compliment the staff and the applicant in working together to make the nice features available.

Mrs. Hendel – It's a nice project and I think the development has turned out very nice. They've done a great job.

**Mr. Rinnert made a motion to approve Case # – 04-17-A Keefe Property, Tract 1, Lot 1; Chick-fil-A with all the minimum conditions recommended by staff and other agencies as stated. Mr. Stoker seconds the motion.**

**Aye: Mr. Fisher, Mr. Stoker, Mr. Rinnert, Mr. Williams, Ms. Hendel**

**Nay:**

**Motion carries 5 – 0**

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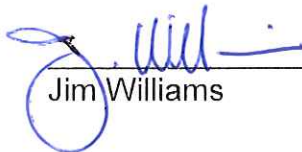
**Administrative Matters:**

The next meeting is June 19, 2017 @ 6:30 p.m. This serves as Public Notice for this meeting.

Mr. Williams adjourned the meeting at 6:50 p.m.

Vice Chairman:

Secretary:

  
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Jim Williams

  
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Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION  
BUTLER COUNTY, OHIO  
RESOLUTION NO. 17-9  
KEEFE PROPERTY; TRACT 1, LOT 1; WETHERINGTON POINTE;  
LOT 1; CHICK-FIL-A, FDP (04-17-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 (16-2004) 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 (04-22), 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 (14-15), 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 (14-17), 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 square foot Cabela's 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 (15-22), which included the construction of 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 October 17, 2016, the West Chester Township Zoning Commission approved a Revised Final Development Plan approval for Lots 1 and 2 of Tract 1 (16-20), which included all building signage; and

**WHEREAS**, on March 14, 2017, the West Chester Township Board of Trustees approved a Major Change to the Keefe Property; Tract 1 C-PUD and Preliminary Development Plan (09-2017), 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 April 11, 2017, GBC Design, Inc. on behalf of Chick-fil-A, Inc., submitted an application requesting a Final Development Plan approval for 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 23, 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:

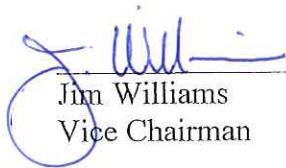
- 1.) Revisions to the Final Development Plan (FDP) shall be submitted to the West Chester Township Community Development Department (WCTCDD) and the Butler County Engineer's Office (BCEO) within 30 days with the following included:
  - a) The stormwater drainage plans and stormwater pipe sizing calculations. The plans and calculations shall be coordinated and consistent and meeting all requirements of the BCEO and West Chester Township (WCT).
- 2.) 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.
- 3.) The northern-most drive aisle on Lot 1 shall be striped at the eastern-most extent of the aisle to indicate it is the designated "Drive-Thru" lane.
- 4.) The property owner shall amend the recorded Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements for Wetherington Pointe (DCCRRE) to establish an agreement with Wetherington Pointe Owners' Association. The amended DCCRRE shall grant the property owner of the subject site legal access to the off-site, drive-thru directional signs located along Trailside Drive with the maintenance responsibilities clearly defined and all exhibits pertaining to the agreements. The amended DCCRRE shall be provided to the WCTCDD for approval prior to the issuance of a zoning certificate and shall be recorded prior to a final zoning inspection.
- 5.) Prior to any change in property ownership for the subject site, the current property owner, CMT Middletown LLC., shall amend the recorded DCCRRE to provide the subject site's property owner legal access to the drive-thru pavement striping and any off-site, directional signs with the maintenance responsibilities clearly defined and all exhibits pertaining to the agreements. The amended DCCRRE shall be provided to the WCTCDD for approval prior to the issuance of a zoning certificate and shall be recorded prior to a final zoning inspection.
- 6.) Any further directional signage shall be installed by the property owner of the subject site at which time deemed necessary by WCT to maintain the efficiency of traffic circulation.
- 7.) 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 detention areas perform the designated function; and all landscaping shall be well maintained in good condition and all major landscaping shall be irrigated with a permanent system prior to a final zoning inspection.
- 8.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and WCT at the zoning certificate approval process.

9.) WCTCDD staff shall be authorized to approve minimal revisions to the approved FDP. Any changes to the plan that are required by other reviewing agencies shall be subject to approval by the WCTCDD staff.

**BE IT FURTHER RESOLVED**, that all plats, plans, applications, and other data submitted are hereby incorporated in this recommended approval. This action shall take effect this 15th day of May 2017.

West Chester Township  
Butler County

Vice Chairman:

  
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Jim Williams  
Vice Chairman

Secretary:

  
\_\_\_\_\_  
Timothy Dawson  
Township Planner