

RESOLUTION NO. 24-2017

**RESOLUTION APPROVING A ZONING MAP AMENDMENT FROM A-1 TO C-PUD AND
PRELIMINARY DEVELOPMENT PLAN
FOR CASE #ZMA 02-17 – BC TID AT LIBERTY WAY**

WHEREAS, on May 16, 2017, Liberty Way Cincy, LLC. – Brian Copfer submitted an application requesting a Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and a Preliminary Development Plan for four buildings totaling 163,360 square feet with a mix of uses, including a two-story, 50,000 square foot medical office; a two-story, 45,000 square foot medical office; a four-story, 60,000 square foot, 101 room hotel; and a one-story, 8,360 square foot, multi-tenant building consisting of retail/ restaurant uses on approximately 14.8 acres; and,

WHEREAS, on June 12, 2017, the Butler County Planning Commission public hearing, which was regularly scheduled for June 13, 2017, was canceled due to a lack of a five-member quorum and the aforesaid application was continued to a special hearing on June 20, 2017; and,

WHEREAS, on June 19, 2017, the West Chester Township Zoning Commission conducted a public hearing and passed a motion to continue the aforesaid application due to compliance with Ohio Revised Code, Title (5) V, Article 519.12, which requires a recommendation from the Butler County Planning Commission prior to the Zoning Commission hearing; and,

WHEREAS, on June 20, 2017, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval with conditions; and,

WHEREAS, on July 17, 2017, the West Chester Township Zoning Commission conducted public hearing for the aforesaid application and 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 August 8, 2017 as applied for by Liberty Way Cincy, LLC. – Brian Copfer; 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 Zoning Map Amendment from A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) and Preliminary Development Plan with the following conditions:

SECTION 1. The permitted uses shall include the Principal Permitted Uses of the West Chester Township Zoning Resolution's (WCTZR) O-1, O-2, and B-1, Districts, excluding Articles 18.024, 18.025, 18.026, 18.028, 19.024, 19.025, 21.025, 21.027, 21.0291 and only include the B-2 District, Articles 22.027, 22.028, and 22.0210 - excluding "night clubs."

SECTION 2. All recommendations of the Traffic Impact Study (TIS) and requirements of West Chester Township (WCT), in coordination with the Butler County Engineer's Office (BCEO), shall be incorporated into the Final Development Plan (FDP). A copy of the approved TIS and letters of approval from the appropriate agencies shall be provided to the West Chester Township Community Development Department (WCTCDD) at the FDP stage.

SECTION 3. Any construction to widen Liberty Way/ Hamilton-Mason Road (LW/ HMR), as required by the TIS, shall occur on the north side of LW/ HMR.

SECTION 4. All public right-of-way dedications shall be shown on the Phase 1, FDP and shall be dedicated as required by the BCEO and the Butler County Thoroughfare Plan prior to the issuance of a zoning certificate.

SECTION 5. All access ways and internal roadways; connections and locations of fire hydrants; fire lane signage; and all other applicable building and fire codes shall be coordinated with the WCTCDD and the West Chester Township Fire Department and shall be incorporated into each FDP phase to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.

SECTION 6. Detailed grading plans, stormwater drainage plans and calculations, and utility plans shall be provided at each FDP stage and shall meet all WCT and BCEO requirements prior to the issuance of a zoning certificate.

SECTION 7. A water main easement shall either be illustrated on the Phase 1, FDP within the subject site or an easement agreement shall be established on an adjacent property, as required by BCWSD. The location of the easement and an accompanying draft easement agreement, with the construction and maintenance responsibilities clearly defined, shall be coordinated with the WCTCDD and the Butler County Water and Sewer Department (BCWSD) at the Phase 1, FDP stage. The easement agreement shall be provided to the WCTCDD for approval at the Phase 1, FDP stage and shall be recorded prior to the issuance of a zoning certificate.

SECTION 8. A ten (10) inch water main line connection shall be illustrated on the Phase 1, FDP along the internal public road, as required by the BCWSD.

SECTION 9. All sanitary sewers shall meet all BCWSD requirements regarding public and private sewer mains and lateral spans and the corresponding connections.

SECTION 10. Any development that occurs within a designated wetland shall be coordinated with WCT, BCEO, and Butler County Soil and Water Conservation District and shall meet all requirements prior to the issuance a zoning certificate.

SECTION 11. Detailed floor plans and building elevations shall be provided at each FDP stage. The exterior building elevations shall demonstrate high-quality, modern architectural design building materials (metals, glass, brick, stone, masonry, etc.) are being utilized throughout the site.

SECTION 12. Dumpster enclosure locations and details shall be provided at each FDP stage. The enclosures shall comply with the provisions of the West Chester Township Zoning Resolution (WCTZR), Articles 10.031 and 20.043 and shall be consistent with the building materials of the principle

building. Dumpster enclosures shall be located in a manner to reduce detrimental impacts to the adjacent residential subdivision.

SECTION 13. Trash pick-up shall occur between the hours of 7:00 a.m. and 7:00 p.m. to reduce detrimental impacts to adjoining or close proximity residential subdivisions.

SECTION 14. A photometric analysis that demonstrates .02 foot candle levels along the north and east property lines shall be provided at the Phase 1, FDP stage.

SECTION 15. Light locations and light fixture details shall be provided at each FDP stage to ensure a consistent design that minimizes glare and light spillover onto the adjacent residential subdivision.

SECTION 16. A detailed landscaping plan shall be provided and approved at each FDP stage to ensure adequate landscaping throughout the site. The landscaping plan included in the Phase 1, FDP shall illustrate adequate screening elements along the LW/ HMR frontage, to include an adequate quantity, size, and spacing of tree plantings, and any additional landscaping to screen the parking areas.

SECTION 17. One (1), fifteen (15) foot high ground sign, consisting of an eighty (80) square foot display area, shall be permitted at the west corner of Lot 3 at the intersection of LW/ HMR and Cox Road. In addition to the commercial sign display area, the sign shall also include the incorporation of a "Secondary," West Chester Township (WCT) entryway sign within the structure design.

SECTION 18. Two (2) WCT entryway signs shall be illustrated on the Phase 1, FDP. A "Secondary" sign shall be incorporated into the applicant's ground sign structure, located at the west corner of the site at the intersection of LW/ HMR and Cox Road. A "Tertiary" sign shall be located on the west side of the proposed internal, public road along the north property line. The signs shall be designed according to the "Secondary" and "Tertiary" signage details illustrated in the "Identity Study Summarization for West Chester in Union Township Butler County, Ohio" that was prepared by McGill Smith Punshon, Inc. in November 1998. The signs shall be included as common elements in the required DCCRRE and constructed and maintained by the property owner or property owners' association. The specific location, design, landscaping, etc. for the signs shall be approved at the Phase 1, FDP stage.

SECTION 19. A detailed sign plan shall be provided at each FDP stage. All signage details, which are not approved on the Preliminary Development Plan (PDP), shall be approved at each FDP stage.

SECTION 20. All signs shall be pursuant to the WCTZR Articles 10 and 20, excluding the height and display area of the ground sign illustrated as #3 on the PDP and referred to in the "Drawing Notes" and "Lot 3 - Sign Notes."

SECTION 21. All sign structures shall be consistent with the exterior building materials of the principle building.

SECTION 22. Internally-illuminated building signs shall be prohibited on the east building wall elevation of the hotel on Lot 2.

SECTION 23. A Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) shall be provided to the WCTCDD for approval at the Phase 1, FDP stage and shall be recorded prior to the issuance of a zoning certificate. The DCCRRE shall establish easement agreements for vehicular cross-access and public use of pedestrian facilities by providing legal access throughout the site and to the adjacent property to the north, with the maintenance responsibilities for all common features and elements throughout the site and within the public right-of-way of the internal public road clearly defined, and all exhibits pertaining to the agreements.

SECTION 24. 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 the issuance of a zoning certificate.

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

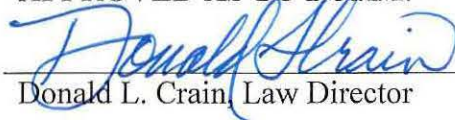
Adopted this 22nd day of August, 2017.

	<u>YES</u>
Mark Welch, President	Yes/No
	<u>YES</u>
George Lang, Vice President	Yes/No
	<u>Yes</u>
Lee Wong, Trustee	Yes/No

ATTEST:


Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:


Donald L. Crain, Law Director