

**WEST CHESTER TOWNSHIP
ZONING COMMISSION
October 16, 2017**

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

MEMBERS ABSENT: Bruce Fisher

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

LOCATION: Township Hall

CALL TO ORDER: 6:37 p.m.

ADJOURNMENT: 7:14 p.m.

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

Mr. Hahn asked if we have approval of the September 18, 2017 minutes. Mr. Williams made a motion to approve. Minutes are approved as written.

Case # FDP 08-17-C The Woods at West Chester Village; Landominiums; the applicant has formally requested a continuance of this case to the November hearing. I would like to make a motion to continue this case until next month. Mr. Williams made the motion.

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

New Business:

FDP – 09-17-A Highland Square; LaRosa’s

The applicant is Chad Vaughn on behalf of JCT Properties, LLC. The applicant is requesting a Final Development Plan approval for a 4,688 s.f. restaurant with a drive-thru.

The subject site is located along Highland Pointe Dr. approximately 345 feet east of Cincinnati-Dayton Rd. The site consists of 1.2 acres and is characterized as a flat, vacant site, which is connected to the existing commercial developments to the south.

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 a Preliminary Development Plan (PDP) (95-13 - Tom McGill/ Cin-Day Properties) on March 28, 1995, which included the conversion of the existing residences, along the Cincinnati-Dayton Road frontage, to office and retail uses and the

remaining open space tract, located east of the residences, designated for a future development of office/ retail uses on approximately 60 acres.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District) to I-PUD (Industrial Planned Unit Development District) within the original C-PUD District and a PDP (27-97) on July 22, 1997, which included a revised layout of the internal roadways and five (5) lots containing a total of 254,500 square feet of light industrial office/ warehouse uses on approximately 25 acres.

The West Chester Zoning Commission approved a Revised Preliminary Development Plan (RPDP) (04-13) for the original C-PUD District on March 15, 2004, which renamed the District from Cin-Day Properties to Highland Square and included a revised layout of the internal lot lines and roadway, consisting of four (4) outlots along the Cincinnati-Dayton Road frontage on approximately 35 acres.

The West Chester Zoning Commission approved a Revised Preliminary Development Plan (05-20) for Lots 5-9 within the original C-PUD District on June 20, 2005, included three (3) outlots along the Cincinnati-Dayton Road frontage; an extension of the internal roadway; and one (1) internal lot east of the internal roadway, containing a total of 26,500 square feet of office and retail uses on approximately 4.71 acres.

As of 2005, the original C-PUD was split with an I-PUD and four (4) different PDPs were contained within the overall site, as shown.

The West Chester Township Board of Trustees approved a Zoning Map Amendment from I-PUD (Industrial Planned Unit Development District) to C-PUD (Commercial Planned Unit Development District) and a Major Change to the original C-PUD District for a combined Preliminary Development Plan (41-2006) on December 5, 2006. The PDP included a 179,800 square foot retail center located on the east portion of the site and three (3) internal lots along the east side of the internal road (Highland Pointe Drive), containing a total of 36,388 square feet of retail/ restaurant uses on approximately 32 acres.

This gives us the layout of all currently approved PDPs within the Highland Square C-PUD.

The applicant is proposing a 4,688 s.f. restaurant with a drive-thru use. The applicant is providing 78 parking spaces where the Township requires 32 and 18.6% open space where the Township requires 15%. As you can see within the open space, the applicant is providing adequate landscaping throughout the site, including proper screening of the dumpster enclosure and pedestrian connectivity throughout the site.

The proposed Final Development Plan (FDP) slightly varies from the previously approved Preliminary Development Plan (PDP) in regard to the proposed site layout and the area of the use. Contrary to a single, 3 acre lot, containing a single, 8,000 square foot building as previously approved on the PDP, the applicant is proposing a 1.2 acre lot and a 4,688 square foot building, which is approximately half the area of the lot and use approved on the PDP. The remaining area adjacent to the north of the subject site, which was approved on the PDP as parking for the 8,000 square foot use,

will allow for an additional lot and building, but will need to remain consistent with the intensity of the remaining 3,300 square feet of use approved on the PDP.

The FDP is maintaining consistency with the 216,188 square feet of commercial use approved on the latest PDP (41-2006), which is located east of Highland Pointe Drive. A total of 93,200 square feet of commercial use is currently existing within the boundary of the latest PDP. The proposed LaRosa's restaurant will bring the total commercial use area to 97,888 square feet, which allows for a remaining 118,300 square feet of future commercial use east of Highland Pointe Drive to remain consistent with the intensity approved on the latest PDP.

In order to prevent any future detrimental impacts and maintain consistency with previous approvals, staff conducted extensive research of the case history due to the confusion that was created through multiple zoning amendments, plan modifications, and case file names within the original PUD site. In conclusion, the case history directly pertaining to the site has been correctly verified and stated in the draft resolution. However, there have been multiple approvals and the area of the uses were not specified for the lots along the Cincinnati-Dayton Road frontage, which remain vacant or residences. Therefore, staff will need to conduct the proper review of future development plan applications for those sites to ensure there are not any detrimental traffic impacts due to the intensity.

The proposed lot for the subject site will reconfigure the sites previously approved access way from Highland Pointe Drive, which will now be slightly shifted to the south and in alignment with the access way to Chase Bank (Outlot 3) on the opposite side of Highland Pointe Drive. However, the proposed site access remains consistent with the intent of the PDP. The remaining site access, approved to the north of the subject site on the PDP, along Highland Pointe Drive, will need to stay in alignment with the access way to White Castle (Outlot 4) on the opposite side of Highland Pointe Drive.

A vehicular cross-access easement was not established on the previous approval of the Learning Tree Academy daycare, which is located adjacent to the south of the subject site. Therefore, the property owner will need to obtain an easement and construction agreement with the adjacent property owner to the south and have the easement agreement recorded. Furthermore, the aforementioned easement and the proposed easement along the north property line should be illustrated on the record plat.

Pedestrian connectivity has been provided throughout the site and in alignment with the existing connections to the south and along Highland Pointe Drive.

The building elevations show the building materials consist of a minimum of 50% high-quality, masonry materials. Additionally the proposed building signs are meeting the requirements of the WCTZR, Article 20.092.

The dumpster enclosure is meeting all requirements of the WCTZR, Article 20.043 and the materials are consistent with the materials of the principle building.

One (1), eight (8) foot high, ground-mounted, monument sign, which includes a masonry structure and surround landscaping, is proposed at the site entryway along Highland Pointe Drive, which is consistent with all previous approvals. However, the applicant is proposing a double-sided, 16.25 sf business logo display area and a 13.99 sf reader board, for a total of 30.24 sf, where only 25 sf was previously approved. Although, the applicant is exceeding the allowable display area, consideration should be given to the design, which ensures the intent of the character remains consistent with the previous approvals by proposing the reader board display area within the monument structure.

Finally, within the Highland Square C-PUD boundary, a declaration has been recorded, which only includes one (1) existing FDP site. The "Highland Square" DCCRRE was recorded on June 24, 2005, which included Outlots 1-3, the common areas, including the internal private road running through lots 1-9, and Walmart and "Lots 1-6" south of Ridgetop Drive, which are not located within the Highland Square C-PUD District boundary. The latest amendment to the declaration, recorded in 2007, only includes Phase I of the retail center. Therefore, all existing sites and the proposed, subject site will need to be added to the declaration as an amendment; approved by staff and then recorded. Additionally, any future development plan applications will need to be added to that declaration as a supplement.

ACTION

The 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.

Mr. Stoker – Regarding the ground sign, as a C-PUD we have the authority to grant a little bit higher, is it the height on the sign or the square footage total?

Mr. Dawson – It would be the square footage of the display area. So the previous PDP only approved 25 sq.ft. for all ground signs within the outlots and internal lots. I've given you considerations for the character and design of the structure as the reader board will be constructed within the monument itself; not as a separate business logo sign.

Mr. Stoker – ok I just wanted that to be made clear. I personally don't have any issues with it. I think it's fine.

Applicant **Chad Vaughn**
 Wendel Associates
 8180 Corporate Park Dr. # 320
 Cincinnati OH 45242

The pedestrian circulation from the academy on the south; they are worried about parking because they have the same issue at Liberty Township. The owner will explain.

**Chase Doud
Data Management dba LaRosa's
100 Crisler Ave., #3
Crescent Springs KY 41017**

Mr. Doud – As Chad was mentioning we have a parking issue at our Liberty Township LaRosa's and all I ask of you is possibly the third farthest east sidewalk, as long as we maintain the landscaping requirements that is required, we would like to make that additional parking rather than a third sidewalk.

Mr. Dawson – In alignment with the existing commercial developments to the south, in order to stay consistent with the pedestrian connections throughout the PUD, I had asked them to revise the plan to include these sidewalk connections. Originally, I believe, they had six spaces of parking included within the landscaping/sidewalk area. So you are now asking to re-revise the landscaping island and sidewalk to include the parking?

Mr. Doud – Yes that would be ideal.

Mr. Dawson – Where would you make the pedestrian connection through the site?

Mr. Doud – We are hoping the one to the west would suffice, possibly curving it to the right along the outside, is that a possibility?

Mr. Vaughn – They are worried about losing that additional parking. Would there be any resolution to help gain by where the pick-up area is. Is there a way to connect the sidewalk along the north (in front of the building) into the other sidewalks?

Mr. Dawson – I'd like to give the applicant another option that they could pursue. In order to stay with the character of the Preliminary Development Plan and still include these pedestrian connections; another option for you would be to negotiate an easement agreement for shared parking on adjacent or future sites with the adjacent property owner. Would that be an option for you?

Mr. Doud – We are already addressing that avenue. What was the parking count with the sidewalk?

Mr. Dawson – Total parking as its illustrated here is 78 parking spaces.

Mr. Doud – Our biggest issue is on a Friday night when we have 14 drivers, 8 servers, and 12 cooks. That's why the parking count is really important to us. We want to give the best customer experience possible, not having people wait. If you're saying it's not possible, that we have to have the sidewalk, then by all means we'll do it. I just wanted to bring it up to you guys to see if there was any way we could recover the six spots on the lower portion of the drawing.

Mr. Hahn – Can you buy more land? Is that an option?

Mr. Doud – I guess that's always an option.

Mr. Hahn – I know it's not my checkbook and I get it. When I look at this plan.... (I don't know how much I want to say right now because we'll get into this in deliberations) how the entrance comes in; it looks like it's kind of offset; did anyone notice that? You're going to be coming down a 10% slope from the road, drops down 10%, then make a decision to jig-jag to the right to maintain straightness as opposed to just having a straight thorough-fare because you have to get the parking in. I'm not saying there can really be any adjustment; do you see what I mean by that?

Mr. Doud – I'm not quite following.

Mr. Hahn – Can you show him what I'm talking about? Can you point to it? The lane is offset to the entrance into the facility. I'm not saying there's anything wrong with it; you're the one who lives with this after it's built. That's why I suggest maybe more land is the way to go to expand in one direction, to not only suit the parking, your parking needs. It meets the parking requirements, I think the applicant just needs more parking. Just food for thought; comments.

Mr. Williams – Is the Liberty Township location about the same size? How's the parking situation?

Mr. Doud – It's a little bit larger, about 700 s.f. larger. I believe there's 87 parking spaces.

Mr. Williams – Has that been enough to support that location?

Mr. Doud – No, we actually bought a piece of land behind that property to eventually expand that property.

Mr. Williams – So Mr. Hahn's suggestion makes a little more sense.

Mr. Doud – Fortunately we got that through a bank foreclosure; it was a little bit more in our budget in terms of being able to afford it.

Mr. Vaughn – This site was kind of a challenge because someone prior split the lot. The 30' sanitary is going right smack dab in the middle then goes north. We were kind of stuck as to where we could put the building. It made it a challenge in trying to get it to work. And like you said there's a steep grade from where Highland Pointe is to where the building sits with an 8' drop. The sidewalk that we added coming off the sidewalk of Highland Pointe onto the site, because of the grade it will need to have a railing.

Mr. Hahn – If you really need that extra parking, I think you should try to get that cross access easement for your employees to park further out and let the patrons park closer in. If that doesn't work you can always come back and make a modification.

Mr. Dawson – As we see on the Preliminary Plan, originally they were providing a lot more parking, as you can see, this lot is a lot bigger than the way the current property owners split the lot. They are also going to have an opportunity to get a shared parking easement agreements for future development. Currently existing is FitWorks and another company within this 50,000 s.f. and 17,000 s.f. which has existing parking; they could pursue a shared parking easement agreement with them as well. I've been to this site and these

spaces are typically never full.

Mr. Vaughn – Is this something, shared parking agreement that would need to be filed with the Township?

Mr. Dawson – That would be a civil agreement between the two property owners that your attorney would need to draft up and then send me a copy for my review. Once I sign off on it, you'll need to have it recorded with Butler County.

Mr. Williams – Will the new location close the current one?

Mr. Doud – Yes it will.

Proponents None

Opponents None

Neutral None

DELIBERATIONS

Mr. Rinnert – I am in favor. I like the plan and the looks of the building. It will be nice to have a LaRosa's around that you can go inside to eat and not have to drive to Mason.

Mr. Stoker – I think the development is fine, I like the layout. It's kind of quirky as you go into the development but it is a business decision and of their own design.

Mr. Williams – Good to go.

Mr. Hahn – I also think 'no problem with it'. There are a couple of things I saw with the plan and I suggest to the owner to check with their engineer on some of those things like the steep grade going in to make sure you have a nice transition so the patrons won't scrape the bottom of their cars. It's a welcome addition to the West Chester community.

Mr. Rinnert made a motion to approve Case # – FDP – 09-17-A Highland Square; LaRosa's. Mr. Stoker seconds the motion.

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

Nay:

Motion carries 4 – 0

Administrative Business:

The next meeting is November 20, 2017 @ 6:30 p.m. This serves as Public Notice for this meeting.

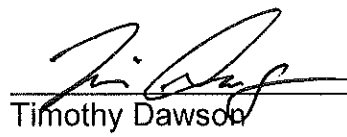
Mr. Hahn adjourned the meeting at 7:14 p.m.

Chairman:

Secretary:



James Hahn



Timothy Dawson

**WEST CHESTER TOWNSHIP ZONING COMMISSION
BUTLER COUNTY, OHIO
RESOLUTION NO. 17-18
HIGHLAND SQUARE; LAROSA'S, FDP (09-17-A)**

WHEREAS, on March 28, 1995, 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 a Preliminary Development Plan (95-13 - Tom McGill/ Cin-Day Properties), which included the conversion of the existing residences along the Cincinnati-Dayton Road frontage to office and retail uses and the remaining open space tract, located east of the residences, designated for a future development of office/ retail uses on approximately 60.88 acres; and,

WHEREAS, on July 22, 1997, the West Chester Township Board of Trustees approved a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District) to I-PUD (Industrial Planned Unit Development District) within the original C-PUD District and a Preliminary Development Plan (27-97), which included a revised layout of the internal roadways and five (5) lots containing a total of 254,500 square feet of light industrial office/ warehouse uses on approximately 25 acres; and,

WHEREAS, on March 15, 2004, the West Chester Zoning Commission approved a Revised Preliminary Development Plan (04-13) for the original C-PUD District, which renamed the District from Cin-Day Properties to Highland Square and included a revised layout of the internal roadway and lot lines, consisting of four (4) outlots along the Cincinnati-Dayton Road frontage on approximately 35 acres; and,

WHEREAS, on June 20, 2005, the West Chester Zoning Commission approved a Revised Preliminary Development Plan (05-20) for Lots 5-9 within the original C-PUD District, which included three (3) outlots along the Cincinnati-Dayton Road frontage, an extension of the internal roadway, and one (1) internal lot east of the internal roadway, containing a total of 26,500 square feet of office and retail uses on approximately 4.71 acres; and,

WHEREAS, on December 5, 2006, the West Chester Township Board of Trustees approved a Zoning Map Amendment from I-PUD (Industrial Planned Unit Development District) to C-PUD (Commercial Planned Unit Development District) and a Major Change to the original C-PUD District for a combined Preliminary Development Plan (41-2006), consisting of a 179,800 square foot retail center located on the east portion of the site and three (3) internal lots along the east side of the internal road (Highland Pointe Drive), containing a total of 36,388 square feet of retail/ restaurant uses on approximately 32 acres; and,

WHEREAS, on September 12, 2017, Chad Vaughn, on behalf of JCT Properties, LLC., submitted an application requesting a Final Development Plan approval for a 4,688 square foot Larosa's restaurant with a drive-thru, located on an internal lot along the east side of Highland Pointe Drive on approximately 1.2 acres; and,

WHEREAS, on October 16, 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.) The current approval shall only grant changes to the subject site. The remaining Highland Square C-PUD shall otherwise remain subject to the conditions as previously and last approved (Trustees Resolutions 95-13 and 41-2006 and Zoning Commission Resolution 04-13).
- 2.) All access ways and private, internal roadways; connections and locations of fire hydrants; fire lane signage; and all other applicable building and fire codes shall meet all requirements of the WCTCDD and the West Chester Township Fire Department prior to the issuance a zoning certificate to ensure the site accommodates emergency services. Fire hydrants shall not be physically or visually obstructed.
- 3.) One (1), eight (8) foot high, ground-mounted, monument sign with a double-sided, 16.25 sf business logo display area and a 13.99 sf reader board display contained within the monument structure shall be permitted at the site entryway as illustrated on the FDP.
- 4.) A Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for the Highland Square C-PUD District shall be provided to the WCTCDD for approval prior to the issuance of a zoning certificate and shall then be recorded prior to a final zoning certificate. The DCCRRE shall establish and clearly define a property owners' association; easement agreements for vehicular cross-access and public use of pedestrian facilities throughout the District; maintenance responsibilities for all common features and elements throughout the District; and all exhibits pertaining to the DCCRRE.
- 5.) 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.
- 6.) All comments from other reviewing agencies shall be adequately addressed to the satisfaction of the agencies and West Chester Township at the zoning certificate approval process.
- 7.) The 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 approval. This action shall take effect this 16th day of October 2017.


West Chester Township
Butler County

Chairman:



James Hahn

Secretary:



Timothy Dawson
Township Planner