

RESOLUTION NO. 15-2021

Resolution approving Zoning Map Amendment and Preliminary Development Plan for Case #ZMA 06-21 – North Pointe (CBD to SP-PUD)

WHEREAS, on June 21, 2021, Aaron Horn, on behalf of DillinCorp., submitted an application requesting a Zoning Map Amendment from CBD (Central Business District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan for approximately 497,000 square feet of commercial use, 870 multi-family units, and a 140 room hotel on approximately 98.6 acres; and,

WHEREAS, on July 16, 2021, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

WHEREAS, on July 19, 2021, the West Chester Township Zoning Commission conducted a 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 10, 2021 as applied for by DillinCorp; 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 West Chester Township Zoning Commission and does hereby approve the Zoning Map Amendment from CBD (Central Business District) to SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan with the following conditions:

SECTION 1. The permitted uses shall include the following principally permitted uses of the West Chester Township Zoning Resolution's (WCTZR) O-1, O-2, B-1, B-2, and CBD Districts, Articles 18.021, 18.022, 18.023, 18.025, 18.027, 19.022, 19.024, 19.026, 19.027, 19.028 (excluding hospitals), 21.022, 21.023, 21.024, 21.028, 21.032, 22.027 and 22.028 (excluding motels and only on Sites K, L, and M, as illustrated on the Preliminary Development Plan (PDP)), 31.025 (only on site D, as illustrated on the PDP), 31.029 (excluding night clubs and only on Sites H, I, and J, as

illustrated on the PDP), 31.0210, (subject to Final Development Plan (FDP) approval) and 31.0211 (only on Site A, as illustrated on the PDP.)

- *Multi-family semi-detached, Multi-family buildings, Public and non-profit parks, Office buildings, Banks, Daycare centers, Places of worship, Public buildings, Research facilities, Funeral homes, Art galleries/studios, Veterinarian offices, Medical offices, Convenience business, Personal service business, Restaurants, Fast-casual restaurants, Private clubs, Outdoor dining areas, Hotels, Extended-stay hotels, One (1) automobile fuel station, Drive-thru restaurants, Commercial recreation, and One (1) medical research and development facility.*

SECTION 2. The Conditional Use of the WCTZR, Article 19.033 shall only be permitted at the discretion of the Zoning Commission on a case by case basis at the FDP stage.

- *Institutional care facilities*

SECTION 3. A Traffic Impact Study (TIS) shall be approved prior to all subsequent FDP approvals. All recommendations of the approved TIS and requirements of the Butler County Engineer's Office (BCEO), in coordination with West Chester Township (WCT), shall be incorporated into each corresponding FDP to the extent said requirements are necessary as a result of traffic generated by the subject site.

SECTION 4. All public right-of-way dedications, to include access ways, internal roads, and pedestrian facilities shall be coordinated and constructed as required by the BCEO and WCT standards for public roads. Additionally, parking shall be prohibited on all public roadways during snow events.

SECTION 5. Streetscape section drawings shall be provided at each FDP stage, which shall utilize key elements varying by street types (connector, boulevard, neighborhood etc.), such as vehicular circulation, on-street parking, landscaped medians, bike lanes, sidewalks, street trees, ornamental banner poles, lighting, outdoor dining areas, etc.

SECTION 6. The extension of the internal, east-west oriented, connector road (Aviation Way), located between Sites A and B shall be a private roadway.

SECTION 7. Detailed site civil engineering plans, including grading plans and stormwater drainage plans and calculations shall be coordinated with the BCEO at the FDP stage, to include the following:

- a) Ditch and berm improvements along the main thoroughfares;
- b) The setbacks for Sites C, D, H, and I meeting the County access management regulations and/ or approved TIS recommendations; and
- c) All public streets will need to meet County road standards and specifications.

SECTION 8. A preliminary drainage report, pursuant to the Butler County Subdivision Regulations, shall be provided to the BCEO and approved prior to the FDP stage.

SECTION 9. Detailed water and sanitary sewer main installation and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department at the FDP stage to include the following:

- a) Trunk sewer upsized to meet requirements;
- b) EQ system plans meeting requirements; and
- c) Any other plans and information required for construction.

SECTION 10. The applicant shall coordinate with the Butler County Soil and Water Conservation District at the FDP stage in regard to the abandonment of any existing septic tanks and/ or private water wells and a high water table note may be required to be added to the final plat in regard to the wetland soils area north of the GE Aviation site.

SECTION 11. The applicant shall coordinate with the West Chester Township Fire Department (WCTFD) at the permitting stage in regard to access ways and internal roadways; connections and locations of fire hydrants; fire lane requirements; and all other applicable building and fire codes, to specifically include the following:

- a) Fire protection water mains shall be looped;
- b) All structures will need to be within four-hundred (400) feet of a fire hydrant;
- c) All roads shall comply with the turning radius of all safety service vehicles;
- d) Final decision on the street names;
- e) Coordinate BCEO and County Auditor address ranges with FD;
- f) Streets constructed at 20-26 feet in width (curb to curb) will be required to be posted "No Parking - Fire Lane"; and

- g) Streets constructed at 26-32 feet in width (curb to curb) will be required to be posted “No Parking – Fire Lane” along the fire hydrant side of the street.

SECTION 12. The “Site Development and Design Standards” (SDDS) document shall be incorporated into this Zoning Resolution in order to maintain consistency throughout the development plan and permitting process, except for the following Sections of the SDDS:

- a) Section 2, item (A) Lot Requirements;
- b) Section I, Off-Street Parking Requirements; item (b) The number of parking spaces;
- c) Section 3, Mixed-Use Area Standards, items (A) Allowable occupancies and (B) Prohibited occupancies; and
- d) Section 4, Residential Area Standards, item A) Allowable Occupancies, subsection (f) Assisted living residences and item E) Parking Requirements, subsection (a) Minimum residential space requirements.

These Sections shall be re-evaluated and shall only be approved at the FDP stage.

SECTION 13. The parking ratios shall only be approved at the FDP stage. A parking matrix for each site shall be provide for each FDP, which meets the WCTZR parking requirements. The parking matrix shall designate how each site achieves the requirements by utilizing off-street, on-street, and/or off-site, shared parking spaces.

SECTION 14. A seventy-five (75) foot buffer shall be maintained along the East Fork of the Mill Creek, which is designated as a blue-line stream.

SECTION 15. Each FDP shall submit the required flood plain information and shall meet all Butler County flood plain damage and prevention regulations as required to obtain a flood permit from the Butler County flood plain manager.

SECTION 16. The amount of open space shall only be approved at the FDP stage. The percentage of open space for the overall PUD site shall be noted on the initial FDP and the percentage of open space shall be noted for each subsequent FDP site.

SECTION 17. All open space lots shall be designated as such on the record, subdivision plat.

SECTION 18. Any construction of buildings and pavement or installation of landscaping within/ adjacent to electric transmission/ distribution rights-of-way shall be coordinated with Duke Energy and approval shall be obtained based on Duke Energy's guidelines/ restrictions for development within their rights-of-way and a letter of approval shall be provided at the FDP stage.

SECTION 19. The residential buildings shall not exceed four (4) stories or sixty (60) feet in height, whichever is less and no accessory building/ structure shall exceed twenty (20) feet in height.

SECTION 20. Building setbacks shall be approved at the FDP stage.

SECTION 21. Colored building elevations for each building wall shall be provided at the FDP stage.

SECTION 22. Detailed floor plans shall be provided at each FDP stage. The apartment buildings shall include a market study, the unit-mix description, a detailed description of the units' high-quality interior finishes, and a detailed description of the 1st floor/ lobby and/ or clubhouse amenities.

SECTION 23. Detailed plans and descriptions of any common/ public, exterior amenities and elements shall be provided at each FDP stage.

SECTION 24. Outdoor seating area plans shall be provided at each FDP stage. A minimum of four (4) feet shall be maintained between the back of street curb and the seating area to ensure adequate pedestrian circulation.

SECTION 25. Any dumpster locations and dumpster enclosure details shall be provided at each FDP stage. The enclosures shall be pursuant to the West Chester Township Zoning Resolution (WCTZR), Articles 10.031 and 20.043. The enclosure(s) shall be consistent with the high-quality, masonry building materials of the principle building. Dumpster enclosures shall not be located along the public frontages and in a manner to reduce detrimental impacts to residents.

SECTION 26. All light locations and light fixture details shall be provided at each FDP stage to ensure a consistent design that minimizes glare and light spillover.

SECTION 27. A detailed landscaping plan shall be provided at the FDP stage, which consists of adequate landscape screening of any building rear wall that is highly visible from the public right-of-way; throughout any open space areas/

recreational areas; streetscape details; building perimeter landscaping details; and ground sign perimeter landscaping details.

SECTION 28. A sign plan shall be provided at the FDP stage, to include a site plan illustrating ground sign locations and building elevations illustrating building sign locations. All signage details, including illumination, shall be provided at the FDP stage.

SECTION 29. Internally-illuminated signs shall be prohibited from facing the adjacent residential subdivision to the north.

SECTION 30. A draft Declaration of Covenants, Conditions, Restrictions, and Reservations of Easements (DCCRRE), which includes the Site Development and Design Standards (SDDS) document and also establishes the property owners' association (POA)/ homeowners' association(s) (HOA) for North Pointe shall be provided to the WCTCDD for review at the FDP stage. The record DCCRRE shall also include the North Pointe record, subdivision plat as a supplemental exhibit to the DCCRRE and a copy of which shall then be provided to the WCTCDD for the case file records prior to the issuance of the final zoning certificate.

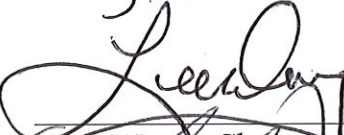

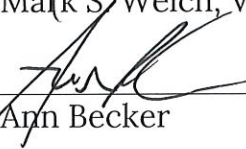
SECTION 31. The DCCRRE shall include a section, which corresponds to Condition #13; thereby, establishing a reciprocal easement agreement to designate and allow for cross-access and shared parking throughout each site.

SECTION 32. The property owner(s) and/ or the POA 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 areas perform the designated function; and all landscaping shall be well maintained in good condition and all major landscaping beds shall be irrigated with a permanent system prior to the issuance of a final zoning inspection.

SECTION 33. A temporary construction road and vehicle staging area shall be illustrated on each FDP, which shall be designed to support all construction traffic in all weather conditions. All roadways to access the site shall be maintained free of any dirt, debris, dust, etc. due to the construction of the site.

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

Adopted this 24th day of August, 2021.

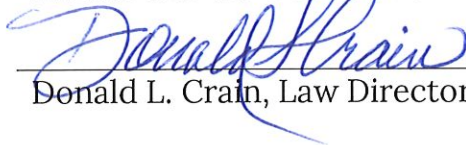
 _____ Lee Wong, Chair	<u>Yes</u> _____ Yes/No
 _____ Mark S. Welch, Vice Chair	<u>Yes</u> _____ Yes/No
 _____ Ann Becker	<u>Yes</u> _____ Yes/No

ATTEST:



Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director