

RESOLUTION NO. 06-2022

Resolution approving Zoning Map Amendment and Preliminary Development Plan for Case # ZMA10-21 Highlands Square Market

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, multiple Final Development Plans were approved by the Zoning Commission throughout the legislative and judicial case history. However, those Resolutions were not applicable to future reference, and;

WHEREAS, on October 18, 2021, Neyer Acquisitions submitted an application requesting a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan for two-hundred and nine (209) single-family residential lots (townhomes) and ninety-six (96) single-family units (condominiums) on 25.02 acres (12 units/ acre) and a central activity area, which includes a clubhouse and pool; and three (3) outlots on approximately 2.86 acres; totaling approximately 28.05 acres; and,

WHEREAS, on November 3, 2021, the West Chester Township Land Use Planning Committee conducted a public hearing for the aforesaid application and recommended approval for an amendment to the Comprehensive Land Use Plan's previous recommendation of a General Retail land use classification to the Community Mixed Use land use classification for the proposed site and surrounding parcels; and,

WHEREAS, on November 15, 2021, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application and passed a motion to continue the case upon the request of the applicant; and,

WHEREAS, on December 3, 2021, Neyer Acquisitions submitted a revision to the application requesting a Zoning Map Amendment from C-PUD (Commercial Planned Unit Development District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan. The PDP was revised, to include two-hundred and twenty-four (224) single-family residential lots (townhouses) and sixty-three (63) single-family units (condominiums) on 25.02 acres (11.4 units/ acre) and a central activity area, which includes a clubhouse and pool; and three (3) outlots on approximately 2.86 acres; totaling approximately 28.05 acres; and,

WHEREAS, on December 20, 2021, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended denial of the aforesaid application; and,

WHEREAS, on December 20, 2021, the applicant requested a continuance and due to a lack of a quorum, the public hearing was canceled; and,

WHEREAS, on January 19, 2022, the West Chester Township Zoning Commission conducted a public hearing for the aforesaid application and recommended approval; and,

WHEREAS, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on February 8, 2022 as applied for by Neyer Acquisitions; 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 C-PUD (Commercial Planned Unit Development District) to SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan with the following conditions:

SECTION 1. The residential density shall be subject to the Final Development Plan approval.

SECTION 2. The commercial permitted uses shall only include the following principally permitted uses of the West Chester Township Zoning Resolution's (WCTZR) O-1, O-2, B-1 and B-2 Districts, Articles 18.021, 18.022, 18.023, 19.022, 19.026, 19.027, 19.028 (excluding hospitals) 21.022, 21.023, 21.024, 21.028, 21.032, 22.027 and 22.0210 (excluding night clubs).

- Professional offices, Banks, Daycare centers, Research facilities, Art galleries and studios, Veterinarian offices, Medical offices, Convenience businesses, Personal service businesses, Restaurants, Fast-casual restaurants, and Drive-thru restaurants.

SECTION 3. The Conditional Use of the WCTZR, Article 21.032 shall only be permitted on the commercial outlots at the discretion of the Zoning Commission on a case by case basis at the FDP stage.

- Outdoor dining areas

SECTION 4. In regard to the Traffic Impact Study, all Butler County Engineer's Office (BCEO) and West Chester Township (WCT) requirements shall be met and illustrated on the Final Development Plan (FDP).

SECTION 5. 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 6. The applicant shall coordinate with the West Chester Township Fire Department (WCTFD) prior to submission of the FDP in regard to access ways and internal roadways; connections and locations of fire hydrants; fire lane signage; and all other applicable building and fire codes, to specifically include the following:

- a) A minimum of a ten (10) inch public water main will need to be looped throughout the site;
- b) All two-way streets will need to be a minimum of 26 feet in width;
- c) The street names will need to be submitted for approval at the FDP or permitting stage;
- d) The streets signs must be installed once construction begins; all streets must be posted "No Parking – Fire Lane" on both sides if less than 26 feet wide;
- e) Fire hydrant locations will need to be illustrated and approved at the FDP stage;
- f) All roadways must meet safety service vehicle turning radius requirements; and,
- g) Building design will indicate requirement for sprinkler system.

SECTION 7. In regard to the Traffic Impact Study, all Butler County Engineer's Office (BCEO) and West Chester Township (WCT) requirements shall be met and illustrated on the Final Development Plan (FDP).

SECTION 8. Detailed grading plans, including a geotechnical study of the soils, and stormwater drainage plans and calculations shall be provided at the FDP stage and shall meet all OEPA, BCSWCD, BCEO, and WCT requirements prior to the issuance of a zoning certificate.

SECTION 9. All water and sanitary sewer main installation upgrades and sanitary lateral plans shall be coordinated with the Butler County Water and Sewer Department (BCWSD) and meet all requirements prior to the issuance of a zoning certificate.

SECTION 10. All internal road circulation, road design, parking, vehicular cross-access connections, pedestrian connections and facilities, and central activity area shall be approved at the FDP stage.

SECTION 11. All eleven (18) foot wide alleyways shall be posted as one-way streets.

SECTION 12. Streetscape section drawings shall be provided at each FDP stage, which shall utilize key elements varying by street types, such as vehicular circulation, on-street parking, sidewalks, street trees, ornamental banner poles, lighting, outdoor dining areas, etc.

SECTION 13. The parking ratios shall only be approved at the FDP stage. A parking matrix for each site shall be provided 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. 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 15. All pedestrian connections shall be approved at the FDP stage, as required by the WCT staff.

SECTION 16. A ten (10) foot wide, public-use easement shall be illustrated along the extent of the eastern property line on the FDP and shall be recorded on the final plat, as required by Butler County.

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

SECTION 18. Building setbacks shall be approved at the FDP stage.

SECTION 19. Detailed building elevations, to include the clubhouse, shall be provided at the FDP stage, which shall reflect a minimum of 50% high-quality exterior building materials. As required by the West Chester Community Development Department (WCTCDD) staff, colored elevations for all sides of the buildings shall be provided and the specific exterior building materials shall clearly be labeled on the plan.

SECTION 20. Specific interior finish details and individual unit amenities shall be provided at the FDP stage. Such interior finish details and amenities may include, but shall not be limited to granite countertops throughout, tile bathrooms, crown molding, washer/dryer connections, high-speed internet, etc.

SECTION 21. Detailed floor plans and specific details regarding the unit sizes shall be provided at the FDP stage, which shall include size (measured in square feet) and floor plans.

SECTION 22. Detailed plans and descriptions of any common/ public, exterior amenities and elements shall be provided at each FDP stage.

SECTION 23. 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 24. Any dumpster locations, dumpster enclosure, and/or compaction building locations and details shall be provided at each FDP stage. The enclosures shall be pursuant to the 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 25. All light locations, light fixture details, and photometric analysis shall be provided at each FDP stage to ensure a consistent design that minimizes glare and light spillover and meets the WCTZR, Article 10.28.

SECTION 26. A detailed landscaping plan shall be provided at the FDP stage, which consists of adequate landscape screening of any building perimeters; trash collection areas; throughout any open space areas/ recreational areas; streetscape details; and ground sign perimeter landscaping details.

SECTION 27. Any residential development identification sign shall be illustrated on the FDP with setback dimensions. All signage details in regard to height, area, illumination, colors, and materials shall be provided at the FDP stage.

SECTION 28. Ground signs located on the commercial outlots shall only be permitted to be located along the Cincinnati-Dayton road frontage and all signage shall be subject to the WCTZR, Article 10 and 20.

SECTION 29. Ground signs shall only be permitted to be externally-illuminated by LED lighting at a maximum of a 4,000 level on the kelvin color scale.

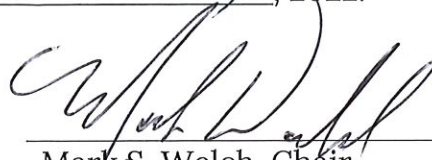
SECTION 30. Internally-illuminated building signs on any outlot shall be prohibited from being located on the east building wall.

SECTION 31. The Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for "Highlands Market Square," to include the REA, POA, and HOA as designated for the subject site, shall be submitted the WCT staff for approval at the FDP stage.

SECTION 32. A temporary construction road and vehicle staging area shall be illustrated on the 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.

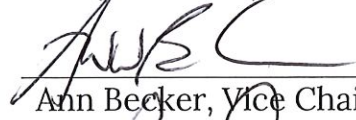
BE IT FURTHER RESOLVED that all plats, plans, applications, and other data submitted are hereby incorporated into this approval.

Adopted this 22nd day of February, 2022.



Mark S. Welch, Chair

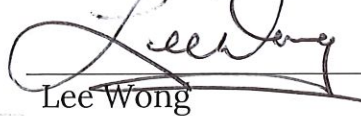
Yes
Yes/No



Ann Becker, Vice Chair

Yes
Yes/No

ATTEST:



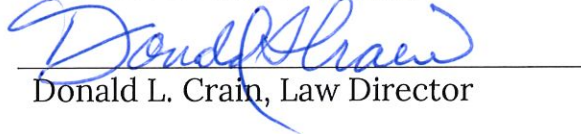
Lee Wong

Yes
Yes/No



Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:



Donald L. Crain, Law Director