

## RESOLUTION NO. 03-2023

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### **Resolution approving Zoning Map Amendment from R-1A (Suburban Residence District) and B-2 (General Business District) to SP-PUD (Special Purpose Planned Unit Development) and Preliminary Development Plan for Case #ZMA05-22 – Lyons Property**

**WHEREAS**, on November 21, 2022, Neyer Properties, Inc. submitted an application requesting a Zoning Map Amendment from R-1A (Suburban Residence District) and B-2 (General Business District) to SP-PUD (Special Purpose Planned Unit Development District) and a Preliminary Development Plan for 134 single-family residential lots, 428 multi-family residential units, and 198,000 square feet of commercial use, totaling approximately 128.14 acres;

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

**WHEREAS**, on January 10, 2023, the Butler County Planning Commission conducted a public hearing for the aforesaid application and recommended approval of the aforesaid application; and,

**WHEREAS**, by advertisement, a public hearing for the aforesaid application was conducted before the West Chester Township Board of Trustees on January 24, 2023, as applied for by Neyer Properties, Inc; 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 hereby approve the Zoning Map Amendment from R-1A (Suburban Residence District) and B-2 (General Business District) to SP-PUD (Special Purpose Planned Unit Development District) and Preliminary Development Plan with the following conditions:

**SECTION 1.** The residential permitted uses shall be subject to the Preliminary Development Plan (PDP) approval. Residential density shall not exceed the PDP approval, and final density shall be subject to the Final Development Plan (FDP) approval.

- *Detached, single-family dwellings, and Multi-family dwellings unit buildings (age restricted & not age restricted).*

**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, 18.027, 19.022, 19.026, 19.028 (excluding hospitals), and 21.027.

- *Professional offices, Research facilities, Art galleries and design studios, Medical offices, and Schools and universities (public and private).*

**SECTION 3.** The permitted and conditional uses of the WCTZR, Articles 18.022, 18.023, 21.022, 21.023, 21.024, 21.028, and 21.032 shall only be permitted on the commercial lots at the discretion of the West Chester Township (WCT) Zoning Commission on a case by case basis at the FDP stage.

- *Banks, Daycare centers, Convenience businesses, Personal service businesses, Restaurants, Fast-casual restaurants (excluding drive-through), Private clubs or lodges, and Outdoor dining areas.*

**SECTION 4.** 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 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 5.** The applicant shall coordinate with the West Chester Township Fire Department (WCTFD) prior to submission of the FDP in regard to preliminary review comments and all other applicable fire code requirements, to specifically include the following:

- a) All two-way streets will need to be a minimum of 26 feet in width;
- b) All streets shall be a minimum of 24 feet in width;
- c) 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, on one side if between 26 and 32 feet in width;
- d) Fire hydrant locations will need to be illustrated and approved at the FDP stage and posted "No Parking – Fire Lane" on hydrant side of road;
- e) All roadways must meet safety service vehicle turning radius requirements;

- f) The street names will need to be submitted for approval at the FDP or permitting stage;
- g) All exterior portions of the buildings shall be within 150 feet of a fire department access road; and
- h) Building design will indicate requirement for sprinkler system.

**SECTION 6.** 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 7.** 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 8.** All eleven (11) foot wide alleyways shall be posted as one-way streets.

**SECTION 9.** 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, benches, etc.

**SECTION 10.** A six (6) foot-wide, concrete or asphalt multi-purpose path shall be illustrated on a subsequent FDP, at the discretion of WCT, which extends from the existing sidewalk along Lyonhill Drive to the existing sidewalk along either West Chester-Lesourdsville Road or Cincinnati-Dayton Road. The portions of the path that are located in public right-of-way shall be coordinated with the ODOT, BCEO, and WCT in order to meet public standards and establish maintenance agreements.

**SECTION 11.** The parking ratios shall only be approved at the FDP stage. A parking matrix, including all previous approvals with the proposed ratio, shall be provided for each FDP. The parking matrix shall designate how each site is utilizing off-street, on-street, and/or off-site shared parking spaces. Additionally, a legal shared parking agreement shall be established within the overall Declaration, REA, or some other legal document prior to any FDP.

**SECTION 12.** Any requirements for additional off-site, shared parking area construction shall be at the discretion of the WCT Zoning Commission at any FDP stage.

**SECTION 13.** 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 14.** All pedestrian connections shall be approved at the FDP stage, as required by the WCT staff.

**SECTION 15.** A six (6) foot-wide, public-use easement shall be illustrated along the extent of any portion of the multi-purpose path that is located within private property and shall be recorded on the final plat, as required by Butler County.

**SECTION 16.** All open space lots shall be designated as such on the record subdivision plat.

**SECTION 17.** Building setbacks shall be approved at the FDP stage.

**SECTION 18.** Detailed building elevations 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 19.** In regard to multi-family residential development, 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 20.** In regard to multi-family residential development, the percentages of the unit mix (i.e., one, two, or three bedroom) shall be provided at the FDP stage.

**SECTION 21.** In regard to all residential development, detailed plans and descriptions of any common/ public exterior amenities and elements shall be provided at each FDP stage.

**SECTION 22.** In regard to all residential development, detailed floor plans shall be provided at the FDP stage.

**SECTION 23.** Outdoor seating area plans shall be provided at any 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.** Any signage shall only be approved at the FDP stage.

**SECTION 29.** The Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) for the designated developments, to include any Reciprocal Easement Agreement (REA), Property Owners' Association (POA), and Homeowners' Association (HOA), shall be submitted the WCT staff for approval at the FDP stage.

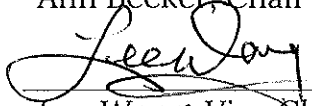
**SECTION 30.** A temporary construction road and vehicle staging area shall be illustrated on each FDP, which shall be designed to support all construction traffic in all weather conditions. All roadways to access the site shall be maintained free of any dirt, debris, dust, etc., due to the construction of the site.

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

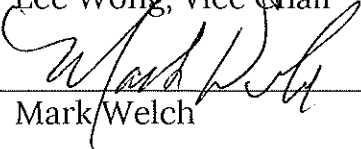
Adopted this 14th day of February, 2023.

  
Ann Becker, Chair

Yes  
Yes/No

  
Lee Wong, Vice Chair

Abstain  
Yes/No

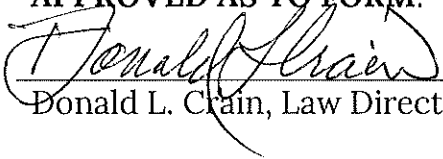
  
Mark Welch

Yes  
Yes/No

**ATTEST:**

  
Bruce Jones, Fiscal Officer

**APPROVED AS TO FORM:**

  
Donald L. Crain, Law Director