

RESOLUTION NO. 2022-17

BOARD OF TRUSTEES, DEERFIELD TOWNSHIP
WARREN COUNTY, OHIO

**RESOLUTION APPROVING A STAGE 1 ZONING MAP AMENDMENT
AND PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN
FOR APPROXIMATELY 25.37 ACRES OF REAL PROPERTY LOCATED
AT 6810 TYLERSVILLE ROAD, REZONING THE PROPERTY FROM
RESIDENTIAL SINGLE-FAMILY (R-SF) TO NEIGHBORHOOD BUSINESS
PLANNED UNIT DEVELOPMENT (N-B PUD)**

WHEREAS, Silverman and Company, Inc. (the “Applicant”) submitted an application (the “Application”) to Deerfield Township, seeking to rezone approximately 25.37 acres of real property located at 6810 Tylersville Road, Deerfield Township, Ohio 45040 (the “Property”) from the Residential Single-Family (R-SF) Zoning District to the Neighborhood Business Planned Unit Development (N-B PUD) Zoning District (the “Map Amendment”);

WHEREAS, the Applicant submitted a Preliminary PUD Plan as part of the Application (the “Preliminary Plan”);

WHEREAS, the Township assigned the Application Case No. 2021-537;

WHEREAS, in accordance with Section 5.05(B) of the Deerfield Township Zoning Resolution, the Application was first reviewed by the Warren County Regional Planning Commission during a public meeting of the Commission, at which time the Commission recommended approval of the Application;

WHEREAS, the Deerfield Township Zoning Commission thereafter considered the Application over the course of multiple public hearings of Zoning Commission beginning on January 10, 2022 and ending on March 14, 2022, at which time Zoning Commission recommended approval of the Application, subject to certain conditions, to the Deerfield Township Board of Trustees; and

WHEREAS, the Deerfield Township Board of Trustees considered the Application during a public hearing of the Board held on April 5, 2022, at which time the Board unanimously voted to adopt Zoning Commission’s recommendation, and approved the Map Amendment and Preliminary Plan, subject to certain conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Deerfield Township Board of Trustees:

SECTION 1. The recommendation of the Deerfield Township Zoning Commission to approve the Application submitted in Case No. 2021-537 is hereby adopted by the Board of Trustees. The Map Amendment and Preliminary

Plan are hereby approved, subject to the conditions set forth in Exhibit A to this Resolution, attached hereto and incorporated herein by reference.

SECTION 2. The PUD Development Standards set forth in Exhibit B to this Resolution, attached hereto and incorporated herein by reference, shall apply to the Preliminary Plan, and all future development stages and plans with respect to the Property. The PUD Development Standards may only be modified in accordance with the procedures set forth in the Deerfield Township Zoning Resolution.

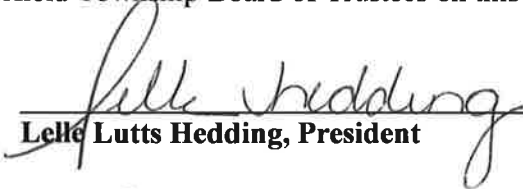
SECTION 3. The Deerfield Township Planning & Zoning Director is hereby directed to cause the Map Amendment approved herein to be entered upon Deerfield Township's official Zoning Map.

SECTION 4. This Resolution shall be effective from the earliest date permitted by law.


VOTE RECORD:

Mrs. Hedding 4 Ms. Malhotra 4 Mrs. Seitz 4

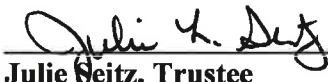
PASSED at the meeting of the Deerfield Township Board of Trustees on this 19th day of April, 2022:



Lelle Lutts Hedding, President



Kristin Malhotra, Vice President



Julie Seitz, Trustee

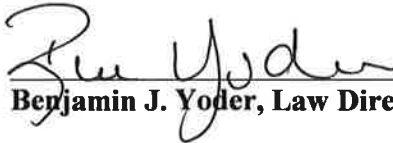
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Deerfield Township, Warren County, Ohio Fiscal Officer on this 19th day of April, 2022.



Dan Corey, Fiscal Officer
Deerfield Township, Warren County, Ohio

APPROVED AS TO FORM:



Benjamin J. Yoder, Law Director



Deerfield Township Board of Trustees

Date: April 19, 2022

Project: Map Amendment/Preliminary PUD Plan

Case # 2021-537

Existing Zoning: Residential Single Family (R-SF)

Proposed Land Use: Mixed of residential types and commercial uses

At their meeting on Tuesday, April 5, 2022, the Deerfield Township Board of Trustees reviewed and approved the Map Amendment/Preliminary PUD Plan for a proposed horizontal mixed-use (mixed residential types and commercial uses). The subject property is located at 6810 Tylersville Road in Deerfield Township, Warren County, Ohio.

The approval shall be subject to the following conditions:

1. Compliance with all PUD Standards as outlined in Exhibit B, unless herein modified (enclosed).
2. Compliance with Warren County Regional Planning Commission recommended conditions as provided at their meeting on December 16, 2021, unless herein modified.
3. The property shall be rezoned from Residential Single-Family (R-SF) to Neighborhood Business Planned Unit Development (N-B PUD).
4. The use on the 21.53 acres as shown on the submitted plan PL.2.0 shall be limited to multi-family residential, attached ranches, and detached residential single-family. The use on the 3.84 acres shall be limited to nonresidential principally permitted uses listed in section 6.2 of the PUD Standards.
5. Should the Township Trustees deem the proposed density acceptable, the net density shall not exceed 14.86 dwelling units per acre.
6. The use of vinyl siding shall be prohibited within the PUD. In addition, if cement siding is used within the PUD it shall have a minimum thickness of 5/16".
7. Colors and materials of the residential structures shall be compatible with the surrounding residential developments.

8. The building heights in this development shall not exceed two-stories with a maximum overall height of 35 feet. Single-family detached buildings and attached ranches shall not exceed one-story in overall height.
9. Provision of sufficient hydrants for fire suppression activities, at developer expense, as determined by the Deerfield Township Fire Rescue, with final plan submittal.
10. The location of bike racks shall be shown on the Stage 2 – Final PUD plan.
11. Documentation regarding permanent maintenance of the open space is required.
12. The Applicant shall acquire an access permit from the Warren County Engineer's Office for the proposed access to Tylersville Road and Thornberry Court.
13. Compliance with stormwater management standards to the satisfaction of the Warren County Engineer's Office.
14. Compliance with all required Warren County Soil and Water Conservation District standards.
15. Review and approval from the Warren County Water & Sewer Department that the proposed development can support the proposed uses. Any improvements to the water and sewer system shall be installed to the satisfaction of the Warren County Water & Sewer Department.
16. A sidewalk connection shall be shown in front of the residential single-family uses at the north of the project site.
17. The trail proposed along Tylersville Road shall connect to the stubbed trail to the east. It shall be extended to the western property boundary and shall be the same width and materials as the existing trail.
18. Any development shall comply with all requirements of the Township, County, State, and any other governmental subdivision and agency with authority over the property.
19. Any regulation not specifically addressed by the PUD Standards shall be regulated under the Deerfield Township Zoning Resolution.
20. Remove the Automotive Fuel Sales from principally permitted uses.
21. Modifications to an approved preliminary plan shall be considered in accordance with the review procedures as listed in section 5.05(F) of the Deerfield Township Zoning Resolution.
22. The PUD Standards shall be updated to reflect changes that were modified during the Trustees' approval at Stage 1 – Preliminary Plan.
23. The mound buffer along the northern perimeter shall be continuous, and the emergency stormwater spillway concept proposed by the Applicant underneath the mound shall be utilized. The

stormwater spillway concept is subject to review and approval by the Warren County Engineer's Office.

24. Commercial outparcel #1 shall not serve as the site of a commercial restaurant or fast-food restaurant which contains a drive-thru. Any commercial use on outparcel #1 which contains a drive-thru component shall be restricted to a commercial use less intense than a restaurant use (which use shall be subject to final approval by the Deerfield Township Zoning Commission).
25. Vape shops shall be a prohibited use within the PUD Boundaries. The term "vape shops", as used in this condition number 25, shall be interpreted in accordance with the definition of a "vape shop" created by Deerfield Township Planning & Zoning Department staff and added to the PUD Standards set forth in Exhibit B.

**PIMLICO POINTE
PUD DEVELOPMENT STANDARDS**

SECTION 1 – GENERAL INFORMATION

Applicant: Silverman and Company, Inc.

Property Owner: Charlie & Bonnie Lawson

Subject Property: Approximately 25.37 acres
Address: 6810 Tylersville Road, Mason Ohio 45040

Tax Parcel Numbers: Parcel ID's 15-06-388-001 & 15-06-388-002

Project Developer: Silverman and Company, Inc.
9545 Kenwood Road, Suite 401
Cincinnati, Ohio 45242

Existing Zoning: Residential Single-Family (R-SF)

Proposed Zoning: Neighborhood Business Planned Unit Development (N-B PUD)

SECTION 2 – PURPOSE

The intent of the Pimlico Pointe PUD is to establish standards governing a mixed-use development located on 25.37 acres of land off of Tylersville Road in Deerfield Township. The PUD allows for stricter control of the residential multi-family buildings, commercial uses and site design than what would otherwise be permitted in straight R-MF and/or N-B zone.

SECTION 3 – APPLICABILITY

The provisions of the Pimlico Pointe PUD shall supersede those of all prior zoning approvals affecting the overall site.

SECTION 4 – PUD BOUNDARIES

The property within this PUD consists of the following parcels:

Parcel (Sidwell) ID Number	Current Zoning	Acreage
15-06-388-001	R-SF	17.588
15-06-388-002	R-SF	7.782

The parcels listed on the previous page will be rezoned to Neighborhood Business Planned Unit Development (N-B PUD) under this set of PUD regulations. The zoning on this area shall remain in place following any lot splits or consolidations in the future, until such time as a future map amendment may be brought forward by the property owner for approval.

SECTION 5 – GENERAL STANDARDS

5.1 Definition of Terms

Unless specified, the definition of all terms shall be the same as the definition set forth in the Deerfield Township Zoning Resolution in effect at the time of zoning certificate application.

Attached Ranch Dwellings

A single-story building designed for or occupied by four (4) or five (5) non-transient families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit. Dwelling units are attached by common vertical walls. This use excludes single-family dwellings and flats.

Co-Working Space

A facility or building providing office space for lease by individuals, private parties and/or companies in an arrangement in which several workers from different companies share said office space, allowing cost savings and convenience through the use of common infrastructure, such as equipment, utilities, and receptionist and custodial services, and in some cases refreshments and parcel acceptance services.

Flats

A two-story building designed for or occupied by eight (8), twenty (20), or twenty-four (24) non-transient families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit. Dwelling units are attached by common walls or floors within a single structure. This use excludes single-family dwellings and attached ranch dwellings.

Mixed-Use

A group of nonresidential and residential uses on separate but adjoining properties within the overall 25.37 acre development.

Restaurant with Drive-Through Window

An establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers. Said establishment is equipped with an opening in the wall of the building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

Vape Shop

An Electronic Nicotine Delivery System (ENDS) establishment that engages in a variety of activities including but not limited to: (i) selling ENDS devices, ENDS replacements, ENDS hardware, ENDS pre-mixed flavored e-liquids, and other ENDS-related products; (ii) mixing

or preparing combinations of liquid nicotine, flavors, and/or other liquids for direct sale to consumers for use in ENDS; (iii) or creating or modifying aerosolizing apparatus for direct sale to consumers for use in ENDS.

5.2 Consistency with the Deerfield Township Zoning Resolution

Development of the PUD shall be in accordance with this PUD document and applicable sections of the Deerfield Township Zoning Resolution (to the extent they are not inconsistent with this document) which are in effect at the time of issuance of any development order which authorizes the development of improvements.

5.3 Preliminary Plan

All conditions and concepts imposed herein or as represented on the Preliminary Plan are a part of the regulations which govern the manner in which the PUD may be developed. Locations of specific uses which are consistent with the PUD regulations shall be reviewed at the time of application for a Zoning Certificate.

5.4 Clearing & Grading

Clearing, grading, earthwork, and site drainage work shall be performed in accordance with the procedures and requirements of the Warren County Soil & Water Conservation District and any other applicable government agencies. The developer shall also comply with the applicable requirements for an NPDES permit through the EPA.

SECTION 6 – USE REGULATIONS

6.1 General

1. This PUD Stage 1 Preliminary Plan is meant to be flexible so building footprints and outparcels are conceptually shown as examples of the multi-family buildings, commercial uses and accessory uses and activities as listed below in section **6.2 Principally Permitted Uses** and **6.3 Accessory Uses**. Commercial uses shall only occupy the four (4) outparcels as identified on the preliminary plan. The remaining area shall be designated for residential uses, amenities and open space as identified on the preliminary plan.
2. Review of principally permitted uses and accessory uses are either identified as permitted (P) or permitted with use-specific standards (PS). The use-specific standards shall be the same as outlined in Article 4 of the Deerfield Township Zoning Resolution.
3. As noted below in section **7.2 Maximum Number of Units, Density and Units per Building**, the maximum number of units will be capped at 245.

6.2 Principally Permitted Uses

USE	USE REVIEW
Attached Ranch Dwellings	Permitted (P)
Detached Single-Family Residential Dwelling Units	Permitted (P)
Multi-Family Residential Dwelling Units	Permitted (P)
Flats	Permitted (P)
Animal Hospital or Veterinary Clinic	Permitted with Use-Specific Standards (PS)
Bar or Tavern	Permitted (P)

Brewpub	Permitted with Use-Specific Standards (PS)
Co-Working Space	Permitted (P)
Day Care Center	Permitted with Use-Specific Standards (PS)
Financial Institution	Permitted (P)
Medical and Dental Center or Outpatient Clinic	Permitted (P)
Microbrewery	Permitted (P)
Mixed-Use	Permitted (P)
Office	Permitted (P)
Restaurant	Permitted (P)
Restaurant, Fast Food	Permitted (P)
Retail and Service Commercial	Permitted (P)
Community Garden	Permitted with Use-Specific Standards (PS)
Educational Facility	Permitted (P)

6.3 Accessory Uses

USE	USE REVIEW
Automated Teller Machine (ATM)	Permitted with Use-Specific Standards (PS)
Detached Accessory Building	Permitted with Use-Specific Standards (PS)
Drive-Through Facility	Permitted with Use-Specific Standards (PS)
Outdoor Dining Areas	Permitted with Use-Specific Standards (PS)
Porch or Deck	Permitted with Use-Specific Standards (PS)
Private Swimming Pool	Permitted with Use-Specific Standards (PS)
Satellite Dish	Permitted with Use-Specific Standards (PS)
Solar Panels	Permitted with Use-Specific Standards (PS)
Tennis Court or Other Game Court	Permitted with Use-Specific Standards (PS)
Unenclosed Patio	Permitted (P)
Other Accessory Uses	Permitted with Use-Specific Standards (PS)

6.4 Prohibited Uses

1. Principal land uses not listed in Section 6.2 and/or Accessory uses not listed in 6.3 are prohibited within the PUD.
2. Vape Shops shall be prohibited within the PUD Boundaries.

SECTION 7 – DEVELOPMENT STANDARDS

7.1 General

1. The residential, nonresidential standards and other applicable requirements pertaining to PUD's, provisions of vehicular and pedestrian access and circulation, off-street parking, open space, landscaping, perimeter buffering, signage and etc. of the Deerfield Township Zoning Resolution effective August 5th, 2011 and amended July 17th, 2020 that are not modified, varied, or addressed by this PUD shall apply.

7.2 Maximum Number of Units, Location, Density, Units per Building, Size and Floor Area

1. The maximum number of units for the PUD shall not exceed 245 dwelling units.
2. The maximum number of attached residential units shall not exceed 225 dwelling units.
3. Only detached single-family dwelling units are permitted to be developed along the northern perimeter of the site (adjacent to existing detached residential single-family lots of Rosemont South Residential Subdivision).
4. The maximum gross density shall not exceed 9.65 dwelling units per acre. The maximum net density shall not exceed 14.86 dwelling units per net residential acre based on 25.37 acres.
5. Twenty-four (24) dwelling units shall be the maximum number of units allowed in a single multi-family building.
6. The minimum dwelling unit size for detached single-family dwellings and attached ranch dwellings shall be 960 square feet.
7. The minimum dwelling unit size for flats shall be 720 square feet.
8. The maximum combined floor area for all nonresidential uses within the PUD boundaries shall not exceed 32,000 square feet.

7.3 Phasing

1. The residential component of the development is expected to be performed in one (1) phase. The commercial component (outparcels along Tylersville Road) of the development will be market driven which may develop over time.

7.4 Minimum Setbacks

1. The minimum setback for residential development shall be as follows:
 - a. Detached Single-Family Dwellings
 - i. Detached Single-Family Dwellings shall provide a rear yard setback, at a minimum, the width of the landscape buffer along the northern property line (adjacent to Rosemont South Subdivision).
 - b. Flats
 - i. Flats 1 & 2 shall be setback a minimum of 10 feet from the southern property line (adjacent to the City of Mason Parcels).
2. The minimum setback for nonresidential development within the PUD boundaries shall be consistent with standards outlined in Article 6 of the Deerfield Township Zoning Resolution unless modified by the Township Zoning Commission at Stage 2 – Final PUD Plan.

7.5 Parking and Loading

1. The minimum parking spaces for the residential component of the project shall be 2 parking spaces per unit (490 spaces).
2. The minimum parking requirements for nonresidential development shall be consistent with Article 7 of the Deerfield Township Zoning Resolution unless modified by the Township Zoning Commission at Stage 2 – Final PUD Plan.
3. Shared parking opportunities may also be considered once the non-residential portions of the PUD are developed.

7.6 Building Height

1. Maximum building heights for detached single-family dwelling units and attached ranch dwellings shall not exceed one (1) story in height.
2. Maximum building heights for flats shall not exceed two (2) stories in height.
3. Maximum building heights for nonresidential development within the PUD boundaries shall be consistent with standards outlined in Article 6 of the Deerfield Township Zoning Resolution.

7.7 Open Space & Landscape

1. The minimum open space shall be twenty percent (20%), of which the minimum amount counting for active open space shall be twenty-five (25%). The amounts of each provided compared to the minimum required by the Zoning Code are stated on the preliminary PUD plan.
2. The installation of landscaping materials, including but not limited to, type, location and quantities shall be consistent with the regulations outlined in Article 9 of the Deerfield Township Zoning Resolution, unless modified by the Township Zoning Commission at Stage 2 – Final PUD Plan.

7.8 Perimeter Landscape Buffer

1. As noted on the preliminary PUD plan, there shall be a 43-44 foot landscape buffer with a 7-foot berm and an 8-foot fence at the northern perimeter of the site that wraps around the western perimeter providing screening for existing residential dwelling on Sunnybrook Court.
 - a. No structures, except fencing along the property line and required stormwater overflow swale, shall be permitted within the landscape buffer area (see **7.14 Architecture and Design Requirements** for prohibited fencing materials).
2. As noted on the preliminary PUD plan, there shall be a 26-27 foot landscape buffer with a 4-foot berm south of Thornberry Court that wraps around the eastern perimeter providing screening for existing residential dwelling on Thornberry Court.

7.9 Vehicular Access and Circulation

1. Primary access to the development will come from Tylersville Road via a private drive (aligned with Fireside Drive). The secondary access along the eastern border of the site, at the corner of Thornberry Court and Sunny Drive, has been designated for emergency use only. The access is to be restricted by a gate which remains closed and locked at all times. Emergency personnel will have access to the gate in case of emergencies. All internal vehicular drives within the Lawson Property shall be private.

7.10 Pedestrian Paths/Trails and Sidewalks

1. Pedestrian paths/trails and sidewalks shall be consistent with standards outlined in Article 7 of the Deerfield Township Zoning Resolution.

7.11 Outdoor Lighting

1. Lighting standards within the residential and nonresidential components of the development shall be consistent with Article 6 of the Deerfield Township Zoning Resolution.

7.12 Utilities Service

1. All new utilities shall be constructed, installed, and maintained to the standards of the Warren County Engineer's Office.
2. All new utilities shall be located underground.
3. All utilities shall be located within the public utilities easement (P.U.E.), required not less than ten (10) feet in width, except as may otherwise be required by the utility service provider.

7.13 Signage

1. Signage for residential and nonresidential developments shall be consistent with standards outlined in Article 9 of the Deerfield Township Zoning Resolution, unless modified by the Township Zoning Commission at Stage 2 – Final PUD Plan.

7.14 Architecture and Design Requirements

1. Exterior Materials: Wall finish materials of all residential buildings shall consist of natural building materials such as brick, jumbo brick, stone, wood, cultured stone, stucco and/or HardiPlank (cement fiber siding). The cement fiber siding shall not be less than 5/16 inches thick.
2. The use of vinyl siding shall be prohibited within the PUD boundaries.
3. Elevations: The exterior of residential buildings shall be provided similarly as shown in the conceptual elevations included in the standards approved for the PUD, unless modified by the Township Zoning Commission at Stage 2 – Final PUD Plan.
4. Roofs: The roofs of residential buildings shall be pitched to match surrounding residential developments.
5. The use of chain-link fence, split-rail fence, 3-rail board fence, barb wire fence, and any other type of mesh material used as fencing and/or as a part of a fence, shall be prohibited within the PUD boundaries.

7.15 Other

1. Cluster Mailbox/ Mail Kiosk Location
 - a. Cluster Mailboxes/Mail Kiosks may be installed at various locations throughout the site. As indicated on preliminary PUD plan one is shown near the dog park. Property owner assumes all responsibility for obtaining approval to erect any structure(s) within the Duke and/or any other utility entity's easements.