

DATE ADOPTED:

RESOLUTION NO: 2020-

HEIGHTS AT THORN HILL
193 & 195 THORN HILL ROAD
REVISED PRELIMINARY & FINAL LAND DEVELOPMENT
AND CONDITIONAL USE APPROVAL
CRANBERRY TOWNSHIP

A RESOLUTION OF CRANBERRY TOWNSHIP, A SECOND CLASS TOWNSHIP OF THE COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA GRANTING REVISED PRELIMINARY AND FINAL LAND DEVELOPMENT AND CONDITIONAL USE APPROVAL WITH CONDITIONS TO THORNHILL PARTNERS, LP FOR A REVISION TO PHASE 2 OF THE HEIGHTS AT THORN HILL IN ACCORDANCE WITH THE PLANS, REPORTS AND STUDIES PREPARED BY THE GATEWAY ENGINEERS, TOWNSHIP PR NOS. 25491 AND 25493, UNDER APPLICATIONS ORIGINALLY SUBMITTED FEBRUARY 4, 2020, BEARING VARIOUS PREPARATION AND REVISION DATES AND AS AMENDED AND AGREED AT THE PUBLIC HEARING HELD ON MAY 7, 2020.

I. FINDINGS OF FACT

THE CRANBERRY TOWNSHIP BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:

A. General

- A-1.** Thornhill Partners LP of One Bigelow Square, Suite 630, Pittsburgh, PA 15219 (hereinafter referred to as "Developer") has proposed a revision to a 2-Phase Large Land Development/Office/Distribution Warehouse Center on approximately 16.5 acres with locations of 195 (Phase 1) and 193 (Phase 2) Thorn Hill Road under Chapter 27 of the Township of Cranberry Zoning Ordinance as amended. The revisions contained herein relate to changes in Phase 2 knowing that Phase 1 has already been constructed as well as portions of the stormwater management system.
- A-2.** The plans, reports and studies prepared by The Gateway Engineers, Township PR Nos. 25491 and 25493, under applications originally submitted February 4, 2020, bearing various preparation and revision dates with the latest revisions as set forth below, and as amended and agreed at the Public Hearing held on May 7, 2020, are hereinafter referred to as the "Development Plans" references in this document to the approval of the Development Plans or any portion thereof, includes the plans as most recently amended and all comments outstanding on the Township Development Report. The following documents are the reports

and documentation submitted with the application.

1. Revised Preliminary and Final Land Development application date stamp received on February 4, 2020.
 2. Revised Conditional Use application date stamp received February 4, 2020.
 3. Revised Preliminary and Final Land Development and Conditional Use plans prepared by The Gateway Engineers, Inc., date stamp received on April 8, 2020.
 4. Project Narrative date stamp received on February 4, 2020.
 5. Environmental Impact Assessment date stamp received on February 4, 2020.
 6. Stormwater Management Summary date stamp received on April 8, 2020.
 7. Architectural renderings of the Phase 2 building date stamp received on March 3, 2020.
 8. Trip Generation Comparison prepared by The Gateway Engineers date stamp received on February 4, 2020.
 9. Wetland Delineation and Stream Identification Report prepared by The gateway Engineers date stamp received March 6, 2020.
- A-3.** The parcels zoned SP-1, totaling approximately 16.5 acres will be referred to as the "Development".
- A-4.** The Development consists of a revision to a 2 phase Development totaling 121,234 square feet (60,617 square feet in Phase 1 and 60,617 square feet in Phase 2) for a Large Land Development/Office/Distribution Warehouse Center.
- A-5.** The Cranberry Township Planning Advisory Commission reviewed the application for Revised Preliminary and Final Land Development and Conditional Use Approval on February 24, 2020, and forwarded the application to the Board of Supervisors with a recommendation of approval.
- A-6.** The Board of Supervisors held a Public Hearing on May 7, 2020, which was advertised and posted pursuant to public notice requirements of the MPC.
- A-7.** The proposal for the Revised Preliminary and Final Land Development and Conditional Use Approval for the Development complies with all applicable standards and conditions of the Code of the Township of Cranberry and the MPC, and conditions set forth in this Revised Preliminary and Final Land Development

and Conditional Use Approval, except as may otherwise be specifically noted or modified herein, and preserves the community development objectives that are set forth in the Code of the Cranberry Township and the Cranberry Township Comprehensive Plan.

- A-8.** Any Developer's Agreement that is signed pursuant to this Approval shall also pertain to any future revised approvals.

B. Stormwater Management

- B-1.** The proposed stormwater detention facilities assist in the development, maintenance, and administration of the Township's comprehensive program for stormwater management. The design standards for stormwater management in this particular instance are such that the Development will not increase the flow of storm water off the property at a higher rate than is presently occurring before development.
- B-2.** Stormwater detention facilities within the Development include a total of 3 stormwater ponds and 1 underground tank. The 3 stormwater ponds are located within the Phase 2 portion of the site and the stormwater tanks are located under paved parking in the Phase 1 portion of the site.
- B-3.** The Developer shall enter into an Operation and Maintenance Agreement (if not already done) with the Township that will address stormwater maintenance and access matters. The agreement shall be recorded prior to the recording of the Development plan.

C. Transportation and Traffic Improvements

- C-1.** The Township's Transportation Impact Fee Ordinance and the applicable provisions of the MPC apply to this Development. The Transportation Impact Fee, in conformity with Township Fee Resolution No. 2019-88, in the western district is \$1,563.00 per new PM peak hour trip. Based on the 10th Edition of the ITE Trip Generation Manual, impact fees for Phase 2 (60,617 square foot Office/Distribution Warehouse) is \$64,083.00 for the new 41 trips due at the time of building permit issuance for Phase 2.
- C-2.** The Developer agrees to construct the driveway entrance/exits at the locations designated in the plans, including necessary utility relocation, and any other improvements as required to obtain a Cranberry Township Roadway Occupancy Permit, as determined by the Township Engineer.
- C-3.** The Developer proposes the design and construction of certain traffic improvements. Preliminary Details of the traffic Improvements are set forth in

the Development Plans. The Improvements consist of creating a southbound left turn lane into the northern-most driveway for the site. The turning lane shall be constructed prior to the occupancy of any structure. (Note that this work has been completed with the Phase 1 construction.)

D. Recreation

- D-1.** The Township's Recreation Fee Ordinance and the applicable provisions of the MPC apply to this Development.

E. Streets/Sidewalks and Curbs

- E-1.** Stop sign control devices are proposed to be located at the intersections demonstrated on the Development Plans.
- E-2.** Thorn Hill Road is a Township owned and maintained road. The Development proposes two full accesses to Thorn Hill Road which have already been constructed.
- E-3.** Appropriate signage, as determined by the Township pursuant to PennDOT standards, is required to control traffic access for both entering and exiting the Development.
- E-4.** The Developer agrees that sidewalks will be owned and maintained (including repair, reconstruction, and replacement and winter maintenance/snow removal) by the property owner of the development associated with the sidewalk(s).
- E-5.** The Developer proposes that sidewalks along Thorn Hill Road will be located within a pedestrian easement to address sight distance and utility issues, otherwise, all sidewalks constructed for the Development will be located in the public right of way.
- E-6.** Concrete vertical curbs (6" height) are used throughout the Development within all off-street parking areas as it runs through the property.
- E-7.** Developer proposes context sensitive crosswalks throughout the Development, in the locations identified on the Development Plans, constructed of stamped concrete or an approved alternate, with integral coloring, as specified on the Development Plans, in accordance with the Township's Public and Private Improvements Code or as approved by the Township Engineer.

F. Landscaping

- F-1.** Landscaping for all pervious areas, off street parking areas and detention basin

perimeters is described in the Development Plans.

F-2. Landscaping for the pervious areas will be preserved, maintained and replaced in kind by the property owner, in the event of removal, destruction or death.

F-3. The Developer proposes street shade trees along Thorn Hill Road as it abuts the Development, the size and type of which are specified in the Development Plans.

G. Utilities

G-1. Developer has provided a general overall utility plan with the Development Plans.

H. Parking

H-1. Parking is provided on the development site in the amount which exceeds the required amount.

I. Lighting

I-1. Site lighting is provided through the use of sharp cut-off light fixtures as represented on the site plans.

J. Solid Waste Collection

J-1. All trash and recyclable collection shall be the responsibility of the owner and/or tenants.

K. Signage

K-1. Signage for the Development shall be approved pursuant to the Township sign Ordinance.

L. Waivers

The Developer requests the following:

L-1. Waiver Request: Waiver from section 22-403.G.4, which requires that a traffic study be submitted for the proposed development as part of the Environmental Impact Assessment. The Applicant is proposing to not submit the traffic study.

Justification: The number of proposed trips being generated by the proposed uses do not warrant a traffic study.

Findings: A traffic study is not needed for this revised Development as the number of trips actually decreases.

DRAFT

II.

CONCLUSIONS AND DECISION OF
THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CRANBERRY

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CRANBERRY HEREBY GRANTS REVISED PRELIMINARY AND FINAL LAND DEVELOPMENT AND CONDITIONAL USE APPROVAL OF THE PROPOSED HEIGHTS AT THORN HILL DEVELOPMENT IN ACCORDANCE WITH THE PLANS, REPORTS, AND STUDIES, SUBMITTED AS PREPARED BY THE GATEWAY ENGINEERS, TOWNSHIP PR NOS. 254914 AND 25493, UNDER APPLICATIONS ORIGINALLY SUBMITTED FEBRUARY 4, 2020 BEARING VARIOUS PREPARATION AND REVISION DATES, AND AS AMENDED AND AGREED AT PUBLIC HEARING HELD ON MAY 7, 2020, SUBJECT TO THE FOLLOWING CONDITIONS:

A. General

- A-1.** The Development which consists of revising the original Development approval to be a 121,234 square foot Large Land Development, Office, Distribution Warehouse Center is to be developed in two phases and this Revised Preliminary and Final Land Development and Conditional Use approval with conditions shall apply to both phases of the Development. The revised phases (Phase 2 specifically) will be developed as outlined below.

Buildings:	Phase 1	Phase 2	Total
Building 1:	60,617	0	60,617 sf
Building 2:	0	60,617	60,617 sf
Total:	60,617	60,617	121,234 sf

- A-2.** The total Development shall, as shown on the Development Plans, total approximately 16.5 acres.
- A-3.** The Developer shall satisfactorily address all items listed in the Township Development Report dated May 7, 2020, attached hereto as Exhibit "A", prior to recording of Final Plans. References in this document to the approval of the Development Plans or any portion thereof, includes the Plans as most recently amended and all comments outstanding on the Township Development Report.
- A-4.** The Developer shall provide documentation, in a form satisfactory to the Township, that Developer has full right, title and interest in all property included as a part of this proposed Development and has obtained appropriate consent

and agreement for any and all easements necessary for the Development from such property prior to recording of Final Plans.

- A-5.** The Township may revoke any and all of its permits, refuse to issue additional permits of any kind relating to the Development, take any and all other legal or equitable remedies open to it should the Developer violate in any way the terms and conditions of this Revised Preliminary and Final Land Development and Conditional Use Approval with Conditions, its subsequent Developer's Agreement with the Township, including any addendum thereto, or any other applicable local, state or federal law or regulation.
- A-6.** This Revised Preliminary and Final Land Development and Conditional Use Approval with Conditions is granted solely to Developer and is non-transferable and non-assignable to any other party or successor without the express written consent of the Township of Cranberry.
- A-7.** The terms of this Revised Preliminary and Final Land Development and Conditional Use Approval with Conditions shall constitute Revised Preliminary and Final Land Development and Conditional Use Approval of the Development, as per the provisions of the Code of the Township of Cranberry, the Pennsylvania MPC and laws of the Commonwealth of PA.
- A-8.** Final Approval for recording purposes is effective on the date the final plat is signed by the Chairman of the Board of Supervisors and the Township Secretary.

B. Stormwater Management

- B-1.** Three stormwater detention basins are proposed for the overall development as well as one underground tank located within Phase 1. Phase 2 will be utilizing the existing stormwater facilities including the infiltration basin along the western property line.
- B-2.** The Developer shall obtain an NPDES (if applicable) permit prior to recording of Final Plans or the issuance of any permits. Written approval of the Erosion and Sedimentation plan from the Butler County Conservation District accompanied by the approved plans and narrative must be provided to Cranberry Township.
- B-3.** The Developer shall enter into an Operation and Maintenance Agreement with the Township that will address stormwater maintenance and access matters. The agreement shall be recorded prior to the recording of the Development plan.

C. Transportation and Traffic Improvements

- C-1.** The Township's Transportation Impact Fee Ordinance and the applicable

provisions of the MPC apply to this Development. The Transportation Impact Fee, in conformity with Township Fee Resolution No. 2019-88, in the western district is \$1,563.00 per new PM peak hour trip. Based on the 10th Edition of the ITE Trip Generation Manual, impact fees for Phase 2 (60,617 square foot Office/Distribution Warehouse) is \$64,083.00 for the new 41 trips due at the time of building permit issuance for Phase 2.

D. Recreation

- D-1.** The Township's Recreation Fee Ordinance and the applicable provisions of the MPC apply to this Development. The Recreation Fee In Lieu Of, in conformity with Township Fee Resolution No. 2019-88 shall apply to the Development. The Recreation Fee In Lieu Of is \$27,278.00 for Phase 2 of the Development. The Fee shall be paid prior to the issuance of any building permits.

E. Streets/Sidewalks, and Curbs

- E-1.** All streets/driveways shall be paved prior to occupancy of any building within phase 2.
- E-2.** Developer is granted only those points of access to the Development from any public street or road as are shown on the Development Plans.
- E-3.** Sidewalks shall be owned and maintained (including repair, reconstruction, replacement and winter maintenance/snow removal) by the property owner or developer.
- E-4.** Concrete 6" vertical curbs are required in all streets throughout the plan and within all off-street parking areas. Concrete curbing shall be constructed in accordance with the Township's Public and Private Improvements Code.
- E-5.** Developer shall install context sensitive crosswalks throughout the Development, in the locations identified on the Development Plans, constructed of stamped concrete or an approved alternate, with integral coloring, as specified on the Development Plans, in accordance with the Township's Public and Private Improvements Code or as approved by the Township Engineer.

F. Landscaping

- F-1.** Landscaping shall be installed in accordance with the Development Plans, as they relate to all pervious areas, parking areas and detention basin perimeters.
- F-2.** Landscaping for all pervious areas, parking areas, and detention basin perimeters will be maintained and replaced in kind by the Developer or property owner in

the event of removal, destruction or death.

- F-3.** All areas cleared of vegetation for the Development, other than those areas for public and private improvements, shall be re-vegetated by the Developer. The details of re-vegetation shall be shown on the grading and/or landscaping plans and approved by the Township. The Developer shall re-vegetate all graded and disturbed areas and slopes and shall provide all landscaping as depicted on the Development Plans. The Developer shall not remove any vegetation from areas designated as "areas to remain undisturbed" on the Development Plans.
- F-4.** The Developer or property owner shall be responsible for the maintenance and replacement of street trees along all streets within the Development. Street trees shall be replaced in-kind, in the event of removal, destruction or death.

G. Utilities

- G-1.** All proposed utilities, cable, telecommunication facilities and associated equipment thereto and other such facilities to be constructed in the Development shall be located underground.
- G-2.** Developer shall provide utilities as set forth in the Development Plans.
- G-3.** The Development shall be part of the Township's public water system and shall also be connected into the Cranberry Township public sewage system. No building permits for the Development shall be issued until the public sewer system, constructed in accordance with the Cranberry Township Act 537, is bonded and constructed in a manner satisfactory to the Township. Prior to recording of Final Plans for the development, the Developer shall receive approval of its Sewage Facilities Planning Module or DEP planning exemption and all other applicable permits from Cranberry Township, the Pennsylvania Department of Environmental Protection (DEP), and/or any other applicable municipal, state, or federal agency. The Developer shall provide any necessary easements or rights-of-way across its property required to permit future connections to the sewer system by property owners in adjacent areas of the Township. The Developer shall comply with all conditions, requirements, rules and regulations of the Township (including, but not limited to, any conditions attached to the Development's Sewage Facilities Planning Module), DEP and/or any other appropriate regulatory agency in the construction of the sewage system.
- G-4.** The Developer shall provide, at the Township's request and as the Township deems necessary, any requested utility accesses through the grant of utility easements to the public sewer system and water lines which will be installed within the Development. These easements shall be provided to or from properties in the geographic area of the Development that can be connected to

the lines serving the Development without creating an overcapacity situation. These utility easements shall include, but not be limited to, easements as the Township deems necessary to permit any other properties in the geographic area of the Development to have access to public water and the public sewer system as determined by the Township in its sole discretion.

- G-5.** The Developer shall acquire all necessary easements to permit connection to the public sewer system and public water system for the Development Plan prior to Final Plan recording for any phase. In the event the Township, in its sole discretion, finds it is necessary to acquire property through eminent domain for the public sewer or public water system, then the Developer shall completely indemnify the Township and the Developer shall pay all costs associated with this action. Nothing contained herein shall require the Township to exercise its rights of eminent domain.

H. Parking

- H-1.** Accessible parking spaces shall be located, designated and constructed as demonstrated on the Development plans and in accordance with ICC/ANSI A117.1 of 2003.

I. Lighting

- I-1.** Developer has demonstrated compliance with the minimum requirement of not more than one (1) foot candle of light at the property line.

J. Solid Waste Collection

- J-1.** Municipal solid waste enclosures shall be provided in accordance with Township ordinances and as shown on the Final Plans.

K. Mail Delivery

- K-1.** The United States Postal Service regulates the collection and delivery of mail. Developer shall comply with the requirements of the U.S. Postal Service and shall provide for mail service.

L. Signage

- L-1.** All signs must be approved through the Township Sign Ordinance permitting process. Any signs that were shown during the Land Development process are not approved and must receive approval through a separate sign approval permitting process.

M. Administration

- M-1.** All conditions of the Pennsylvania MPC, all ordinances of the Township and laws of the Commonwealth of PA shall consistently be complied with during the Development process, with the Developer assuring that any builders within the Development shall also comply with all conditions and ordinances.
- M-2.** The Developer shall sign a Developer's Agreement with the Township for the phase 2 development, in form and substance agreeable to the Township, prior to the issuance of any grading, building, or other types of permits for the Development.

N. Waivers

The Developer is granted the following:

- N-1.** Waiver from 22-403.G.4 to not provide a traffic study.

O. Construction

- O-1.** During construction, the Developer, its contractors, sub-contractors and builders shall keep public roads, private drives and highways surrounding the property, which are used by vehicles entering and leaving the construction site, in good repair, clean and free of mud, dirt, dust and debris, and maintain existing drainage patterns on all roadways. Further, the Developer shall employ appropriate dust control measures at all times to ensure dust will not create a nuisance to adjacent properties. The Developer shall be required to provide a water truck (or other such measures) as a means to control such dust from the site. The Developer shall ensure the area is kept in a reasonably dust free condition. Upon notice from the Township, the Developer shall undertake all necessary corrective action to remedy an unacceptable condition within 24 hours.
- O-2.** During site preparation and construction, the Developer, its contractors, subcontractors and builders will limit their hours of operation at the site to 7:00 a.m. to 9:00 p.m., and no construction shall take place on Sundays.
- O-3.** The Developer shall comply and shall ensure compliance by all its contractors, subcontractors, and grantees with any and all restrictions of construction vehicles from Township roads or portions thereof. The Developer shall be responsible to repair or reimburse the Township for any and all damages to Township roads or other property caused, directly or indirectly, by any construction activities related to the Development. All such repairs to Township roads shall be constructed to the Township specifications in effect at the time

such repairs are done. The Township reserves the right to require, as it deems necessary in its sole discretion, the Developer to post appropriate bonds to protect Township roads from potential damage during construction of the Development.

- O-4.** The Developer shall comply with any restrictions regarding vehicular access to the Development by construction vehicles from certain public roads or portions thereof, as the Township or PennDOT shall require or mandate.
- O-5.** Should the Township feel it is necessary during the construction of public improvements or improvements to be dedicated for public use, the Developer shall underwrite the cost of a geotechnical engineer to be available to inspect construction. In such event, a geotechnical engineer's seal shall be on the final plans for any phase of the Development indicating that the geotechnical engineer has reviewed and approved the construction.
- O-6.** The Developer shall undertake no blasting operations in connection with the Development without written notice to the Township of Cranberry seven days prior to blasting, including a blasting plan, as may be required by the Township Engineer. Additionally, the Developer shall provide notice to the Township Engineer twenty-four hours in advance of each individual blast. The Developer shall provide the Township with contact information of the individual point of contact responsible for answering resident questions related to the blasting. The Developer shall provide advance written notification to residents as required by the DEP permitting process, and to any additional residents as may be required by the Township Engineer. No blasting shall occur without the prior, written approval and receipt of all applicable permits from the DEP.

**APPROVED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CRANBERRY AT
THE PUBLIC MEETING OF MAY 7, 2020.**

ATTEST:

TOWNSHIP OF CRANBERRY

Jerry A. Andree
Township Manager/Secretary

By: _____
Richard M. Hadley, Chairman
Board of Supervisors

I, Jerry Andree, as Secretary for the Township of Cranberry, County of Butler, Commonwealth of Pennsylvania, certify that this document constitutes an official communication by the Cranberry Township Supervisors and accurately reflects their decision on the above-captioned matter which was voted on at a public meeting held on May 7, 2020.

Jerry A. Andree, Secretary
Cranberry Township

ACCEPTANCE BY DEVELOPER OF THE REVISED PRELIMINARY AND FINAL LAND DEVELOPMENT

AND CONDITIONAL USE APPROVAL

WITH CONDITIONS BY THE TOWNSHIP OF CRANBERRY

FOR THE HEIGHTS AT THORN HILL DEVELOPMENT

Thornhill Partners, LP, Developer of The Heights at Thorn Hill, in the Township of Cranberry acknowledges receipt of the foregoing Revised Preliminary and Final Land Development and Conditional Use Approval with Conditions and accepts all conditions contained herein on this _____ day of _____, 2020.

ATTEST:

Corporate Secretary witness

By: _____
(Sign here)

(Print name here)

(Developer name)

Title: _____