

**Staff Report:** Completed by Jeff Palmer Director of Planning & Zoning

**Date:** September 12, 2017

**Applicant:** Rick Dart, Agent for Chateau RLD Group

**Property Identification:** 1664 E State Route 73

**Zoning:** Mixed Use Planned Unit Development "MU-PUD"

**Requested Action:** Stage 2 PUD Review

Attached: Trustee Resolution 5018, Stage 2 application, Preliminary Site Plan, Free Space Calculation Plan, Affected Parcel map, Plot plan from zoning permit 4663, Plot plan from zoning permit 5223.

On May 8, 2017 the Clearcreek Township Trustees via Trustee Resolution 5018 approved the zone change from Neighborhood Business "B-1" to Mixed Use Planned Unit Development "MU-PUD" for the property. This change allowed a Residential "R-1" use to be added to the existing "B-1" use.

The applicant is not proposing any changes to the site. The Zoning Resolution requires a three step process for a PUD. No fast track or condensation of steps is outlined for PUDs that completed the development prior to a Stage 1 application.

**Review of Application:**

**13.05(B)(1) Stage 2: Process Steps:**

**(a) Step S2.1 – The PUD Preliminary Site Plan Submittal**

(1) Applications for the Stage 2: PUD Preliminary Site Plan shall be submitted, signed by the owner(s) of the PUD or the designated agent, to the Clearcreek Township Zoning Inspector, attesting to the truth and correctness of all facts and information presented with the application on or before the scheduled monthly Zoning Commission meeting deadline, as identified on the Zoning Commission schedule found on the Clearcreek Township website ([www.clearcreektownship.com](http://www.clearcreektownship.com)).

*Applicant states: "Attached"*

(2) All applications shall be submitted with the required fees as established in the Clearcreek Township fee schedule found on the Clearcreek Township website ([www.clearcreektownship.com](http://www.clearcreektownship.com)).

*Applicant states: "Paid"*

(3) The application shall be accompanied with all amended forms, maps, drawings, and additional information included or as required by the Clearcreek Township Board of Trustees Resolution for Stage 1.

*Applicant states: "No additional data required by Clearcreek Township Board of Trustees Resolution for Stage 1."*

(4) The Stage 2: PUD Preliminary Site Plan shall include the following items:

a) An area map showing applicant's entire holding, the portion of applicant's property under consideration and all properties, subdivisions, streets, and easements within 200 feet of applicant's property.

*Applicant states: "Attached"*

*Staff Comments: The information has been submitted, see preliminary site plan.*

- b) A topographic map showing final elevations with intervals of not more than 2 feet of elevation.

*Applicant states: "Attached"*

*Staff Comments: The information has been submitted at a 1' interval, see preliminary site plan.*

- c) A professionally prepared PUD Preliminary Site Plan including the following information:

*Applicant states: "Included herein; this is an existing property with existing structures, boundaries, utilities, etc.; there are no proposed changes to the existing site as part of this PUD. \*\* the Site is existing and all structures in place. the proposed plan calls for a shared utilization of existing land and structures for both B-1 and R-1 occupancies. No additional construction is planned or included in this PUD. R-1 occupancy shall be limited to the lower level of the main building."*

- 1) Title of drawing including name and address of applicant.

*Staff Comments: The information has been submitted, see preliminary site plan.*

- 2) North point, scale, and date.

*Staff Comments: The information has been submitted, see preliminary site plan.*

- 3) Boundaries of the property plotted to scale.

*Staff Comments: The information has been submitted, see preliminary site plan.*

- 4) Existing water courses.

*Staff Comments: Site is outside of the floodplain and any water courses. Site is already built, no additional modifications are proposed.*

- 5) A PUD Preliminary Site Plan showing:

- i. Location of all proposed use(s), including building types, heights, materials, and architectural designs.

*Staff Comments: Site is already built, no additional modifications are proposed, see preliminary site plan.*

- ii. Location of all impervious surfaces for non-residential building areas, parking and truck loading areas, as well as all ingress and egress drives.

*Staff Comments: Site is already built, no additional modifications are proposed, see preliminary site plan and Free Space Calculation Plan.*

- iii. Location and proposed development of all open spaces/recreation areas.

*Staff Comments: Site is already built, no additional modifications are proposed, see preliminary site plan and Free Space Calculation Plan.*

- iv. Location and proposed development of all amenities, maximum square footage of impervious surfaces identified.

*Staff Comments: Site is already built, no amenities are built or proposed, see preliminary site plan, Free Space Calculation Plan.*

- v. Location of non-residential outdoor storage.

*Staff Comments: Site is already built, existing garage is used for storage, no outdoor storage is proposed, see preliminary site plan.*

- vi. A grading plan.

*Staff Comments: Site is already built, no additional modifications are proposed, existing topography is provided, see preliminary site plan.*

- vii. Location of existing or proposed site improvements including: drains, culverts, retaining walls, and fences.

*Staff Comments: Site is already built, no additional modifications are proposed, see preliminary site plan.*

- viii. Location of existing trees or landscape buffers.

*Staff Comments: The landscape plan that was submitted at the time zoning permit #4663 was issued for the building has been attached. It illustrates vegetation for the site.*

- ix. Location of proposed trees or landscape buffers.

*Staff Comments: The landscape plan that was submitted at the time zoning permit #4663 was issued for the building has been attached. It illustrates vegetation for the site.*

- x. Description of sewage disposal and location of such facilities.

*Staff Comments: Site is already built, EPA Mound System is installed, see preliminary site plan.*

- xi. Location and size of all signs.

*Staff Comments: The signage plan that was submitted at the time zoning permit #5223 was issued for the sign has been attached. A 17sq. ft. ground sign exists on the site.*

xii. Location and design of street and parking lighting.

*Staff Comments: Site is already built, no additional modifications are proposed, see preliminary site plan.*

d) A drawing showing all soil types and their classifications.

*Applicant states: "N/A – existing site/structures, no construction planned."*

e) A drawing showing aircraft patterns and seasonal wind directions. Areas of possible noise and odor pollution on or off site shall be indicated.

*Applicant states: "Areas of possible noise and odor pollution on or off site N/A"*

### **13.05(B)(2) Stage 2: PUD Objectives**

(a) The Stage 2: PUD Preliminary Site Plan objective is to refine the Stage 1: Concept Plan into a detailed Site Plan. Therefore, the following information shall be specified/clarified in the narrative and on the drawing(s) at the time of approval:

(1) The list of uses permitted within the PUD are defined.

*Applicant states: "All documentation to date has stated that the B-1 portion will comply with any/all B-1 occupancies and the R-1 portion will be limited to single family, one dwelling unit."*

*Staff Comments: On May 8, 2017 the Clearcreek Township Trustees via Trustee Resolution 5018 approved the zone change from Neighborhood Business "B-1" to Mixed Use Planned Unit Development "MU-PUD". This change allowed a Residential "R-1" use to be added to the existing "B-1" use. The residential component was limited to single family occupancy and restricted to the lower level of the existing structure.*

(2) The exact locations, types, heights, materials, and designs of such uses are identified.

*Applicant states: "Site plan shows the location of all existing structures. No new buildings and/or materials are being introduced."*

(3) All use-specific standards that apply to the permitted uses are specified and identified in a table which includes: the average, highest, and lowest quantities and a count of each occurrence.

*Applicant states: "All uses to comply with the Clearcreek Township B-1 occupancy standards."*

*Staff Comments: Uses limited to the B-1permitted and the R-1single family uses.*

(4) The maximum density or intensity permitted within the PUD is identified.

*Applicant states: "B-1 occupancy to comply with Clearcreek Township zoning and Ohio Building Code for permitted occupancy types."*

*Staff Comments: The density or intensity is not proposed to change from the current uses.*

- (5) The amount and exact location of open space/recreation areas are defined.

Applicant states: "On the second drawing."

*Staff Comments: .83 acres or 48% of the site is identified as open space, see Free Space Calculation.*

- (6) The layout of all new street(s), major access drive(s), sidewalks, trails, and any other methods of circulation required or necessary throughout the PUD are identified.

*Applicant states: "N/A. All existing, no new planned."*

*Staff Comments: Site is already built, no additional modifications are proposed, see preliminary site plan.*

- (7) All impervious surfaces for non-residential building areas, parking, and truck loading areas with ingress and egress drives are identified.

*Applicant states: "All existing impervious surfaces identified on drawing; no new impervious surfaces planned."*

*Staff Comments: .89 acres or 52% of the site is identified as buildings, driveways, parking lots, patios, easements and the mound system, see Free Space Calculation Plan.*

- (8) The location(s) and a submitted timeline of all of the proposed development's amenities are included. *\*Note: Amenities part of a phase shall be constructed concurrently with that phase. If the PUD consists of multiple phases to be developed over time, no more than 25% of the total number of lots approved for the PUD as a whole shall be built on before planned amenities and buffers are constructed. This requirement may be modified as stated in SECTION 13.05 (B)2(b), below, depending on the distribution, number, and location of amenities in the PUD as a whole.*

*Applicant states: "No New Development ... all N/A."*

- (9) The exact location and size of all signage are identified.

Applicant states: "No new signage planned as part of this PUD."

*Staff Comments: The signage plan that was submitted at the time of the zoning permit request has been attached. A 17sq. ft. ground sign exists on the site.*

- (b) The Clearcreek Township Zoning Commission and/or the Board of Trustees shall have the authority to impose modified and/or special conditions related to the PUD and to approve development standards unique to the PUD as deemed necessary in order to promote the public health, safety, morals, and general welfare of Clearcreek Township.

### **13.05(B)(3) Stage 2: Conditions for Approval**

The following criteria shall be used in the recommendations and decisions made regarding the Stage 2: PUD Preliminary Site Plan. Failure to comply with any of these criteria shall require a PUD modification and shall therefore be subject to the criteria set forth in **SECTION 13.07, PUD Modifications**.

- (a) The PUD Preliminary Site Plan is in accordance with the Zoning Resolution as adopted by the Clearcreek Township Board of Trustees.  
*Staff Comments: The site is unchanged from the submitted Concept Plan during the Stage 1 review.*
- (b) The PUD Preliminary Site Plan is consistent with the Clearcreek Township Master Land Use Plan.  
*Staff Comments: This was the first request for a MU-PUD in the Township. The 2005 Master Land Use Plan didn't identify this type of development. The parcel is located in an area that was to be commercial.*
- (c) The intensity proposed for the PUD Preliminary Site plan does not exceed the maximum density allowed for the PUD as a whole.  
*Staff Comments: The site is unchanged from the submitted Concept Plan during the Stage 1 review.*
- (d) The use(s) proposed will not be detrimental to existing and potential future surrounding uses and will harmoniously relate to the surrounding area.  
*Staff Comments: A General Business zone "B-2" exists to the north and west. A Residence zone "R-1" exists to the east. Across the road to the south, A Residence zone "R-1" and a Neighborhood Business with a Planned Unit Development zone "B-1PUD" exists. This property is located at the eastern edge of the commercial node as identified on the 2005 Master Land Use Plan.*
- (e) The internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Warren County Official Thoroughfare Plan. A traffic impact study may be required by the Warren County Engineer's Office, at the applicant's expense. Also, the Clearcreek Township Zoning Commission and Board of Trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate traffic flow between existing parcels and planned PUDs with the Warren County Engineer's Office.  
*Staff Comments: This site utilizes a cross access easement to access State Route 73. No additional connections are sought to the Residential uses to the north and the east, see preliminary site plan.*
- (f) The arrangement of vehicular access and circulation, including intersections, road widths, channelization structures, and traffic controls are adequately designed for the proposed uses and existing surrounding parcels.

*Staff Comments: The site was developed in 2003. No modifications are proposed. The former appear to meet the daily needs of the applicant.*

- (g) The arrangement, location, appearance, and sufficiency of off-street loading are adequately designed.

*Staff Comments: The site was developed in 2003. No modifications are proposed. The former appear to meet the daily needs of the applicant.*

- (h) The management of storm water, erosion control, and sanitary disposal facilities are adequately designed and avoid flood hazard areas.

*Staff Comments: The site was developed in 2003. No modifications are proposed. The former appear to meet the daily needs of the applicant.*

- (i) The minimum common open space areas have been designated and designed in accordance with the provisions of this Resolution and shall be conveyed to a legally established homeowner's or property owner's association, commercial management group, or other agency as herein provided.

*Staff Comments: .83 acres or 48% of the site has been specified as open space and will be controlled by the property owner.*

- (j) The comments and recommendations received from the Warren County departments, as well as representatives of federal and state agencies, shall be reviewed and adequately addressed.

*Staff Comments: The Warren County Regional Planning review will be forwarded after the September Executive Committee meeting.*

- (k) Approval of the PUD Preliminary Site Plan may be conditional upon provisions that are necessary for the protection of public health, safety, morals, and general welfare. Thus, the Clearcreek Township Zoning Commission or Board of Trustees may require the submittal of a revised PUD Preliminary Site Plan if it is determined that modifications are required to comply with this Resolution.

*Staff Comments: Chapter 1 summarizes the former:*

**SEC. 1.01** *To provide for the citizens of Clearcreek Township adequate light, pure air and safety from fire and other dangers, to conserve the value of land and buildings, to lessen or avoid congestion of traffic in the public streets and to promote the public health, safety, morals, comforts, conveniences and general welfare, all in accordance with the provision of **Section 519 of the Ohio Revised Code.***

**SEC. 1.02** *To protect the character and the stability of the residential, business and industrial areas within Clearcreek Township and to promote the orderly and beneficial development of such areas.*