

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

Report Date: March 15, 2024

Zoning Commission Meeting Date: April 1, 2024

Applicant: Jon Stafford of Staffco Construction, agent for DON'T W8 LLC

Property Identification: 9850 Clearcreek Franklin (Wood) RD

Zoning: Non-Residential Planned Unit Development "NR-PUD"

Acreage: 9.64 acres by Deed, 9.54 acres by Survey

Requested Action: Stage 3 PUD Minor Modification Review

Attached: Location Map, Trustee Resolution 5380, Trustee Resolution 5411, Zoning Commission November 6, 2023 minutes, Application and Narrative submitted February 28, 2024, Site Improvement Plans submitted February 28, 2024, Phasing Plan submitted February 28, 2024, Landscape Plan and Landscape Notes submitted April 13, 2023, Open Space Exhibit submitted April 13, 2023, Site Plan submitted April 13, 2023, Phasing Plan submitted April 13, 2023, staff photos taken March 14, 2024.

Background on the "NR-PUD" Approval Process:

On August 8, 2022, the Clearcreek Township Trustees via Trustee Resolution 5380 approved the zone change from Suburban Residence Zone "SR-1" to Non-Residential Planned Unit Development "NR-PUD" for the Clearcreek Township property. This zone change allows the property to be used for indoor storage of Recreational Vehicles and Boat/Watercraft. This Resolution has fourteen (14) conditions.

On February 13, 2023, the Clearcreek Township Trustees via Trustee Resolution 5411 approved the Stage 2 "NR-PUD" PUD request. This Resolution has six (6) conditions.

On May 1, 2023, the Clearcreek Township Zoning Commission reviewed the Stage 3 "NR-PUD" Request. The Zoning Commission discussed the merits of the Stage 3 PUD review as well as the modification request to relocate the access drive and substitute black HDPE chain link fence slats along the northern (perimeter buffer) and eastern (streetscape buffer) property boundaries. The Zoning Commission APPROVED the Stage 3 "NR-PUD" request as submitted allowing the two modifications that were discussed that evening. The following rationale was provided for the recommendation: The applicant has met all the requirements of the Stage 1 and Stage 2 approvals. The relocation of the access drive is found to be an acceptable modification. The request for HDPE chain link fence slats is found to be an acceptable modification, since it will provide an immediate 80% opacity buffer coverage. The HDPE chain link fence slats will be utilized in addition to existing vegetation along the northern and eastern property boundaries. The color of green and black HDPE slats was discussed. Either color is found to be acceptable to the Zoning Commission. Once the applicant has selected a color, it shall be utilized across the entire northern and western fence line. No mixing of colors.

On November 6, 2023, the Clearcreek Township Zoning Commission reviewed the Stage 3 "NR-PUD" Minor Modification request that dealt with the southern perimeter buffer, the streetscape buffer along Clearcreek Franklin (Wood) road and the use of the pre-existing drive for construction access. The Zoning Commission discussed the merits of the Stage 3 "NR-PUD" minor modification request. The Zoning Commission moved to APPROVE the Stage 3 "NR-PUD" Minor Modification Request with the following clarifications: 1. The existing vegetation along the southern boundary of the property that is bisected by the property line shall serve as the southern perimeter buffer. If any vegetation along this buffer is damaged, destroyed or removed, then the applicant shall install vegetation as identified on the April 13, 2023, Landscape Plan on this property to replace the missing vegetation. 2. Allow the pre-existing drive to remain as a construction entrance for up to five years (November 6, 2028). The Zoning Commission will require a culvert to be installed (at pre-existing drive) so that road ditch drainage isn't diverted across Clearcreek Franklin Road. A gate shall be established in the security fence to allow access to the site for construction 9850 Clearcreek Franklin (Wood) Road NR-PUD Stage 3 Minor Modification Request
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traffic only. A second gate/barrier shall be installed closer to Clearcreek Franklin (Wood) Road, the location shall be no further east than the western boundary of the existing building. The Zoning Commission is requesting the bond with the Warren County Commissioners (road, ditch, driveway improvements) and the bond with the Clearcreek Township Trustees (earth berm, vegetation) be in place no later than June 1, 2024. 3. Western streetscape buffer shall be re-established to meet the approved Landscape Plan (April 13, 2023) for minimum height of berm, minimum size of vegetation and minimum quantity of vegetation. The existing trees in the road right-of-way along the northwestern section of the northern streetscape buffer can remain to aid the buffer.

Section 13.07(C) of the Clearcreek Township Zoning Resolution states: Minor Modifications: If not specified as a Major Modification, the modification shall be classified as a Minor Modification and shall be submitted to the Clearcreek Township Zoning Commission for review and approval. Such review shall occur at a public meeting of the Clearcreek Township Zoning Commission. Applications shall meet the requirements of a Stage 3: PUD Final Site Plan submittal.

The applicant states in the attached narrative:

“An amendment to the original Stage III PUD for the subject property. Please reference the attached narrative.”

“Staffco, Inc. PUD Stage 3 Narrative

Staffco, Inc. is submitting an amendment to the PUD Stage 3 Final Site Plan Review application. The original PUD Stage 3 for the subject site was approved in 2023 by Clearcreek Township.

The subject property is located at 9850 Clearcreek Franklin Road, Miamisburg, OH 45342 on 13.93 acres with Parcel ID's 04151010090 (9.54 acres in Clearcreek Township, Warren County), 04163000010 (0.53 acres in Clearcreek Township, Warren County) and K45026010038 (3.86 acres in Miami Township, Montgomery County).

The original PUD Stage 3 for the subject property included 23 proposed RV and Boat storage buildings, with each building having 7 storage units. The buildings were all shown to be 100'x45' (4,500 SF). The original PUD Stage 3 plans included 28% open space on site, which exceeded the requirement of 25% open space. Staffco, Inc. is proposing to change the building footprints of all but 8 buildings. With this amendment, Staffco, Inc. is proposing eight (8) buildings to be 100'x45' (4,500 SF), three (3) buildings to be 100'x80' (8,000 SF), and nine (9) buildings to be 100'x30' (3,000 SF). The amendment totals 22 new buildings. Similarly to the original application, each building will include 7 storage units. With this amendment, the total open space equates to 2.57 acres, or 27%, which exceeds the requirement of 25% open space.

Development of this project is to begin upon necessary approvals from Clearcreek Township, Warren County, and Montgomery County. This project will be completed through 5 phases. All open space will be maintained by Staffco, Inc.

All other zoning requirements from the original PUD Stage 3 application are met with this amendment.”

“The following is an update on the items that were agreed upon in the Nove 6th 2023 meeting:

- 1) Culvert for temp road has been installed. (I can bring pictures to meeting for commissioners)
- 2) Gate for temp road has been purchased and will be installed by end of week 3/8/24. (I can bring pictures to meeting for commissioners)
- 3) Gate in the security fence has been established but not installed yet. Fence contractor waiting for site to dry up prior to installation. (I can bring pictures to meeting for commissioners to review)
- 4) Western street buffer. We have contracted with Tree Line Landscape located at 643 Mears Dr. Miamisburg OH 45342 to remove the existing landscape, regrade the earth berms and reinstall the landscaping. They plan to do this work as weather permits and it will be one of their first projects of the spring.

- 5) Bonds: Per our discussion 2/27/24 I need to know who my bonding company needs to contact to get bonds in place with Clearcreek Township and Warren County. I don't see an issue having those in place prior to 6/1/24.”

Staff Comments:

Staff Response to Modification of Building Sizes:

- *Trustee Resolution 5380 Condition 3 establishes the maximum number of new buildings to be twenty-four (24) and the maximum number of individual storage units to be one hundred and sixty-eight (168).*
- *The Stage 3 Site Plan submitted April 13, 2023, showed a reduced quantity of buildings and units:*
 - *Twenty-three (23) buildings:*
 - *100'x45' (4,500 sq ft) in size.*
 - *Grand total of 103,500 sq ft of structures.*
 - *Seven (7) units per building, or a total of one hundred sixty-one (161) units.*
- *The Stage 3 Minor Modification Narrative, Site Plan C200, Phasing Plans 1-5 submitted February 28, 2024, again reduces the quantity of buildings and units:*
 - *Eight (8) buildings:*
 - *100'x45' (4,500 sq ft) in size.*
 - *Grand total of 36,000 sq ft of structures.*
 - *Seven (7) units per building, or a total of fifty-six (56) units.*
 - *Three (3) buildings:*
 - *100'x80' (8,000 sq ft) in size.*
 - *Grand total of 24,000 sq ft of structures.*
 - *Seven (7) units per building, or a total of twenty (21) units.*
 - *Nine (9) buildings:*
 - *100'x30' (3,000 sq ft) in size.*
 - *Grand total of 27,000 sq ft of structures.*
 - *Seven (7) units per building, or a total of sixty-three (63) units.*
 - *The Grand Totals for the Modification Request:*
 - *Total number of buildings has been reduced to twenty (20) buildings.*
 - *Total square footage of buildings has been reduced to 87,000 sq ft.*
 - *Total number of units has been reduced to one hundred and forty (140) units.*

The Zoning Commission will need to determine if the decrease in building quantity, modification of square footage of the buildings and decrease in the number of units is appropriate.

Staff Response to Modification of Pavement Widths:

- *The Stage 3 Site Plan submitted April 13, 2023, depicts:*
 - *The entrance drive between the road right-of-way and the access gate to be sixty (60) feet in width.*
 - *The pavement widths coincident with the vehicular access to the buildings was depicted with a sixty (60) feet width.*
- *The Stage 3 Minor Modification Site Plan C200 submitted February 28, 2024, depicts:*

- *The entrance drive between the road right-of-way and the access gate has been reduced to thirty (30) feet in width.*
- *During my site visit I found the distance to approximately forty (40) feet.*
- *The pavement widths coincident with the vehicular access to the buildings was increased to seventy-five (75) feet or eighty (80) feet in width for all but the most southern 100'x45' buildings, which remain with a sixty (60) feet width.*
- *The area previously held in building square footage has been traded to increased pavement square footage.*

The Zoning Commission will need to determine if the modification of pavement widths is appropriate.

Staff Response to Modification of Open Space:

- *Trustee Resolution 5380 Condition 5 requires compliance with the Clearcreek Township Zoning Resolution and the PUD Stage 1 approval conditions SEC 13.05(A)(3).*
 - *SEC 13.05(A)(3) (d) requires the minimum common open space area have been designated and designed in accordance with the provisions of this Resolution.*
 - *Section 13.09 requires a minimum of 25% of the gross land area for use as common or public open space.*
 - *The gross acreage for the “NR-PUD” is 9.64 acres.*
 - *The minimum required open space is 2.41 acres (9.64x.25).*
- *The Stage 3 Open Space Exhibit submitted April 13, 2023, identified 2.63 acres of open space. The majority of the open space was located along the perimeter of the property. Two islands of open space were proposed along the eastern boundaries of the north and the south bank of buildings. One island was proposed along the eastern, northern and western boundaries of the existing garage.*
 - *The island along the northern bank of buildings per the April 13, 2023, Open Space Plan, Site Plan and Site and Utility Phasing Phase 5 depict this area to be approximately .1149 acres.*
- *The Stage 3 Minor Modification narrative and the Site Plan C200 submitted February 28, 2024, depict the open space as 2.57 acres or 27%.*
 - *An updated open space exhibit has not been provided.*
 - *The island along the northern bank of buildings per the February 28, 2024, Site Plan and Site and Utility Phasing Phase 5 depict this island area to be approximately .0593 acres.*
 - *The difference in open space between the April 13, 2023, and the February 28, 2024, submittals is approximately .0555 acres (.1148-.0593). This modification accounts for the reduction in open space.*

The Zoning Commission will need to determine if the reduction of open space is appropriate.

Staff Response to Updated Landscaping Plan:

- *Several Trustee Resolution conditions are applicable to the Landscape Plan:*
 - *Trustee Resolution 5380 Condition 12 Chain link fences shall be screened from the view from Clearcreek Franklin (Wood) Road with berm and buffer landscaping.*
 - *Trustee Resolution 5411 Condition 6(c) An updated landscaping plan that addresses the intent of condition # 12 of the PUD Stage I Resolution. The updated plan should include the starting elevation for the berm, required numbers of trees, shrubs, and landscaping materials required in Section 17.06 Buffer Areas of the Clearcreek Township Zoning Resolution. At the*

time of installation, landscaping shall screen the chain link fence to 100% opacity. Landscaping plan should identify the height (at planting) for each landscaping element. On January 9, 2023, the engineer declared the starting elevation of the berm to be equal to the height of the road improvement "shelf" adjacent to the updated pavement of Clearcreek Franklin Road.

- *Trustee Resolution 5411 Condition 6(d) An updated landscaping plan that details buffers along the northern, eastern, and southern property line that complies with the requirements of the Clearcreek Township Zoning Resolution, Section 17.06.*
- *The Stage 3 Landscape Plan L100 submitted April 13, 2023, identified:*
 - *A total of 632 trees and shrubs were required for the streetscape and perimeter buffer.*
 - *A total of 624 trees and shrubs were identified in the Landscape Plant List.*
- *The Stage 3 Minor Modification Landscape Plan L100 submitted February 28, 2024, identified:*
 - *A total of 632 trees and shrubs were required for the streetscape and perimeter buffer.*
 - *A total of 633 trees and shrubs were identified in the Landscape Plant List.*
- *The Stage 3 Landscape Notes L100 submitted April 13, 2023, identifies the crown of the earthen mound to be three (3) feet higher than the base of the earthen mound.*
- *The Stage 3 Minor Modification Landscape Notes L101 incorrectly identifies the crown of the earthen mound to be two (2) feet higher than the base of the earthen mound.*

The Zoning Commission will need to require an updated drawing that shows the February 28, 2024, vegetation table quantities but correctly depicts the earthen mound heights as approved with Landscape Notes L101 that was submitted on April 12, 2023.

Staff Response to Modification of Phasing Plan:

- *Trustee Resolution 5411 Condition 6(i) requires an Updated phasing plan that declares in detail the elements/activities/improvements scheduled to be completed in each phase.*
- *The Stage 3 Site and Utility Phasing Plan Phase 1-6 submitted April 12, 2023, identifies:*
 - *Phase 1: Construction of four (4) buildings and installation of all landscaping per sheet L100.*
 - *Phase 2: Construction of five (5) buildings.*
 - *Phase 3: Construction of four (4) buildings.*
 - *Phase 4: Construction of four (4) buildings.*
 - *Phase 5: Construction of three (3) buildings.*
 - *Phase 6: Construction of three (3) buildings.*
- *The Stage 3 Minor Modification Site and Utility Phasing Plan Phase 1-5 submitted February 28, 2024:*
 - *Phase 1: depicts the construction of four (4) buildings and installation of all landscaping per sheet L100.*
 - *This note needs to be updated:*
 - *On November 6, 2023, the Zoning Commission approved a Stage 3 Minor Modification that allowed the earthen mound and vegetation that is coincident with the temporary drive and gate to be bonded and the installation delayed until the last phase of the project.*
 - *Phase 2: Construction of five (5) buildings.*

- Phase 3: Construction of three (3) buildings.
- Phase 4: Construction of four (4) buildings.
- Phase 5: Construction of four (4) buildings
 - This note needs to be updated:
 - This phase fails to identify the installation of the bonded landscape items.
- The Stage 3 Minor Modification Site and Utility Phasing Plan Phase 1-4 submitted February 28, 2024:
 - Identifies the temporary gate in the security fence.
 - No detail was submitted for the gate.
 - Identifies the temporary drive from the road right-of-way to the temporary gate.
 - No details have been submitted for the construction gate.
 - No detail was submitted for the temporary drive between the construction gate and the gate in the security fence.
 - It is unclear in which Phase the temporary drive will be established.
- The Stage 3 Minor Modification Site and Utility Phasing Plan Phase 5 submitted February 28, 2024:
 - This note needs to be updated:
 - This phase fails to identify the removal of the bonded access items:
 - The temporary drive from the road right-of-way to the temporary gate is still shown on the drawing.
 - The construction gate is still shown on the drawing.
 - It is unclear when the temporary drive between the construction gate and the security fence will be removed.

The Zoning Commission will need to determine if the elimination of a phase and the new building installation schedule is appropriate. At a minimum, the clarification of the notes will necessitate an updated set of drawings.

Staff Response to Other Submitted Drawings:

- Stormwater Pollution Prevention Plan C301 submitted February 28, 2024, depicts the streetscape buffer earth mound areas to be the “Designated area for disposal of solid, sanitary or toxic waste, concrete washout, and vehicle fueling. Subject to change. Contractor to determine the best location and Designated area for compound storage (fertilizers, lime, asphalt, concrete, etc) subject to contractor to determine best location.”

The Zoning Commission will need to determine if the Designated Areas were established as part of the initial clearing and grading of the site and predate Phase 1 or if the Designated Areas still exist on the parcel.

Staff Response to Zoning Commission November 6, 2023, Minor Modification Approval Status Updates:

1. The existing vegetation along the southern boundary of the property that is bisected by the property line shall serve as the southern perimeter buffer. If any vegetation along this buffer is damaged, destroyed or removed, then the applicant shall install vegetation as identified on the April 13, 2023, Landscape Plan on this property to replace the missing vegetation.
 - At the time of my site visit, the southern boundary appeared to remain undisturbed.

2. Allow the pre-existing drive to remain as a construction entrance for up to five years (November 6, 2028). The Zoning Commission will require a culvert to be installed (at pre-existing drive) so that road ditch drainage isn't diverted across Clearcreek Franklin Road. A gate shall be established in the security fence to allow access to the site for construction traffic only. A second gate/barrier shall be installed closer to Clearcreek Franklin (Wood) Road, the location shall be no further east than the western boundary of the existing building. The Zoning Commission is requesting the bond with the Warren County Commissioners (road, ditch, driveway improvements) and the bond with the Clearcreek Township Trustees (earth berm, vegetation) be in place no later than June 1, 2024.
 - *During my site visit on March 14, 2023, I found:*
 - *The temporary culvert has been installed. See staff photos 3-14-2024.*
 - *Temporary construction gate has been installed. See staff photos 3-14-2024.*
 - *Between the temporary construction gate and the security fence, the stockpiled dirt remains. At this time a temporary drive hasn't been established. See staff photos 3-14-2024.*
 - *I wasn't able to verify that the security gate had been installed.*
 - *The applicant asked for clarification on the process to establish the bond with the Township. I have contacted the Law Director and am waiting for guidance.*
3. Western streetscape buffer shall be re-established to meet the approved Landscape Plan (April 13, 2023) for minimum height of berm, minimum size of vegetation and minimum quantity of vegetation. The existing trees in the road right-of-way along the northwestern section of the northern streetscape buffer can remain to aid the buffer.
 - *During my site visit on March 14, 2023, I found:*
 - *The earthen mound and streetscape buffer vegetation north of the driveway was being reconfigured. See staff photos 3-14-2024.*
 - *The earthen mound and streetscape buffer vegetation south of the driveway was being reconfigured. See staff photos 3-14-2024.*