

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

**Report Date:** Updated August 28, 2024

**Applicant:** David Montgomery (Pickrel Schaeffer and Ebeling) agent for WPB Enterprises LLC, (Orville Wright)

**Property Identification:** 04-15-101-008, Clearcreek Franklin (Wood) Road

**Acreage of Request:** 8.39 acres.

**Current Zoning of Requested Area:** Suburban Residence “SR-1”.

**Requested Action:** Mixed-Use Planned Unit Development “MU-PUD” Stage 1 Request.

**Attached:** Updated Narrative and Responses to Sections, Amended Proposed Permitted Uses for Mixed Use PUD, updated Concept Plan.

**The original application was submitted on June 28, 2024. The original staff report was July 15, 2024. On August 5, 2024 the Applicant requested the hearing be tabled to September 9, 2024 to give him time to update the pending application.**

*It is important to keep in mind that the task is to: Approve, Modify or Deny a zone change request that has a Planned Unit Development (PUD) designation. Since it is a PUD request, representation of a concept plan will occur.*

*Section 13.05 (2) Objectives and 13.05 (3) Conditions for Approval, concept plan, narrative and attached documentation should help guide your decision-making process and rationale for your recommendation.*

**APPLICANT’S REASONS FOR THIS APPLICATION:**

**“WPB ENTERPRISES LLC- PUD STAGE 1 ZONING CHANGE REQUEST**

**8.39 +/-ACRES**

**CLEARCREEK FRANKLIN ROAD (WOOD ROAD)**

The below information is being provided for inclusion within the above PUD Stage I Zoning Change Request Application pursuant to Chapter 13, Section 13.05 the Zoning Resolution. Additional information will be presented during the Application process addressing this request in further detail.

As a preliminary statement, the purpose of this Application is to allow for the storage of a limited number of commercial vehicles at the property directly associated with the Applicant affiliated limousine service business operations. While there are no business or direct commercial activities taking place at the property, meaning there is no business office, no point of sale, no staffed on-site personnel, etc., Planning Staff advised the Applicant the parking of vehicles inside the existing structure and immediately adjacent thereto was not a Permitted Use under current SR-1 zoning. The purpose of this Application in the form of a PUD is to allow such a use, as described in the preceding sentences, while also providing safeguards to the Township and surrounding properties which would otherwise not be available under a straight rezoning to a B-1 or B-2 classification.

The property consists of 8.39 +/- acres as identified in the attached drawings. The current zoning of the property is SR-1 and the Applicant intends to retain certain permitted and conditional uses under the SR-1 zoning which are further supplemented by limited permitted uses as further described within this Application. Certain Permitted and Conditional Uses under the current SR-1 zoning are being eliminated and thus excluded from the PUD. The property consists of one existing structure and a drive for that structure, both of which will remain in their existing form and location. The Applicant requests the ability to expand the existing barn structure on the property by an additional fifty percent (50%) from its existing footprint. A maximum square footage of 10,000 sq. ft. is being requested for non-residential uses.

David Montgomery agent, “SR-1” to “MU-PUD” Stage 1 Zone Change Request  
Updated Clearcreek Township Zoning Staff Report 8-28-2024

The proposed permitted uses for this PUD are attached as Exhibit 1 to this narrative. In working with Staff, the use of "Warehouse" was determined to classify the intended use of the property. "Limousine Service" has also been requested in the event a determination was made that use was more appropriate for the activities on the property. That said, there is no current intention to expand or change the use of the property from the desired storage of commercial vehicles associated with a limousine service business.

The Applicant is not seeking any variances or other relief from the minimum requirements of the Zoning Resolution with this Application. Accordingly, all setbacks, open space, amenities, would be compliant with the minimum standards of the Zoning Resolution. The concept plan identifies a singular building with associated parking area and drive isle all of which has existed on the subject property for many years. As noted above, the Applicant is requesting the ability to expand the footprint of the existing building by an additional fifty percent (50%) although there is no immediate plan to expand said building. Ancillary to such expansion would be a potential modification of the existing parking area in proportionate relation to such building expansion, should the same ever occur.

The concept plan shows residential use being permitted over the entirety of the parcel (8.39 +/-) with the non-residential use being limited to the designated areas (5.37+/- acres). The non-residential use is further limited by the maximum square footage designation of 10,000 sq. ft., which is located on 5.37 +/- acres of the total site.”

**“Amended Proposed Permitted Uses for Mixed Use PUD  
Clearcreek - Franklin Road (Woods Road) - WPB Enterprises LLC**

Suburban Residence "SR-1" Uses (current zoning) - Certain SR-1 Permitted and Conditional Uses: Single Family dwellings; Home Occupation, Community Fire house; Sale of household goods, furnishings, clothing, toys, tools and books and other items not held oftener than every six (6) months, for a period of not more than three (3) days; Publicly owned and operated properties, including parks, playgrounds and community centers; Model homes; Ancillary buildings and structures, either temporary or permanent incidental to the permitted use; Religious institutions; and Telecommunication Towers.

Additional Non-Residential Uses:

Private Storage Garage; Limousine service; Warehouse (only for cars, limousines, passenger vehicles, vans, boats and RVs); and ancillary buildings and structures, either temporary or permanent incidental to the permitted use.

Any other residential or non-residential use which is of a general character of the classes of residence and non-residence permitted above, but not otherwise defined by the Zoning Resolution, as determined by the Clearcreek Township Zoning Inspector.”

**Zoning History:**

- *In 1973, the property was classified as Rural Residence Zone “R-1”.*
- *In 2005, the property was rezoned to Suburban Residence Zone “SR-1” to comply with the update to the Master Land Use Plan.*
- *On March 14, 2022, the Board of Trustees DENIED the zone change request from Suburban Residence Zone “SR-1” to General Business Zone “B-2”.*

## **Background for the Request:**

*The applicant is requesting approval to use the existing (agricultural built) structure and property to store commercial vehicles associated with the owner's limousine service business. On November 1, 2023 the Zoning Department received a complaint that party buses were being stored on the property. Ms. Lori Burton, Code Enforcement Officer, made contact with the owner, Mr. Orville Wright and discussed the complaint. At that time, Mr. Wright represented that he stored the limos and party buses at the store and lock next door (Mad River Storage). Mr. Wright stated that he would bring vehicles over to the subject property to wash them out, but did not store them there. Over the past nine months, the Zoning Department has documented that commercial vehicles have been stored regularly on the subject property. The permitted uses for the Suburban Residence Zone "SR-1" were discussed with Mr. Wright and his agent Mr. David Montgomery. The Zoning Department requested the owner comply with the permitted uses of the "SR-1". If commercial storage was the desired use for the property, I discussed the need for a zone change to either a straight General Business Zone "B-2" (this classification was denied in 2022) or a Planned Unit Development (Non-Residential or Mixed-Use). I discussed the need to provide a list of permitted uses at the time of the Stage 1 PUD Application.*

*Based upon my discussion with the agent, the owner doesn't have any immediate plans for any other use of the property than the current storage of commercial vehicles but wants to have flexibility of use in the future. The existing structure would be utilized for the storage of commercial vehicles, but the agent is aware if the list of permitted uses was approved as submitted, any future change of use would require a Stage 2 PUD modification and Stage 3 PUD Approvals.*

*Typically, the Stage 1 PUD permitted use list is comprised of a reduced quantity of specific uses. In this application, the agent has requested to retain all Permitted Uses from the Suburban Residence Zone "SR-1", reclassify two (2) Conditional Uses as Permitted Uses as well as commercial storage. The Mixed-Use Planned Unit Development "MU-PUD", is the only zoning classification that allows residential uses and non-residential uses to function as equal permitted uses on the same parcel. At this time no residential uses have been specified for the site. See applicant's updated Concept Plan and "Amended Proposed Permitted Uses for Mixed Use PUD", the list includes:*

- *All Suburban Residence Zone "SR-1" Permitted and Conditional Uses. If approved, the list of uses would continue to include all "SR-1" Permitted Uses and reclassify Religious Institutions and Telecommunication Towers from Conditional Uses into Permitted Uses. Conditional Uses are not guaranteed uses but are reviewed on a case-by-case basis taking the intensity of the use as well as the existing conditions of the area into account at the time of the request. The applicant seeks to have these uses upgraded to Permitted Uses for future users of the property.*
- *Private Storage Garage, found as a Permitted Use in the Residence Zones: "OSR-1", "R-1", "TR-1", "SR-1". This is a typical accessory permitted use in the Suburban Residence Zone "SR-1". The request is for this term to also be permitted for non-residential use(s).*
- *Limousine service, found as a Prohibited Home Occupation in the Residence Zone "R-1" and by reference in the Suburban Residence Zone "SR-1".*
  - *Section 5.752 (B)(15) states "Certain uses by their very nature, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties...".*
    - *Section 5.752 (B)(15)(j) states "Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation not complying with Section 5.15 of the Clearcreek Township Zoning Resolution."*



- *South:*
  - *Clearcreek Township Residence Zone “R-1” (Church)*
  - *Clearcreek Township Suburban Residence Zone “SR-1” (Single Family Dwelling)*
- *West:*
  - *Franklin Township (Warren County Rural Zoning) Residence Zone “R-1B” (Single Family Dwellings)*

**2005 Master Land Use Plan Information:**

- *Map 4 Identifies the property to be outside of all Sanitary Sewer Service Areas.*
- *Map 6 Identifies the property to have road frontage with a “Collector – Urban” designation.*
- *Map 10 Identifies the property to be located in Planning Area #1.*
  - *Planning Area #1 - Northern Tier is an area where a commitment exists for the provision of public sanitary sewer at some point in the foreseeable future. It is also an area that is already either substantially developed, or where approval commitment for future development has already taken place. Thus the future character of the Northern Tier has already largely been established.*
- *Map 11 Identifies the future land use of the property to be Suburban Residential.*
- *Applicable Goals, Objectives and Policies:*
  - ***Related to Desired Community Character:***  
***GOAL:*** *Retention of appearance and feel of rural character in Clearcreek Township.*  
***OBJECTIVE:*** *Modify development regulation and approval process to assure retention of rural character.*  
***POLICIES:***
    - *Continue to serve as a geographical area of rural relief to the sprawl of the surrounding metropolitan areas.*
    - *The history of frontage subdivisions has set a character that continues to be desirable, but access to properties needs to be guided by access management plan.*
    - *Maintain rural lot size in the Township which contributes to the quality of life for property owners, neighbors as well as drivers, through an establishment or perpetuation of rural icons (homes surrounded by open space, barns, fence rows, vegetation).*
  - ***Related to the Man-Made Environment:***  
***GOAL:*** *A pattern of land use capable of serving and meeting the social, economic and environmental needs of the residents of the Township, now and in the future.*  
***OBJECTIVE:*** *Encourage the prudent development of residential areas with housing types and densities to meet the needs of Township residents, ensuring that a healthy, safe and attractive environment is maintained.*  
***POLICIES:***
    - *Encourage a logical pattern of residential development outside of the Urban Service Areas that is a rural density.****OBJECTIVE:*** *Establish areas of commercial activity, ensuring a convenient, safe and pleasant environment in meeting the retail and business needs of Township residents.*

**POLICIES:**

- *Perpetuate rural living by encouraging development only on a neighborhood-oriented basis. Commercial development should be either nestled in the interior of a Planned Unit Development along a collector road or along an arterial road network that has a design suitable for the intensity of use. An access management plan should be imposed.*
- *Encourage commercial growth equal to what the market will bear. Over-commercialization should be avoided.*
- *Encourage cluster-type development for commercial areas. Establish an overlay for these clusters to further encourage use, scale and materials.*
- *Avoid strip commercial development and "spot zoning."*

**REVIEW OF APPLICATION:**

**13.05(A)(1)(B) STEP S1.2 – ZONE CHANGE AMENDMENT REQUEST/PUD CONCEPT PLAN APPLICATION:**

(1) Applications for a Zone Change Amendment/PUD Concept 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)).

*Staff Comments: The application has been signed.*

(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)).

*Staff Comments: The fee has been paid.*

(3) The Zone Change Amendment Request/PUD Concept Plan Application shall include the following items:

- a) An area map showing adjacent property owners and existing uses within 200 feet of the parcel(s).

*Staff Comments: The information has been submitted, see previous submittal and updated Concept Plan.*

- b) A legal description of the metes and bounds of the parcel(s).

*Staff Comments: The information has been submitted, see Application.*

- c) A PUD Concept Plan to scale, though it need not be to the precision of a finished engineering drawing, which shall clearly show the following:

- 1) The existing type of topographical features of the site.

*Staff Comments: The information was previously submitted, see Warren County Map with Topography, Warren County Aerial with Topography, Warren County Map with Topography, Notification Buffer and Account Numbers. The topography ranges from 940' to 958'.*

- 2) The general location of building lots and their areas in acres.

*Staff Comments:*

- *The updated Concept Plan is an aerial with an overlay of use locations, and identifies the existing structure, access drive and parking surfaces.*
- *At this time, the request is to maintain the current structure and storage of commercial vehicles associated with a limousine service business.*
  - *The request also identifies a future 50% expansion of the existing structure:*
- *Per the Warren County Auditor, Applicant's application and the updated Narrative, the gross acreage of the parcel is 8.39 acres.*
  - *The updated Concept Plan specifies the parcel to be 8.25 acres.*
  - *Existing Road Rights-of-Way:*
    - *Staff calculated approximately .245 acres held as an easement.*
  - *Open Space:*
    - *Minimum required 2.10 acres.*
    - *Location(s) of open space have not been specified.*
    - *Each sub area proposes a 25% minimum.*
- *Residential Use:*
  - *2.88 acres has been specified to be residential use.*
  - *The applicant has treated the designated area as a parcel division line and has specified from that line 25' side yard and 50' rear yard setbacks.*
- *Mixed-Use:*
  - *5.37 acres has been specified for commercial and residential use.*
  - *The applicant has treated the designated area as a parcel division line and has specified 25' side yard(s) and 50' front yard(s) setbacks.*
  - *Existing Structure is 4,140 sq. ft.*
  - *Existing access drive and parking area per Warren County Aerial is calculated to be approximately 38,332.80 sq. ft.*
  - *The above calculations total approximately 42,436.80 sq. ft. or .88 acres.*
  - *No residential use has been designated exclusively for this area.*

3) The general outlines of the interior roadway system and all existing right-of-way(s) and easement(s), whether public or private with acreage specified.

***Staff Comments: Partial information has been submitted, see updated Concept Plan and the previous submittal: Warren County Aerial with Notification Buffer, Warren County Aerial with Account Numbers, Warren County Aerial with Topography, Warren County Aerial with Address Number, Last Parcel Id and Acreage.***

- *The existing road right-of-way easement is shown on the listed Warren County Aerials.*
- *The existing driveway is shown on the listed Warren County Aerials and the updated Concept Plan.*
- ***The number and size of parking spaces have not been provided.***
- *Per the Warren County GIS Website, I measured the area of current access driveway and parking. I calculated the area to be approximately 34,238.16 sq. ft. or .786 acres in size.*

4) Delineation of the various land use areas with an indication for each such area of its general extent, size, and composition in terms of use and bulk of structures.

*Staff Comments:*

- *See number 2 & 3 above and 6 below.*

5) A calculation of residential net density and/or net floor area ratio.

**Staff Comments: This property is proposed to be mixed-use. The net floor area ratio can only be calculated after all uses/structures are identified for the PUD.**

6) The interior common open space system with acreage specified.

*Staff Comments:*

- **The updated Concept Plan identifies 2.06 acres of open space (based upon then reduced starting acreage of 8.25 acres).**
  - **This is .04 acres less than the minimum requirement of 2.10 acres.**
- **For PUDs, open space is typically required:**
  - **As a Streetscape Buffer along the lot frontages.**
  - **As a Perimeter Buffer along the side property lines.**
  - **As a Parking Lot Buffer along the boundaries of the parking lot.**

7) Identification of all areas declared to be an amenity for the PUD with acreage specified. Square footage of structures and percentage of impervious surfaces to be specified.

*Staff Comments: The proposal doesn't identify any amenity as part of the PUD.*

8) A drawing showing all soil types and their classifications. Additionally, a map indicating floodway and/or floodplain boundaries as determined by the federal emergency management agency shall be included for sites that have been subject to flooding and/or erosion at any time.

*Staff Comments: This information has been submitted.*

- **The Hydrologic Soil Group – Warren County Ohio Web Soil Survey**
  - **The site is comprised of: RvB (Russell-Miamian Silt), MmC3 (Miamian Clay Loam), XeB (Xenia Silt Loam) and Ud (Udorthents) soils.**
  - **In the description of the soil categories, the acreage totals 10.3 acres. It is unclear why this area is greater than the request area (8.39 acres). The soil map illustrates the area to be consistent with the boundary of the request.**

9) Where areas lie in any aircraft approach and holding patterns, these areas shall be indicated.

**Staff Comments: The information has not been submitted.**

10) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal shall be indicated.

*Staff Comments:*

- **The applicant addresses the impact of the current storage use in the updated narrative.**
- **The availability of water and sewer for future development as well as potential road improvements have not been depicted.**

d) A net density plan illustrating the net density able to be obtained if developed under a straight zoning classification, to scale, though it need not be to the precision of a finished engineering drawing, which shall clearly show the following:

*Staff Comments:*

- **Staff calculated the site could mathematically be developed under the current Suburban Residence Zone “SR-1” into a maximum of 6 lots with on-site septic or a maximum of 13 lots with sanitary sewer.  $(8.39 - .25 \text{ (existing ROW)} = 8.14 \text{ acres})$ .  $(8.14 \times .15 \text{ (Interior ROW estimate)} = 1.22)$ .  $(8.14$**



- 1.22 = 6.92 acres). (6.92/ 1 acre minimum lot size with septic = 6 lots). (6.92/.5 acre minimum lot size with sanitary sewer = 13 lots).

e) A written report containing the following:

1) General description of availability of other community facilities, such as schools, fire protection services, and cultural facilities if any, and how these facilities are affected by this proposal.

Applicant states in the Narrative: “This current proposal as indicated above has the primary intent to allow for nothing more than the parking of limousine service related vehicles inside an enclosed structure and ancillary parking related thereto immediately adjacent to such structure. The intensity of this use is significantly less than single-family residential or most any other Permitted Use under current SR-I zoning and certainly the current Conditional Uses associated therewith. There are no business operations other than the storage of limousine service vehicles at the property and an occasional driver coming to the property to pick-up a limousine vehicle and temporarily park their personal vehicle while servicing the customer. Any impact on community facilities, such as fire, police, and EMS and other EMS services is negligible. There would be no impact on schools as there are no residences planned to be built at this time, however, a residential development and certain commercial development of the property are already permitted pursuant SR-1 current zoning.”

*Staff Comments:*

- See staff responses in Background above.

2) Evidence how the developer's proposed land use(s) meet existing and projected community requirements.

Applicant states in the Narrative: “The proposed use of this property as the primary intended use is for the interior storage of commercial vehicles associated with a limousine business. The intensity of this use is negligible as traffic in and out of the site is specifically limited to the driver of the limousine service vehicles. Customers do not come to the site, and there are no employees maintaining an office at the property. The property itself, was previously subject to a B-2 zoning request in 2022 and has remained undeveloped for residential development for many years. The property abuts I-75 to the east. To the north, the adjacent property recently received PUD approval for a store-and-lock facility (commercial use), and the property to the south is operated as a church. Given the location of the property, and the approval of commercial activities immediately adjacent to the property, a single residence being placed upon this property is very unlikely. Accordingly, this proposal with a mixed-use PUD eliminates certain existing permitted and condition uses under the SR-1 zoning while also including a very limited expansion of commercial uses, all of which the intent is to provide the minimum amount of impact to the residences to the west and the church to the south of the subject property.

For all SR-1 permitted uses identified herein, the development standards under SR-1 zoning district effective as of the date of this Application, would remain in place and be incorporated into the PUD.”

*Staff Comments:*

- *The proposed use is for the storage of commercial vehicles.*
- *The hours of operation, the maximum number of stored vehicles, the maximum number of parking spaces for employee vehicles have not been submitted as part of this request.*

- *The applicant requests the development standards for the PUD to be the Suburban Residence Zone “SR-1” regulations, but the updated Concept Plan depicts side yard setbacks 15' greater than the 10' minimum, the rear yard setback is 10' greater than the 40' minimum. The former would be listed as a condition of approval if the Stage 1 PUD Request is approved.*

3) A general statement how the common open space shall be owned and permanently maintained.

Applicant states in the Narrative: “At this time the property is, and is intended to remain, under singular ownership. Accordingly, any open space will be maintained by the owner. Should the property ever develop in a fashion or for use other than as proposed with this Application, the Township shall have the ability to retain some control over common areas and/or common elements of any future development as part of the approval process.”

4) If the development is to be phased, a general indication as to how the phasing is to proceed. Whether or not the development is to be phased, the PUD Concept Plan shall show the intended total project.

Applicant states in the Narrative: “As indicated, there is no intention to otherwise modify the existing site plan for the property with this PUD Application other than the possible expansion of the existing building. With the intended use of the subject property in both the short and mid-term, there is no need for phasing of the development, any modification of the current proposed use of the property (other than vehicular storage related to a limousine service) would require separate site plan approvals and it would be impractical to show the location of such potential uses for future development at this time. The Concept Plan designates those areas of the property for which residential use and non-residential use would be permitted.”

**Staff Comments:**

- *If this application is approved, the timing for the expansion of the existing structure, expansion of parking, screening and buffering would need to be addressed with the Stage 2 preliminary plan submittal.*

**13.05(2) STAGE 1: PUD OBJECTIVES:**

(a) The Stage 1: Zone Change Amendment Request/PUD Concept Plan shall be acceptable, if:

(1) The proposed use(s) are appropriate for the parcel(s) being reviewed; and

*Staff Comments: The 2005 Master Land Use Plan identified the site as a Suburban Residential classification.*

(2) The following information is specified/clarified in the narrative and on the drawing(s) at the time of approval:

a) The list of uses permitted within the PUD are specified.

*Staff Comments:*

- *Based upon the Narrative, the anticipated immediate use is commercial storage.*

- *The proposed list of uses contains more intensive uses than what are listed as Permitted Uses in the current Suburban Residence Zone “SR-1”.*
- *The Zoning Commission and Board of Trustees will need to determine what use(s) are appropriate for this parcel.*

b) The general location of such uses is specified.

*Staff Comments:*

- *The existing structure, access drive and existing parking are viewable from the submitted Warren County Aerials and the updated Concept Plan.*
- *The updated Concept Plan also shows the general location of residential and non-residential/residential areas.*

c) Any use-specific standards that may apply to the permitted uses are included.

*Staff Comments:*

- *The applicant requests the development standards for the PUD to be the Suburban Residence Zone “SR-1” regulations, but the updated Concept Plan depicts side yard setbacks 15' greater than the 10' minimum, the rear yard setback is 10' greater than the 40' minimum.*
- *At this time no request has been made to modify the Buffer and Screening Standards, Parking and Loading Regulations or Special Provision Regulations.*

d) The maximum density or intensity is permitted within the PUD.

*Staff Comments:*

- *Based upon the submittal, this calculation can't be performed until all Permitted Uses have been discussed and approved.*
- *Maximum square footage should be established for each approved Permitted Use as part of the Stage 1 request.*

e) The amount and general location of open space are identified.

*Staff Comments:*

- *The open space amount specified is .04 acres less than the minimum requirement.*
- *The general locations of the open space haven't been specified.*

b) The Clearcreek Township Zoning Commission and/or Clearcreek Township Board of Trustees shall have the authority to impose 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.

*Staff Comments:*

- *If the proposed use(s) are determined to be appropriate for the parcel, conditions that mitigate concerns and/or codify representations by the applicant would be appropriate as part of the motion.*

### **13.05(3) STAGE 1: CONDITIONS FOR APPROVAL:**

The following criteria shall be used in the recommendations and decisions made regarding the Stage 1: Zone Change Amendment Request/PUD Concept Plan. Failure to comply with any of these criteria requires that explicit rationale or alternative requirements be set forth.

(a) The Zone Change Amendment Request/PUD Concept Plan is consistent with the Clearcreek Township Master Land Use Plan;

Applicant states in the Narrative: “Yes. The vast majority of the Permitted Uses identified within this Application are the exact uses within the current SR-1 zoning, while other more intensive permitted and conditional uses under current zoning have been excluded from the PUD. All other uses have been specifically selected for their compatibility with adjacent properties. The property directly to the north has already been converted to a commercial use. It should also be noted, that under the existing SR-1 zoning, Current Conditional Uses such as hospitals, universities and school campuses are being eliminated with this PUD. Any of the proposed uses under this PUD are either identical to the SR- 1 Permitted and Conditional Uses, or are less intensive in their impact on surrounding properties and governmental services than certain uses already contemplated by the SR-1 current zoning and the Master Land Use Plan.”

*Staff Comments:*

- *The applicant requests that religious institutions and telecommunication towers (Conditional Uses of the Suburban Residence Zone “SR-1”) be reclassified into Permitted Uses in the PUD.*
  - *Conditional Uses are not guaranteed uses, there is a public hearing process required to determine if the use is appropriate and what conditions are required to address potential conflicts with the surrounding area.*
  - *If the use(s) is/are approved as part of the Stage 1 process, the Stage 2 Preliminary Site Plan would address potential conflicts with the surrounding area.*
- *The applicant requests General Business Zone “B-2” uses be added as Permitted Uses in the PUD.*
- *See Background above.*

(b) The intensity proposed for the PUD does not exceed the maximum density or lot coverage allowed for the PUD as a whole;

Applicant states in the Narrative: “The Applicant has not proposed any intensity or maximum density that would exceed the maximum standards allowed for the PUD. The non-residential portions of the PUD are located on 5.37 +/- acres, with a maximum square footage of 10,000 sq. ft.”

*Staff Comments:*

- *Per Section 13.03(C) of the Clearcreek Township Zoning Resolution, the Mixed-Use Planned Unit Development “MU-PUD” may allow for the net density to be abated to the extent of 10%.*
- *The “MU-PUD” may abate the floor net floor area ratio to the extent of 15%.*
- *The applicant has not specified any density or intensity provisions other than a desire to increase the existing structure square footage by 50%.*
- ***More information is needed regarding the other proposed uses before this question can be answered.***

(c) The use(s) proposed will not be detrimental to existing and potential future surrounding uses and will harmoniously relate to the surrounding area;

Applicant states in the Narrative: “Yes. As noted above, the vast majority of the proposed uses for this PUD are identical to the Permitted and Conditional Uses under the current SR-1 zoning, while certain current permitted and conditional uses are excluded from the PUD. The additional proposed uses for the PUD have been specifically selected for their ability to harmonize with adjacent property owners. Commercial activity is directly north of the subject property and I-75 is directly east of the subject property. As this is a Stage 1 Application, and as noted throughout this Application, the short and mid-term use of the property is intended to be nothing more than the storage of a limited number of commercial vehicles for a limousine service and ancillary parking associated with the usage of such vehicles. There are no other business or commercial activities currently planned for the property and the intensity of this use is equal to or less than that of a single-family residential structure being located on this acreage, and certainly less than the property developing with multiple residential lots. As to potential future surrounding uses, the Applicant anticipates in the surrounding area of the subject property, those properties which directly abut I-75 will likely develop as some form of commercial use or something other than a single-family home (small single-family subdivision.”

*Staff Comments:*

- *The applicant depicts the storage use on the site to be less intensive than a single-family dwelling.*
  - *The Institute of Transportation Engineers 4<sup>th</sup> Edition of Trip Generation identify:*
  - *The average trip rate for a single-family dwelling is 10 trips per weekday.*
  - *The average trip rate for a mini-warehouse is 4.5 trips per weekday.*
- *Per the proposed permitted use list, a single-family dwelling could be constructed, or a residential subdivision could be established independent of the commercial storage or in conjunction with the commercial storage use.*
  - *The existing impact can be reviewed now and if approved reviewed during a Stage 2 PUD request.*
- *Since there is range of possible uses, the request to delay this aspect of the review until a future use(s) is/are viable and the applicant applies for a Stage 2 Modification may be the only realistic process to navigate all the proposed uses for this request.*

(d) 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;

Applicant states in the Narrative: “For the proposed use, and the fact that the property is remaining under singular ownership, there is no need to establish a home owners' association, commercial management group or other such agency to manage any open space. In the event the property would develop at a future time such that any of the foregoing would be warranted, the Township will have the ability to condition the same as part of any site plan approval or text amendment to the PUD.”

*Staff Comments:*

- *The location of open space areas have not been specified.*

(e) Approval of the Stage 1: Zone Change Amendment Request/PUD Concept 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 Concept Plan if it is determined that modifications are required to comply with this Resolution.

Applicant states in the Narrative: “The Applicant acknowledges this possible condition for approval.”

### **ZONING INFORMATION FROM CURRENT ZONING CLASSIFICATION:**

#### **Zoning Information for Current Zoning Classification:**

#### **CHAPTER 6.5: SUBURBAN RESIDENCE ZONE "SR-1" REGULATIONS**

**SEC. 6.51** The regulations set forth in this chapter, or set forth elsewhere in the zoning code are the zoning regulations for Suburban Residence "SR-1".

**SEC. 6.52 PERMITTED USES:** A building or lot shall be used only for the following purposes:

- A.** Single family dwellings.
- B.** Home occupation as described in Section 5.752 (B).
- C.** Community fire house as described in Section 5.752 (C).
- D.** The sale of household goods, furnishings, clothing, toys, tools and books that have been used by members of the family occupying the premises may be advertised and sold on the premises, provided such sale is not held oftener than every six (6) months, for a period of three (3) days each sale; the items sold were not acquired for the sale.
- E.** Publicly owned or operated properties including parks, playgrounds and community centers.
- F.** Model homes as described in Section 5.752 (H).
- G.** A temporary or permanent building for protection from the weather elements shall be required for animals other than for two (2) dogs, which reside on parcels less than five (5) acres. This building shall be established as an accessory, and located in the rear yard and at least eighty-five (85) feet from every property line.
- H.** Accessory buildings defined as either temporary or permanent and uses customarily incidental to any permitted uses, provided the primary use or structure has been established or constructed on the same lot.
- I.** Signage in accordance with Chapter 28.

**SEC. 6.524 CONDITIONAL USES:** The following uses require a conditional use permit (CUP) pursuant to **Section 21.01(F)** of this resolution.

- A.** Schools, public and private, from nursery schools through colleges having curriculum equivalent to public school curricula.
- B.** Religious institution, provided buildings shall be at least a minimum residential size.
- C.** Hospital and institutions of an educational, religious, charitable or philanthropic nature, provided the site upon which such uses are located shall contain at least five (5) acres and that such buildings shall not occupy over ten percent (10%) of the total site area.
- D.** Rest home, nursing home or convalescent home, provided that such buildings shall be located upon a site of five (5) acres or more and shall not occupy more than ten percent (10%) of the total site area.
- E.** Telecommunication tower: in those instances where a telecommunication tower is made subject to this resolution pursuant to Section 519.211 Ohio Revised Code (ORC) and as the same may, from time to time, be amended, said telecommunication

tower shall be located, erected, constructed, reconstructed, changed, altered, or enlarged in accordance with Section 21.01(F)(2) & Section 22.05 of the zoning resolution.

**SEC. 6.53 HEIGHT REGULATIONS:** No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

**SEC. 6.54 PRINCIPAL STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:**

- A. There shall be a front yard having a depth of not less than fifty (50) feet.
- B. For a lot that has frontage on more than one street, the required front yard shall be provided on all streets.
- C. Side yard: there shall be a side yard of ten (10) feet minimum on each side, except for lots with more than one (1) front yard, in which case the minimum side yard shall be ten (10) feet on the side, if any, not fronting on a street.
- D. Rear yard: there shall be a rear yard having a depth of not less than forty (40) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be ten (10) feet.

**SEC. 6.545 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:**

- A. Front yard shall conform to 6.54 (A) and 6.54 (B).
- B. Side yard shall conform to 6.54 (C).
- C. Rear yard shall be a minimum of ten (10) feet.

**SEC. 6.55 INTENSITY OF USE:** Every lot or tract, except a panhandle, lot shall have a minimum continuous frontage and width of not less than one hundred (100) feet at any point, except on a cul-de-sac, in which case it shall have a minimum continuous frontage and width at any point of at least fifty (50) feet, and a minimum width of one hundred (100) feet at the minimum building setback line and:

- A. Lots or parcels proposed as building sites that are connected to a central sanitary sewage system approved by the Warren County Sanitary Engineer And The Ohio Environmental Protection Agency shall contain not less than one half (1/2) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements other than the required side and rear lot line drainage easements required in the Warren County Subdivision Regulations for a plat, high pressure gas pipeline easements and railroad easements.
- B. Lots or parcels proposed as building sites that are not connected to a central sanitary sewage system and are otherwise approved by the Warren County Combined Health District And/Or The Ohio Environmental Protection Agency for individual onsite wastewater disposal system shall contain not less than one (1) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements other than the required side and rear lot line drainage easements required in the Warren County Subdivision Regulations for a plat, high pressure gas pipeline easements, and railroad easements.
- C. The maximum lot depth to width ratio shall be 5:1. This requirement applies to lots less than five acres in size. Panhandle lots regardless of size are exempt.

**ADVISORY NOTE:** For the residential lots utilizing on-site sewage disposal systems, lots larger than the zoning code minimum of one (1) acre may be required by the Warren County Combined Health District contingent on the suitability of soils present on the lot.

**SEC. 6.56 MINIMUM SIZE:** The minimum size of any single family dwelling, exclusive of porches, garages and breezeways, shall be one thousand two hundred fifty (1250) square feet of floor space.

**SEC. 6.57 PANHANDLE LOTS ARE PERMITTED SUBJECT TO THE FOLLOWING REGULATIONS:**

- A.** Panhandle lots shall not be "stacked" one behind the other relative to a street or road.
- B.** The panhandle portion of the lots shall have a minimum frontage and continuous width of twenty (20) feet and a maximum frontage and width of forty (40) feet.
- C.** The panhandle portion of the lots shall have a maximum length of five hundred (500) feet.
- D.** The body of the lot shall have a minimum area that meets the minimum lot size established in Section 6.55 (A) or 6.55 (B) and is exclusive of the panhandle portion of the lot.
- E.** The body shall have a minimum width of one hundred twenty-five (125) feet and a minimum depth of two hundred (200) feet.
- F.** All structures shall be built only within the body of the panhandle lot.
- G.** The principal structure shall have a minimum front yard of fifty (50) feet, rear yard of fifty (50) feet and a side yard of twenty (20) feet minimum each side.
- H.** Any accessory structure shall have a minimum front yard of fifty (50) feet, rear yard of twenty (20) feet and a side yard of twenty (20) feet minimum each side.