

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

**Report Date:** March 17, 2025

**Applicant:** Brandon Kaiser, Springboro Development Co LLC, agent for property owners: Rhonda Brunk, Ryan Brunk, Renee Adams (Brunk), Regan Brunk, Duane Brunk, Sharon Brunk and Karen Weist

**Property Identification:** 04-07-200-004, 1176 State Route 73 (west)

**Acreage of Request:** 100.296 acres

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

**Requested Action:** Residential Planned Unit Development “R-PUD” Stage 1 Request.

**Attached:** Application, Deed, Agent Letter, Applicant’s Additional Information, Natural Resources Conservation Service Soil Map, PUD Stage 1 Title Sheet, PUD Stage 1 Concept Plan, SR-1 Net Density Plan, Clearcreek Township Master Land Use Plan Maps: 4, 6, 10, 11, Springboro Zoning Map.

*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.*

**PER THE APPLICATION FORM THE APPLICANT STATES:**

“A Residential Planned Unit Development (R-PUD) allows the applicant flexibility to create a more interesting single family community that offers a diverse selection of high end residential product types at varying price points to reflect the current market. This will fit in with the surrounding developments to the west, east, and south. A PUD also requires a minimum of 25% open space which leads to the preservation of existing vegetation and the rural character, while still maintaining necessary yield. The applicant can also utilize this requirement to provide green space for community use and amenities.”

**PER THE ADDITIONAL DOCUMENTATION THE APPLICANT STATES:**

“Reason for Application We are submitting this application to propose a more aesthetically appealing and thoughtful approach to development than what is typically allowed under straight-zoning plans. Our goal is to avoid the typical gridded layout that forces homes directly along State Route 73 (SR 73). Instead, we aim to create a unique and visually pleasing development that incorporates a large buffer zone with mounding and lush landscaping, which can be achieved through a PUD plan. This flexibility allows us to create a more natural, inviting environment that straight zoning simply cannot offer.

Additionally, we are seeking a Residential Planned Unit Development (R-PUD) to provide an alternative to the standard developments with sewer services. Our plan will enable custom builders to be a part of this project, offering consumers more diverse and personalized housing options. This development seeks to foster a sense of community, with a focus on design that builds character and avoids the cookie-cutter appearance of traditional subdivisions. With strict Covenants, Conditions, and Restrictions, we plan to require builders to adhere to aesthetically appealing requirements such as veneer to grade, minimums on tree installations, and limitations on certain building materials.

We are also committed to preserving the current topography, mature trees, and local wildlife on the property. The purpose of this PUD is not just to build homes, but to maintain the beauty and natural features of the land, ensuring that development enhances, rather than destroys, the existing environment.”

Brandon Kaiser agent, “SR-1” to “R-PUD” Stage 1 Zone Change Request  
Clearcreek Township Zoning Staff Report

## **Zoning History:**

- *In 1973, the property was classified as Rural Residence Zone “R-1”.*
- *In 2005, the property was rezoned as part of a Clearcreek Township Trustee initiated zone change to Suburban Residence Zone “SR-1” to comply with the update to the Master Land Use Plan.*

## **Background for the Request:**

*This parcel is located on the northern side of State Route 73, west of the intersection of Red Lion Five Points Rd. The applicant is requesting approval of a Residential Planned Unit Development “R-PUD” rezoning request and Concept Plan in order to develop a single family detached subdivision with a lower lot count (132) than could be constructed with the existing zoning classification (145). The plan provides 31.710 acres (31.6%) of open space for buffers and stormwater management. The proposed subdivision road network will connect to the Richard’s Run subdivision and the North Hills of Stone Ridge subdivision in the City of Springboro.*

*Two (2) minimum lot types are proposed. The first lot type (122 lots) has a .327 acre minimum width 95’ at the front yard setback. The second lot type (10 lots) has a .362 acre minimum width 105’ at the front yard setback. The applicant also requests to reduce the front yard setback to 30’. The remaining side and rear yard setbacks comply with the “SR-1” zoning classification.*

## **Adjoining Zoning Classifications and Current Uses:**

- *North:*
  - *Clearcreek Township Suburban Residence Zone “SR-1” (Vacant. If developed with sanitary sewer, the zoning classification allows a 2.0 Dwelling Units/Acre (Du/Ac) Net Density or staff calculated 1.74 Du/Ac Gross Density (based upon 15 % ROW).*
- *East:*
  - *Clearcreek Township Suburban Residence Zone “SR-1” (Vacant. If developed with sanitary sewer, the zoning classification allows a 2.0 Dwelling Units/Acre (Du/Ac) Net Density or staff calculated 1.74 Du/AC Gross Density (based upon 15 % ROW).*
  - *City of Springboro “PUD” Planned Unit Development District (North Hills of Stone Ridge Subdivision, Single Family Dwellings. Section Five has a 2.26 Du/Ac Gross Density, .369 acre average lot size).*
- *South:*
  - *City of Springboro Planned Unit Development – Residential “PUD-R” (Clearview Crossing at Stone Ridge Subdivision Single Family Dwellings. This subdivision has a 3.39 Du/Ac Gross Density, .15 acre average lot size).*
  - *Clearcreek Township Suburban Residence Zone “SR-1” (Single Family Dwellings, as currently developed, the area has a .28 Du/Ac Gross Density, 3.6 acre average lot size. If redeveloped with sanitary sewer, the area could have 2.0 Du/Ac Net Density or staff calculated 1.74 Du/Ac Gross Density (based upon 15 % ROW).*
  - *City of Springboro Low Density Residential District “R-2” (Fieldstone Subdivision Single Family Dwellings. Section Three as a 2.61 Du/Ac Gross Density, .305 acre average lot size).*
- *West:*
  - *City of Springboro Estate-Type Residential District “R-1” (Single Family Dwelling, .65 Du/Ac Gross Density, lot is 1.542 acres in size).*
  - *City of Springboro “PUD” Planned Unit Development District (Single Family Dwelling, .14 Du/Ac Gross Density, lot is 7.1518 acres in size).*

- *City of Springboro “PUD” Planned Unit Development District (Richard’s Run Subdivision, Single Family Dwellings. Section Four has a 2.41 Du/Ac Gross Density, .29 acre average lot size).*

**2005 Master Land Use Plan Information:**

- *Map 4: Identifies the property to be in the Springboro Sanitary Sewer Master Plan in both the five (5) year and twenty (20) year development scenarios.*
- *Map 6: Identifies the property to have road frontage with a “Principal Arterial – 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.
    - Seek to encourage residential development types which incorporate preservation of private and public open space (conservation design subdivisions, large lot zoning classifications).
    - 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 in the designated Urban Service Areas that transition from an urban density to a rural density.
    - Place a stronger emphasis on establishing open space/green belt areas, separating developing residential areas from incompatible uses.

**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 Brandon Kaiser agent, “SR-1” to “R-PUD” Stage 1 Zone Change Request  
Clearcreek Township Zoning Staff Report

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 PUD Stage 1 Title Sheet, PUD Stage 1 Concept Plan, SR-1 Net Density Plan.*

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

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

- 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 has been submitted, see PUD Stage 1 Concept Plan.*

- *The topography ranges from 802' to 920'.*

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

*Staff Comments: This information has been provided, see PUD Stage 1 Concept Plan.*

- *The applicant desires to establish one hundred thirty-two (132) residential building lots.*
  - *One hundred thirty-one (131) lots are classified as regular frontage lots.*
  - *One (1) lot is classified as a panhandle lot.*
- *The applicant depicts two (2) minimum lot types:*
  - *Residential lots total 54.925 acres of the PUD.*
  - *The first type is a 14,250 sq. ft. or .327 acre minimum lot.*
    - *The typical lot details illustrate a lot frontage of 95':*
      - *One hundred and twenty-one (121) regular frontage lots are depicted as this lot type.*
      - *One (1) panhandle lot is depicted as this lot type.*
        - ***A typical lot detail hasn't been provided for lot frontage or required setbacks.***
      - *This lot type comprises approximately forty-nine (49) acres.*
      - *The text depicts a minimum of a 95' width at the minimum front yard setback.*
        - *Zoning requires a minimum lot frontage and minimum continuous width for straight zoned parcels.*
        - *If the applicant doesn't anticipate the lots will have minimum lot frontage of 95', either along the curvature of the street or along a cul-de-sac, then a minimum lot frontage width or range of widths should be established for this lot type.*
      - *The minimum front yard setback is proposed to be thirty (30) feet.*

- *The minimum side yard setbacks and the rear yard setbacks remain consistent with the existing “SR-1” zoning classification.*
    - *The second type is a 15,750 sq. ft. or .362 acre minimum lot.*
      - *The typical lot details illustrate a lot frontage of 105’:*
        - *Ten (10) regular frontage lots are depicted as this lot type.*
        - *This lot type comprises approximately five (5) acres.*
          - ***On the concept plan, there are several additional lots that appear to meet this frontage and acreage criteria but have not been classified as this lot type. At this time, it is unclear how the applicant will further regulate this lot type.***
      - *The text depicts a minimum of a 105’ width at the minimum front yard setback.*
        - *Zoning requires a minimum lot frontage and minimum continuous width for straight zoned parcels.*
        - *If the applicant doesn’t anticipate the lots will have minimum lot frontage of 105’, either along the curvature of the street or along a cul-de-sac, then a minimum lot frontage width or range of widths should be established for this lot type.*
      - *The minimum front yard setback is proposed to be thirty (30) feet.*
      - *The minimum side yard setbacks and the rear yard setbacks remain consistent with the existing “SR-1” zoning classification.*
- 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: This information has been provided, see PUD Stage 1 Concept Plan.*

- *Dedication of SR 73 road right-of-way (ROW) and new public interior roads & ROW will total 13.66 acres.*
- 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 information has been provided, see PUD Stage 1 Concept Plan.*

- *The request is for a Gross Density of 1.32 Dwelling Units per Acre.*
    - *The request is for a Net Density of 2.40 Dwelling Units per Acre.*
- 6) The interior common open space system with acreage specified.
- Staff Comments: This information has been provided, see PUD Stage 1 Concept Plan.*
- *Seven (7) open space lots total 31.710 acres or 31.6 percent of the PUD.*
  - *Minimum open space required is 25 percent or 25.07 acres.*
  - *Four (4) of the open space lots are utilized as a streetscape buffer from SR 73, perimeter buffers along the eastern, northern and western property boundaries and/or stormwater management parcels.*
  - *Three (3) of the open space lots are utilized as interior roadway island buffers.*
- 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: This information has been provided, see Applicant’s Additional Information.*

- *The open space will be comprised of ponds, wooded areas and buffers.*

- *The only structure proposed is a seating pavilion.*
    - *No additional information has been provided regarding this proposed amenity.*
- 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: The information has been submitted, see Natural Resources Conservation Service Soil Map and PUD Stage 1 Concept Plan (topography).*

- *No flood plain (100 year or 500 year) exists on the parcel. There are several areas of moderate slope (15-20%) and steep slopes (over 20%):*
    - *EdE2: Eden complex, 18-25% percent slopes, moderately eroded.*
    - *MnD2: Miamian-Hennepin silt loams, 12 to 18% slopes, moderately eroded.*
- 9) Where areas lie in any aircraft approach and holding patterns, these areas shall be indicated.

*Staff Comments: This area isn't in any identified aircraft approach or holding patterns.*

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

*Staff Comments: This information has been provided, see PUD Stage 1 Concept Plan.*

- *Sanitary sewer would be from the City of Springboro.*
  - *Water service would come from the City of Springboro or Warren County Water.*
  - *The Ohio Department of Transportation (ODOT), the Warren County Engineer's Office and the City of Springboro would be part of the review and recommendation for State Route 73 improvements.*
  - *The Warren County Engineer's Office, Clearcreek Township and the City of Springboro would be part of the review and recommendation for the interior public streets and connections to existing road stubs.*
  - *See also Master Land Use Plan Maps 4 & 6.*
- 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:*

- *The existing Suburban Residence Zone "SR-1" zoning classification requires a minimum of a 21,780 sq. ft. or a .50 acre lot size exclusive of road right-of-way, waterways, wetlands, one hundred (100) year floodplain, drainage easements, high pressure gas pipeline easements and railroad easements.*
  - *This zoning classification allows a 2.0 Dwelling Units/Acre (Du/Ac) Net Density or staff calculated 1.74 Du/Ac Gross Density (based upon 15 % ROW).*
  - *Just taking into consideration the gross acreage and a projected 15% ROW, staff calculated a maximum of 170 lots were mathematically possible. This calculation doesn't take into consideration geometric and topological constraints that the SR-1 Net Density Plan accounts for to determine a more realistic site specific lot count.*
- *The applicant has provided a SR-1 Net Density Plan.*
  - *The plan shows a total of 145 lots.*
  - *One (1) lot is reserved for stormwater management. This lot will be removed from staff's final calculations.*

- *Three (3) lots fail to meet the minimum required lot size because the co-location of a stormwater management area. These lots will be removed from staff's final calculations.*
- *The plan calculates a Gross Density of 1.45 Dwelling Units per Acre.*
  - *Staff calculated an updated Gross Density to be 1.41 Dwelling Units per Acre.*
- *The plan calculates a Net Density of 1.84 Dwelling Units per Acre.*
  - *Staff calculated an updated Net Density to be 1.83 Dwelling Units per Acre.*

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.

The applicant states in his Additional Information: "This report summarizes the anticipated impact of a new subdivision within the Springboro School District, Clearcreek Township Fire Department, and Clearcreek Township Police Department.

Impact on Springboro School District

The subdivision will contribute to a moderate increase in student enrollment in the Springboro School District. However, the increase will be lower than what would occur under straight zoning, and the district should be able to manage the additional students with minimal adjustments to staffing and resources.

Impact on Emergency Services

- **Fire Department:** The Clearcreek Township Fire Department will handle the emergency response for the new subdivision.
- **Police Department:** The Clearcreek Township Police Department will also respond to an expected increase in calls for service.

Tax Revenue Impact

The subdivision will generate additional property tax revenue, supporting the local school district and emergency services. This revenue will help fund necessary infrastructure and service improvements to meet the needs of the growing community."

*Staff Comments: For clarification, the developer will be responsible for the installation of all required infrastructure for this development. Property tax revenue will also be distributed to the Township Road Department and the Township General Fund.*

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

See Applicant's response to #1 above.

*Staff Comments: See responses above in Background for the Request, Adjoining Zoning Classifications and Current Uses and 2005 Master Land Use Plan Information.*

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

The applicant states in his Additional Information: "Our proposed development will include 30 acres minimum of open space, a key feature that emphasizes the preservation of natural beauty

while providing recreational and aesthetic value for residents. The open space will be thoughtfully designed to create a harmonious environment, combining both natural and landscaped elements.

### Key Features of Open Space

- Ponds: The development will feature four ponds, each equipped with fountains and aerators. These ponds will not only serve as picturesque focal points but also help to maintain water quality and support local wildlife.
- Wooded Areas: A significant portion of the open space will consist of wooded areas that will remain undisturbed, preserving the natural forested landscape and offering residents a tranquil, scenic environment.
- Buffer Zone: To ensure the development blends seamlessly with the surrounding area, there will be open space along SR 73 as a buffer. This area will provide privacy, reduce noise, and maintain the natural visual appeal of the land, creating a soft transition between the development and the main road. A seating pavilion with a garden is also envisioned in this zone.

### Long-Term Maintenance

To ensure the open space remains well-maintained and continues to enhance the community, the Homeowners Association (HOA) will oversee its care. The HOA will be funded by contributions from homeowners and will have a substantial reserve to cover the costs of ongoing maintenance. A professional HOA management company will be responsible for the regular upkeep of the ponds, wooded areas, and buffer zones, ensuring that the open spaces are consistently cared for and remain attractive for all residents.

In conclusion, the 30 acres of open space, including ponds, wooded areas, and buffer zones, will be thoughtfully preserved and maintained. The HOA, with its substantial reserve and professional management, will ensure that the open space continues to be a valuable and well-kept feature of the community for years to come.”

***Staff Comments: If the request advances to a Stage 2 PUD application, the open space areas will be required to have additional information such as landscape details, existing vegetation documentation and if and where trails would be utilized to access the open space.***

- 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.

The applicant states in his Additional Information: “Development Phasing

### Phase 1

The first phase will cover approximately 50 acres and will consist of 52 lots located on the west side of the property. This phase will feature an entrance off SR 73, providing easy access to the development. Key infrastructure will be established, including roads, utilities, and the development of 30 acres minimum of open space. A stub road will connect this phase to Richard's Run, ensuring seamless integration with the neighboring community. In this phase, we will also begin preserving and enhancing the natural features of the land, including the wooded areas.



## Phase 2

The second phase will extend the development eastward and will involve the connection to Stone Ridge North Hill via a stub road. This phase will focus on completing the development with additional residential lots, expanded open spaces, and continued preservation of the natural topography and wooded areas. The open space and environmental features from Phase 1 will be extended and integrated into the second phase, ensuring a consistent aesthetic and community feel throughout the development.”

*Staff Comments: If the request advances to a Stage 2 PUD application, the phasing details will be further reviewed and clarified as to the precise division lines, acreage attributed to each phase as well as the installation of all identified amenities.*

### **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

The applicant states in his Additional Information: “The current zoning of the property is SR-1, which permits **single-family homes** on 1/2 acre lots with a 100-foot minimum frontage. While the SR-1 zoning allows for single-family homes, the proposed **Residential Planned Unit Development (R-PUD)** seeks to provide a similar residential use but at a **lower density** than what would be permitted under the straight zoning. This will result in a more open, less densely packed development that is better suited to the natural topography of the land.

The proposed PUD is **consistent with the current zoning**, as it will still allow for single-family homes, but with greater flexibility in design. By lowering the density, the development will better align with the surrounding community's character, preserving the peaceful, residential nature of the area. Additionally, the PUD's design will integrate well with the **adjoining properties**, which feature similar lot sizes and layouts, further ensuring compatibility within the neighborhood.

In essence, the PUD provides a refined, low-density alternative to straight zoning that respects both the property's zoning and its location within the broader community, while offering a higher quality of design and a more desirable living environment for future residents.”

*Staff Comments: The 2005 Master Land Use Plan identified the site as a Suburban Residential classification. The parcel is adjacent to the City of Springboro on three sides. The eastern and western boundaries have stub streets from existing subdivisions. The southern boundary is ROW of SR 73 that has also been annexed into the City. The proposal lot count is under the yield possible from existing SR-1 zoning classification. The request reduces the minimum lot size and width of the lot frontage as compared to the existing zoning requirements. The applicant is requesting a PUD designation instead of a straight zone designation for flexibility to develop an alternative subdivision. This request provides HOA controlled open space to maintain natural features. PUD designations typically have a request for a reduction, modification or substitution of straight zoning requirements.*

(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.

The applicant states in his Additional Information: “The proposed development will be exclusively for single-family residential uses. The PUD zoning allows for flexibility in design while

ensuring that the area is developed with high quality, custom homes that enhance the character of the community. This approach will maintain the residential nature of the development, avoiding higher-density or non-residential uses that could disrupt the peaceful, family-oriented environment we aim to create. By focusing solely on single-family homes, we are committed to fostering a cohesive neighborhood that emphasizes privacy, quality of life, and a strong sense of community.”

*Staff Comments: Detached single-family dwelling lots, open space lots and road right-of-way (ROW) are the three uses for the parcel.*

b) The general location of such uses is specified.

The applicant states in his Additional Information: “The entirety of the property will be reserved to single-family residences and community open space.”

*Staff Comments: The PUD Stage 1 Concept Plan illustrates the location of the detached single family lots, HOA controlled open space lots and ROW.*

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

The applicant states in his Additional Information: “The lots within this PUD will be solely for the uses of single-family uses. Covenants, Conditions, and Restrictions will be put in place to enforce building standards in line with Clearcreek Township properties.”

***Staff Comments: Only detached single family dwelling lots and HOA controlled open space lots are proposed for the parcel. See staff comments regarding typical lots above. If the request advances to a Stage 2 application, building materials can be discussed and required through condition at the Stage 2 review.***

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

The applicant states in his Additional Information: “The PUD plan proposed contains 132 lots. The straight-zoning density allows for 145 lots, subject to change and alteration of a more economical plan.”

*Staff Comments: The proposal is for thirteen (13) fewer residential building lots than could be established on the parcel with the existing zoning classification. See above for staff’s review of the SR-1 Net Density Plan.*

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

The applicant states in his Additional Information: “This information can be seen on the PUD conceptual plan. At minimum a PUD requires 25% open space. On this property, this equates to slightly above 25 acres. Our plan incorporates 30+ acres of open space or 30% minimum.”

*Staff Comments: The PUD Stage 1 Concept Plan calls for 31.6% or 31.70 acres of open space. The open space is used for buffering, stormwater management and within the ROW to build character for the subdivision.*

**(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 raised during the public hearing process 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;

*Staff Comments: See 2005 Master Land Use Plan sections above.*

- *Single Family Dwellings that were connected to the sanitary sewer system were anticipated in the 2005 Master Land Use Plan.*
- *The creation of the regulations for the Suburban Residence zone “SR-1” established a lot size that was connected to the sanitary sewer system, which was a .50 acre lot size or a yield of two (2) units per acre net density.*
- *The proposed PUD lot yield is less than expected in the Suburban Residence Zone “SR-1”.*
- *The R-PUD regulations require a minimum 25% open space.*
  - *The proposal has 31.6% open space.*
- *The request is for residential lots, which are a minimum of .327 acres in size.*
- *The request is for the lot frontage width to be reduced from 100’ to 95’.*
  - *This is a 5% reduction in width as compared to the current zoning.*
- *The following 2005 Master Land Use Plan policies are applicable to the request:*
  - *Continue to serve as a geographical area of rural relief to the sprawl of the surrounding metropolitan areas.*
  - *Seek to encourage residential development types which incorporate preservation of private and public open space (conservation design subdivisions, large lot zoning classifications).*
  - *Encourage a logical pattern of residential development in the designated Urban Service Areas that transition from an urban density to a rural density.*
  - *Place a stronger emphasis on establishing open space/green belt areas, separating developing residential areas from incompatible uses.*

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

*Staff Comments: Per Section 13.03(A) of the Clearcreek Township Zoning Resolution, the Residential Planned Unit Development “R-PUD” may allow for the net density to be abated to the extent of 10%. The applicant has not requested this abatement. The applicant has provided a plan in which the gross density is less than the current zoning classification. The net density is greater due to the reduction of acreage used for open space. The lot count remains less than what could be constructed with the current zoning classification. See Background above.*

- (c) 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: Please see Applicant’s responses from the Additional Information above. See Adjoining Zoning Classifications and Current Use above.*

- (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;

*Staff Comments: The applicant has specified that the HOA will control the open space areas, see Additional Information above.*

- (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.

### **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.