

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

Report Date: August 14, 2025

Applicant: Regan Goins, owner and Board President for Pets of Ohio Rescue Team (PORT)

Property Identification: 8797 Bunnell Hill Rd, Lot 6 Clearview Terrace Subdivision

Acreage of Request: 1.9 acres

Current Zoning of Requested Area: Residence Zone “R-1”.

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

Attached: Application, Applicant’s Additional Information, PUD Stage 1 Concept Plan, Clearcreek Township Master Land Use Plan Maps: 4, 6, 10, 11, Deed, Warren County Auditor Website Property Information, Ohio Revised Code Sections: 956.01, 956.06 and 959.13, Pets of Ohio Rescue Team registration with Department of Agriculture, Warren County Health Department letter, IRS designation as a public charity, Clearcreek Township Zoning Permit for Accessory, plot plan and inspection.

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:

“This zoning application seeks formal approval for a Mixed-Use Planned Unit Development (MU-PUD) designation to allow continued operation of PORT’s nonprofit rescue headquarters, known as “Base Camp.” This includes temporary indoor housing, medical and behavioral triage, foster coordination, and appointment-only adoption meet-and-greets. The MU-PUD classification will support PORT’s community-focused model while maintaining the residential character of the area.”

PER THE ADDITIONAL DOCUMENTATION THE APPLICANT STATES:

“Pets of Ohio Rescue Team (PORT) is a community-based nonprofit organization dedicated to improving animal welfare through a proactive, compassionate, and collaborative approach. Our mission is to prevent animals from entering the shelter system, expedite the journey of animals already in our care, and serve as a comprehensive pet resource center for the community. We envision a future where every animal is valued, cared for, and placed in a loving home....

As we continue to grow in response to community needs, this project represents a vital step forward. With the support of grant funding and community backing, PORT anticipates increasing our annual intake by at least 25%, resulting in an additional 355 animals helped per year. This expansion would also reduce the intake burden on nearby public shelters such as the Warren County Dog Warden, which currently receives approximately 2,000 animals annually-representing an 18% reduction in their intake.

To support this growth, PORT is seeking zoning approval for the growth and improvement of our temporary holding and medical processing facilities. This expansion will enable us to accept more animals, deliver timely medical care, and prepare pets for foster or adoption placement more efficiently. The proposed facility improvements are critical to sustaining our no-kill mission, relieving shelter overcrowding in the region, and enhancing our capacity to serve as a pet resource hub for residents of Springboro and surrounding areas.”...

Zoning History:

- *In 1973, the property was classified as Rural Residence Zone “R-1”.*
- *In 2005, the Clearcreek Township Zoning Resolution was updated, and the Rural Residence Zone “R-1” classification was changed to Residence Zone “R-1”.*

Background for the Request:

State and County Agencies:

Ohio Revised Code Section 956.01 defines the term animal rescue for dogs. The term “animal rescue for dogs” means an individual or organization recognized by the director of agriculture that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not operate for profit, does not sell dogs for a profit, does not breed dogs, does not sell dogs to a dog broker or pet store, and does not purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under Chapter 955. of the Revised Code, a humane society, or another animal rescue for dogs. The term “animal rescue for dogs” includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs.

Ohio Revised Code Section 956.06 requires an animal rescue for dogs to be registered with the Director of Agriculture. Then the Director issues a license for dog registration in conformance with Ohio Revised Code Section 4796. After registration is complete, the Ohio Department of Agriculture is essentially done regulating and monitoring the animal rescue for dogs. *I spoke with a representative from the Department of Agriculture and was referred to the Warren County Dog Warden for more information on the regulations for an animal rescue for dogs facility.*

I spoke with an employee from the Warren County Dog Warden to see if their department had any further regulatory authority for an animal rescue for dogs facility. That department responds to complaints regarding cruelty and neglect. I was guided to the Ohio Revised Code 959.13 which outlines what is considered Cruelty to Animals. Looking at the converse of the regulation; it appears as long as the animals are provided wholesome food, water, access to shelter, exercise and change of air then the care doesn’t rise to the level of cruelty. The former is the best guidance that I can find for minimum standards of care and housing.

I reached out to the Warren County Health Department regarding how animal waste from a kennel should be regulated. Their premise maintenance code defines garbage to include feces and urine from pets. Their regulations further state “1.6 No person shall allow the feces of domestic animals to collect or remain on their premises whereby noxious odors or offensive smells are generated.” The disposal can be through contracted trash collection. No connection to a leach field is required.

Existing Permitted Uses: RESIDENCE ZONE "R-1" REGULATIONS

SEC. 5.752 PERMITTED USES: A building or lot shall be used only for the following purposes:

- A.** Single family dwellings
- B.** Home occupation, subject to the following conditions in addition to any other applicable standards of use of the applicable zoning district not otherwise permitted herein:
 - 1. Telework or telecommute-based activity shall not be considered as the operation of a home occupation subject to these standards.
 - 2. Home occupations shall be clearly incidental and subordinate to the principal residential use of the property.

3. The use is compatible with other uses, maintains and preserves the character of the neighborhood and does not create a nuisance or detract from the residential function and tranquility.
4. The home occupation shall be conducted within the dwelling.
5. No commercial display of materials, merchandise, or goods shall be allowed to be stored outside of the primary residence.
6. The external appearance and/or use of the structure(s) or lot in which the home occupation is conducted shall not be altered to indicate the presence of the home occupation.
7. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.
8. The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emission, environmental pollution, or other nuisances.
9. Mechanical and electrical equipment used shall be only that normally used or found in a single-family dwelling; and, when performance rated shall be limited to normally domestic ratings rather than commercial or industrial.
10. Not more than one person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.
11. The home occupation shall not serve as a location where multiple employees routinely meet or park prior to going to work off-site. Vehicle and equipment parking shall comply with Section 5.15 of the Clearcreek Township Zoning Resolution.
12. Products from internet based home occupations may be stored temporarily as inventory on the premises, during the normal course of said activity, inside the primary residence.
13. Delivery of materials necessary for a home occupation shall be limited to automobiles, light duty trucks (e.g. typical Fedex or UPS home delivery vans and trucks) or vans. Deliveries by heavy trucks shall be limited to two times per week.
14. Traffic generated by a home occupation shall not exceed the average daily volume normally expected for a residence in a residentially zoned neighborhood, which for the purpose of this section, equals up to ten (10) round trips per day.
15. 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. Therefore, the following are prohibited uses or activities as home occupations:
 - a. Adult entertainment or sexually oriented business.
 - b. Ambulance service.
 - c. Day care (excludes plan “a” as defined in the Ohio Revised Code).
 - d. Health salon, gym or aerobic exercise studio.
 - e. Machine shop.
 - f. Medical and dental clinics and hospitals.
 - g. Motor vehicle towing, storage, and/or salvage business.
 - h. Nursing homes.
 - i. On-site, store front retail as a primary use.

- j. 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.
 - k. Printing shop.
 - l. Restaurants or any other eating and/or drinking establishment.
 - m. Short-Term Rental, bed & breakfast, motel, hotel, inn.
 - n. Trucking, hauling, moving, tow truck service, hearse service, limousine, and cab service.
 - o. Undertaking and funeral parlor.
 - p. Uses that require explosives or highly combustible or toxic materials.
 - q. Uses that require fire safety inspections, precautions or permits or other regulatory inspections or permits involving public health and safety.
 - r. Vehicle: sale, service, repair, body work, painting, detailing, upholstery and/or washing.
 - s. Veterinarian with boarding and/or surgical services, or
 - t. Uses similar to the above listed use which would, at the discretion of the zoning inspector, result in nuisance factors as defined by this section. In those instances when the zoning inspector denies an application, or if the zoning inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed to the Board of Zoning Appeals (BZA) for interpretation.
- C.** Community fire house, provided.
- 1. Front yard, side yard and rear yard requirements for zone are met.
 - 2. Main building shall be at least minimum residential size.
 - 3. Enough area is set aside for future parking spaces, for a minimum of forty (40) cars, with a parking space provided at any given time for each member of the fire company. If an assembly hall is included in the building, additional parking spaces shall be provided in accordance with **Chapter 16, Zoning Code.**
- 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.** Public forests and nature reserves including the usual buildings therefore.
- G.** Private forests and nature reserves, including the usual buildings therefore where parking spaces are limited to ten (10) vehicles.
- H.** Model homes: 1. Shall exist within a subdivision. 2. Shall be located along the primary ingress and egress to the subdivision. 3. Shall be declared to the Clearcreek Township Zoning Department prior to the use being established. 4. Shall be eliminated after ninety (90) percent of the parcels within that subdivision are under construction.
- I.** 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.

- J. Roadside Farm Market, offering for sale agricultural products of which at least fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Ample off-street or off-road parking space shall be provided to take care of all vehicles visiting the roadside farm market. Parking spaces are limited to ten (10) vehicles. See Chapter 16 and 28.
- K. 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.
- L. Signage in accordance with Chapter 28.

Pending Zoning Violation:

- *On June 25, 2025, the applicant was issued a 30-day notice of zoning violation for using the property in violation of Section 5.752 of the Clearcreek Township Zoning Resolution. The owner is operating a non-profit animal rescue (Pets of Ohio Rescue Team, PORT) from the property. Home occupation regulations (Section 5.752(B)) limit the use, to be located in the single-family dwelling. The accessory structure is being used to house and care for animals. Section 5.752 (I) states 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 eight-five(85) feet from every property line.*
- *The zoning department was first made aware of the use in April. I discussed with the applicant the need to comply with the Home Occupation Regulations or apply for a Mixed Use Planned Unit Development “MU-PUD” as an option to share the space between the non-profit and the typical residential uses for the property.*
- *If this application is approved, the pending zoning violation would be closed. If this application is denied, the Zoning Department would then turn the “paused” case over to the Law Director and request the issue be addressed in Warren County Common Pleas Court.*
- *The Internal Revenue Service declared Pets of Ohio Recuse Team to be a public charity on June 1, 2024.*

Requested Use(s) as identified by staff from the submitted application:

- *Single-family dwelling*
- *Nonprofit animal rescue facility/headquarters, known as "Base Camp."*
 - *Temporary indoor housing*
 - *Narrative specifies a maximum of 10 dogs at any one time.*
 - *Written report specifies Emergency Animal Space: critical temporary housing during crisis situations, providing a lifeline when disasters, domestic violence, or family emergencies threaten to separate people from their cherished companions.*
 - *Medical and behavioral triage*

- *Narrative specifies animals receive medical evaluation and treatment upon arrival.*
- *Written report specifies Low-Cost Triage Care: accessible, professional veterinary and wellness services that ensure no family has to choose between financial hardship and their pet's health – because we understand that pets are family members, not possessions.*
- *Written report specifies Decompression Facility: a peaceful sanctuary where traumatized and stressed animals receive specialized behavioral rehabilitation in a calm, nurturing environment designed for healing.*
- *Phasing plan specifies 24/7 availability for animal emergencies and assistance.*
- *Foster coordination*
 - *Narrative specifies animals are typically transferred from Base Camp to foster homes within 24-72 hours of initial intake.*
- *Appointment-only adoption meet-and-greets*
 - *Narrative specifies volunteer hours to be 8AM-8PM.*
 - *Narrative specifies daily operations involve 1-3 volunteers.*
- *Community resources*
 - *Narrative doesn't further clarify this item.*
- *Dog training*
 - *Narrative and Written report identify this item, but more clarification is needed.*
- *Playgrounds*
 - *Narrative doesn't further clarify this item.*
- *Other offerings*
 - *Narrative doesn't further clarify this item.*
 - *Phasing plan specifies coordination with municipal animal control services.*
- *Pet therapy programs for seniors and community groups*
 - *Written report doesn't further clarify this item.*
- *Educational workshops on animal welfare*
 - *Written report doesn't further clarify this item.*
 - *Phasing plan specifies monthly workshops on responsible pet ownership.*
- *Community service opportunities*
 - *Written report doesn't further clarify this item.*
 - *Phasing plan specifies training and service opportunities for community members.*
- *An animal rescue is not identified as a permitted or conditional use in the zoning resolution. The closest permitted use is a commercial kennel. A commercial kennel is defined in Section 3.42 and identified as a permitted use in the General Business Zone "B-2", Section 10.02 (C).*
 - **SEC. 3.42 Kennel, Commercial:** Any lot or premises or portion thereof, on which more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept, or on which

more than two (2) such animals are boarded for compensation or kept for sale.

- **SEC. 10.02** Permitted uses: A building or a lot shall be used only for the following purposes, provided the lot and whatever structures used for human occupancy thereon are either connected to a central sewage system that will be upon the start of operation turned over to the appropriate county department for maintenance and operation or utilize an on site disposal system approved by the Ohio Environmental Protection Agency.

C. Warehouse, farm implement and auto sales, animal hospital, vet clinic, laundries, plumbing and heating, printing shop, lumber yard and building materials, paint shop, carpenter shop, sheet metal, wholesale business and bakery. All machinery shall be enclosed within a building. Commercial and vet clinic kennels provided all animals are kept inside buildings with outside walls and roof equivalent in sound reduction to an eight (8) inch concrete block wall.

Adjoining Zoning Classifications and Current Uses:

- *North:*
 - *Residence Zone “R-1” (Dwellings)*
- *East:*
 - *Suburban Residence Zone “SR-1” (Dwellings)*
 - *Residence Zone “R-1A” (Dwellings)*
- *South:*
 - *Residence Zone “R-1” (Dwellings)*
- *West:*
 - *Suburban Residence Zone “SR-1” (Dwellings)*
 - *Residence Zone “R-1” (Dwellings)*

2005 Master Land Use Plan Information:

- *Map 4: Identifies the property to be in the Springboro Sanitary Sewer Master Plan in the twenty (20) year development scenario.*
- *Map 6: Identifies the property to have road frontage on an existing road. Bunnell Hill functions as a rural collector road.*
- *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 from the Master Land Use Plan:*
 - 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:

- Place a stronger emphasis on establishing open space/green belt areas, separating developing residential areas from incompatible uses.

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).

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).

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: See submitted Warren County Aerial for properties within 200 feet. The uses have not been specified on the map. Parcels with single family dwellings are located within this 200 feet area.

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

Staff Comments: See 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: See Warren County Aerial with Topography.

- *The topography ranges from 980' to 998'.*

- 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 use the existing structures on the property for all the proposed uses (house and pole barn).*

- *Per the PUD Stage 1 Concept Plan, the house is 2,056 SF*

- *Per the Warren County Auditor's Website:*

- *Living space only is 1,619 sq. ft.*

- *Living space and garage are 2,056 sq. ft.*

- *Living space, garage, porches and deck are 2,631 sq. ft.*

- *Pole barn is 720 sq. ft.*

- *The Warren County Auditor's Website also identifies a 144 sq. ft. structure to be located on the parcel.*

- *The applicant declares the structures to total 2,776 sq. ft.*

- *Staff declares the footprint of the structures to be a total of 3,495 sq. ft.*

- 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: Information for right-of-way and residential utilities have been provided, see PUD Stage 1 Concept Plan, Warren County Aerial for properties within 200 feet, Warren County Aerial with Topography.

- *The applicant has not proposed any interior roads for the PUD.*

- *Staff does not anticipate any additional road right-of-way dedication to Bunnell Hill Road, since this parcel is part of an existing platted subdivision.*

- 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: Please see the PUD Stage 1 Concept Plan:

- *The Concept plan doesn't hold the 1"=50' scale, therefore staff is unable to replicate the applicant's specified calculations.*

- *The northern arrow is facing west instead of north.*

- *The Concept Plan has increased the width of the property and decreased the length of the property. This distorts the size of the property. Per the Warren County Auditor's Website, the parcel is 150' wide and has a length of 550.90'.*
- *The applicant has established six (6) distinct areas on the PUD Stage 1 Concept Plan:*
 - *The first area is the setbacks for the parcel:*
 - *A 50' front yard setback has been specified.*
 - *This is consistent with the R-1 regulations.*
 - *A 25' per side yard setback has been specified.*
 - *This is 15' greater than the R-1 regulations.*
 - *In 2023, when the pole barn zoning permit was verified, zoning staff found the northern side yard setback to be 20'5".*
 - *The rear yard setback has not been specified.*
 - *Based upon the submittal, it appears to be reduced from a 40' required setback to a 20' required setback.*
 - *The second area bisects the parcel in two places:*
 - *The white color is consistent with the setback color in the legend, but these areas lack a dotted red geometric.*
 - *The first area is west of the house and pole barn.*
 - *This area bisects open space.*
 - *This area is bisected by a declared fence area.*
 - *The second area is north of the house and south of the pole barn.*
 - *This area bisects open space.*
 - *This area is bisected by a declared fence area.*
 - *The third area is for the existing house:*
 - *See number 2 above for footprint calculations.*
 - *It is unclear how far beyond the structure, the applicant anticipates the extension of any residential only uses.*
 - *The fourth area is for the existing pole barn:*
 - *See number 2 above for footprint calculations.*
 - *It is unclear how far beyond the structure, the applicant anticipates the extension of any non-profit/nonresidential only uses.*
 - *The fifth area is the open space*
 - *It is unclear if the identified landscaping/trees exist or are proposed.*
 - *It unclear what stormwater is currently being cycled through the existing pond.*
 - *The applicant calculates this open space area to be 1.09 acres or 57.37 %.*
 - *A minimum of 25% or .475 acres is required per the PUD standards.*
 - *The sixth area is for Fencing:*
 - *The area has not been specified.*
 - *It is unclear if the fenced area will be a combined use area or exclusively for non-profit/nonresidential use.*

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

Staff Comments: The applicant has provided a Net Density Analysis that appears to combine the existing conditions, specific future plans for development and projected raw land development, see Proposed Development Density Calculations.

- *This parcel is an existing lot in the Clearview Terrace Subdivision.*
 - *Based upon the minimum frontage and lot geometrics, the parcel on its own can't be further subdivided.*
 - *The maximum number of homes that can be established on this parcel is one (1).*
 - *The net density for the parcel is .53 dwelling units per acre.*
- *Nonresidential uses typically have a floor area ratio calculation instead of a dwelling unit per acre calculation.*
 - *The square footage of the pole barn is 720 sq. ft.*
 - *No additional structures are proposed for the site.*
 - *The existing and proposed floor area ratio for the pole barn is .01*

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

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

- *Three (3) open space lots are proposed.*
- *See Number 4 above.*

- 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 not been specifically identified.

- 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 not been submitted.

- 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.

- *Warren County Health Department would regulate on-site waste disposal.*
- *Water service comes from Warren County Water.*
- *The Warren County Engineer's Office would review the need for any modifications to the existing access to the site.*
- *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:

- *See number 5 above.*

- 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.

See Applicant's response in Written Report – PUD Stage 1 Application.

*Staff Comments: The applicant provided an abundance of information detailing the existing facilities. **In the Impact Assessment, more clarity is needed to completely understand how the proposed uses for the PUD and the services/facilities interact.***

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

See Applicant's response in Written Report – PUD Stage 1 Application.

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 the Written Report: "Open space maintenance remains with property owner. Basic maintenance to preserve open space character. Subject to standard PUD conditions and township oversight."

Staff Comments: If the request advances to a Stage 2 PUD application, the open space acreage calculation will need to be finalized, and the open space areas will be required to have additional information such as landscape details and existing vegetation documentation.

- 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 the Development Phasing Plan: "The PORT PUD represents a complete, single-phase development with no planned future phases. The entire 1.90-acre property is included in this Stage 1 Concept Plan, showing the full intended project scope."

Staff Comments: Since the applicant is not proposing any additional structures for the PUD, she has provided an implementation timeline for typically determined Stage 2 items such as modifications to pole barn, parking, drainage and landscape. If the request advances to a Stage 2 PUD application I would anticipate that this implementation timeline would be revised after a complete preliminary site plan submittal and review.

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. The Mixed-Use Planned Unit Development designation is an attempt to overcome the zoning concept of separation of residential, commercial and/or industrial uses. The 2005 Master Land Use Plan didn't address future locations for non-profit/charitable uses. In a residential zone in the Clearcreek Township Zoning Resolution

the term “not for profit” exists as a conditional use permit and focuses entirely on a recreation area. This request doesn’t meet the former classification.

*The concept plan proposes a reduction in the rear yard setback and an increase in the side yard setbacks, but with no additional structures proposed. **The request is to maintain the density and floor area ratio for the site, but increase the intensity of use and increase the daily trips to the site.***

(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: See the above accumulated list of uses. Proposed uses that lack detail will need to be discussed at the public hearing.

b) The general location of such uses is specified.

Staff Comments: See above review of the Concept Plan. Staff identified a breakdown of eleven (11) functions/activities/elements that were identified with the non-profit use, each needs clarification from the applicant to completely understand where and how each will be conducted on the site.

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

Staff Comments: The concept plan depicts a reduction in the rear yard setback and an increase in the required side yard setbacks. Since no additional structures are proposed, it is unclear if this was an intended action or an error. The applicant will need to comment on this during the public hearing.

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

Staff Comments: The proposal doesn’t increase the density but does increase the intensity of use for the site. There are several intensity components: 1. Increase in the number of animals on the property. 2. Location of the housing for animals on the property in relation to required setback. 3. Increase in the number of people that need to travel to the site to facilitate activity (employees, volunteers, transportation for animals, deliveries, appointments, other activities held on the site). This will impact the parking requirements as well as the projected daily trips to the site. The Institute of Transportation Engineers Trip Generation resource anticipates ten (10) trips per day for a single-family dwelling. This resource doesn’t have a classification for an animal rescue facility. Thus, the Township would need to consider the number of vehicles associated with the typical care required per animal to determine what is a realistic number of trips that this MU-PUD would average per day. As part of the narrative, the applicant has specified that “adequate off-street parking will be provided for staff, visitors and transport vehicles. The plan includes dedicated loading spaces for animal transfers and veterinary deliveries.” In the Density Impact Analysis, the applicant has anticipated the residence to continue to generate 10 trips per day and the animal facility estimate is 15-20 trips per day. The PUD Stage 1 Concept Plan specifies 2 parking spaces.

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

Staff Comments: The PUD Stage 1 Concept Plan in text identifies 57.36% or 1.09 acres of the parcel as open space. The drawing shows a larger percentage of the site to be classified as open space. The open space is used for landscaping, stormwater

management, buffers, fenced area and an open field. This item needs more discussion with the applicant during the public hearing.

- (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.

- (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: The applicant is not requesting the density or lot coverage be modified, the request is to add a non-profit animal rescue facility use to the existing parcel with the existing structures. 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: The applicant has explored soundproofing materials for the pole barn. The daily trips for the MU-PUD have not been completely explored at the time of the application. Parking and access are typically Stage 2 review items. If the application proceeds to a Stage 2 application, landscape buffering would be reviewed for the perimeter of the site as well as for any proposed parking area(s). The adjoining property owners and the general public have not yet commented on the requested uses.

- (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 will retain ownership and be responsible for the maintenance of the defined open space areas.

- (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.

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.

**ZONING INFORMATION FROM CURRENT ZONING CLASSIFICATION AND
COMMERCIAL CLASSIFICATIONS:**

CHAPTER 5.75

RESIDENCE ZONE "R-1" REGULATIONS

SEC. 5.753 HEIGHT REGULATIONS: No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

SEC. 5.754 PRINCIPAL STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A.** There shall be front yard having a depth of not less than fifty (50) feet, provided, however, no front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet of a the building under consideration. If an average can not be mathematically determined based upon the above process, then the zoning inspector shall expand the area under review. The expanded area shall include the front yard setbacks of the building(s) across the street and within one hundred (100) feet of the building under consideration.
- 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. 5.7545 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A.** Front yard shall conform to 5.754 (A) and 5.754 (B).
- B.** Side yard shall conform to 5.754 (C).
- C.** Rear yard shall be a minimum of ten (10) feet.

SEC. 5.755 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. If a preliminary plat was approved with more restrictive zoning regulations than those in place at the time of the final plat submittal, the least restrictive regulations will be applied at the time of zoning review.

D. 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. 5.756 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.

CHAPTER 9

NEIGHBORHOOD BUSINESS ZONE "B-1" REGULATIONS

SEC. 9.01 The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Business Zone "B-1".

SEC. 9.02 Permitted Uses: A building or a lot shall be used only for the following purposes, provided the lot and whatever structures used for human occupancy thereon are either connected to a central sewage system that will be upon the start of operation turned over to the appropriate county department for maintenance and operation or utilize an on site disposal system approved by the Ohio Environmental Protection Agency.

A. Any non-residential use permitted in zones "R-1", "R-2" and "R-3".

B. Standards for districts zones for retail business known as Zone "B-1" Neighborhood Business District. Principal permitted uses within a minor "B-1" district which is entirely surrounded by "R" districts:

1. Any local retail business or service establishment such as grocer, fruit or vegetable store, meat market, drugstore, shoe repair shop, hardware store, barber shop, clothes cleaning and laundry pick-up station, business or professional office or the like, supplying commodities or performing services primarily for residences of the neighborhood.

2. Sit-Down Restaurant, Fast Food Restaurant, Outdoor Dining Restaurant

3. Automobile service stations (filling stations). Minor repair and storage garages, parking lots for passenger vehicles.

4. Bakery

5. Funeral homes

6. Antique Business

7. Second hand store - inside display only

C. Signage in accordance with Chapter 28.

SEC. 9.025 CONDITIONAL USES: The following uses require a conditional use permit (CUP) pursuant to **Section 21.01(F)** of this resolution.

A. Drive Through facility.

SEC. 9.03 The height regulations are the same as for Zone "R-1".

SEC. 9.04 Yards:

- A. Front yard: The front yard regulations are the same as for Zone "R-1".
- B. Side yard:
 - 1. If the lot adjoins a residence zone the side yard shall be twenty-five (25) feet minimum.
 - 2. If the lot adjoins a non-residence zone, the side yard shall be fifteen (15) feet minimum.
- C. Rear yard: If the rear yard adjoins a residence zone it shall be a minimum of twenty five (25) feet.
- D. If the rear yard adjoins a non-residence zone it shall have a minimum of fifteen (15) feet.

SEC. 9.05 Lot size: The minimum lot size shall be the same as for Zone "R-1".

CHAPTER 10

GENERAL BUSINESS ZONE "B-2" REGULATIONS

SEC. 10.01 The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for General Business Zone "B-2".

SEC. 10.02 Permitted uses: A building or a lot shall be used only for the following purposes, provided the lot and whatever structures used for human occupancy thereon are either connected to a central sewage system that will be upon the start of operation turned over to the appropriate county department for maintenance and operation or utilize an on site disposal system approved by the Ohio Environmental Protection Agency.

- A. Any non-residential use permitted in any residence zone or Neighborhood Business Zone "B-1".
- B. General automobile repair, provided all vehicles and vehicle parts are kept inside a completely enclosed building, or the vehicles are located in an impound lot. An impound lot is permitted on part of a property, which is completely contained within an area which is surrounded by a solid fence or wall. The fence or wall shall be a minimum of six feet in height. The location of this fence or wall shall take the topography of the site into consideration to maximize the screening effect to other properties and/or the public right-of-way. The uses permitted in a junkyard shall be prohibited in an impound lot.
- C. Warehouse, farm implement and auto sales, animal hospital, vet clinic, laundries, plumbing and heating, printing shop, lumber yard and building materials, paint shop, carpenter shop, sheet metal, wholesale business and bakery. All machinery shall be enclosed within a building. Commercial and vet clinic kennels provided all animals are kept inside buildings with outside walls and roof equivalent in sound reduction to an eight (8) inch concrete block wall.
- D. Bar, Brewpub, Drive-In Restaurant.
- E. Hotels and motels, theaters and drive-in movie theaters: for a drive-in theater the screen shall be so located as not to be visible from the road or street and shall be set back at a distance of not less than two hundred (200) feet from the established right-of-way of any highway and a distance of at least two hundred (200) feet from the property line and loudspeakers shall be permitted only for the occupants of the theater and if they do not create a nuisance or disturb the peace.
- F. Commercial baseball fields, golf, tennis, skeet, trapshoot, commercial fishing lakes, bowling alleys, swimming pools, skating rinks or similar recreational uses and facilities: Buildings, pools and other enclosures shall be one hundred (100) feet from any Residence Zone.
- G. Any other business use which is of a general character of the classes of business permitted above, as determined by the Clearcreek Township Zoning Inspector.

H. Those businesses expressly prohibited in Zone "M-1" and "M-2" are prohibited in Zone "B-2".

I. Signage in accordance with Chapter 28.

SEC. 10.025 CONDITIONAL USES: The following uses require a conditional use permit (CUP) pursuant to **Section 21.01(F)** of this resolution.

A. Drive Through facility.

SEC. 10.03 Height: unlimited, except for each foot over forty-five (45) feet, the front, side and rear yard shall be increased by one (1) foot, and there shall be adequate fire extinguishing facilities as approved by the fire organization.

SEC. 10.04 Yards: The minimum lot size is the same as for Residence Zone "R-1":

A. Front yard: The front yard shall be the same as required for Zone "B-1".

B. Side yard: The side yard shall be the same as required for Zone "B-1".

C. Rear yard: The rear yard shall be the same as required for Zone "B-1".