

Staff Report: Completed by Jeff Palmer Director of Planning & Zoning
Report Date: October 8, 20206
Hearing Date: November 2, 2026
Applicant: Jim Hilliard of VAA Properties LLC
Acreage of Request: 2.2555 acres
Current Zoning of Requested Area: General Business Planned Unit Development “B-2PUD”
Requested Action: General Business Zone “B-2”
Current Use: Paver Supply Store
Attached: Location Map, Application, Deed, Warren County Aerial of Property, Warren County Auditor Information on Property, Trustee Resolution 1716, Clearcreek Township 2005 Master Land Use Plan Maps: 4, 6, 10 and 11.

Location of Request:

The parcel is identified as 9125 N SR 48, parcel number 05-27-300-019, and account 107107. The request is located in Section 27, Town 3, and Range 5 in Clearcreek Township.

Applicant’s Reasons for the Application:

“Would like to change “B-2PUD” to a straight General Business “B-2”.

Zoning History:

- November 6, 1973 the property was classified as Rural Residence Zone “R-1”.
- On June 16, 1978 a joint application was filed with 9073 SR 48 (Neighborhood Business zone “B-1”) to rezone both parcels to General Business Zone “B-2”.
- On November 28, 1978 the rezoning request for 9125 N SR 48 was denied and the request for 9073 SR 48 was modified and approved as General Business Planned Unit Development “B-2PUD”.
- On December 14 1978 an application was filed to rezone the parcel to General Business Planned Unit Development “B-2PUD”.
- On March 9, 1979 the property was rezoned from Rural Residence Zone “R-1” to General Business Planned Unit Development “B-2PUD”. The list of permitted uses was left to be governed by the list of General Business Zone “B-2” uses. Primary use was as a Buck Stove operations facility.
- On May 4, 1979 the Stage 2 “B-2PUD”, Section 1 was approved by the Board of Trustees. Drawings combine uses on 9073 N SR 48 and 9125 N SR 48. Bisected warehouse and combined parking.
- On May 18, 1979 the Stage 2 “B-2PUD”, Section 2 was approved by the Board of Trustees. Drawings combine uses on 9073 N SR 48 and 9125 N SR 48. Combined parking.
- On June 15, 1979 the Stage 3 “B-2PUD”, Sections 1 and 2 were approved by the Board of Trustees. Drawings combine uses on 9073 N SR 48 and 9125 N SR 48.
- December 29, 1981 Warren County Prosecutor Opinion that the Board of Trustees have final determination of uses allowed on the parcel.
- On July 17, 1989 Stage 3 “B-2PUD” Phases I-IV was approved by the Board of Trustees. Phase I 40’x60’ building, Phases II 30’x100’ building and 25’x40’ addition,

Phase III 40'x60' building, Phase IV 30'x50' building. All driveways and parking areas are paved. Woodworking shop identified as permitted use.

- January 4, 1996 Modification of Stage 3 “B-2PUD” request was denied by the Board of Trustees. Modification of pavement requirement will not be modified at this time.
- November 21, 1996 Trustee Resolution 1716 approved an amendment of Stage 3 “B-2PUD” which established a hardscape display area east of the fence, eliminated the buildings referenced on July 17, 1989 Stage 3 “B-2PUD” and allowed gravel to be the surface for the area west of the fence.

Background for the Request:

The current business has indoor storage needs that were not anticipated with the original “B-2PUD”. The owner wants to build at least one new building on the property. This PUD has evolved since its original approval. The Clearcreek Township Zoning process for a PUD has also evolved: Trustees have been removed from the Stage 3 review, minor and major modifications to the PUD are now defined. Under Section 13.07(B) of the Clearcreek Township Zoning Resolution, the request would be considered a major modification to the PUD and require the owner to restart the PUD process with Stage 1 Zone Change Request/Concept Plan in order to expand the permitted uses and square footage of structures for the PUD. If successful with the Stage 1 PUD request, Stage 2 and Stage 3 requests would be required before a zoning permit could be issued for the proposed buildings. The PUD process takes approximately a year to complete. A straight zone change request takes four months to complete.

In 1979 the PUD designation was used to help control the expansion of commercial development around the intersection of SR 48 and Lytle-Five Points Road. The 2005 Master Land Use Plan endorses commercial uses at this intersection. Based upon the size of the parcel and the limitations to expand the use (north and south are PUDs), a request for a straight General Business Zone “B-2” seemed like a logical option that if approved, would help the owner achieve approval for a new indoor storage in a timely manner.

Adjoining Zoning Classifications and Current Uses:

- North:
 - Non-Residential Planned Unit Development “NR-PUD” (Indoor Store and Lock Facility).
- East:
 - Neighborhood Business Zone “B-1” (Tire store, vehicle hauler, fence installer, vacant).
- South:
 - General Business Planned Unit Development “B-2PUD” (Garage door sales and installation).
- West:
 - Residence Zone “R-1” (Single-Family Dwelling).

- Rural Residence Planned Unit Development “R-1PUD” (Open space for Single-Family Dwelling subdivision).

2005 Master Land Use Plan Information:

- Map 4: Identifies the property to be in the Montgomery County Sewer Service Area.
- Map 6: Identifies the road as a Principal Arterial - Urban.
- Map 10: Identifies the property in Planning Area #1.
 - Northern Tier The 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 Commercial.
- Applicable Goals and Objectives:
 - **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: 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".

Below are the requested zoning sections from the Clearcreek Township Zoning Resolution:

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".

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".