

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

Report Date: December 9, 2025

Zoning Commission Meeting Date: January 5, 2026

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

Property Identification: Clearcreek Franklin Rd (Wood Road), parcel number 04-15-101-008

Zoning: Mixed-Use Planned Unit Development "MU-PUD"

Acreage: 8.39 acres per Stage 1 Approval

Requested Action: Stage 2 PUD Review of Phase 1, a Sub-Area of Commercial and Residential Section

Attached: Location Map, Application, Narrative, Agent Letter, Preliminary PUD Site Plan, Trustee Resolution 5540, Stage 1 Concept Plan, Stage 1 Photos, Warren County Auditor's Website Property Photos.

On October 14, 2024, the Clearcreek Township Trustees via Trustee Resolution 5540 approved the zone change from Suburban Residence Zone "SR-1" to Mixed-Use Planned Unit Development "MU-PUD" with eleven (11) conditions.

Review of Application:

13.05(B)(1) Stage 2: Process Steps:

(a) Step S2.1 – The PUD Preliminary Site Plan Submittal

- (1)** Applications for the Stage 2: PUD Preliminary Site 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 information has been submitted.

- (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 information has been submitted

- (3)** The application shall be accompanied with all amended forms, maps, drawings, and additional information included or as required by the Clearcreek Township Board of Trustees Resolution for Stage 1.

Staff Comments: The information has been submitted

- (4)** The Stage 2: PUD Preliminary Site Plan shall include the following items:

- a)** An area map showing applicant's entire holding, the portion of applicant's property under consideration and all properties, subdivisions, streets, and easements within 200 feet of applicant's property.

Staff Comments: The information has been submitted. See Stage 2 Preliminary PUD Site Plan sheets 1-5.

- b)** A topographic map showing final elevations with intervals of not more than 2 feet of elevation.

Staff Comments: The information has been submitted. See Stage 2 Preliminary PUD Site Plan sheet 1.

c) A professionally prepared PUD Preliminary Site Plan including the following information:

1) Title of drawing including name and address of applicant.

Staff Comments: The information has been submitted. See Stage 2 Preliminary PUD Site Plan sheets 1-5.

2) North point, scale, and date.

Staff Comments: The information has been submitted. See Stage 2 Preliminary PUD Site Plan sheets 1-5.

3) Boundaries of the property plotted to scale.

Staff Comments: The information has been submitted. See Stage 2 Preliminary PUD Site Plan sheets 1-5.

4) Existing water courses.

Staff Comments: The information has been submitted. See Stage 2 Preliminary PUD Site Plan sheets 1-5.

5) A PUD Preliminary Site Plan showing:

i. Location of all proposed use(s), including building types, heights, materials, and architectural designs.

Staff Comments: The information has been submitted. See Narrative, Stage 2 Preliminary PUD Site Plan sheets 1-5, Stage 1 Concept Plan and Stage 1 Existing Structure Photos.

Additional Staff Comments:

- *The PUD is comprised of two (2) sections:*
 - *Residential Use only area:*
 - *2.88 gross acres, per Stage 1 Concept Plan and Trustee Resolution 5540.*
 - *The Stage 2 Preliminary PUD Site Plan identifies the area as 2.96 gross acres.*
 - *Staff calculated this area to be approximately 2.95 gross acres.*
 - *It is unclear why this area has grown in acreage since the Stage 1 PUD approval.*
 - *The Preliminary PUD Site Plan Sheet 5 depicts this area as “Future Phase” and also indicates it as open space.*
 - *This sheet establishes a table for the Phase 1 area that is helpful to understand all the applicable details.*
 - *If tables were created for the remaining areas and each identified their cumulative minimum required open space, then it would be a more usable document.*
 - *It appears the “Future Phases” will remain as temporary open space until the time of development. Updating the*

sheet to remove the open space designation will be less confusing to the reviewer as the PUD progresses.

- ***The addition of lot dimensions on all Preliminary PUD Site Plan sheets would also be helpful for a reviewer.***
- *Commercial and Residential Use area:*
 - *5.37 gross acres, per Stage 1 Concept Plan and Trustee Resolution 5540.*
 - ***The Stage 2 Preliminary PUD Site Plan identifies the area as 5.43 gross acres.***
 - *Staff calculated this area to be approximately 5.44 gross acres.*
 - *It is unclear why this area has grown in acreage since the Stage 1 PUD approval.*
 - ***Preliminary PUD Site Plan Sheet 2 provides data in a table for the entire site area. This is helpful to keep track of the PUD details as future Phases are reviewed.***
 - *It would be helpful to include a table that breaks the PUD into phase applicable information. That way a tracking of the Phases would be easier.*
 - ***The addition of lot dimensions on all Preliminary PUD Site Plan sheets would also be helpful for a reviewer.***
- *This application only deals with Phase 1, a subarea of the Commercial and Residential Use area:*
 - *Continued use of Limousine Service, Private Storage Garage, Expansion of Existing Structure (50%) as approved in Trustee Resolution 5540.*
 - *The request is for 2.17 gross acres.*
 - ***Staff calculated this area to be approximately 2.29 gross acres.***
 - *The remaining acreage has been depicted as “Future Phase” and has been included in the current Open Space calculation for the entire PUD.*
 - *In this request:*
 - *The Stage 2 Preliminary PUD Site Plan Sheet 2 identifies the acreage of access, parking and the existing structure to be in the imperious area. This area totals .89 acres in size.*
 - *The Access Drives (existing gravel access, parking and future building area) are identified to be .79 acres.*
 - *The Concept Plan showed a gravel expansion of 50’x100’. It appears based*

upon the Preliminary PUD Site Plans this area has already been established.

- *The Building Floor Area (existing building) is identified to be .10 acres.*
 - *Staff calculates the impervious area to be approximately .85 net acres, or approximately .93 gross acres.*
 - *Access drive calculates to approximately 29,185.20 sq. ft. or .67 net acres.*
 - *The access drive in the ROW calculates to approximately 3,349.76 sq. ft. or .08 acres in size.*
 - *The proposed parking area calculates to 1,458 sq. ft. or .03 acres in size.*
 - *The existing building is identified as 4,368 sq. ft. or .10 acres in size.*
 - *The proposed future building expansion is identified as 2,184 sq. ft. or .05 acres in size.*
 - *The Stage 2 Preliminary PUD Site Plan identifies the open space to total 1.24 gross acres.*
 - *Based upon the starting size of 2.17 gross acres, 1.24 acres calculates to 57% of the acreage of Phase 1.*
 - *Based upon staff's calculation of a starting size of 2.29 gross acres:*
 - *The minimum required open space for Phase 1 would be .57 acres.*
 - *A total of 1.31 net acres of open space was calculated for Phase 1. This would also calculate to 57% of the gross acreage of Phase 1.*
- ii. Location of all impervious surfaces for non-residential building areas, parking and truck loading areas, as well as all ingress and egress drives.

Staff Comments: The information has been submitted. See Narrative, Stage 2 Preliminary PUD Site Plan sheets 1-5. See Section 13.05(B)(1)(4)(c)(5)(i) above.

- *The existing building exceeds the minimum front, side and rear yard setbacks for the MU-PUD. The proposed building expansion will also exceed the side yard and rear yard setbacks.*
- *The parking space size is proposed to be 9'x18' or 162 sq. ft. in size.*

- *Section 3.58 of Clearcreek Township Zoning Resolution establishes the minimum size of parking lot space to be 180 sq. ft.*
- *Clearcreek Township Zoning Resolution Section 16.02 doesn't identify parking required for a private storage garage or limousine service.*
 - *The applicant has stated that this property will only be accessed by the owner and employees, and no member of the public will access the site. Based upon the former, the reduction of space size seems appropriate.*
- *As long as the nine (9) parking spaces meet the needs of the owner, staff is good with the quantity. Gravel is an acceptable parking lot material per Clearcreek Township Zoning Resolution 16.05 (B) for this quantity of parking spaces.*

iii. Location and proposed development of all open spaces/recreation areas.

Staff Comments: The information has been submitted. See Narrative, Warren County Auditor's Website Property Photos, Stage 2 Preliminary PUD Site Plan sheets 1-5 and Section 13.05(B)(1)(4)(c)(5)(i) above.

- *Properties with a straight zoning classification are required to provide a perimeter buffer along the common boundary with a less intense zoning classification. In PUDs, the perimeter buffer is required to screen the PUD use from the adjoining use.*
 - *Clearcreek Township Zoning Resolution Section 17.06(D) Option 4 is a guideline to determine what vegetation requirements/credit would exist in a perimeter buffer that is 15' in width. Seven (7) trees and 33 shrubs would be required per every 100' of parcel length.*
 - ***Southern property line length for Phase 1 is approximately 746' total (720' not in ROW).***
 - ***Staff calculates this would require 50 trees and 238 shrubs. If the shrubs were converted into trees, this total would increase to 74 trees.***
 - ***Preliminary PUD Site Plan Sheet 4 states: "Upon the time the property to the south becomes a residential use, a landscape buffer will be provided per Clearcreek Township Zoning Regulations."***
 - ***Southern boundary (Suburban Residence "SR-1" zone)***
 - *Coincident with Parcel 04-15-101-011. This is the Church property.*
 - *Coincident with Parcel 04-15-101-006. The existing single family dwelling is located along the frontage of Clearcreek Franklin (Wood) Road. The rear yard of the property is coincident with the subject property. In the rear yard there is an accessory structure.*

- *On the subject property there is an easement for an Ohio Bell Telephone (utility). The easement varies in width from 10' to 25' along the entire southern property line.*
- *The photos from Stage 1 and the Warren County Auditor's Property Photos show the overhead utility lines that occupy the easement.*
- *Warren County Auditor's Website Property Photos show that trees have been planted in the utility easement.*
 - *This vegetation is not identified on the Preliminary PUD Site Plan or discussed in the Narrative.*
- *Eastern boundary (Commercial and Residential Section of MU-PUD)*
- *Northern boundary (Residential Section of the MU-PUD)*
- *Due to the configuration of the access drive, the open space areas don't connect. Thus, the areas should be referenced with Open Space Lot designations.*
 - *Along the southern boundary of Phase 1 the Open Space has a varied width that ranges from 10' to 45' as measured from property line to access drive.*
 - *The eastern boundary of Phase 1 is adjacent to the "Future Phase" of the Commercial and Residential MU-PUD area.*
 - *East of the parking lot is an open space area that has a length of approximately 140'. The purpose of the parking lot buffer is to block headlights as vehicles utilize the parking lot at night.*
 - *It is unclear at this time what structures, buffers or uses will be located in the "Future Phase".*
 - *The southern properties zoned Suburban Residence "SR-1" zone are impacted more by the vehicles than the future section to the east.*
 - *Along the northern boundary of Phase 1, the Open Space has a varied width that ranges from 0' to 70' as measured from property line to the access drive.*
- *Streetscape buffers are required for straight zoning classification parcels when the speed limit of the road is 35 MPH or greater. The streetscape buffer is located parallel to the frontage of the parcel.*
 - *Preliminary PUD Site Plan Sheet 4 depicts the need to comply with Section 17.06(1)(B) of the Clearcreek Township Zoning Resolution for the required Streetscape Buffer.*
 - *Applicant has provided 10 trees.*

- ***Staff would interpret this section to require 8 trees and 44 shrubs or if shrubs were converted to trees, a total of 12 trees.***
 - ***The minimum evergreen tree standard is 4' in height.***
 - ***The lot frontage for Phase 1 is along Clearcreek Franklin (Wood) road and has a width of 134'.***
 - ***The existing structure is setback 343' from the ROW.***
 - ***Based upon the current front yard setback for the existing building, Clearcreek Township Zoning Resolution Section 17.06(C) Option 1F would be more appropriate for the streetscape buffer:*** Option 1F: Non-Residential streetscape buffer per every one hundred (100) feet of road frontage, when the building setback is equal to or greater than one hundred and fifty (150) feet from the edge of the right-of-way. In addition to vegetation a continuous earth form that is no less than four (4) feet in height as measured from the elevation of the pavement on right-of-way shall be required. Earth forms shall comply with Section 17.08 (a) (2) and shall be located outside of the clear sight triangle. A retaining wall may be used in conjunction with the earth form. Existing elevation will be used if no road improvements are required due to the use of the property. If road improvements result from the use of the property the final elevation after the improvement will be used. Required vegetation shall be located on the earth form to maximize buffer.
 - ***This option requires a minimum of a four (4) foot earth mound and six (6) trees per every 100' of parcel width.***
 - ***The Stage 2 Preliminary PUD Site Plan doesn't depict the required earth mound.***
 - ***This requirement would require eight (8) trees.***
- iv. Location and proposed development of all amenities, maximum square footage of impervious surfaces identified.
- Staff Comments: The information has been submitted. See Narrative, Stage 2 Preliminary PUD Site Plan sheets 1-5.*
- ***Open space and a streetscape buffer are the only amenities proposed for Phase 1.***
- v. Location of non-residential outdoor storage.
- Staff Comments: This is not applicable to this MU-PUD.*
- vi. A grading plan.
- Staff Comments: The information has been submitted. See Narrative, Stage 2 Preliminary PUD Site Plan sheet 1.*
- ***The topography is not proposed to change for Phase 1. The range for this area runs from 948' to 958'.***
 - ***At the time of the report, Warren County Engineer's Office and Warren County Soil and Water Conservation have not commented on the plan.***

- vii. Location of existing or proposed site improvements including: drains, culverts, retaining walls, and fences.

Staff Comments: The information has been submitted. Stage 2 Preliminary PUD Site Plan sheets 1-5.

- *No proposed drains, culverts, retaining walls or fences are proposed in Phase 1.*

- viii. Location of existing trees or landscape buffers.

Staff Comments: The information has not been submitted.

- *Preliminary PUD Site Plan Sheet 4 depicts existing vegetation to exist along the northern boundary of the PUD.*
- ***No existing vegetation is depicted in the Phase 1 area.***

- ix. Location of proposed trees or landscape buffers.

Staff Comments: The information has been submitted. See Stage 2 Preliminary PUD Site Plan sheet 4.

- ***Preliminary PUD Site Plan Sheet 4 states: “Upon the time the property to the south becomes a residential use, a landscape buffer will be provided per Clearcreek Township Zoning Regulations.”***
 - ***Both southern parcels are currently zoned Suburban Residence “SR-1” Zone. Both are currently residential use. Clearcreek Township requires buffers are required to be located outside of utility easements and the road right-of-way. As currently built, there isn’t any additional space between the property line and the access drive, existing building, proposed building or parking area to place vegetation for a perimeter buffer as required by the Clearcreek Township Zoning Resolution. Therefore, this needs to be discussed and dealt with via a condition.***
- *See Section 13.05(B)(1)(4)(c)(5)(iii) above.*

- x. Description of sewage disposal and location of such facilities.

Staff Comments: See Narrative. Any wastewater from Phase 1 will utilize any existing on-site septic system.

- xi. Location and size of all signs.

Staff Comments: The information has been submitted. See Narrative, Stage 2 Preliminary PUD Site Plan sheets 1-5.

- *Two signs are proposed as part of Phase 1:*
 - *One (1) freestanding sign is proposed along Clearcreek Franklin (Wood) Road north of the entrance to Phase 1.*
 - *This is identified as having a sign face of 48 sq. ft. and a minimum setback of 10’.*
 - *One (1) freestanding sign is proposed along I-75, east of the boundary of Phase 1 in the “Future Phase” of the Commercial and Residential Section of the MU-PUD.*
 - *The maximum sign face for a residential sign is 24 sq. ft.*

- *The maximum sign face for a non-residential sign is 48 sq. ft.*
- *A schematic of the signs has not been provided.*

xii. Location and design of street and parking lighting.

Staff Comments: Preliminary PUD Site Plan Sheets 2 & 3 state: "In order to avoid impact to neighboring properties, no lighting is proposed."

d) A drawing showing all soil types and their classifications.

Staff Comments: The information has been submitted. See Stage 2 Preliminary PUD Site Plan sheet 1.

- *XeUB, RvB, MmC3 are present on the site.*
- *At the time of the report, Warren County Engineer's Office and Warren County Soil and Water Conservation have not commented on the plan.*

e) A drawing showing aircraft patterns and seasonal wind directions. Areas of possible noise and odor pollution on or off site shall be indicated.

Staff Comments: The information has not been submitted.

- *The existing aircraft pattern of KMGY/Dayton/Wright Brothers Airport is located east of this parcel. This Airport is located at the southeastern corner of State Route 741 and Austin BLVD.*

13.05(B)(2) Stage 2: PUD Objectives

(a) The Stage 2: PUD Preliminary Site Plan objective is to refine the Stage 1: Concept Plan into a detailed Site Plan. Therefore, the following information shall be specified/clarified in the narrative and on the drawing(s) at the time of approval:

(1) The list of uses permitted within the PUD are defined.

Staff Comments:

- *The continued use of Limousine Service, Private Storage Garage, Expansion of Existing Structure (50%) as approved in Trustee Resolution 5540 comply with the Stage 1 Approval.*
- *Trustee Resolution 5540 identifies the list of permitted uses for the Mixed-Use PUD shall be: All Suburban Residence Zone "SR-1" Permitted Uses. Religious Institutions and Telecommunication Towers. Private Storage Garage. Limousine Service. Warehouse (only for cars, limousines, passenger vehicles, vans, boats and RVs). Ancillary buildings and structures, either temporary or permanent incidental to the permitted use. Any other residential and non-residence permitted above, but not otherwise defined by the Zoning Resolution, as determined by the Clearcreek Township Zoning Inspector.*

(2) The exact locations, types, heights, materials, and designs of such uses are identified.

Staff Comments: The building plans for the expansion of the structure have not been submitted. Preliminary PUD Site Plan Sheet 3 states: "Potential proposed building type, materials, and design will match existing building." See Stage 1 Photos of the existing building elevations. Typically, detailed drawings or a more detailed description is provided so that a condition can be made to address this issue.

- (3) All use-specific standards that apply to the permitted uses are specified and identified in a table which includes: the average, highest, and lowest quantities and a count of each occurrence.

Staff Comments: This is not applicable to Phase 1.

- (4) The maximum density or intensity permitted within the PUD is identified.

Staff Comments: The intensity meets the Stage 1 approval. See Narrative, Stage 2 Preliminary PUD Site Plan Sheets 1-5.

- (5) The amount and exact location of open space/recreation areas are defined.

Staff Comments: See Sections 13.05(B)(1)(4)(c)(5)(iii), 13.05(B)(1)(4)(c)(5)(iv), 13.05(B)(1)(4)(c)(5)(vii), 13.05(B)(1)(4)(c)(5)(viii), 13.05(B)(1)(4)(c)(5)(ix) above.

- (6) The layout of all new street(s), major access drive(s), sidewalks, trails, and any other methods of circulation required or necessary throughout the PUD are identified.

Staff Comments: This is not applicable to Phase 1; no new roads or access drives are proposed with this section.

- (7) All impervious surfaces for non-residential building areas, parking, and truck loading areas with ingress and egress drives are identified.

Staff Comments: See Sections 13.05(B)(1)(4)(c)(5)(ii), 13.05(B)(1)(4)(c)(5)(iv), 13.05(B)(1)(4)(c)(5)(vii), 13.05(B)(1)(4)(c)(5)(viii), 13.05(B)(1)(4)(c)(5)(ix) above.

- (8) The location(s) and a submitted timeline of all of the proposed development's amenities are included. **Note: Amenities part of a phase shall be constructed concurrently with that phase. If the PUD consists of multiple phases to be developed over time, no more than 25% of the total number of lots approved for the PUD as a whole shall be built on before planned amenities and buffers are constructed. This requirement may be modified as stated in SECTION 13.05 (B)2(b), below, depending on the distribution, number, and location of amenities in the PUD as a whole.*

Staff Comments: The timing of the installation of the streetscape buffer hasn't been specified. After the public meeting, perimeter and/or parking lot buffers may be required. See Sections 13.05(B)(1)(4)(c)(5)(iii), 13.05(B)(1)(4)(c)(5)(iv), 13.05(B)(1)(4)(c)(5)(vii), 13.05(B)(1)(4)(c)(5)(viii), 13.05(B)(1)(4)(c)(5)(ix) above.

- (9) The exact location and size of all signage are identified.

Staff Comments: Two (2) freestanding signs have been proposed for the development. See 13.05(B)(1)(4)(c)(5)(xi) above.

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

13.05(B)(3) Stage 2: Conditions for Approval

The following criteria shall be used in the recommendations and decisions made regarding the Stage 2: PUD Preliminary Site Plan. Failure to comply with any of these criteria shall require a PUD modification and shall therefore be subject to the criteria set forth in **SECTION 13.07, PUD Modifications**.

- (a) The PUD Preliminary Site Plan is in accordance with the Zoning Resolution as adopted by the Clearcreek Township Board of Trustees.

The applicant states in the Narrative: “The spirit and intent of the approved MU–PUD resolution is met with the submitted Preliminary Site Plan.”

Staff Comments:

- ***After the Zoning Commission discussion of the request, any items that do not meet the standards outlined in the Clearcreek Township Zoning Resolution should be identified and be part of the approval motion.***

- (b) The PUD Preliminary Site Plan is consistent with the Clearcreek Township Master Land Use Plan.

The applicant states in the Narrative: “Such determination was made at the time the property was rezoned to MU–PUD and the associated Concept Plan. Consistent with that zoning the Applicant self-imposed multiple conditions on the PUD to ensure limited impact on surrounding properties. The property is located as a transition between the adjacent commercial storage facility and the conditional use – church / religious institution. The Phase I of the overall development for which this Application relates to, is all pre-existing and as such the site plan only enhances the overall site to be in conformance with the Zoning Resolution for the pre-existing use.”

Staff Comments:

- *The 2005 Master Land Use Plan predominately focused on guiding residential growth in the Township.*
- *The Zoning Commission rationale for the recommendation to approve the Stage 1 MU-PUD request was: Although the Master Land Use Plan doesn’t support the use to change out of a residential use, the property to the north is commercially zoned and the property to the south is being used as a church. Since the request is located between these two non-residential uses, the Zoning Commission doesn’t consider the request spot zoning. The community has come out to support the request.*

- (c) The intensity proposed for the PUD Preliminary Site plan does not exceed the maximum density allowed for the PUD as a whole.

The applicant states in the Narrative: “The proposed density on the PUD Preliminary Site Plan relates specifically to Phase 1 of the overall development. As discussed during the rezoning Stage 1, the use and intensity and density in relation to this application all tie to the current existing facilities and structures at the property. There is a proposed addition onto the rear east side of the building which is consistent with the Concept Plan. The addition of a small area for signage adjacent to I-75 at the eastern edge of the property does not impact the overall density as permitted by the PUD.”

Staff Comments: This is in compliance, see Section 13.05(B)(1)(4)(c)(5)(i) above.

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

The applicant states in the Narrative: “As discussed during the Stage 1 rezoning application process, this PUD was created so as to allow the existing use of the property

being that of warehousing in relation to a limousine service to remain intact. The Township will recall there was strong community support for the approval of the rezoning and by virtue of the rezoning it was determined that the permitted uses approved therewith would not be detrimental to the Township and surrounding area. Phase 1 of the development, as described throughout this Application, relates specifically to the current as-built phase and the existing structures on the property at the time of rezoning and the addition of a small area adjacent to I-75 for signage. The Preliminary Site Plan provides additional landscaping and other enhancements to the overall site which would further mitigate any impact on surrounding property owners.”

Staff Comments: This streetscape and perimeter buffers need to be further discussed to determine how each function in relation to surrounding parcels. See Sections 13.05(B)(1)(4)(c)(5)(iii), 13.05(B)(1)(4)(c)(5)(vii) and 13.05(B)(1)(4)(c)(5)(ix).

- (e) The internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Warren County Official Thoroughfare Plan. A traffic impact study may be required by the Warren County Engineer's Office, at the applicant's expense. Also, the Clearcreek Township Zoning Commission and Board of Trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate traffic flow between existing parcels and planned PUDs with the Warren County Engineer's Office.

The applicant states in the Narrative: “As noted, the proposed drive within Phase 1 of the development to which this Application relates, is an existing drive for the existing use within Phase 1. Accordingly, it has been established there is compliance and connectivity compliance in relation to regulations tied to the project development and the adjacent public thoroughfare. There are no internal roads other than the existing drive aisle being proposed for this phase of the development.”

Staff Comments: This is not applicable for Phase 1, since no new roads are proposed.

- (f) The arrangement of vehicular access and circulation, including intersections, road widths, channelization structures, and traffic controls are adequately designed for the proposed uses and existing surrounding parcels.

The applicant states in the Narrative: “Phase 1 relates to the existing use of the property in the as-built portion thereof. There is no increased intensity of use and there is no need for integrated roadways to adjacent parcels or within the master parcel tied to future phases. As shown on the attached Preliminary Site Plan, there is vehicular access around all four sides of the existing structure and use of the existing driveway will remain intact in its current form.”

Staff Comments: See Section 13.05(B)(3)(e) above.

- (g) The arrangement, location, appearance, and sufficiency of off-street loading are adequately designed.

The applicant states in the Narrative: “Yes, adequately designed and all activities will take place adjacent to or in immediate vicinity of the existing structure on the property. As discussed above, the intensity of use is very limited as to Phase 1 as the same will consist of vehicles stored at the property and drivers of those vehicles coming to and from the property for purposes of conducting the limousine business. There are no employees that remain on site other than to pick up a commercial vehicle and leave the property upon the

use of that vehicle no longer being needed. In relation to the limousine service, the parking area around the building in addition to the drive aisle are proposed to remain with our current materials and in their current form as there have not been any issues with the same or complaints from the surrounding community, as such use has existed on the property for a period of time prior to this Application. Parking stalls as shown are 9' x 18'."

Staff Comments: See Section 13.05(B)(1)(4)(c)(5)(ii) above.

- (h) The management of storm water, erosion control, and sanitary disposal facilities are adequately designed and avoid flood hazard areas.

The applicant states in the Narrative: "All of these issues that are applicable to the property, have been addressed with either site grading or on site controls. As shown on the site plan there is a significant amount of pervious area and open space within not only Phase 1, but within the overall area of the development. As this Application deals specifically with the as built portion of the site, even with the proposed expansion of the building as shown in the attached drawings, the same does not detrimentally impact open space, previous surface calculations or similar aspects of the overall project. As there is no restroom, office or other type of business operations included within the interior of the building, the building currently does not have sanitary need or facilities."

Staff Comments: Preliminary PUD Site Plan Sheet 3 states "Potential proposed expansion will not require sanitary or water service." At the time of this report, the Warren County Engineer and Warren County Soil and Water Conservation have not reviewed and commented on the plan.

- (i) 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.

The applicant stated in the Narrative: As noted on the attached drawings, the open space calculations for Phase 1 and as included within the rezoning approval are being maintained. As this is a single user of Phase 1, the transfer of management responsibility for those open spaces to a homeowners' association or similar entity is not warranted or applicable.

Staff Comments: Phase 1 has provided more open space than proportionately required. See Section 13.05(B)(1)(4)(c)(5)(iii) above.

- (j) The comments and recommendations received from the Warren County departments, as well as representatives of federal and state agencies, shall be reviewed and adequately addressed.

The applicant states in the Narrative: "The Applicant confirms that upon receipt of any agency review including those of Warren County, the state, or federal agencies, the Applicant will work with Township staff to adequately address the same."

Staff Comments:

- ***Condition 9 of Trustee Resolution 5540 requires that a letter from the Warren County Engineer be submitted as part of the Stage 2 request addressing the need for a traffic impact analysis. The applicant's engineer was in discussion with the Warren County Engineer prior to the submittal. I accepted the application but requested the***

letter be provided for the file as soon as it was received. As of the date of this report, that letter has not been submitted.

- *The Warren County Regional Planning review will be forwarded after the December Executive Committee meeting.*

- (k) Approval of the PUD Preliminary Site 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 Preliminary Site Plan if it is determined that modifications are required to comply with this Resolution.

The applicant states in the Narrative: The Applicant is aware of the provisions and the same will be addressed, if necessary, at the appropriate time.”

Staff Comments: Chapter 1 summarizes the former:

SEC. 1.01 *To provide for the citizens of Clearcreek Township adequate light, pure air and safety from fire and other dangers, to conserve the value of land and buildings, to lessen or avoid congestion of traffic in the public streets and to promote the public health, safety, morals, comforts, conveniences and general welfare, all in accordance with the provision of **Section 519 of the Ohio Revised Code.***

SEC. 1.02 *To protect the character and the stability of the residential, business and industrial areas within Clearcreek Township and to promote the orderly and beneficial development of such areas.*