

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

Report Date: Original Date July 17, 2026. **Updated September 8, 2026.**

Applicant: Richard Evans of Evans CivilPro Engineers, LLC agent for Daniel J. Kahmann Revocable Living Trust

Property Identification: 05-33-200-003, 0 Bunnell Hill Rd

Acreage of Request: 70.9292 acres of the 71.1578 acre parcel

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

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

Attached: Application & Narrative, Metes and Bound Description, Agent Letter, PUD Stage 1 Concept Plan, R-1A Net Density Plan, Warren County Auditor information and aerial, Clearcreek Township Master Land Use Plan Maps: 4, 6, 10, 11, PUD Stage 1 Concept Plan received September 4, 2026.

On September 4, 2026 the applicant submitted an updated PUD Stage 1 Concept Plan. This update added a twenty (20) foot open space buffer along the boundary of the Soraya Farms Subdivision, established a through street by eliminating the cul-de-sacs of Streets A & B. As a result of the modification of the street network, the dwelling count increased to 153 requested lots. The applicant provided minimum width parameters for lots that staff identifies as irregular, the applicant identifies as non conforming.

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:

“The reason for the zoning change application is to provide for this proposed single-family development with a minimum 75’ wide lots and a minimum of 25% Open Space as a transition from the eastern boundary adjacent lots having a minimum width of 65’ & 75’. The Open Space is desired for aesthetics with a tranquil feel while providing functional stormwater management.”

Zoning History:

- *In 1973, the property was classified as Rural Residence Zone “R-1”.*
- *In 2005, the property was rezoned as part of a Clearcreek Township Trustee initiated zone change to Suburban Residence Zone “SR-1” to comply with the update to the Master Land Use Plan.*
- *In 2017, the property was rezoned to Residence Zone “R-1A”.*

Background for the Request:

The parcel is 71.1578 acres in size. The rezoning request size is 70.9292 acres. The .2286 acre parcel that will be transferred to an adjoining parcel, located along the boundary with the Estates of Crown Point Subdivision (northwestern corner).

The applicant is requesting approval of a Residential Planned Unit Development “R-PUD” rezoning request and Concept Plan in order to develop a single family detached subdivision with a lower lot count (153 lots) than could be constructed with the existing zoning classification (158 lots) or

staff calculated based upon zoning classification (187 lots, net density). The plan provides 17.8671 acres (25.19%) of open space for buffers and stormwater management.

The current zoning classification allows for 14,000 sq ft or .3214 acre lots with a Gross Density of 3.11 Du/Ac. The request is for a 10,345 sq. ft. or .2375 acre lot minimum lot size with a Gross Density of 2.16 Du/Ac or a Net Density of 3.52 Du/Ac.

The request is for a minimum lot width of 75', a reduced front yard setback to 25', a reduced side yard setback to 5' per side and a reduced rear yard setback of 25'.

This parcel is bounded by the Glenridge Subdivision and The Estates at Crown Point Subdivision to the west and the Soraya Farms Subdivision to the east. The parcel would be accessed via the current road stub of Belleclaire Hill in the Glenridge Subdivision and the future connection to Lemans BLVD in the Soraya Farms Subdivision.

Adjoining Zoning Classifications and Current Uses:

- North:
 - Suburban Residence Zone "SR-1" (Vacant. 116.97 acres). If developed with sanitary sewer, the zoning classification allows a 2.0 Dwelling Units/Acre (Du/Ac) Gross Density or staff calculated 1.74 Du/Ac Net Density (based upon 15 % ROW).
- East:
 - Soraya Farms Subdivision, Residential Planned Unit Development "R-PUD". The PUD is 172.276 acres in size, 379 units (142 attached, 237 detached), minimum lot size of .2040 acres, a 2.2 Du/Ac Gross Density and 31% open space.
 - Soraya Farms Section Three contains 9.6477 acres, 27 building lots and 1 open space lot. The minimum lot size is .2301 acres. The Section has a 1.90 Du/Ac Gross Density or a 2.98 Du/Ac Net Density.
 - Soraya Farms Section Seven contains 9.6477 acres, 24 building lots. The minimum lot size is .2459 acres. The Section has a 2.49 Du/Ac Gross Density or a 2.72 Du/Ac Net Density.
 - Suburban Residence Zone "SR-1" (Vacant. 19.48 acres). If developed with sanitary sewer, the zoning classification allows a 2.0 Du/Ac Gross Density or staff calculated 1.74 Du/Ac Net Density (based upon 15 % ROW).
- South:
 - Suburban Residence Zone "SR-1" (1 dwelling, 30.85 acres). As currently developed, it has a .03 Du/Ac Gross Density. If developed with sanitary sewer, the zoning classification allows a 2.0 Du/Ac Gross Density or staff calculated 1.74 Du/Ac Net Density (based upon 15 % ROW).
 - Suburban Residence Zone "SR-1" (1 dwelling, 50.03 acres). As currently developed, it has a .02 Du/Ac Gross Density. If developed with sanitary sewer, the zoning classification allows a 2.0 Du/Ac Gross Density or staff calculated 1.74 Du/Ac Net Density (based upon 15 % ROW).
 - Office Planned Unit Development (O-PUD), Springboro Community School District.
- West:
 - Glenridge Subdivision, Residence Zone "R-1A". The zoning classification requires sanitary sewer and allows a 3.11 Du/Ac Gross Density.
 - Glenridge Section 6A contains 6.4230 acres, 7 building lots and 1 open space lot. The minimum lot size is .3759 acres. The Section has a 1.09 Du/Ac Gross Density or a 2.17 Du/Ac Net Density.

- *Glenridge Section 6B contains 9.6671 acres and 20 building lots. The minimum lot size is .3427 acres. The Section has a 2.07 Du/Ac Gross Density or a 2.31 Du/Ac Net Density.*
- *The Estates at Crown Point Section 1, Residence Zone “R-1A”. The zoning classification requires sanitary sewer and allows a 3.11 Du/Ac Gross Density. This Section contains 8.2701 acres and 8 building lots. The minimum lot size is .5181 acres. The Section has a .96 Du/Ac Gross Density or a 1.03 Du/Ac Net Density.*

2005 Master Land Use Plan Information:

- *Map 4: Identifies the property to be in the Montgomery County Sewer Service Area.*
- *Map 6: The property doesn’t front on a collector or arterial 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:**
 - **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).
 - Maintain rural lot size in the Township which contributes to the quality of life for property owners, neighbors as well as drivers, through an establishment or perpetuation of rural icons (homes surrounded by open space, barns, fence rows, vegetation).
 - **Related to the Man-Made Environment:**
GOAL: A pattern of land use capable of serving and meeting the social, economic and environmental needs of the residents of the Township, now and in the future.
OBJECTIVE: Encourage the prudent development of residential areas with housing types and densities to meet the needs of Township residents, ensuring that a healthy, safe and attractive environment is maintained.
 - **POLICIES:**
 - Encourage a logical pattern of residential development in the designated Urban Service Areas that transition from an urban density to a rural density.
 - Place a stronger emphasis on establishing open space/green belt areas, separating developing residential areas from incompatible uses.

REVIEW OF APPLICATION:

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

- (1) Applications for a Zone Change Amendment/PUD Concept Plan shall be submitted, signed by the owner(s) of the PUD or the designated agent, to the Clearcreek Township Zoning Inspector attesting to 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: The information has been submitted, see PUD Stage 1 Concept Plan received September 4, 2026, SR-1 Net Density Plan.

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

Staff Comments: The information has been submitted, see Metes and Bounds Description.

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

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

Staff Comments: The information has been submitted, see PUD Stage 1 Concept Plan received September 4, 2026.

- *The topography ranges from 1006' to 1044'.*

- 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 received September 4, 2026.

- *The applicant desires to establish one hundred fifty-three (153) residential building lots. Since this a PUD there is opportunity to design lots differently than the standard zoning straight zone classification review.*
 - *Due to curvature of the road network or lot design, there is some variation in the lot designs.*
 - *One hundred thirty-seven (137) lots meet the expected standard design of a minimum of seventy-five (75) feet frontage and continuous width.*
 - *Six (6) cul-de-sac lots are proposed with an increased front yard setback to meet the minimum seventy-five (75) feet width at the minimum setback line.*
 - *Lots 65-68 are proposed with a 35' front yard setback.*
 - *Lots 81-82 are proposed with a 42' front yard setback.*
 - *Ten (10) lots fail to maintain a 75' feet minimum continuous width. Staff would consider these lots irregular. The applicant has classified these lots as non conforming lots and provided the following parameters: the lots will have at least seventy-five (75) feet of width at the lot frontage and maintain this minimum width for the first eighty-five (85) feet of lot depth as measured from the front property line.*

- The applicant has identified the following lots meet the former parameters: 55-60, 151-152.
 - Staff would add lots 134 and 136 to this classification.
 - **Declared minimum lot size is .2375 acres or 10,345 sq. ft.**
 - **Lot 134 fails to mee this minimum (.2330 acres)**
 - Staff calculated:
 - 43.4369 acres in residential lots.
 - Minimum lot size: .2338 acres or 10,184.33 sq. ft. (2 lots).
 - Average lot size: .2839 acres or 12,366.68 sq. ft.
 - Median lot size: .2583 acres or 11,251.55 sq. ft.
 - Mode lot size: .2583 acres or 11,251.55 sq. ft. (54 lots).
 - Maximum lot size: .4851 acres.
 - Front yard setback reduction request to 25'.
 - Side yard setback reduction request to 5' per side.
 - Rear yard setback reduction request to 25'.
 - Adjoining Subdivision comparisons:
 - Soraya Farms Subdivision has three (3) detached lot size types:
 - Minimum lot size for the "R-1APUD" is .2040 acres.
 - All detached lots have front yard a setback of 40' and a rear yard setback of 25'.
 - 55'-74' lots have a side yard setback per side of 6'.
 - 75'-84' lots have a side yard setback per side of 7'.
 - 85' and greater lots have a side yard setback per side of 8'.
 - See above for specifics regarding the standards for the adjacent Subdivisions sections.
 - Glenridge Subdivision and the Estates at Crown Point are both zoned Residence Zone "R-1A".
 - The minimum lot size per zoning is .3214 acres.
 - The minimum front yard setback is 35', 10' per side yard setback and a 40' rear yard setback.
 - See above for specifics regarding the standards for the adjacent Subdivision sections.
- 3) The general outlines of the interior roadway system and all existing right-of-way(s) and easement(s), whether public or private with acreage specified.

Staff Comments: This information has been provided, see PUD Stage 1 Concept Plan received September 4, 2026.

- Dedication of new public interior roads & ROW will total 9.6252 acres.
- 4) Delineation of the various land use areas with an indication for each such area of its general extent, size, and composition in terms of use and bulk of structures.

Staff Comments: See number 2 & 3 above and 6 below.

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

Staff Comments: This information has been provided, see PUD Stage 1 Concept Plan received September 4, 2026.

- The request is for a Gross Density of 2.16 Dwelling Units per Acre.
- The request is for a Net Density of 3.52 Dwelling Units per Acre.

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

Staff Comments: This information has been provided, see PUD Stage 1 Concept Plan received September 4, 2026.

- Six (6) open space lots total 17.8671 acres or 25.19 % of the PUD.
- Minimum open space required is 25 % or 17.73 acres.
- The majority of the open space is in the interior of the subdivision. Open space does border the northern, eastern, southern and western boundaries of the subdivision. A twenty (20) foot open space border has been proposed along the common boundary with Soraya Farms.
- Four (4) ponds are proposed within the open space areas.

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

Staff Comments: The only information provided at this time is the installation of ponds.

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

Staff Comments: The information has been submitted, PUD Stage 1 Concept Plan received September 4, 2026.

- No flood plain (100 year or 500 year) exists on the parcel. The Beech Run waterway starts on this property. The property has nearly level (0%-2%) to minimal slope (2%-6%).
 - Br: Brookston silty clay loam. Nearly level. Slope 0%-2%.
 - FhA: Fincastle silt loam. Nearly level. Slope 0%-2%.
 - WyB2: Wynn silt loam. Minimal slope 2% -6%.

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

Staff Comments: This information hasn't been provided.

- 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 received September 4, 2026.

- Sanitary sewer would be from the two sources: Phase 1 (northwestern corner of PUD, area outlined in bold line) would be from the City of Springboro, additional phases from Montgomery County.
- Water service would come from Warren County Water.
- The Warren County Engineer's Office will be part of the review and recommendation for all road connections and improvements.
- See also Master Land Use Plan Maps 4 & 6.

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

Staff Comments:

- The existing Residence Zone "R-1A" zoning classification requires a minimum of a 14,000 sq. ft. or a .3214 acre lot size exclusive of road right-of-way, waterways,

wetlands, one hundred (100) year floodplain, drainage easements, high pressure gas pipeline easements and railroad easements.

- This zoning classification allows a 3.11 Dwelling Units/Acre (Du/Ac) Gross Density or staff calculated 2.64 Du/Ac Net Density (based upon 15 % ROW).
- Just taking into consideration the gross acreage and a projected 15% ROW, staff calculated a maximum of 187 lots were mathematically possible. This calculation doesn't take into consideration geometric and topological constraints that the SR-1 Net Density Plan accounts for to determine a more realistic site specific lot count.
- The applicant has provided a SR-1 Net Density Plan.
 - The plan shows a total of 158 lots.
 - One (1) lot, (proposed lot #153) fails to meet the minimum lot size.
 - Staff calculated the Gross Density to be 2.23 Du/Ac (based upon the 158 lot count).
 - The plan calculates a Net Density of 2.81 Du/Ac.

e) A written report containing the following:

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

The applicant states: "Services available to the community includes Clearcreek Twp fire service, approximately 1.1-mile driving distance from Station 22 ensuring excellent response time. The Springboro Community City School District and the Warren County Career Center provides educational opportunities for the area. Five Points Elementary property abuts the proposed development to the south."

Staff Comments: No additional comments.

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

The applicant states: "The Clearcreek Township Master Plan identifies the area as Suburban Residential."

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: "Common Open Space will be owned and maintained by an HOA."

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

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

The applicant states: “The development is intended to be phased with Phase 1 identified on the Concept Plan. The remaining Phases and timing will be market driven.”

Staff Comments: If the request advances to a Stage 2 PUD application, the phasing details will be further reviewed. Phase 1 (northwestern corner of PUD, area outlined in bold line) is specified to be thirty-one (31) lots. Warren County Regional Planning Commission Subdivision Regulations now requires a second fire apparatus access point once the lot count meets or exceeds thirty (30) lots. Warren County Regional Planning Commission requires a second public access point once the lot count meets or exceeds fifty (50) lots. At the time of the Stage 2 PUD request, the acreage attributed to each phase as well as the installation of all open space and any identified amenities will need to be identified.

13.05(2) STAGE 1: PUD OBJECTIVES:

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

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

The applicant states: “Single-family residential is authorized in the existing zoning and is compatible for the proposed development and various open spaces. The lots and open spaces are shown on the Stage 1 Concept Plan with areas listed.”

Staff Comments: The 2005 Master Land Use Plan identified the site as a Suburban Residential classification. The western boundary has a stub street to the parcel and will serve as the primary access for Phase 1. The stub street from the eastern property has not yet been built to the property line. This access will be part of the last section of the Soraya Farms Subdivision. The proposal lot count is under the yield possible from existing “R-1A” zoning classification.

The request reduces the minimum lot size and width of the lot frontage as well as a reduction to all required zoning setbacks, as compared to the existing zoning requirements.

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

- a) The list of uses permitted within the PUD are specified.
- b) The general location of such uses is specified.
- c) Any use-specific standards that may apply to the permitted uses are included.
- d) The maximum density or intensity is permitted within the PUD.
- e) The amount and general location of open space are identified.

The applicant states: “The use is noted in General Notes Item 4, Single-Family Residential on the Stage 1 Concept Plan. The density permitted is shown in the Site Information on the Stage 1 Concept Plan. Open Space locations are identified as well and the area is noted in the planview and site information.”

*Staff Comments: The PUD Stage 1 Concept Plan received September 4, 2026, illustrates the location of the detached single-family lots, HOA controlled open space lots and ROW. **See staff comments regarding typical lots above.** If the request advances to a Stage 2 application, building materials can be discussed and required through condition at the Stage 2 review. The proposal is for five (5) fewer residential building lots than could be established on the parcel with the existing zoning classification as identified by the applicant. See above for staff’s review of the SR-1 Net Density Plan. The PUD Stage 1 Concept Plan received September 4, 2026, calls for 25.19% or 17.8671 acres of*

open space. The open space is used for some buffering, stormwater management and to build character for the subdivision.

- (b) The Clearcreek Township Zoning Commission and/or Clearcreek Township Board of Trustees shall have the authority to impose special conditions related to the PUD and to approve development standards unique to the PUD as deemed necessary in order to promote the public health, safety, morals, and general welfare of Clearcreek Township.

Staff Comments: If the proposed use(s) are determined to be appropriate for the parcel, conditions that mitigate concerns and/or codify representations by the applicant raised during the public hearing process would be appropriate as part of the motion.

13.05(3) STAGE 1: CONDITIONS FOR APPROVAL:

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

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

The applicant states: “The use is noted in General Notes Item 4, Single-Family Residential on the Stage 1 Concept Plan and is compatible with the Suburban Residential in the Master Plan.”

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

- *Single Family Dwellings that were connected to the sanitary sewer system were anticipated in the 2005 Master Land Use Plan.*
- *The Residence Zone “R-1A” regulations predate the 2005 Master Land Use Plan and provide a lot size that can only occur if connected to the sanitary sewer system. The minimum lot size is .3214 acre lot size or a yield of 3.11 units per acre (gross density).*
- *The proposed PUD lot yield is less than expected in the Residence Zone “R-1A”.*
- *The “R-PUD” regulations require a minimum 25% open space. The proposal meets that minimum.*
- *See Section 13.05(A)(1)(B)(3)(c)(2) above for lot sizes.*
- *The request is for the lot frontage width to be reduced from 80’ to 75’.*
 - *This is a 6.25% reduction in width as compared to the current zoning.*
- *The request is for the front yard setback to be reduced from 35’ to 25’.*
 - *This is a 28.57% reduction as compared to the current zoning.*
 - *The Warren County Subdivision Regulations now require the road right-of-way (ROW) for a curb and gutter street to have fifty (50) feet (previously thirty (30) feet). This additional twenty (20) feet functions as a setback, since it is outside of the paved travel lanes and gutter (drainage) areas. Under the new requirements, a twenty-five (25) feet front yard places the house at the same setback from pavement as the previous ROW requirements with a thirty-five (35) feet setback.*
- *The request is for the side yard setback to be reduced from 10’ to 5’ per yard.*
 - *This is a 50.0% reduction as compared to the current zoning.*
- *The request is for the rear yard setback to be reduced from 40’ to 25’.*
 - *This is a 37.57% reduction as compared to the current zoning.*
- *Along the western property line, there are a mix of proposed lots greater and less than the adjacent zoning minimum lot size.*

- *The homes would be set closer to the rear property line than the adjacent zoning minimum setback.*
- *Along the eastern property line, there are a mix of proposed lots greater than the adjacent PUD minimum lot size.*
 - *A twenty (20) feet open space area has been proposed to separate the rear property boundaries from Soraya Farms and the proposed lots of this subdivision.*
 - *Even though both subdivisions have a twenty-five (25) feet setback, the establishment of this open space area will increase the distances between the rears of the existing and proposed homes.*
- *The following 2005 Master Land Use Plan policies are applicable to the request:*
 - *Continue to serve as a geographical area of rural relief to the sprawl of the surrounding metropolitan areas.*
 - *Seek to encourage residential development types which incorporate preservation of private and public open space (conservation design subdivisions, large lot zoning classifications).*
 - *Encourage a logical pattern of residential development in the designated Urban Service Areas that transition from an urban density to a rural density.*
 - *Place a stronger emphasis on establishing open space/green belt areas, separating developing residential areas from incompatible uses.*

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

The applicant states: “The lots and open spaces are shown on the Stage 1 Concept Plan with areas listed on the individual lots and open spaces as well as in the summary in the Site Information notes on the Plan as well.”

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

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

The applicant states: “The residential use of the PUD is very compatible with the surrounding residential uses. The adjacent zonings are noted on the Stage 1 Concept Plan planview.”

Staff Comments: Please see Section 13.05(3)(a) above. See Adjoining Zoning Classifications and Current Use above.

- (d)** The minimum common open space areas have been designated and designed in accordance with the provisions of this Resolution and shall be conveyed to a legally established homeowner's or property owner's association, commercial management group, or other agency as herein provided;

The applicant states: “The minimum common open space areas have been shown on the planview and in the summary of the Stage 1 Concept Plan. The intent of the HOA owned open space is noted in the Written Report above, Item 3.”

Staff Comments: No additional comments.

- (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.

The applicant states: "This is understood."

Staff Comments: No additional comments.

ZONING INFORMATION FROM CURRENT ZONING CLASSIFICATION:

Zoning Information for Current Zoning Classification:

CHAPTER 7, RESIDENCE ZONE "R-1A" REGULATIONS

SEC. 7.01 The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Residence Zone "R-1A".

SEC. 7.02 Permitted uses: A building or lot shall be used only if connected to a central sewage system that will be, upon the start of operation, turned over to appropriate county department for maintenance and operation:

- A.** Single family dwellings.
- B.** Home occupation as described in **Section 5.752 (B)**.
- C.** 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.
- D.** Publicly owned or operated properties including parks, playgrounds, community centers and fire houses, provided that fire houses shall be subject to the provisions of **Section 5.752 (C)**.
- E.** 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.
- F.** 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.
- G.** Model homes: As described in SEC. 5.752 (H).
- H.** Signage in accordance with Chapter 28.

SEC. 7.021 **CONDITIONAL USES:**

- A.** Telecommunication tower: In those instances where a telecommunication tower is made subject to this resolution pursuant to section 519.211 ORC and as the same may, from time to time, be amended, said telecommunication tower shall be located, erected, constructed, reconstructed, changed, altered, or enlarged in accordance with Section 21.01 (F)(2) & Section 22.05 of the zoning resolution.

SEC. 7.03 Height regulation: No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

SEC. 7.04, PRINCIPAL STRUCTURE, REQUIRED YARDS:

- A.** There shall be a front yard having a depth of not less than thirty-five (35) feet, provided, however, no alignment setback or 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.
- B.** For a lot that has frontage on more than one (1) street the required front yard shall be provided on all streets.
- C.** There shall be a side yard of ten (10) feet on either side.
- D.** 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 (10) feet.

SEC. 7.045 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A.** Front yard shall conform to 7.04 (A) and 7.04 (B).
- B.** Side yard shall conform to 7.04 (C).
- C.** Rear yard shall be a minimum of ten (10) feet.

SEC. 7.05 Intensity of use: Every lot or parcel of land shall have a minimum continuous frontage and width of not less than eighty (80) feet at any point, except on a cul-de-sac, in which case a lot shall have a continuous minimum frontage and width of at least forty (40) feet, a minimum width of eighty (80) feet at the building line and a minimum area of fourteen thousand (14,000) square feet exclusive of any road or street right-of-way as shown in 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.

- A.** The maximum lot depth to width ratio shall be 4:1. This requirement applies to lots less than five acres in size.

SEC. 7.056 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.