

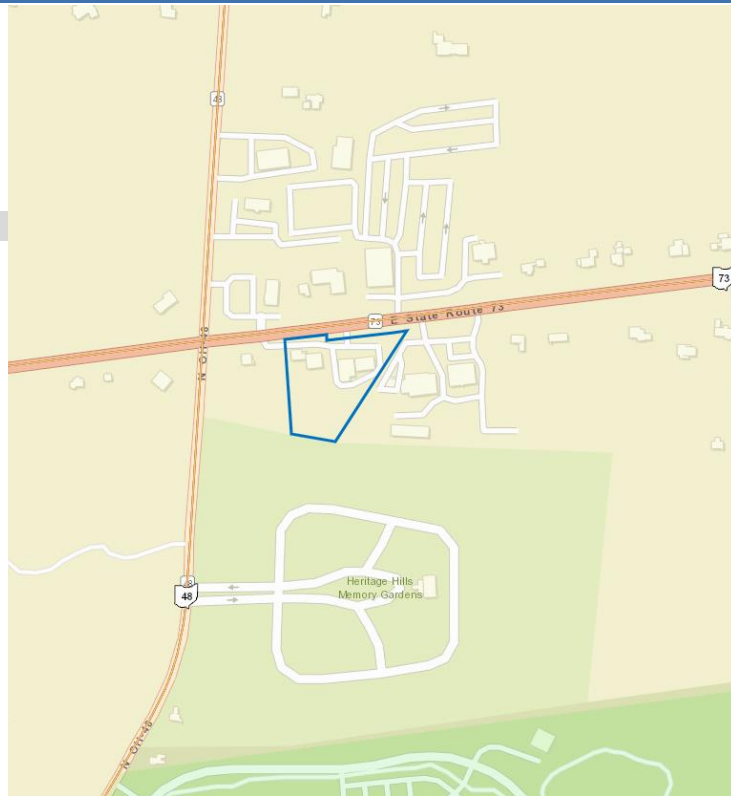


# WARREN COUNTY REGIONAL PLANNING COMMISSION

**MEETING DATE:** March 28, 2024  
**TO:** WCRPC Executive Committee  
**FROM:** Ryan Cook, Senior Planner  
**SUBJECT:** **Brett Scott NR-PUD to B1 Rezoning**

## GENERAL INFORMATION

**Property Owner:** Brett Scott  
**Site Address:** 1555 E Route 73, Waynesville OH 45068  
**Township:** Clearcreek  
**Parcel ID:** 05-25-400-028  
**Total Site Area:** 1.976 acres  
**Current Zoning:** "NR- PUD" Non-Residential Planned Unit Development  
**Proposed Zoning:** "B-1" Neighborhood Business  
**School District:** Springboro  
**Water Service:** Warren County  
**Waste Disposal:** On-Site



## PROPOSAL

The applicant is proposing a zone change from Non-Residential Planned Unit Development "NR-PUD" to a straight Neighborhood Business Zone "B-1". The parcel is 1.976 acres and is located in Clearcreek Township at 1555 E Route 73.

## RECOMMENDATION

Recommend **approval** of the rezoning from Non-Residential Planned Unit Development "NR-PUD" to "B-1" Neighborhood Business zone to the Clearcreek Township Zoning Commission (RZC).

## STAFF ANALYSIS

**SITE HISTORY:** In 2004, the site was rezoned from Neighborhood Business "B-1" to Neighborhood Business Zone PUD "B-1 PUD". That request stopped with Stage 1 PUD approval.

In 2020, the property was rezoned from Neighborhood Business Zone Planned Unit Development "B-1 PUD" to Non-Residential Planned Unit Development "N-R PUD" to allow an additional use list including spirits and distillery. The Neighborhood Business "B-1 list of permitted uses doesn't include the distilling of alcohol that is found in a brewpub General Business "B-2" or alcohol bottler Light Industrial "M-1". (See Exhibit B) That request also stopped with Stage 1 PUD approval.

The site is not currently utilized for a brewpub, distillery, or warehouse/ storage.









**CONSISTENCY WITH THE COMPREHENSIVE PLAN:** The Clearcreek Township Future Land Use Map (FLUM) classifies this site as Commercial. The proposed rezoning to "B-1" is consistent with the FLUM. Furthermore, the proposed zoning would fit the character of the surrounding zoning districts of commercial.

**CURRENT ZONING**



**PROPOSED ZONING**



- |                                                                                                                                         |                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
|  "R-1" Residence Zone                                   |  "B-1" Neighborhood Business Zone                              |
|  "NR-PUD" Non-Residential Zone Planned Unit Development |  "B-1 PUD" Neighborhood Business Zone Planned Unit Development |
|  "R-2" Residence Zone                                   |  "B-2" General Business Zone                                   |
|  "TR-1" Township Residence Zone                         |  "B-2 PUD" General Business Zone Planned Unit Development      |

**PERMITTED USES ZONING COMPARISON:**

Non-Residential PUD "N-R PUD" - Current	Neighborhood Business Zone "B-1" - Proposed
All Neighborhood Business "B-1" Uses	Local Retail or Service Establishment
Brewpub	Sit-Down Restaurant, Fast Food Restaurant, Outdoor Dining
Warehouse/ storage w/ maximum of 7,200 sq. ft.	Automobile Service Station (filling stations), Minor Repair
	Bakery
	Funeral Homes
	Antique Business
	Second Hand Store – Inside Display Only

**SURROUNDING ZONING & USES:**

	Zoning	Use
North	"B-2 PUD" General Business Planned Unit Development	Gas Station, Furniture Store, and Storage Facility
South	"R-1" Residence Zone	Cemetery
East	"B-1" Neighborhood Business	Boot Store
West	"B-1" Neighborhood Business	Uhaul/ Vacant

**ENVIRONMENTAL FEATURES:** The site is relatively flat. There is an existing treeline buffer along the west property line.

**EXISTING CONDITIONS:** According to the Warren County Auditor's property summary, there are 4 total buildings on site. 3 are commercial and 1 is a residential structure that has been converted into a commercial business. There is a smoke and vape shop, Rock Creek Renovation and Painting store, and an automotive repair shop. Adjoining the automotive repair shop appear to be two vacant commercial spaces for lease.

**ACCESS & CIRCULATION:** The site has 347.17 feet of road frontage and has 1 main access point from State Route 73. There is shared cross-access to the property to the west and the east. The eastern cross-access appears to be terminated by railroad ties.

**EXISTING CONDITIONS:**



## RECORD OF RESOLUTIONS

Form 6301

Resolution No. 5222 Passed May 11 2020

**CLEARCREEK TOWNSHIP  
WARREN COUNTY, OHIO**

**A RESOLUTION TO APPROVE/MODIFY/DENY THE STAGE 1 PUD APPLICATION TO AMEND THE ZONING RESOLUTION AND MAP OF 1.976 ACRES, IDENTIFIED AS 1555 E SR 73, PARCEL NUMBER 05-25-400-028, LOCATED IN SECTION 25, TOWN 3, AND RANGE 5, IN CLEARCREEK TOWNSHIP, FROM NEIGHBORHOOD BUSINESS PLANNED UNIT DEVELOPMENT "B-1PUD" TO NON-RESIDENTIAL PLANNED UNIT DEVELOPMENT "NR-PUD," AND DISPENSE WITH THE SECOND READING**

**WHEREAS**, all public hearings, public notices to adjoining property owners, and the recommendation of the Warren County Regional Planning Commission for the Zoning Map amendment have been conducted and made pursuant to the Clearcreek Township Zoning Resolution and Section 519.12 of the Ohio Revised Code; and

**WHEREAS**, on February 5, 2004 via Trustee Resolution 2709, the zoning for the property was changed from Neighborhood Business "B-1" to Neighborhood Business Planned Unit Development "B-1PUD". Since that time, the property owner hasn't continued with the PUD approval process and the property only has a Stage 1 PUD approval. The pre-existing structures have cycled through tenants since that approval.

**WHEREAS**, the agent is asking for the approved use list (Trustee Resolution 2709) to be expanded to include spirits distillery. The Neighborhood Business "B-1" list of permitted uses doesn't include the distilling of alcohol that is found in a brewpub (General Business "B-2") or alcohol bottler (Light Industry "M-1").

**WHEREAS**, on April 6, 2020, the Zoning Commission moved to APPROVE the Neighborhood Business Planned Unit Development "B-1PUD" to Non-Residential Planned Unit Development "NR-PUD" zone change and Stage 1 PUD request utilizing Trustee Resolution 2709 as the basis for conditions and adding the use of a brewpub.

**NOW THEREFORE BE IT RESOLVED** by the Board of Clearcreek Township Trustees that the said application for Non-Residential Planned Unit Development "NR-PUD" for a total of 1.976 acres be

**APPROVED/MODIFIED/DENIED** with the following conditions:

1. Approval of a planned unit development (PUD) overlay shall only mean approval of land uses and shall not include approval of a site plan, as this is a matter for Stages 2 and 3 of the PUD.
2. Mr. Brett Scott shall be designated as the spokesperson for the planned unit development in all dealings with Clearcreek Township regardless of the number of property owners within the project. Mr. Scott may delegate his role as spokesperson to another individual and shall notify the Clearcreek Township Zoning Inspector of such event. In any event, only one (1) spokesperson will be recognized by Clearcreek Township in representing the planned unit development.
3. Final detailed site plan approval shall be in accordance with the procedure set forth in Section 13.07 of the Clearcreek Township Zoning Code.
4. Compliance with all of the Clearcreek Township Trustees conditions and requirements that may be set forth by Resolution granting the PUD overlay

RECORD OF RESOLUTIONS

Form 6301

Resolution No. 5772 Passed MAY 11 2020

- and compliance with Chapter 13 of the Clearcreek Township Zoning Resolution.
- 5. Prior to the approval of the final site plan, the developer shall expand and/or upgrade the water system, water treatment and storage facilities, as determined and approved by the Warren County Sanitary Engineer.
- 6. Prior to the approval of the final site plan, the developer shall provide wastewater disposal facilities necessary to serve the development, as determined by the Ohio Environmental Protection Agency (OEPA)
- 7. All Neighborhood Business B-1 uses as identified in Chapter 9 of the Clearcreek Township Zoning Resolution are permitted.
- 8. A Brewpub is permitted.
- 9. Warehouse/storage is permitted for a maximum of 7,200 square feet.
- 10. Approval of a driveway permit and determination of necessity of road improvements by the Ohio Department of Transportation (ODOT).
- 11. Compliance with the Warren County Subdivision Regulations.

**BE IT FURTHER RESOLVED**, by the Board of Clearcreek Township Trustees upon majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading at the earliest date allowable by law.

Mr. MUTERSPAW moved to adopt the foregoing Resolution. Mr. GABBARD seconded the motion and upon the call of the roll the following vote resulted:

Mr. Wade - YEA  
 Mr. Gabbard - YEA  
 Mr. Muterspaw - NAY

Resolution adopted at a regular public meeting conducted May 11, 2020.

**THE BOARD OF  
CLEARCREEK TOWNSHIP TRUSTEES**

**Law Director Bryan Pacheco  
Approved as to form**

[Signature]

[Signature]

[Signature]  
[Signature]