November 20, 2023

Mr. Jeff Palmer, Director of Planning and Zoning
Clearcreek Township Zoning Commission
7593 Bunnell Hill Road
Springboro, Ohio 45066

Dear Mr. Palmer:

This letter is in regard to the proposed rezoning request for San Juan, LLC in Clearcreek Township.

At its meeting on November 16, 2023, the Warren County Regional Planning Commission (RPC) Executive Committee recommended denial of the rezoning with a vote of 14 aye, 0 nay, 0 abstain.

The staff report is attached.

Please contact this office if you have any questions regarding this recommendation.

Sincerely,

Stan Williams, AICP
Executive Director
MEETING DATE: November 16th, 2023
TO: WCRPC Executive Committee
FROM: Duncan McDonel, Planner I
SUBJECT: San Juan LLC/ Reinke Group Rezoning

GENERAL INFORMATION

Property Owners: San Juan LLC
Site Address: Old State Route 122
Township: Clearcreek
Parcel ID: 0922351013
Total Site Area: 10 acres (5 proposed to be rezoned)
Zoning: OSR-1, Open Space Rural Residential
Proposed Zoning: B-2, General Business
School District: Lebanon
Wastewater: On-site

PROPOSAL

The applicant is requesting to rezone a portion of a parcel (slated to be further subdivided on condition of approval, with access from Utica Road via a currently owned frontage property seen in exhibit B) from OSR-1 to B-2. The purpose of the rezoning is for the applicant to run a 10,000 sq ft or less commercial building that will house a warehouse business. They also intend to build a home, located on the future rear parcel that will remain OSR-1. In addition, the store will receive products 3-4 times a month via semi-truck. 2-3 box trucks will make deliveries serving nearby grocery stores, retailers, and carry-out stores.

RECOMMENDATION

Recommend Denial of the rezoning of the identified portion of the property from OSR-1 to B-2.

Rationale:

1. The Zone Change Request is not consistent with the Clearcreek Township Master Land Use Plan. The site has a future land use designation as Rural Residential. In the 2030 Warren County Future Land Use Plan, the land is designated as Agricultural-Rural Residential. Both designations are incompatible with the proposed use.

2. The proposed zoning is incompatible with the present zoning, nearby uses, and the character of the surrounding area. The surrounding parcels are zoned for R-1 and OSR-1. The proposed B-2 zone, a single parcel district, may be inconsistent with the Clearcreek Township Master Land Use Plan policy to “Avoid strip commercial development and “spot zoning”."

San Juan LLC/ Reinke Group Rezoning 1  November 16th, 2023
3. There are available sites elsewhere in the Township already zoned for the proposed use.

4. Public central sanitary sewer is unavailable and the intensity and uses allowed within the B-2 District may require central sanitary service.

**STAFF ANALYSIS**

**Clearcreek Township Master Plan:**

![Clearcreek Township Master Plan](image1)

**Warren County Future Land Use Plan:**

![Warren County Future Land Use Plan](image2)
Environmental Features

According to OKI, the property is identified as prime farmland and has a small amount of tree canopy. Minimal topographical change has been identified.

Wastewater

The site plan indicates that the property will be served by on-site wastewater treatment and that it has been reviewed by a soil evaluator for suitability for on-site treatment. Before building, the owner must apply for a site review to the health district. The owner must also contact the Warren County Combined Health District, Plumbing Division regarding obtaining necessary permits for their proposed uses.
Warren County Thoroughfare Plan

The Warren County Thoroughfare Plan designates Old State Route 122 as a Secondary Arterial. Old State Route 122 is a two-lane roadway, each travel lane is approximately 12 feet wide; and 60 feet of right-of-way; and the roadway lacks shoulders. The subject site has approximately 253 feet of road frontage along Old State Route 122. The remainder parcel will have access from Utica Road via a frontage lot identified in Exhibit B. If the site were to be rezoned, a traffic impact study may be necessary to determine if improvements are required at the intersection of Utica and Old 122.

<table>
<thead>
<tr>
<th>Uses allowed in OSR-1</th>
<th>Uses allowed in B-2</th>
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</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>All uses allowed in B-1</td>
</tr>
<tr>
<td>Home Occupations</td>
<td>General Automobile Repair</td>
</tr>
<tr>
<td>Community Fire House</td>
<td>Warehouse</td>
</tr>
<tr>
<td>Sale of household goods</td>
<td>Farm Implement and Auto Sales</td>
</tr>
<tr>
<td>Publicly owned parks, playgrounds, and community centers.</td>
<td>Animal Hospital</td>
</tr>
<tr>
<td>Public forests and nature reserves</td>
<td>Vet Clinic</td>
</tr>
<tr>
<td>Private forests and nature reserves</td>
<td>Laundries</td>
</tr>
<tr>
<td>Model homes</td>
<td>Plumbing and Heating</td>
</tr>
<tr>
<td>Accessory buildings for residential use</td>
<td>Printing Shop</td>
</tr>
<tr>
<td>Roadside Farm Market</td>
<td>Lumber Yard and Building Materials</td>
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<tr>
<td></td>
<td>Paint Shop</td>
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<tr>
<td></td>
<td>Bar</td>
</tr>
<tr>
<td></td>
<td>Brewpub</td>
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<tr>
<td><strong>EXHIBIT A: PROPOSAL</strong></td>
<td></td>
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</tbody>
</table>

San Juan LLC purchased the subject 10.0 acre parcel in July 2023 for the purpose of building their home and a small warehouse for operating their family owned business. The owners, Leonardo and Alissa Castaneda, began their business 14 years ago in Kentucky and want to relocate to Clearcreek Township to raise their children. The business structure, planned for 10,000 SF or less, must be located in a "B-2", General Business District, which would be the South half of the 10 acre site that fronts on Old Rte 122. The rear of the property is to remain OR-1, which allows a single family residence. The business distributes packaged food items to area groceries and carry out stores. The products cater to the hispanic community with items such as tortillas, taco shells, corn chips, etc. There will be a small daily staff of about 4 persons, including the owner. They will receive products via 3-4 semi trucks per month and make deliveries from 2-3 box trucks. The home will likely access to Utica Road through a narrow parcel acquired as part of the purchase.
EXHIBIT B: Site Plan

PLAN TO ACCOMPANY REZONING APPLICATION
PARCEL A FROM OSR-1 TO R-2

OWNER: SAN JUAN LLC
CLEARMONT TOWNSHIP
WARRICK COUNTY, INDIANA

UTICA ROAD
(NE 1/4)

SAN JUAN LLC
TRACT II

TRACT I
PARCEL A
5.00 Ac.

TRACT I
PARCEL B
5.00 Ac.

E X H I B I T - B : S i t e P l a n