

# Warren County Regional Planning Commission

WARREN COUNTY ADMINISTRATION BUILDING  
406 JUSTICE DRIVE • LEBANON, OHIO 45036  
TELEPHONE (513) 695-1223

STANLEY C. WILLIAMS, EXECUTIVE DIRECTOR

April 2, 2024

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 Richard Ross in Clearcreek Township.

At its meeting on March 28, 2024, the Warren County Regional Planning Commission (RPC) Executive Committee recommended denial of the rezoning request from "OSR-1" to "MU-PUD" to the Clearcreek Township Zoning Commission due to a lack of information about:

- The number and location of parking spaces
- The proposed size of the wedding venue
- The proposed facilities within the wedding venue, lack of information about septic system and water
- Lack of information about potential of using the property as agricultural so not to be rezoned.

Votes were 13 aye, 0 nay, 1 abstain.

The staff report is attached.

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

Sincerely,

Stan Williams, AICP  
Executive Director



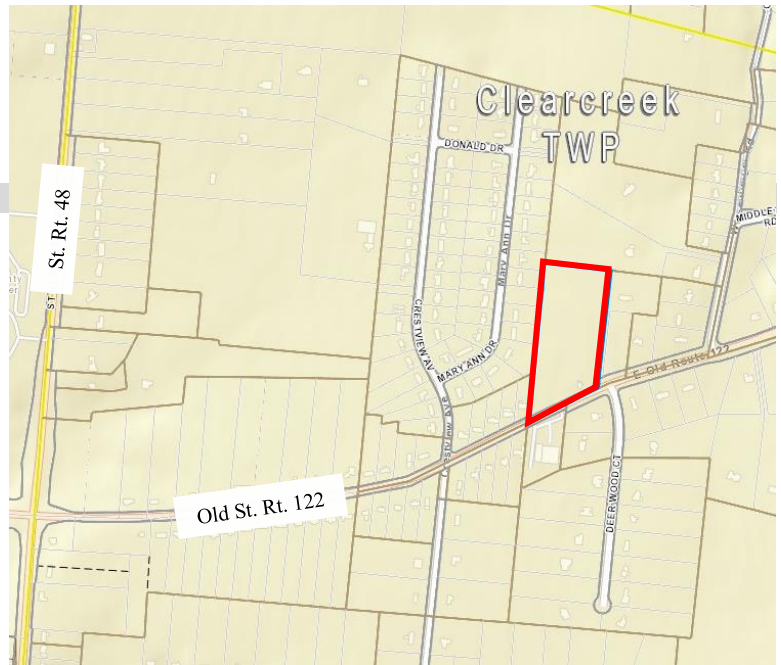


# WARREN COUNTY REGIONAL PLANNING COMMISSION

**MEETING DATE:** March 28, 2024  
**TO:** WCRPC Executive Committee  
**FROM:** Hadil Lababidi, Planner II  
**SUBJECT:** Ross Rezoning Request

## GENERAL INFORMATION

**Property Owner:** Richard Ross  
**Site Address:** 536 E Old Route 122 Road  
**Township:** Clearcreek  
**Parcel ID:** 0933225012  
**Total Site Area:** 7.41 acres  
**Current Zoning:** "OSR-1" Open Space Rural Residence Zone  
**Proposed Zoning:** "MU-PUD" Mixed-Use Zone Planned Unit Development  
**School District:** Lebanon City Schools  
**Wastewater:** On-site



## PROPOSAL

The applicant is proposing a zone change from Open Space Rural Residence Zone "OSR-1" to Mixed-Use Zone Planned Unit Development "MU-PUD". The parcel is 7.41 acres, located in Clearcreek Township at 536 E Old Route 122 Road. The applicant is planning to repurpose the existing barn to be used as a wedding venue/banquet center (see Exhibit A). The applicant proposes the following uses:

- 3.43 acres for residential use.
- 1.88 acres (barn area) will be utilized for the wedding venue and parking area.
- 1.85 acres open space. The open space area will be maintained by a local professional landscaping company.
- 0.25 acres Right-of-Way.
- Days and Hours for Operation: Fridays and Saturdays from 5:00pm-10:00pm.
- One (1) full-time employee will be hired to be "on-call" to assist the clients.

There will be three (3) phases of development:

- Exterior improvements (in the process of restoration currently)
- Interior (upon the approval of the rezoning)
- Landscape/parking improvements.

The 1901 barn, to be used as the Wedding & Event Venue, is in a poor condition according to the Warren County Auditor's Office. The site includes three (3) accessory structures built recently. One accessory structure is currently non-conforming established with a 20' side yard setback instead of 25' for "OSR-1" standards.

## RECOMMENDATION

Recommend **denial** of the rezoning request from OSR-1 to MU-PUD to the Clearcreek Township Zoning Commission (RZC).

However, **if approved**, the following is recommended:

1. All plans and proposals of the applicant shall be made conditions of approval, unless modified by one of the following conditions.
2. Compliance with the Clearcreek Township Zoning Resolution and the Warren County Subdivision Regulations.
3. The applicant submits a detailed site plan illustrating the parking; landscaping and buffers; and lighting requirements at PUD Stage 2.
4. Wedding Venue/Event Center shall be the only permitted use on the non-residential portion of the PUD.
5. Prior to PUD Stage 2, the applicant shall establish PUD standards that take into consideration the setbacks for the existing non-conforming structure.
6. The site's internal circulation is reviewed by the Warren County Engineer's Office prior to the approval of PUD Stage 3. The Ohio Department of Transportation shall determine if a traffic impact analysis is necessary. If a traffic impact analysis is required, it shall be done prior to PUD Stage 3. The additional road right-of-way required shall be dedicated prior to PUD Stage 3 approval.
7. All proposed parking spaces shall be located on the site and on the non-residential portion of the property.
8. The applicant shall provide the exact number of guests and parking spaces that are proposed for the event center.
9. Operation hours of the wedding venue shall be limited to 5:00 pm - 10:00 pm on Fridays and Saturdays.
10. The proposed septic system design receives approval by the Warren County Combined Health District/ Ohio Environmental Protection Agency (OEPA) prior to the approval of PUD Stage 3. If it is determined that the venue will generate more than 1,000 gallons of wastewater per day, the OEPA will have jurisdiction to review the septic system.
11. A stormwater management plan shall be reviewed and approved by the Warren County Engineer's Office prior to PUD Stage 3.

## STAFF ANALYSIS

### Zoning Analysis:

The current zoning of the site is "OSR-1" Open Space Rural Residence zone. In 1973, the property was classified as Rural Residence Zone "R-1", and in 2005, the property was rezoned to Open Space Rural Residence Zone "OSR-1" to comply with the updates to the Master Land Use Plan.

Farm Based Tourism is permitted as a conditional use in the "OSR-1". Farm Based Tourism allows hospitality services such as: retreat center, assembly area, **country weddings**, party receptions if the property is enrolled in the Ohio Current Agricultural Use Value (CAUV) state program administered by the Warren County Auditor's Office. These uses are permitted as accessory use to a farm. The state use code for the site is single-family residential (Warren County Auditor's Office). Therefore, the site does not qualify as a "Farm" as defined by the Clearcreek Township Zoning Resolution, thus, Farm Based Tourism and Country Weddings as an accessory use are not currently permitted on the subject site as zoned.

The applicant requests to rezone the property to "MU-PUD" Mixed-Use Planned Unit Development. MU-PUD zoning allows the applicant to select uses from the Residential Planned Unit Development "R-PUD" and the Non-Residential Planned Unit Development "NR-PUD". NR-PUD includes the following zoning districts: Office "O", Neighborhood Business "B-1", General Business "B-2", Light Industry "M-1", and Heavy Industry "M-2". These zoning districts do not identify "Country Weddings" as a primary land use.

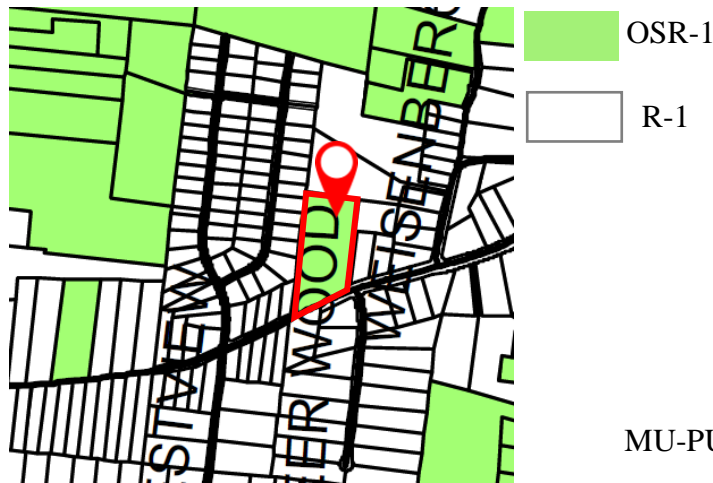
The wedding venue as requested has not been fully defined in terms of the uses, the size, and its function.

Clearcreek Township's Mixed-Use PUD process allows the applicant to combine a residential zoning district with any non-residential zoning district. This allows all the permitted uses in the combined zoning districts. These uses range from residential, commercial, to intensive industrial uses. The applicant did not include a list of prohibited uses in his application.

**“Any use permitted in any zone may be permitted in a PUD provided that the project shall be planned, developed, and operated in accordance with approved development plans...”**

The site has an accessory structure with a pending zoning violation, the structure was established with a 20' side yard setback instead of 25' for “OSR-1” standards (see Exhibit B). All adjacent properties are zoned as “R-1” Residence zone.

**Current Zoning**



**Proposed Zoning**



**Surrounding Zones and Uses:**

Direction	Zoning	Land Use
<b>North</b>	“R-1” Residence	Single Family Dwelling/Agricultural Use
<b>South</b>	“R-1” Residence	Single Family Residential, Church and school (CU)
<b>East</b>	“R-1” Residence	Single Family Dwelling, Vacant land
<b>West</b>	“R-1” Residence	Single Family Dwellings

**Future Land Use:**

The subject site's Future Land Use designation follows:

1. 2005 Clearcreek Township Master Plan: **Rural Residential**
2. 2012 Warren County Comprehensive Plan: Agricultural-Rural Residential.

The subject site is located within Planning Area #6 Central Mixed Belt. This area has “more rolling topography, mixture of large agricultural tracts, rural residential road frontage development and large lot rural subdivisions – roughly 50% built out”. No sanitary sewer present and none anticipated. Agricultural, but changing”.

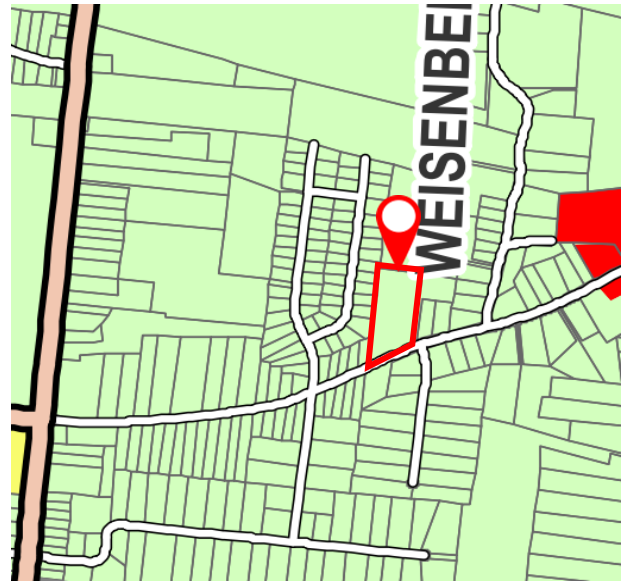
**Clearcreek Township FLUM**



**Clearcreek Township**

- Rural Residential
- Commercial

**Warren County FLUM**



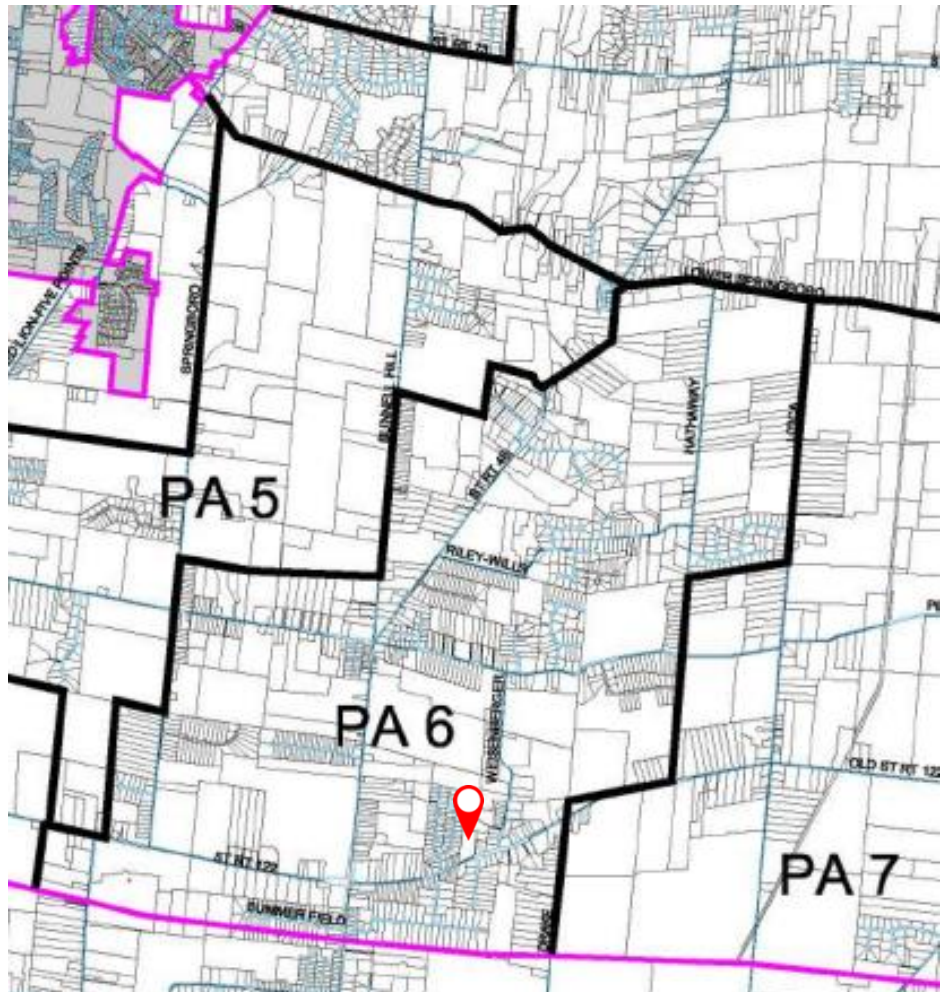
**Warren County**

- Agricultural-Rural Residential
- Commercial

The application submitted could include a mix of residential, commercial, and industrial uses. For this reason, the proposed PUD does not comply with the Clearcreek Township Land Use Plan, which discourages the introduction of industrial uses outside of the defined areas because it would destroy the rural residential character of the Township.

***“All PUDs approved according to this Zoning Resolution shall comply with the Clearcreek Township Master Land Use Plan including compliance with the permitted land use categories, densities, intensities, and other recommendations imposed by the Clearcreek Township Zoning Commission.” and/or Clearcreek Township Board of Trustees.”***

Clearcreek Township Zoning



**Thoroughfare Plan:**

The subject site has approximately 540 feet of road frontage along Old State Route 122. Old State Route 122 is a two-lane undivided roadway. Each travel lane is approximately 10 feet wide, and the roadway lacks shoulders. The Thoroughfare Plan designates Old State Route 122 as a Secondary Arterial. The proposed plan shows 30 feet from the centerline of the right-of-way to the property line.

*“Secondary arterials are similar to primary arterials in function, though they generally carry a lesser through-traffic volume over shorter distances by linking lower functioning thoroughfares, less intense use attractions, and smaller rural communities to higher functioning thoroughfares, larger populated communities, and more intense land uses.”*



**FUNCTIONAL CLASSIFICATIONS**

**Existing**

— Secondary Arterial

EXHIBIT A - SITE PLAN



**EXHIBIT B – CLEARCREEK TOWNSHIP ZONING LETTER**

The first application was submitted by Richard Ross to amend the zoning resolution and map for a total of 7.410 acres. The parcel is identified as 536 E. Old Route 122, parcel number 09-33-225-012, and account 0210412. The request is located in Section 33, Town 4, and Range 4 in Clearcreek Township. The zone change request is from Open Space Rural Residence Zone "OSR-1" to Mixed-Use Planned Unit Development "MU-PUD". The applicant is requesting approval to use the existing barn and the southwest corner of the property for an event center. The remaining acreage of the property will be used residentially. The applicant has a pending zoning violation involving an accessory structure that was established with a 20' instead of a 25' side yard setback (OSR-1 standard). Since the setbacks for the MU-PUD are established during the PUD Stage I process, the second request would be to establish setback requirements taking into consideration the existing structures on the site.

**CLEARCREEK TOWNSHIP GOVERNMENT CENTER**

7593 Bunnell Hill Road, Springboro, Ohio 45066  
(937) 748-1267 FAX (937) 748-3252

**Board of Trustees**  
Ed Wade  
Jason Gabbard  
Steve Muterspaw



**Fiscal Officer**  
Russell Carolus

February 28, 2024

Mr. Stan Williams  
Warren County Regional Planning Commission  
406 Justice Drive  
Lebanon, Ohio 45036

RE: Transmittal of zoning amendment

Dear Mr. Williams:

Herewith for the review and recommendation of the Warren County Regional Planning Commission, find the following requests:

The first application was submitted by Richard Ross to amend the zoning resolution and map for a total of 7.410 acres. The parcel is identified as 536 E. Old Route 122, parcel number 09-33-225-012, and account 0210412. The request is located in Section 33, Town 4, and Range 4 in Clearcreek Township. The zone change request is from Open Space Rural Residence Zone "OSR-1" to Mixed-Use Planned Unit Development "MU-PUD". The applicant is requesting approval to use the existing barn and the southwest corner of the property for an event center. The remaining acreage of the property will be used residentially. The applicant has a pending zoning violation involving an accessory structure that was established with a 20' instead of a 25' side yard setback (OSR-1 standard). Since the setbacks for the MU-PUD are established during the PUD Stage I process, the second request would be to establish setback requirements taking into consideration the existing structures on the site.

The second application was submitted by Brett Scott to amend the zoning resolution and map for a total of 1.9760 acres. The parcel is identified as 1555 E. State Route 73, parcel number 05-25-400-028, and account 0119458. The request is located in Section 25, Town 3, and Range 5 in Clearcreek Township. The zone change request is from Non-Residential Planned Unit Development "NR-PUD" to Neighborhood Business Zone "B-1". In 2004 the property was rezoned from Neighborhood Business Zone "B-1 to Neighborhood Business Zone Planned Unit Development "B-1PUD". The request stopped with Stage I PUD approval. In 2020 the property was rezoned from Neighborhood Business Zone Planned Unit Development "B-1PUD" to Non-Residential Planned Unit Development. The request stopped with Stage I PUD approval.

Please introduce the zone change requests at the March 21<sup>st</sup> meeting of the Executive Committee of the Warren County Regional Planning Commission for review and recommendation.

If you have any questions or desire further information, please feel free to contact me.

Respectfully,

  
Jeff Palmer  
Director of Planning and Zoning  
Clearcreek Township