

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

Date: October 8, 2020

Applicant: Anthony Richards, Anthony Richards Real Estate Holding LLC

Property Identification: 1694 E SR 73

Acreage of Request: 4.40 acres

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

Requested Action: Non-Residential Planned Unit Development “NR-PUD”

Attached: Application, Concept Plan (1 colored, 1 black & white), photos of proposed buildings, Waiver petition for owners of the Clearcreek Acres subdivision to all business use of the property.

It is important to keep in mind that the task before you is to approve, modify or deny a zone change 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.

Agent’s reasons for the application:

“The owners have a desire to turn the existing residential parcel into a non-residential PUD lot (NR-PUD) for the purpose of a storage facility for recreation vehicles with covered shelter units. Included is the supporting documents required with this application.”

Background on the “R-1” to “NR-PUD” request:

1. The applicant is asking for zone change for the purpose of allowing covered storage for recreation vehicles, campers and boats.
2. **During the initial review of the application, a restriction and covenant issue was found that requires a majority of signatures of the parcel owners to agree to a business use for a parcel in the Clearcreek Acres Plat. The applicant has drafted a petition and will be pursuing the securing of signatures and should have an update on progress at the Zoning Commission scheduled hearing.**
3. Master Land Use Plan:
 - a. **This parcel is adjacent to the commercial node of State Route 48 and State Route 73. The parcel was designated to remain in residential use.**
 - b. **OBJECTIVE:** Establish areas of commercial activity, ensuring a convenient, safe and pleasant environment in meeting the retail and business needs of Township residents.
 - c. **POLICIES:**
 - i. Perpetuate rural living by encouraging development only on a neighborhood-oriented basis. Commercial development should be either nestled in the interior of a Planned Unit Development along a collector road or along an arterial road network that has a design suitable for the intensity of use. An access management plan should be imposed.
 - ii. Encourage commercial growth equal to what the market will bear. Over-commercialization should be avoided.
 - iii. Encourage cluster-type development for commercial areas. Establish an overlay for these clusters to further encourage use, scale and materials.
 - iv. Avoid strip commercial development and "spot zoning."
4. Zoning History for Property:
 - a. In 1973 the property was classified as Rural Residence Zone “R-1”.

- b. In 2005 the Rural Residence Zone “R-1” was reclassified as Residence Zone “R-1”.
5. Zoning Classifications for Adjoining Properties:
- a. North of the property the zoning classifications are Residence Zone “R-1” and Township Residence Zone “TR-1”.
 - b. West of the property the zoning classifications are Residence Zone “R-1”, General Business Zone “B-2”, and Mixed-Use Planned Unit Development “MU-PUD”.
 - c. South of the property the zoning classifications are Residence Zone “R-1” and Neighborhood Business Planned Unit Development “B-1PUD”.
 - d. East of the property the zoning classification is Residence Zone “R-1”.

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 aerial.

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

Staff Comments: The information has been submitted, see attached documents.

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 topography plan. The topography ranges from 995’ to 1029’.

2) The general location of building lots and their areas in acres.

Staff Comments: The information has been submitted, see concept plan.

- o *The existing single family dwelling (1,340 sq. ft.) is proposed to be re-purposed for an office.*
- o *The existing garage and breezeway are proposed to be demolished.*
- o *Storage Unit 1: 6,720 sq. ft. in size, is divided into 14 units.*
- o *Storage Unit 2: 6,720 sq. ft. in size, is divided into 14 units.*
- o *Storage Unit 3: 6,720 sq. ft. in size, is divided into 14 units.*
- o *Storage Unit 4: 5,400 sq. ft. in size, is divided into 9 units.*

- *Storage Unit 5: 7,020 sq. ft. in size, is divided into 13 units.*
 - *Storage Unit 6: 6,240 sq. ft. in size, is divided into 13 units.*
 - *Storage Unit 7: 6,240 sq. ft. in size, is divided into 13 units.*
 - *Storage Unit 8: 6,240 sq. ft. in size, is divided into 13 units.*
 - *The storage unit structures are proposed to be a grand total of 51,300 sq. ft. (1.18 acres), comprised of 103 individual units.*
- 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: The information has been submitted, see concept plan.

- *The plan shows a widened asphalt driveway entrance that is 3,642 sq. ft. (.08 acres) in size.*
 - *The plan shows the internal access to and around the storage units to be gravel.*
- 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: With the exception of proposed building information and impervious percentages, other land use information has not been provided in a table or note. The applicant has specified a 15' side yard setback against 7670 SR 48 instead of a 25' side yard setback which is required when non-residential properties border residential properties (location of Storage Unit 5).

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

Staff Comments: This property is proposed to be non-residential, thus a residential net density is not required.

The floor area ratio is .27 (52,640 sq. ft. (total floor area for site) /191,664 (lot area in sq. ft.)

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

Staff Comments: The information has not been identified by note/description on the concept plan.

- ***The minimum acreage requirement per Section 13.09 of the Clearcreek Township Zoning Resolution is 47,916 sq. ft. (1.10 acres) of open space.***
 - ***Since a table or note has not been provided, staff calculated the specified side and rear yard setbacks as a starting point for the discussion of open space. Staff finds that a minimum of 40,745.25 sq. ft. (.93 acres) is proposed in these areas. The area in front yard setback, behind the office as well as the future detention pond were not able to be calculated.***
- 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 proposal doesn't identify any amenity structures.

- 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, see concept plan.

Soil type has been identified as Russell-Miamian (RvB2). Area is identified as Zone X, this is outside of floodplain.

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

Staff Comments: This isn't applicable.

10) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal shall be indicated.

Staff Comments: The information has been submitted, see application. Staff has copied that document to the space below.

Agent states:

“ Anthony Richards Real Estate Holdings, LLC is seeking to transform the existing parcel at address 1694 State Route 73 in Clearcreek Township of Warren County Ohio from a residential zoned lot to a non-residential PUD lot (NR-PUD). The developer's land use regulations will be followed coming from the Clearcreek Township Zoning Department. The change desired will produce a lot for covered storage for recreational vehicles, campers, and boats. This should help to bring economic growth to this area by customers utilizing the storage facility surrounding businesses will be used such as stores, gas stations and restaurants. Clearcreek Township could even draw the customers to want to relocate to this area once they have experienced the appeal of its beauty and accommodations.

The site will be transformed by utilizing the existing house and converting it into nice office space. The detached garage will be demolished allowing the access driveway to be widened to accommodate the size of the recreational vehicles coming in and out of the facility. A twenty five-foot buffer on the East side of the property will be provided with Nigra' arborvitae, an upright, cone shaped, narrow evergreen with flattened sprays of dense, deep green foliage and good winter color. It is a hardy, relatively low maintenance plant and takes pruning well. It makes an excellent vertical accent, wind or privacy screen, natural fence or hedge. A cultivar of our native North American arborvitae, 'Nigra' grows slowly to 20'- 30' high with a spread of 4'-10 wide. The main driveway and from front to back will be maintained with gravel but 8 inches of concrete will be poured under both phases of the storage units to support the recreational vehicles. Pictures have been provided to show the basic look of the storage units that are typically built for the storage of the recreational vehicles. The typical height of these storage units are fourteen feet high.

Sanitary Sewer

This proposed Lot 16 does not have availability to public sewers now or 20 years into the future. It must rely on the existing on-site treatment system to treat the wastewater for this lot. Not much additional flow is anticipated since it will convert from a single-family residence to an office building. The outside storage units will not have bathrooms not adding any additional wastewater flow to the lot. The existing system will be utilized to keep functioning properly.

Water

Public water is currently available to this lot and is not a factor or constraint for development. The existing water service will be enough to supply ample supply of water for the development.

Parks and Recreation

Very close proximity to this lot is availability to the two parks just south of SR 73 on SR 48. The first being Patricia Allyn Park with approximately 100 acres to experience the

nature trails and soccer fields. The second park is Hoffman Reserve comprising 97 acres and can be enjoyed left in its natural state.

Fire Protection

Fire Protection is nearby to this lot 16, the closest being an outlying station on Lytle Five Points Road & the second on S.R. 741, the main station. According to map 5 of the Clearcreek Township Master Plan a future fire station could be built when funding becomes available at the intersection of S.R. 73 and S.R. 48. This would really improve the response time with this location being in our proposed developments back door.

Police Protection

The customers assets would be a priority for this development at the proposed Lot 16. Clearcreek Township maintains its own police department. The department has ample staff comprised of full time and part time employees. The department maintains a fleet of 8 cruisers operating out of the Township Government Center.

Roads & Transportation

This proposed development will depend on large and well-maintained roads to transport the recreational vehicles in and out of the development. Fortunately, this site has two major arteries that connect to I-75 and S.R. 63 which are S.R. 73 and 48. Both of these roads are main artery roads funded and maintained by the State of Ohio.

Schools

This proposed Lot 16 has availability to attend the Springboro Community School as its primary district. For the development that is being proposed this site will not need to utilize the public school system being a business with no children.

Stormwater

It is anticipated that by adding the storage units with roofs and a concrete floor that additional storm water will be dispersed onto the property. Upon performing mathematical calculations, if the maximum amount is exceeded a detention pond can be built at the Southeast portion of the property and piped into the front drainage ditch of the lot. (See conceptual site plan map) If a detention pond is required it shall be maintained to prevent any nuisance issues.

The open space areas will be maintained by keeping the lot clean of trash and debris and replacing the *Nigra arborvitae* plants if one dies and turns brown. If a storm would happen to come through and damage the plants the foliage would be picked up and disposed of properly.

Initially two storage units will be built for phase one. As the facility grows and maximum capacities are achieved phase two will be implemented but the time frame for phase two can not be determined at this time not knowing growth projections.

A curb appeal sign meeting the zoning codes will be placed in the front out of the right of way and on the private property of the proposed non-residential lot.

An aesthetically pleasing site for the transformation of this lot is a desired goal for the owner and the community. The desire is to work with the public, and the township to obtain a PUD zoning change for this Lot 16.

*Pictures taken from the website of an existing RV storage facility named Kingspoint RV Storage Facility at 558 Grandin Road Mainville, Ohio 45039.”

- 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: Not required because uses are non-residential.

- 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.

Staff Comments: See 3(c)10 above.

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

Staff Comments: See 3(c)10 above.

- 3) A general statement how the common open space shall be owned and permanently maintained.

Staff Comments: Open space maintenance is generally discussed in See 3(c)10 above. Additional information is needed regarding 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.

Staff Comments: The applicant has proposed to develop the site in two phases, however the timing of phase two is unknown, See 3(c)10 above.

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**

Staff Comments: The 2005 Master Land Use Plan identified the site with a Residential classification. The parcel is adjacent to the commercial node of SR 48 & SR 73 but wasn't included in the commercial node.

- (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.

Staff Comments: The applicant is requesting a change of use to allow a storage facility for recreation vehicles with covered shelter units.

- b) The general location of such uses is specified.

Staff Comments: The general location information has been provided, but acreage or square footage calculations have not been provided for all uses.

- c) Any use-specific standards that may apply to the permitted uses are included.

Staff Comments: The applicant has specified a 15' side yard setback against 7670 SR 48 instead of a 25' side yard setback which is required when non-residential properties border residential properties (location of Storage Unit 5).

The conceptual perimeter buffer landscaping along the western and eastern boundaries are less than what is required by Chapter 17 of the Clearcreek Township Zoning Resolution. The northern perimeter buffer and the southern streetscape buffer have not been specified at this time. Compliance with buffer and screening requirements is typically a Stage 2 PUD review. Staff is commenting because some but not all areas that will require buffering have been represented in this Stage 1 plan.

d) The maximum density or intensity is permitted within the PUD.

Staff Comments: The applicant is requesting a more intensive permitted use for the property. If this were a straight zoning classification, it would be found in the General Business Zone "B-2". Typically zoning classifications step down in intensity as properties are further from the core of the commercial node. The request is a PUD instead of straight zone request, thus if after public discussion the use is determined to be appropriate, conditions can be applied to the PUD to address issues with the adjoining properties.

e) The amount and general location of open space are identified.

Staff Comments: The applicant has not specified the size and locations of the required open space. A minimum of 47,916 sq. ft. (1.10 acres) of open space is required for the site.

(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: The Zoning Commission and Trustees have not yet heard the request, but have the ability to add conditions if the use is thought to be desirable for the area but restrictions are necessary.

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;
- (b) The intensity proposed for the PUD does not exceed the maximum density or lot coverage allowed for the PUD as a whole;
- (c) The use(s) proposed will not be detrimental to existing and potential future surrounding uses and will harmoniously relate to the surrounding area;
- (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;
- (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.