

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

Date: Original report: June 10, 2020. Updated report: November 12, 2020

Applicant: 05-20-100-001 Adam Sweeney agent for Design Homes/Clark Ventures LLC and 05-20-100-005 Clark Farm Enterprises.

Property Identification: 05-20-100-001 (100 acres) and 05-20-100-005 (70.944 acres)

Acreage of Request: 170.944 acres by Warren County Auditor Website

170.60 acres by the submitted drawings

172.61 acres by attached legal description

Current Zoning of Requested Area: Suburban Residence "SR-1" (100 acres)

Township Residence "TR-1" (70.944 acres)

Requested Action: Residential Planned Unit Development "R-PUD"

Attached: Application, Legal Description, Applicant's Report, Agent Letter, Silver Mill Net Density Plan, Request to Delay Submittal, Agent Letter, Soil Type Exhibit, Silver Mill PUD Concept Plan, and Colored Silver Mill PUD Concept Plan. November 4 update letter, November 4 updated Silver Mill PUD Concept Plan, November 4 updated Silver Mill Colored Concept Plan, November 4 updated right-of-way letter.

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:

"Zoning change to bring a residential product that offers different option for all markets with a private feeling neighborhood."

On November 4, 2020, the applicant provide an update letter, updated Silver Mill PUD Concept Plan, updated colored Silver Mill PUD Concept Plan and an updated right-of-way letter.

The applicant states: "

1. Plan Development: We reduced the number of units from 419 to 337. This brings us under 2 dwelling units per acre. The revised plan has about 65 acres of open space (38%). The revised plan conserves the tree stand on the western side of the project and will incorporate a hiker path throughout the development.
2. Traffic: The Turn Lane Analysis required by the County is complete. No further improvements to Lytle-Five Points Road will be required.
3. Schools: We compared this project with Soraya Farms. It has the same developer, the same builder, similar lot sizes, the same homes, and is located in close proximity to Silver Mill. The buyer profile is older with fewer children than many developments. In Soraya Farms there are 136 single family homes with 31 school aged children. The lifestyle product in Soraya has 96 units and one school aged child. In addition, the 70 acre eastern parcel is in the Waynesville School District as opposed to Soraya Farms, which in all in the Springboro School District.
4. Drainage: We will comply with Warren County Subdivision Regulations and with the water quality requirements of the Warren County Soil and Erosion Department and the OEPA. These regulations require that the peak stormwater discharge of any watershed on the site will be equal or lower than the existing flows. We will utilize four basins to control the storm water discharge.

5. Infrastructure: We have coordinated with Montgomery County Environmental Services (Sanitary Department) and there is capacity in the receiving sewer system for this project. We coordinated with the Warren County Water Department to conduct flow tests on the water main on Lytle Five Points and there is adequate flow and pressure for this development.”

Staff Comments: The applicant has not submitted any supporting documentation referenced in their updated letter.

Background on the “SR-1” & “TR-1” to “R-PUD” request:

1. This application was originally submitted in April. When I started my staff report, I found that the 100 acre parcel was controlled by Clark Ventures (Design Homes) and the 70 acre parcel was controlled by Clark Farm Enterprises. I spoke with Design Homes regarding the need for an updated agent letter or a second signature on the application. On April 17, 2020 Design Homes requested 60 days to meet that request. On April 23, 2020 I requested that the application be withdrawn from the Warren County Regional Planning Commission review process. On June 4, 2020 I received a letter from Clark Farm Enterprises, designating Design Homes as their agent. On June 4, 2020, the application was once again submitted to the Warren County Regional Planning Commission for review and recommendation. On July 6, 2020 The Zoning Commission held a public hearing for the Stage 1 PUD. **The request was tabled to September 14, 2020, in order to provide the applicant with time to redesign the concept plan while addressing the following concerns (at least in an updated narrative): character, density, sewer capacity, pressure of water supply, drainage, traffic impact. On September 14, 2020 per the applicant’s request, the hearing was tabled to December 7, 2020.**
2. In the Suburban Residence Zone “SR-1”, the minimum lot size is .50 acre with a sanitary sewer connection. The minimum lot size is 1.0 acres with on-site wastewater disposal. Minimum lot width is 100’.
3. In the Township Residence Zone “TR-1”, the minimum lot size is 1.5 acres with on-site wastewater disposal. No reduction in lot size is given for a sanitary connection. Minimum lot width is 120’.
4. The applicant's updated request is for 337 total dwelling units: 113 single family detached lots and 224 multi-family units.
5. The updated request is for 64.7 acres of open space or 38%.
 - On the updated Silver Mill PUD Concept Plan, staff found that the text didn't match the drawing.
 - The open space is labeled Open Space A through Open Space H and totals 64.8 acres.
 - **Open Space B & Open Space F were not found on the updated Silver Mill PUD Concept Plan.**
6. The updated request is for 13.1 acres of road right-of-way: 11.9 acres of public road right-of-way and 1.2 acres of private right-of-way.
7. **The request is for a gross density of 1.97 dwelling units per acre (337 dwelling units).**
8. **Staff calculated based upon the drawing, a net density of 3.63 dwelling unit per acre (337 dwelling units).**
9. Master Land Use Plan:
 - The Suburban Residence Zone “SR-1” section of this request is split between Planning Area #1 and Planning Area #2.
 - The Township Residence Zone “TR-1” section of this request is in Planning Area #1
 - i. 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.

ii. Planning Area #2 - Middle Belt Combined existing development or committed developments represent more than 75% of this area, with medium density (1- 3 acre lots) using onsite treatment systems.

- Based upon the recent 2017 zone change and the 2005 Master Land Use Plan, the uses are anticipated to be Suburban Residential.
- 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.

10. Zoning History for the Properties:

- In 1973 the properties were classified as Rural Residence Zone “R-1”.
- In 2005, the properties were rezoned to Township Residence Zone “TR-1” to comply with update to the Master Land Use Plan.
- In 2017, parcel 05-20-100-001 was involved in a zone change request. The request was to change from Township Residence Zone “TR-1” to a split zone of Residence Zone “R-1A” and Suburban Residence “SR-1”. The Trustees modified the request to rezone the entire parcel to Suburban Residence Zone “SR-1”.

11. Zoning Classifications for Adjoining Properties:

- North of the properties there are several zoning classifications: Residence Zone “R-1”, Suburban Residence Zone “SR-1” and Residence Zone with a Planned Unit Development “R-1APUD”.
- East of the properties there are several zoning classifications: Suburban Residence Zone “SR-1” and Township Residence Zone “TR-1”.
- South of the properties there are several zoning classifications: Residence Zone “R-1” and Township Residence Zone “TR-1”.
- West of the properties there are several zoning classifications: Residence Zone “R-1” and Township Residence Zone “TR-1”.

12. Zoning Classifications for Adjoining Properties:

- Parcel 05-20-100-001 has gone through the concept plan and preliminary plat process at the Warren County Regional Planning Commission to be subdivided into the Copper Mill subdivision. This property is zoned Suburban Residence Zone “SR-1”. The preliminary plan identified 116 single family dwelling lots, 5.4395 acres of open space and 15.5069 acres of street right-of-way. The density for the Copper Mill subdivision is 1.14 gross dwelling units per acre or 1.44 net dwelling units per acre.

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: This information has been submitted.

(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 updated Silver Mills PUD Concept Plan shows adjacent property owners. **The existing uses have not been specified.***
- 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:

a.i.1.1) The existing type of topographical features of the site.

Staff Comments: The information has been submitted, see Silver Mill PUD Concept Plan. The topography ranges from 1014' to 1050'.

a.i.1.2) The general location of building lots and their areas in acres.

*Staff Comments: The information has been submitted, see Updated Silver Mill PUD Concept Plan. **The request is for 113 single family detached lots and 224 multi-family units.***

a. The concept drawing identifies three types of single family detached lots:

▪ **90' width lot:**

- **Minimum lot size represented to be .31 acre.**
- **Staff found the updated lot sizes to range from .31 acre to .55 acre.**
 - **.31 acre -.4 acre (17 lots).**
 - **.41 acre -.55 acre (5 lots).**
- **Applicant proposed 22 lots.**

▪ **65' width lot:**

- **Minimum lot size represented to be .22 acre.**
- **Staff found the updated lot sizes to range from: .22 acre to .53 acre.**
 - **.22 acre (7 lots).**
 - **.23 acre - .30 acre (46 lots).**
 - **.31 acre - .53 acre (28 lots).**
- **Applicant proposed 81 lots.**

▪ **Over 100' width estate lot:**

- **Minimum lot size represented to be 2 acres.**
- **Staff found the updated lot sizes to range from 2 acres to 3.9 acres.**
 - **2 acre -3 acres (6 lots)**
 - **3.1 acres -3.9 acres (4 lots)**
- **Proposed 10 lots**

b. The updated Silver Mill PUD Concept Plan identifies the multi-family units to be in a quad configuration:

▪ **Condominium style units:**

- **The updated Silver Mill PUD Concept Plan identifies 56 quad structures which calculates into 224 units.**

a.i.1.3) 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 submitted, see updated Silver Mill PUD Concept Plan. The single family dwellings and the main access road for the multi-family dwellings will be publicly dedicated and maintained. The one interior street of the multi-family area will be privately maintained.

a.i.1.4) 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: The updated submitted drawing identifies the location and individual acreage for single family lots, the location of multi-family units, total acreage for open space and total acreage for road right-of-way.

a.i.1.5) A calculation of residential net density and/or net floor area ratio.
Staff Comments: This information has been submitted, see Net Density Plan.

Section 13.03(A) identifies an abatement of 10% of the net density (plan). Since the R-PUD process is no longer tied to an underlying zoning classification, the zoning at the time of the R-PUD request is the only density reference from which to abate. During the pre-application meeting, staff has been asked if an applicant should apply for a straight zoning classification change from the current to a more dense classification and then start the PUD process. Though a valid option, it appeared to me to be more process than necessary. Staff has coached the applicant to turn in a concept plan request that could be achieved and if the design and concept were thought to be appropriate by the Zoning Commission and Trustees then, the density issue could be addressed as a condition of approval.

The applicant provided a net density plan that was designed on the assumption that both parcels are currently zoned Suburban Residence Zone “SR-1”.

The submission identifies:

- *Total acreage of 170.6 acres.*
- *269 single family dwelling lots on 144.7 acres.*
- *A minimum lot size of .538 acre.*
- *Staff calculates the net density to be 1.86 dwelling units per acre.*
- *A gross density of 1.58 dwelling units per acre.*

Staff calculated:

The Suburban Residence Zone “SR-1” property:

- *Total acreage of 100 acres.*
- *Applicant submitted 156 lots on 87.93 acres.*
- *A minimum lot size of .538 acre.*
- *A net density for this property to be 1.77 dwelling units per acre.*
- *A gross density for this property to be 1.56 dwelling units per acre.*

The Township Residence Zone “TR-1” property:

- *Total acreage of 70.62 acres.*
- *Staff calculated 47 lots on 60.01 acres.*
- *A minimum lot size of 1.5 acres.*
- *A net density for this property to be .78 dwelling units per acre.*
- *A gross density for this property to be .67 dwelling units per acre.*

Combined “SR-1” and “TR-1” net density:

- *Total acreage of 170.62 acres.*
- *Staff calculated 203 lots on 147.94 acres.*
- *A minimum lot size for “SR-1” to be .5 acre and for “TR-1” to be 1.5 acres.*
- *A net density for the combined classifications to be 1.37 dwelling units per acre.*
- *A gross density for the combined classifications to be 1.19 dwellings units per acre.*

Section 13.03(A) identifies an abatement of 10% of the net density (plan).

- **The applicant's submission showed a net density of 1.86 dwelling units per acre (269 lots). If the 10% were applied, that would increase the net density to 2.05 dwelling units per acre (296 lots).**
- **Staff's combined "SR-1" and "TR-1" yielded a net density of 1.37 dwelling units per acre (203 lots). If the 10% were applied, that would increase the net density to 1.51 dwelling units per acre (223 lots).**
- **The applicant's updated Silver Mill PUD Concept Plan submission showed a net density of 3.63 dwelling units per acre (337 lots). This a 195.16% increase in net density above the applicant's net density plan and a 264.96% increase in net density above staff's combined calculation of net density.**

a.i.1.6) The interior common open space system with acreage specified.

Staff Comments: This information has been submitted, see updated Silver Mill PUD Concept Plan.

- *Open space is identified to be 64.7 acres (38%).*
- **Staff calculated the open space to be 64.8 acres (38%).**
- *The minimum acreage requirement per Section 13.09 of the Clearcreek Township Zoning Resolution is 42.65 acres (25% of gross acreage) of open space.*
- **Open space A:**
 - *Buffer to external adjoining properties along western property line and Lytle Five Points:*
 - *10.7 acres in size.*
 - *Minimum width between adjacent property line and single family lot is scaled to be 50'.*
 - *Hiker/Biker Trail.*
- **Open space B:**
 - **Staff was unable to identify the size and location of this open space.**
- **Open space C:**
 - *Buffer to external adjoining properties and Lytle Five Points:*
 - *14.9 acres in size.*
 - *Minimum width between adjacent property line and multi-family unit is scaled to be 100'.*
 - *Hiker/Biker Trail.*
 - *Two retention ponds are identified on the drawing.*
- **Open space D:**
 - *Buffer to external adjoining properties along eastern property line and Lytle Five Points:*
 - *9.2 acres.*
 - *Minimum width between adjacent property line and multi-family unit is scaled to be 50'.*
 - *Hiker/Biker Trail.*
- **Open space E:**
 - *Interior open space to the multi-family units:*
 - *5.3 acres.*
- **Open space F:**
 - **Staff was unable to identify the size and location of this open space.**

- *Open space G:*
 - *Buffer to external adjoining properties along eastern and southern property line:*
 - 23.6 acres
 - *Minimum width between adjacent property line and multi-family unit is scaled to be 150'.*
 - *Hiker/Biker Trail.*
 - *A detention pond is identified on the drawing. A detention pond doesn't count toward minimum required open space.*
- *Open space H:*
 - *Buffer to external adjoining properties along western and southern property line:*
 - 1.1 acres
 - *A detention pond is identified on the drawing. A detention pond doesn't count toward minimum required open space.*

a.i.1.7) 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: *At this stage, the only amenity identified is a hiker trail. The size and materials haven't been identified. Amenity details are addressed in a Stage 2 application.*

a.i.1.8) 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: *Flood plain information has not been provided. The soil map has been submitted.*

a.i.1.9) Where areas lie in any aircraft approach and holding patterns, these areas shall be indicated.

Staff Comments: *This information hasn't been provided.*

a.i.1.10) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal shall be indicated.

Staff Comments: *This information hasn't been provided.*

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.

Staff Comments: *This has been provided, see Silver Mill Net Density Plan and information above.*

e) A written report containing the following: *(Original Submittal)*

a.i.1.1) 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: "Design Homes and Development is proposing the zoning change for the 172.61-acre tract on Lytle Five Points Road as detailed in the submitted legal description. The development will bring a mixture of residential product to the area similar to the product at Soraya Farms in Clearcreek Township on State Route 48. The impact the proposed development will have on the community and area will be comparable to that of Soraya Farms. The proposed development has two school district, Springboro and Waynesville, within the property. The approximate 100 acres of the west lies within the Springboro School District and the 70 acres of the east lies within the Waynesville School District. The target customer for the proposed development are essentially "empty nesters" and would not be adding to the school census for the districts. Since this development will have a residential product comparable to Soraya Farms, this is demonstrated by Soraya Farms having very minimal impact on Springboro Schools census. The proposed development will have the impact on Fire Protection and Emergency services that is typical with residential development yet not to over strain the community's emergency services."

a.i.1.2) Evidence how the developer's proposed land use(s) meet existing and projected community requirements.

The applicant states: "To meet the existing and projected community requirements, we present the current community, Soraya Farms, as evidence on how well the PUD requirements work for the residents and target customers. Design Homes and Development has continued to work within the PUD requirements while completing the development and construction of Soraya Farms, thus furthering the evidence of how the developer meets existing and projected requirements. In addressing traffic concerns, with the target customer being above middle-age, traffic will not be greatly impacted by the new development."

a.i.1.3) A general statement how the common open space shall be owned and permanently maintained.

The applicant states: "The common open space shall be owned and temporarily maintained by the developer during the construction period until all performance and maintenance bonds are released. Which at that point, the common space will be deeded to the proposed community HOA for permanent ownership and maintenance."

Staff Comments: *At this time, it is unclear if and how the open space will be divided for maintenance between the single family lots and the multi-family units.*

a.i.1.4) 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 proposed development will be constructed in phases similar to how Soraya Farms was developed. Phasing of the proposed plan has yet to be determined but will be based on economic viability. Design Homes and Development truly believes the proposed development will be a benefit to the community by the evidence and examples presented and outlined above. As a developer and home builder, we strive to continue contributing to the community of Clearcreek Township and its residents."

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 in the Suburban Residence classification. See above.*

(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 has requested the use be for single family detached homes, multi-family dwelling (quad configuration), open space and road right-of-way.*

b) The general location of such uses is specified.

Staff Comments: *The proposed uses have been specified in the narrative and on the updated Silver Mill PUD Concept Plan.*

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

Staff Comments: *The agent has requested a reduction in lot size and frontage and multi-family units. If this Stage 1 PUD is approved, design parameters for lots, materials and elevations for the structures will need to be submitted with the Stage 2 application.*

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

Staff Comments: *Based upon the submittal, approximately thirty-four percent (34%) of the units are proposed to be single family detached. Approximately sixty-six percent (66%) of the units are proposed to be multi-family units.*

The proposed density and mix of units is more intensive than the referenced Soraya Farms Subdivision:

<i>Soraya Farms</i>	<i>Updated Silver Mill</i>
<i>3.69 net dwelling units per acre</i>	<i>3.63 net dwelling units per acre</i>
<i>60% single family (227 lots)</i>	<i>33.53% single family (113 lots)</i>
<i>40% multi-family (151 units)</i>	<i>66.47% multi-family (224 lots)</i>
<i>2.2 gross dwelling units per acre</i>	<i>1.97 gross dwelling units per acre</i>
<i>Open space is a minimum of 31%</i>	<i>Open space is a minimum of 38%</i>

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

Staff Comments: This has been specified on the updated Silver Mill PUD Concept Plan. See above.

(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.

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.