

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

Date: November 7, 2018, Updated November 20, 2018

Applicant: Greg Smith, Oberer Land Developer agent for Ronald Montgomery ET AL

Property Identification: Frontage on State Route 741 and Red Lion Five Points Road

Acreage of Request: 51.4611 acres

Current Zoning of Requested Area: Suburban Residence “SR-1”

Requested Action: Residential Planned Unit Development “R-PUD”

Attached: Application, P.U.D. Plan (11-1-18), P.U.D. Plan with Topo (11-1-18), Net Density Plan, P.U.D. Plan (11-6-18), P.U.D. Plan with Topo (11-6-18), PUD Standards (11-6-18), PUD Standards (11-19-18), Preliminary Landscape Plan (11-19-18), Concept entrance signage (11-19-18)

It is important to keep in mind that the task before you is to approve 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.

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

1. Master Land Use Plan:
 - a. The property and surrounding properties were in Planning Area #3: Mixture of agricultural land, residential frontage development. Sewers not present but potentially available. The property and surrounding properties in Clearcreek Township are designated to be Suburban Residential.
2. Zoning History for Property:
 - a. In 1973 classified as Rural Residence Zone “R-1”.
 - b. In 2005, was rezoned to Suburban Residence Zone “SR-1” to comply with update to Master Land Use Plan.
3. Zoning Classifications for Adjoining Properties:
 - a. The northern property line of the property is coincident with the incorporation line for the City of Springboro. The properties are zoned Estate-Type Residential District “R-1”.
 - b. East of the property the zoning classifications are Suburban Residence Zone “SR-1” and Residence Zone “R-1”.
 - c. South of the property the zoning classification is Suburban Residence Zone “SR-1”.
 - d. West of the property the zoning classifications are Suburban Residence Zone “SR-1”, Residence Zone “R-1” and General Business “B-2”.
4. The current “SR-1” zoning classification allows for a 100’ frontage and continuous width lots with a minimum lot size of .50 acres when connected to sanitary sewer. The “SR-1” has the following setbacks: 50’ front yard, 40’ rear yard and 10’ per side yard for a principal structure.

5. The “R-PUD” request is for 70’ frontage width lots with a minimum lot size of .2250 acres which would be connected to sanitary sewer. The proposed “R-PUD” proposes the following setbacks: 30’ front yard, 25’ rear yard and 5’ per side yard for a principal structure.

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 concept plan/P.U.D. Plan.

- 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:

On November 1, 2018 the applicant submitted a P.U.D. Plan. On November 2, 2018 the applicant met with Warren County Regional Planning Commission and discussed a redesign of the P.U.D. Plan. On November 6, 2018 the applicant provided the updated P.U.D. Plan and a list of PUD standards for the request. **The November 1, 2018 P.U.D. Plan has been included in the packet, but the review is based upon the November 6, 2018 P.U.D. Plan submittal.**

- 1) The existing type of topographical features of the site.

Staff Comments: The information has been submitted, see concept plan/P.U.D. Plan. The topography ranges from 846’ to 922’.

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

Staff Comments: The information has been submitted, see concept plan/P.U.D. Plan. The typical lot detail has been provided: 70' frontage and continuous width lot by 140' depth. The typical lot calculates as 9,800 sq. ft. or .2250 acres.

A text amendment to the Zoning Resolution has been drafted and is currently in the public hearing process that would credit the lot back any drainage easement that conforms with the Warren County Subdivision Regulations minimum size requirements. The P.U.D. Plan appears to have been drawn with that requirement having been updated, if not a typical lot would need to increase a minimum of .052 acres to accommodate the requirement.

Since it is a concept/ P.U.D. Plan dimensions haven't been provided for all lots. The following is based upon staff's measurements with a scale:

The following lots appear to have frontage less than the typical 70' width: 8, 51, 52, 55 and 75. The former lots should either be labeled as irregular or should be redesigned to meet the requirement.

Typically cul-de-sac lots have half the required road frontage width and at the minimum front yard setback open up to the minimum lot width. The following lots have frontage less than 70', but the actual dimension was undetermined: 11, 12, 28-31, 39 and 40. A minimum standard should be established for cul-de-sac lots.

The following lots fail to have a minimum continuous width of 70': 21, 93 and 94. The former lots should either be labeled as irregular or should be redesigned to meet the requirement.

- 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/P.U.D. Plan. All roads are public.

- 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 information has been submitted, see narrative and concept plan/P.U.D. Plan. The plan proposes 100 lots on 29.92 acres, 13.38 acres of open space and 8.16 acres of road right-of-way.

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

Staff Comments: The proposal is for a net density of 3.34 dwelling units per acre. 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, the applicant asked if he should apply for a straight zoning classification change from the SR-1 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. I instructed the applicant to turn in a 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.

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

Staff Comments: The information has been submitted, see narrative and concept plan/P.U.D. Plan. The proposal is for 13.38 acres of open space. Staff added the open space: .17, 1.44 and 11.81 acres for a total of 13.42 acres. The open space is divided into three sections, two of which would serve as a buffer from State Route 741 and Red Lion Five Points Road. The third section is both buffer and a park area with an existing pond and two wetland areas. Either acreage calculates to 26% open space. Either acreage exceeds the 25% minimum requirement for a PUD.

- 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 in the open space. A trail network has not been identified for the open space. See 13.05(2)(b) below.

- 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: Site is outside of floodplain. The information has been submitted, see soils map.

- 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.

The subdivision is proposed to connect to Red Lion Five Points Road via a boulevard entrance.

Water service is identified along both State Route 741 and Red Lion Five Points Road.

A Bike Path Access is proposed to connect to the State Route 741 frontage. It is unclear how the Bike Path Access will connect to State Route 741 through the proposed 50' buffer. It is unclear if the applicant is planning to extend the

bike path along the State Route 741 ROW coincident with the property boundary.

Sanitary sewer is identified as being located at the northern corner of the property along State Route 741. The property is located in an area that Springboro anticipates providing sewer, staff has reached out to the City of Springboro to clarify what is necessary to provide service to the site.

- 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:

- 1)** The existing type of topographical features of the site.

Staff Comments: The information has been submitted, see Net Density Plan. The topography ranges from 846' to 922'.

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

Staff Comments: The information has been submitted, see Net Density Plan. The typical lot detail has been provided: 100' width lot by 243' depth. The typical lot calculates as 24,300 sq. ft. or .5579 acres.

A text amendment to the Zoning Resolution has been drafted and is currently in the public hearing process that would credit the lot back any drainage easement that conforms with the Warren County Subdivision Regulations minimum size requirements. The P.U.D. Plan appears to have been drawn with that requirement having been updated, if not a typical lot would need to increase a minimum of .09 acres to accommodate the requirement.

The Net Density Plan didn't provide frontage dimensions for lots. The following lots have two road frontages: 1, 59, 60, 62-70, 10-17 and 43.

The following lots may have an issue with house placement because of two road frontages: 1, 43, and 59.

The following lots have wetlands: 64-65, 57, 58, 61 and 34. Lots 31 and 33 have an existing pond. Lot 23 has an issue with minimum continuous width.

Even though there are issues with the Net Density Plan, it still serves a guide to how development could occur on the site.

- 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 Net Density Plan. All roads are public.

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

Staff Comments: The information has been submitted, see narrative and Net Density Plan. The plan proposes 70 lots on 43.4193 acres and 8.0418 acres of road right-of-way. The proposal is for a net density of 1.612 dwelling units per acre.

- 5) The interior common open space system with acreage specified.
Staff Comments: No opens space is proposed in the Net Density Plan.
- 6) 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: No amenities are proposed in the Net Density Plan.
- 7) A drawing showing all soil types and their classifications. Additionally, a map indicating floodway and/or floodplain boundaries as determined by federal emergency management agency shall be included for sites that have been subject to flooding and/or erosion at any time.
Staff Comments: Site is outside of floodplain. The information has been submitted, see soils map.
- 8) Where areas lie in any aircraft approach and holding patterns, these areas shall be indicated.
Staff Comments: This isn't applicable.
- 9) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal shall be indicated.
Staff Comments: Only the road connection information has been identified on the Net Density Plan. The subdivision is proposed to have two road connections. The first is to Red Lion Five Points Road and second is to State Route 741.

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: The applicant states "the parcel is in very convenient proximity to Springboro City schools, located northwest of the site on State Route 741.
- 2) Evidence how the developer's proposed land use(s) meet existing and projected community requirements.
Staff Comments: The applicant states "the proposed neighborhood will offer a transitional residential area between Springboro and Clearcreek Township that provides township residents the opportunity to live in a single family home, with access to sanitary sewer service, public water and excellent proximity to the Springboro Schools and other small town amenities in nearby Springboro."
- 3) A general statement how the common open space shall be owned and permanently maintained.

Staff Comments: The applicant states "the development will include 12.38 (updated 11-6-18 to 13.38 written or 13.42 calculated) acres of open space

that will be owned and maintained by the Home Owners Association. This area includes street buffers along State Route 741 and Red Lion-Five Points Road, as well as an 11.33 (updated 11-6-18 to 11.81) acre park located in the northwest corner of the site. This park contains several stands of trees, a pond, a wetland and other environmentally sensitive features.

- 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 states "it is the intent of the developer to phase the neighborhood in 3-4 phases. Development will start at the main entrance at the southeast corner of the site and work its way north.

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: This is the first request for a R-PUD in the Township. The 2005 Master Land Use Plan identified the site in the Suburban Residence classification. In 2005 the property was rezoned from Rural Residence "R-1" to Suburban Residence "SR-1". This zoning classification allows for .5 acre lots when connected to a sanitary sewer. If viewed as a gross density the Suburban Residential zoning classification would anticipate a maximum of 102 lots (51.4611 acres x 2 lots per acre).

- (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 and open space for buffers and a park.

The general location of such uses is specified.

Staff Comments: The uses have been specified in the narrative and on the P.U.D. Plan.

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

Staff Comments: The P.U.D. Plan identifies several lot configurations that are not typical. Minimum frontage, continuous width, irregular lots and setbacks should be determined at this stage.

The PUD Standards received 11-19-18 are the PUD Standards that are part of the RPC Report and Recommendation. The following inconsistencies exist:

- The maximum net density for the R-PUD should be specified in the PUD Standards. The request is for 3.334 dwelling units per acre.
- Section 6.3: Typically accessory structures have a rear yard setback equal to a side yard setback. Is this desired in the R-PUD?
- Section 6.4: The minimum lot size per the P.U.D. Plan is 70'x140' this calculates to 9,800 sq. ft. The PUD Standards document identifies the minimum lot size to be 9,500 sq. ft.
- Section 6.4: This would be the section to identify deviations for road frontage widths for irregular lots and cul-de-sac lots.
- Section 6.5: Identifies the minimum amount of open space to be twenty (20) percent of the PUD. Section 13.09 of the Clearcreek Township Zoning Resolution requires a minimum of twenty-five (25) percent of gross land area.
 - Proposed language states all planned amenities installed no later than time of platting seventy five (75) percent of the residential lots. Section 13.09 (C)(3)(f) states the amenities that are part of the submitted phase are scheduled to be constructed concurrently with that phase.
 - The following were not specified previously in the provided information (documents or drawings). It is unclear if these are planned amenities or just a list of possible amenities. The location of each as well as the square footage of structures and percentage of impervious surfaces have not been specified:
 - Pedestrian trails/bikeways (trails shall be a required amenity feature for this PUD)
 - Agricultural uses
 - Community facilities (e.g. clubhouse)
 - Ponds and lakes
 - Picnic groves and benches
 - Gazebos, pergolas and shelters
- Section 6.6: States streetscape buffers shall conform to the standards and requirements of the Clearcreek Township Zoning Resolution. Looking at the Preliminary Landscape Plan it is unclear which standard the applicant is desiring to meet (4 or 6 trees per every 100'). The minimum tree size

for a deciduous tree is 1.5” caliper not 1.25” caliper as identified on the Preliminary Landscape Plan.

- Section 6.7: The standard identifies a fifteen (15) foot buffer along parcel 08-12-362-030. The Preliminary Landscape Plan, Landscape Notes specifies the width to be ten (10) foot buffer. It is unclear why the remaining northern boundary isn't also given a buffer.
- Section 6.7: When reviewing the Preliminary Landscape Plan, and the PUD standards, it is unclear why the southern boundary of the parcel doesn't have a buffer. It is unclear why the frontage along Red Lion Five Points Road north of the wetland area doesn't have a buffer.
- Section 6.: Signs have been referenced to meet the SR-1 district standards. A conceptual entrance sign has been provided that meets the SR-1 standard.
- Section 7.1: Is the result of RPC staff recommendation. The applicant's desire is to have access only off of Red Lion Five Points Road. This is a Stage 2 issue.
- Section 7.4: Is the result of RPC staff recommendation. The applicant's desire is to not provide a street connect to the south, because that acreage is planned to be subdivided into several lots for the family of the seller. This is a Stage 2 issue.
- Section 7.5: Proposed language states this bike path connection shall be in place no later than the platting of seventy five (75) percent of the lots within the subdivision. Section 13.09 (C)(3)(f) states the amenities that are part of the submitted phase are scheduled to be constructed concurrently with that phase.

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

Staff Comments: The applicant is proposing a net density of 3.34 dwelling units per acre.

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

Staff Comments: This has been specified on the P.U.D. Plan. A total of 13.38 stated or 13.42 calculated acres of open space has been proposed, 26 %.

(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: After meeting with the RPC, the applicant has created a list of PUD Standards. This is the only location that the R-PUD is identified as the Montgomery Family Farm PUD. The Parcel Number is missing a "0" before "670". The sections can function as conditions during the approval process in addition to suggestions by RPC and issues identified during the public hearing process. Section 5- Accessory Use Regulations needs to specify the setbacks anticipated for an accessory use, this is typically a rear yard setback reduced to a side yard setback. Section 6 – Development Standards would be the location to identify irregular lot standards and cul-de-sac lot standards.

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.