

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

Report Date: January 23, 2024

Meeting Date: March 4, 2024

Applicant: Adam Sweeney, agent for Soraya Farms

Requested Action: Soraya Farms Stage 3 PUD Approval

Attached: Stage 3 Application/Intent Letter (January 16, 2024), Soraya Farms Section 9 Record Plan (January 16, 2024), Soraya Farms Section 9 Construction Plan (January 16, 2024), Clearcreek Township Resolutions: 2492, 3209, 3536 and 4378. Exhibit C Open Space Plan (February 7, 2007), Lot Width Plan (February 7, 2007), Preliminary Plat: C1.00, C1.04, C1.05 (February 7, 2007), Landscape Plan: L1.06 (February 7, 2007), Revised Open Space Text (May 8, 2013), Preliminary Plat: C1.00, C1.04, C1.05 (May 8, 2013), Revised Preliminary Plan (December 2018), Revised Preliminary Plan (November 2023), Warren County Aerial Soraya Farms SW Perimeter (January 17, 2024).

The Stage 3 request is a formal checklist to make sure the applicant has adhered to the conditions imposed from all applicable agencies. In addition to the Trustee Resolutions, Section 13.05 (C) of the Clearcreek Township Zoning Resolution must also be reviewed with the applicant.

Trustee Resolutions associated with Soraya Farms R-1PUD:

1. On September 19, 2002, the Clearcreek Township Trustees approved Resolution 2492, with fifteen (15) conditions. This was the Stage 1 approval.
2. On March 15, 2007, the Clearcreek Township Trustees approved Resolution 3209, with fifty-four (54) conditions. This was the Stage 2 approval.
3. On May 27, 2009, the Clearcreek Township Trustees approved Resolution 3536. This resolution modified the amenities listed in Trustee Resolution 3209.
4. On May 22, 2013, the Clearcreek Township Trustees approved Resolution 4378. This resolution modified walking paths, trash receptacles and tree standards.

The request is for Stage 3 approval for Soraya Farms Section 9. **This request is 22.0332 acres in size.** The entire R-1PUD is 172.276 acres.

Stage 3: PUD Objectives

- (a) The Stage 3: PUD Final Site Plan objective is to further refine the Stage 2: PUD Preliminary Site Plan into a finalized Site Plan. Therefore, the following information shall be specified/clarified in the narrative and on the drawing(s) at the time of approval:

- (1) A finalized list of uses permitted within the PUD are defined.

Staff Comments:

1. ***This request is to add 49 single family lots.***

2. ***The PUD is capped at 379 units.***

- a. ***No less than sixty (60) percent of the total number of residential units shall be single family dwelling lots. This calculates to a minimum of 227.40.***

- i. ***A total of 178 single family lots have been platted.***

- *Reserve C:*
 - *Proposed to be 25.92 acres.*
 - *A total of 22.9714 acres are currently platted.*
 - ***In Section 9: 3.3756 acres of open space is proposed.***
 - *Ponds and trails are the only identified amenities for the open space:*
 - *This PUD was approved prior to the update to Chapter 13 that differentiates between detention and retentions ponds. Both types of ponds are credited to the required open space.*
 - *One existing pond and two (2) additional ponds have been established in this open space area.*
 - ***In Section 9 an additional retaining pond is proposed adjacent to the retaining pond in Section 8. This pond is also adjacent to Lots: 257-259, 263, 264.***
 - ***In Section 9 the existing mulch trail (from Section 8) that is currently routed between the ponds will be extended to Normandy Rue.***
 - ***A trail sign is required at the Normandy Rue connection.***
 - *Required buffering is shown on Leahy Berming/Landscape Plan February 26, 2007, Landscape Plans: L1.01, L1.03, L1.06 and L1.07 February 7, 2007.*
 - *Leahy berming/landscape plan: (February 26, 2007) is comprised of an earth mound and 66 trees (at a 4' minimum height).*
 - *This buffer has been met.*
 - *Streetscape Buffer along SR 48:*
 - *This buffer has been met.*
 - *Perimeter Buffer:*
 - *The applicant on March 3, 2021 provided a letter and Clearing Limits Exhibit to document both the location of the clearing for the path as well as the retention of existing vegetation in Section 8.*

- *The eastern perimeter buffer has been met.*
 - *The southern perimeter buffer has been met.*
- ***Per Chapter 17 of the Clearcreek Township Zoning Resolution the southern perimeter buffer (811.64') of Section 9 requires 81 trees.***
 - ***The February 7, 2007 Perimeter Landscape Plan L1.06 illustrates 96 trees for this area.***
 - ***On January 17, 2024, staff printed out from the Warren County Auditor's Website an aerial of the southwest corner of Soraya Farms to document the existing vegetation.***
 - ***During staff's site visit existing trees of various sizes were found to exist along this boundary.***
 - ***The Zoning Commission will need to determine if the existing vegetation will meet the buffer requirement or if the February 7, 2007 Perimeter Landscape Plan L1.06 will need to be followed.***
- ***Reserve D:***
 - *Proposed to be 2.07 acres.*
 - *A total of 1.9910 acres of open space has been platted.*
 - *A pond is the only identified amenity for the open space area.*
 - *A sidewalk is the only amenity for this open space.*
- ***Retail Open Area:***
 - *Proposed to be 1.78 acres.*
 - *A total of 1.69 acres is currently platted along State Route 48.*

- *Landscape islands have been added that are not shown on Exhibit C:*
 - *Lemans BLVD Soraya Section 1: .0344 acres.*
 - *Grand total for area is 1.7244 acres.*
 - *Retail areas have not yet received Stage 3 approval.*
 - *Additional landscape islands have been added as open space that are not shown on Exhibit C:*
 - *Lemans BLVD Soraya Section 1: .0191 acres.*
 - *Lemans BLVD Soraya Section 2: .0963 acres.*
 - *Lemans BLVD Soraya Section 3: Staff calculated .0817 acres.*
 - *Median landscape islands grand total is .1971 acres.*
 - *In Section 9 new open space lots have been added that are not shown on Exhibit C:*
 - *Lot 266 is proposed to be .4901 acres.*
 - *Lot 267 is proposed to be .3653 acres.*
 - *The only amenity planned is a sidewalk.*
- (6) The layout of all new street(s), major access drive(s), sidewalks, trails, and any other methods of circulation required or necessary throughout the PUD are defined and the acreage is finalized.

Staff Comments:

1. *This section has public streets.*
2. *The Remy Court cul-de-sac is proposed to have a curbed island in the center.*
 - a. *The island design is not acceptable to the Clearcreek Township Administrator, Road Superintendent and Fire Chief.*
 - b. *The island will need to be removed from the design and not installed.*
3. *Sidewalks are required on both sides of the street per the Warren County Subdivision Regulations.*
 - a. *Sidewalks are required adjacent to public road right-of-way on Reserve C (Lot 265) as well as Lots 266 and 267.*
4. *Reserve C:*
 - a. *It is unclear if the applicant plans to label the entire trail network in Reserve C with the same trail name or have two (2) trail names that correspond with the trail material (asphalt and mulch).*
 - b. *During Section 8 Stage 3 review, staff referenced the May 8, 2013 Open Space Text and identified that the names “Vino” and “Napa” were approved for Reserve A & C.*

- Since that approval, the name “Vino” was used for Reserve B and the name “Napa” was used for Reserve A. Staff stated a new trail name was needed for Reserve C.*
- c. A 6’ wide asphalt trail has been installed starting at the SR 48 walk/bike path. This trail provides a connection to the retail area. This path is not named since also functions as a sidewalk.*
 - d. A 6’ wide asphalt trail has been installed starting at the junction with the sub-section of a future north/south pedestrian/bike path and continues to Chaumont Ave. **On January 22, 2024, staff found that the trail name “Napa” has also been posted for this path.***
 - i. Distance markers have been established.*
 - e. A 4’ mulch trail has been installed starting at the junction with “Napa”, continues southward and then terminates at the western boundary of Section 8. **On January 22, 2024, staff found that no trail name was posted for the mulch trail.***
 - i. Distance markers have been established.*
 - f. **In Section 9 a 4’ mulch trail is proposed to connect the existing mulch path (not yet named) in Section 8 to Normandy Rue. The location has been modified because of the creation of a second pond.***
 - i. The size, material and placement of the trail conforms with previous approvals: on February 7, 2007: Exhibit C Open Space Plan, Preliminary Plat C1.04, C1.05, on February 26, 2007: Leahy Berming/Landscape Plan, on May 8, 2013: Preliminary Plat C1.04, C1.05 and December 2018 Revised Plat Sheet 3.*
- (7)** The exact location of all impervious surfaces for non-residential building areas, parking and truck loading areas with ingress and egress drives are finalized.
- Staff Comments:
- 1. This is a residential area.*
- (8)** The exact location(s) and a submitted timeline of all of the proposed development's amenities are finalized. **Note: Amenities part of a phase shall be constructed concurrently with that phase. If the PUD consists of multiple phases to be developed over time, no more than 25% of the total number of lots approved for the PUD as a whole shall be built on before planned amenities and buffers are constructed. This requirement may be modified depending on the distribution, number, and location of amenities in the PUD as a whole.*
- Staff Comments:

1. *The last section to receive Stage 3 approval that required open space was Soraya Farms Section 8 on February 1, 2021.*

a. *See comments in Number 6 above.*

b. *The buffer requirements have been met with existing vegetation.*

(9) The exact location and size of all signage are finalized.

Staff Comments:

1. *See Number 6 above.*

(b) Additionally, the Stage 3: PUD Final Site Plan shall:

1. Conform to the approved Stage 2: PUD Preliminary Site Plan as revised or amended by the Clearcreek Township Board of Trustees.

On March 15, 2007, the Clearcreek Township Trustees approved Resolution 3209, with fifty-four (54) conditions. This was the Stage 2 approval. Staff would like to highlight the following sections:

32. Compliance with Chapter 17 (Buffer and Screening) of the Clearcreek Township Zoning Resolution, except for the western boundary of the property and along the northern boundary of the property where it touches Montgomery County. A parking lot buffer is all that is required along the southern, western and northern boundary of the B-1 PUD subsection. A streetscape buffer shall be required along State Route 48. *Applicant states: Compliance with Chapter 17 (Buffer and Screening). Existing vegetation to remain to meet screening and buffering requirements.*

Staff Comments: See comments above.

33. Approval of the interior landscape along the new subdivision roads and pedestrian pathways as identified on the Soraya Farms Exhibit C –Openspace Plan, Exhibit B Tree Plan, Preliminary Plan (C1.03, C1.04, C1.05), Landscape Plan (L1.01, L1.02, L1.03, L1.04, L1.05, L1.06 and L1.07) received February 7, 2007 with the following exceptions:

a. In road medians, trees shall be allowed but under the following prohibitions:

i. No shade trees shall be permitted.

ii. No trees that exceed 25' in height at mature growth shall be permitted.

iii. No trees with a canopy spread greater than 25' shall be permitted.

iv. Special consideration will be given in allowing for higher and wider trees at the two entrances to the development.

v. Cul-de-sac planting shall conform with the Cul-De-Sac Island Planting received February 26, 2007.

vi. The vegetation will be maintained by the Homeowner's Association.

b. The document Leahy Berming/Landscape Plan received February 26, 2007 shall serve as the document by which the trail will be realigned as well as the location of the buffer to the Leahy property. The design of the

berm and the minimum size of the evergreen trees shall conform to Chapter 17 of the Clearcreek Township Zoning Resolution.

Applicant states: Approval of the interior landscape along new subdivision roads and pedestrian pathways as identified in Exhibit C – Open space Plan, Exhibit B Tree Plan, Preliminary Plan (C1.03, C1.04 C1.05), Landscape Plan (L1.01, L1.02, L1.03, L1.04, L1.05, L1.06 and L1.07). Landscaping will conform to approved plans.

Staff Comments: The interior landscape plan meets the applicable sections. The cul-de-sac planting will not be required because the Township Administrator, Road Superintendent and Fire Chief have requested that island be removed from the street design.

34. All trails shall have a distance marker located every 1/8 of a mile which indicates the direction of compass, distance along the trail and name of trail.

Applicant states: Trails shall have distance maker located every 1/8 mile with compass, distance along trail and name of trail. Trail markers to be installed at completion of path construction.

Staff Comments: See comments above.

36. The perimeter landscape buffer shall be approved as identified in Soraya Farms Perimeter Landscape Plan (L1.04, L1.05, L1.06 L1.07) received February 7, 2007 with the following modifications:

- a. No final plat shall be approved without meeting the expectations of Chapter 17 Buffer and Screening of the Clearcreek Township Zoning Resolution.
- b. No credit shall be issued for existing vegetation unless it is depicted on a landscape plan.
- c. A conservation easement shall be recorded along the boundaries of the single family dwelling lots that are coincident with the Centerville Forest Subdivision. The easement shall be 25' in depth and shall require that the credit given for existing trees in the buffer as identified in Soraya Farms Perimeter Landscape (L1.04) be maintained through time.

Applicant states: Regarding perimeter landscape buffer. We comply with this item.

Staff Comments: The applicant hasn't provided an updated landscape plan that shows the species, size and location of existing trees that will serve as perimeter landscape credit. See above.

On May 22, 2013, the Clearcreek Township Trustees approved Resolution 4378. This resolution modified walking paths, trash receptacles and tree standards. Staff would like to highlight the following sections:

- b. Open Space Walking Paths
 - i. Approve names "Vino" and "Napa" for walking paths, Revised Openspace text received May 8, 2013.
 - ii. Remove lighting poles that were required for this area per Trustee Resolution 3209 Condition 38.
 - iii. Approve "Daylight Hours Only" signage, Preliminary Plat C1.03, C1.04, C1.05 Revised Openspace text received May 8, 2013.

- iv. Approve expansion of walking path from five (5) feet to six (6) feet, Preliminary Plat C1.04 received February 7, 2009, Preliminary Plat C1.04 received May 8, 2013.
- v. Approve walking path signage, Preliminary Plat C1.03, C1.04, C1.05 Revised Openspace text received May 8, 2013.
- vi. Approve walking path 1/8 mile marker signage, Preliminary Plat C1.04, Revised Openspace text received May 8, 2013.
- vii. Remove trash cans, that were required for this area per Trustee Resolution 3209 Condition 35.

No comments provided by the Applicant.

Staff Comments: This clarification resolution is used to determine trail compliance. See Number 6 above.

Stage 3: Conditions for Approval

The following criteria shall be used in the recommendations and decisions made regarding the Stage 3: PUD Final Site Plan. Failure to comply with any of these criteria shall require a PUD modification and shall therefore be subject to the criteria set forth in SECTION 13.07, PUD Modifications.

- (a) All requirements established as part of the approved Stage 1: PUD Concept Plan and Stage 2: PUD Preliminary Site Plan have been satisfied.

Staff Comments: Applicant has represented that he will comply with Stage 1 & 2 conditions of approval.

- (b) All requirements of the Zoning Resolution that have not been varied as part of the Stage 1: PUD Concept Plan and Stage 2: PUD Preliminary Site Plan have been satisfied.

Staff Comments: The Zoning Commission will need to determine if the existing vegetation meets the southwestern perimeter buffer requirements.

- (c) When phased, the proposed Stage 3: PUD Final Site Plan for the individual phase of the overall PUD is consistent with the approved Stage 1: PUD Concept Plan and Stage 2: PUD Preliminary Site Plan.

Staff Comments: The applicant has presented a plan that will conform to Clearcreek Township Zoning Resolution 13.06.

- (d) Any part of the PUD not used for structures, parking and loading areas, public improvements, streets, or walkways shall be landscaped, improved for the purpose intended, or returned to and maintained in a natural state.

Staff Comments: The site plan conforms to this requirement.

- (e) The internal streets and thoroughfares conform to the approved Stage 2: PUD Preliminary Site Plan.

*Staff Comments: The site plan once recorded will dedicate the required thoroughfare right-of-way. **The Zoning Commission will need to determine if the cul-de-sac island is to remain or if it is removed from the street design.***

- (f) The amenities that are part of the submitted phase are scheduled to be constructed concurrently with that phase.

Staff Comments: The proposed pond and trail that are part of this section will be constructed concurrently with this phase.

- (g) The Stage 3: PUD Final Site Plan is consistent with the intent and purpose of the Clearcreek Township Zoning Resolution, Clearcreek Township Board of Trustee Resolutions, and promotes the protection of public health, safety, morals, and general welfare of Clearcreek Township.

Staff Comments: The site plan conforms to this requirement.

- (h) The comments and recommendations received from the Warren County departments as well as representatives of federal and state agencies have been satisfactorily addressed.

Staff Comments: No comments have been received for this section.

- (i) The following Stage 3: PUD Final Site Plan documents have also been satisfied:

- (1) All necessary legal documentation relating to the incorporation of a homeowners' or property owners' association for residential PUDs or other similar associations for non-residential or mixed use PUDs, have been submitted and approved as part of the PUD Final Site Plan. Such legal documentation has demonstrated how the common open space will be permanently maintained.

Staff Comments: It is staff's understanding that this section will join the existing Home Owners Association.

- (2) Copies of any restrictive covenants or agreements that are to be recorded have been submitted.

Staff Comments: An amendment to the existing covenants has not been submitted.