

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

**Report Date:** March 14, 2018

**Meeting Date:** April 2, 2018

**Applicant:** David Oakes, agent for Villages of Winding Creek

**Requested Action:** Stage 3 PUD Approval

**Attached:** Clearcreek Township Resolutions: 3632, 4159, 4324, 4325 & 4530, Planned Unit Development Stage 3 Final Site Plan Review Application (March 2, 2018), Applicant's Responses to Trustee Conditions (March 2, 2018), The Boulevards at Winding Creek Section Seven Final Site Plan (March 2, 2018), Proposed Open Space Exhibit (May 1, 2017), Proposed Open Space Exhibit (March 2, 2018), Lot Size Exhibit (October 13, 2009), Lot Size Exhibit (March 7, 2014), Lot Size Exhibit (July 2, 2015), Lot Size Exhibit (May 1, 2017), Lot Size Exhibit (November 6, 2017), Lot Size Exhibit (March 2, 2018), Signage Exhibit (May 1, 2017), Signage Exhibit (March 2, 2018), Sidewalk/Path Exhibit (October 13, 2009), Sidewalk/Path Exhibit (May 1, 2017), Sidewalk/Path Exhibit (March 2, 2018), Final Site Plan Turning Leaf Section 4 (December 2, 2015), Modified Preliminary Plat (October 13, 2009), Revised Preliminary Plat (November 6, 2017), Overall Landscape Key L1 (January 22, 2014), Overall Landscape Key L1 (March 2, 2018), Landscape L13 & 14 (March 2, 2018), Wall & Column Signage (March 2, 2018).

*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 Resolution must also be reviewed with the applicant.*

**Trustee Resolutions associated with Villages of Winding Creek R-1APUDs:**

1. On April 15, 2004 the Clearcreek Township Trustees approved Resolution 2733, with fifteen (15) conditions. This was the Stage 1 approval.
2. On February 3, 2005 the Clearcreek Township Trustees approved Resolution 2851, with forty-one (41) conditions. This resolution was modified by Trustee Resolution 3632 and is not applicable to the submittal.
3. On March 3, 2005 the Clearcreek Township Trustees approved Resolution 2854, with five (5) conditions. This resolution was modified by Trustee Resolution 3632 and is not applicable to the submittal.
4. On June 23, 2005 the Clearcreek Township Trustees approved Resolution 2903, with two (2) conditions. This resolution was modified by Trustee Resolution 3632 and is not applicable to the submittal.
5. On December 9, 2009 the Clearcreek Township Trustees approved, Resolution 3632, a modification to the previously approved Stage 2 for the Villages of Winding Creek with forty-three (43) conditions. This is the modified Stage 2 approval.
6. On February 8, 2012 the Clearcreek Township Trustees approved, Resolution 4159, the rezoning of 19.73 acres of the R-1APUD. A total of 16.84 acres was rezoned to R-1APUD with the maximum of 63 single family dwelling lots. The lot size is 55'. A cap of 809 units was imposed for the platted R-1APUD, unplatted R-1APUD and the rezoning request. A total of 2.89 acres was rezoned to B-1PUD. A total of 4.99 acres of open space was required. The total combined percentage of open space for the platted, unplatted and request was identified as 34.38% or 145.23 acres. This

resolution is a Stage 1 approval that is depicted on several submitted documents of this submittal.

7. On February 13, 2013 the Clearcreek Township Trustees approved Resolution 4324, a modification to the Stage 2 approval for the Villages of Winding Creek R-1APUD. This request modified Trustee Resolution 3632 Condition 36 Architectural Requirements for Exterior Finishes.
8. On February 13, 2013 the Clearcreek Township Trustees approved Resolution 4325, a Stage 2 Approval for the R-1APUD section of the 19.73 acreage identified in Resolution 4159. This resolution has thirty-three (33) conditions.
9. On March 31, 2014 the Clearcreek Township Trustees approved Resolution 4530, a modification to the Stage 2 approval for the Villages of Winding Creek R-1APUD. This request modified Trustee Resolution 3632 Conditions 26 and 27 and Resolution 4325 Condition 22.

**The request is for Stage 3 approval for Villages of Winding Creek BLVDS Section 7. This section is 38.9638 acres in size. The entire R-1APUD is 422.33 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:

#### **Lot Size Exhibit**

A new Lot Size Exhibit was submitted on March 2, 2018. Staff counted a grand total of 809 lots. A maximum of 809 lots have been approved (746 +63). See Trustee Resolution 3632, # 23 (c) (3) and Trustee Resolution 4159, # 8.

1. 55' lots
  - a. The revised submitted count is 376 lots.
  - b. The submitted lot count complies with the deviation allotment.
  - c. See Trustee Resolution 3632 # 23 (c) (4) & #23(d) (1) and Trustee Resolution 4159 # 8.
  - d. The additional 63 lots are from Trustee Resolution 4325.
2. 70' lots
  - a. The revised submitted count is 321 lots.
  - b. The submitted lot count complies with the deviation allotment.
  - c. The submitted lot count complies with the deviation allotment.
  - d. See Trustee Resolution 3632 # 23 (c) (4) & #23(e) (1).
3. 90' lots
  - a. The revised submitted count is 112 lots.
  - b. The submitted lot count complies with the deviation allotment.
  - c. See Trustee Resolution 3632 # 23 (c) (4) & #23(f) (1).

### **Open Space Exhibit**

A new Lot Size Exhibit was submitted on March 2, 2018. See Trustee Resolution 3632, # 24 (a).

1. A minimum of 145.23 acres of open space is required. See Trustee Resolution 4159 # 12.
2. **A total of 145.56 acres is specified as open space. A total of 144.33 acres is out of the right-of-way (ROW). A total of 1.23 acres is in the ROW in the landscape median.**
3. **Prior to this section, a total of 77.92 acres of open space out of the ROW has been platted. A total of .503 acres of open space in the ROW has been platted.**
4. **This section has 12.9985 acres out of the ROW and .1901 acres in the ROW.**
5. **Open space lots are identified as Reserve Lots with numbers instead of letters:**
  - a. Reserve Lot 618: 7.3196 acres.
  - b. Reserve Lot 619: .3574 acres.
  - c. Reserve Lot 620: .3673 acres.
  - d. Reserve Lot 621: .2778 acres.
  - e. Reserve Lot 622: In ROW, approach to roundabout: .0143 acres.
  - f. Reserve Lot 623: In ROW, approach to roundabout: .0031 acres.
  - g. Reserve Lot 624: In ROW, approach to roundabout: .0137 acres.
  - h. Reserve Lot 625: In ROW, approach to roundabout: .0031 acres.
  - i. Reserve Lot 626: In ROW, center of roundabout .1559 acres.
  - j. Reserve Lot 627: 4.6764 acres.

### **Sidewalk/Path Exhibit**

A new Sidewalk/Path Exhibit was submitted on March 2, 2018. See Trustee Resolution 3632, # 25 and Trustee Resolution 4325, #21.

1. The mulch path through the open space Reserve Lot PP and Lot 618 is consistent with the May 01, 2017 submittal.
2. **Reserve Lot PP (Turning Leaf Section 4):**
  - a. **The path sign hasn't been installed.**
  - b. **The mulch path hasn't been installed. Applicant previously stated that this path would be put in at one time when this section was built.**
3. Reserve Lot 618 (BLVDS Section 7):
  - a. **The terminus of the mulch path along Crooked Creek Drive has been moved further south. This is because of the increase number of lots along the western boundary of Crooked Creek Drive.**

- b. **This Section has the continuation of the mulch path from Turning Leaf Section 4 (Reserve Lot PP).**
  - c. **A path sign is proposed.**
4. Reserve Lot 618 (BLVDS Section 7):
- a. **A mulch path is proposed to start along the eastern boundary of Whispering Stream Court. It is unclear if this path will be installed with this section or if the applicant will request to install the path with a future section.**
  - b. **A path sign is proposed.**

**Signage Exhibit**

1. A new Signage Exhibit was submitted on March 2, 2018, has added relabeled the signs into three categories: Existing Neighborhood Column Signage, Future Neighborhood Column Signage and Request Removal of Neighborhood Column Signage. See Trustee Resolution 3632, #19, 20 & 25 and Trustee Resolution 4325, #15, 16 & 21.
2. Three (3) Neighborhood Column Signs are located in BLVDS Section 7.
  - a. **Lot 532:**
    1. **Request Removal of Neighborhood Column Signage.**
  - b. Reserve Lot 621:
    1. Future Neighborhood Column Signage.
  - c. **Lot 579:**
    1. **Request Removal of Neighborhood Column Signage.**
3. Two (2) Ground Entry Sign Walls are located in BLVDS Section 7.
  - a. The original Beazer Homes drawings have been submitted.
  - b. Signs to be located on Reserve Lots 618 and 627.
  - c. **Applicant states: “It is anticipated that these new signs will be smaller in scale to those on 48... Specific details will be provided at the time of building permit application to Clearcreek Township.”**

**Landscape Exhibit**

1. According to November 4, 2015 Landscape Sheet L1: Landscape is proposed on:
  - a. Reserve Lot 618.
  - b. Reserve Lot 622: In ROW, approach to roundabout.
  - c. Reserve Lot 623: In ROW, approach to roundabout.
  - d. Reserve Lot 624: In ROW, approach to roundabout.
  - e. Reserve Lot 625: In ROW, approach to roundabout.
  - f. Reserve Lot 626: In ROW, center of roundabout.
  - g. Reserve Lot 627.
2. **The January 22, 2014 Landscape Sheet L1 shows the subdivision design before the Meadows Section 2, July 2, 2015**

**modification. Landscape was formerly is open space that has been configured into proposed Lots 530-533.**

- (2) The exact locations, types, heights, materials, and designs of such uses are finalized.

Staff Comments: Single family detached lots and open space lots, See #1 above and Final Site Plan.

- (3) All use-specific standards that apply to the permitted uses are finalized and identified in a table which includes: the average, highest, and lowest quantities and a count of each occurrence.

Staff Comments: Use standards are outlined in Stage 2.

- (4) The maximum density or intensity permitted within the PUD is finalized.

Staff Comments: Request conforms to density provision.

- (5) The exact amount and location of open space/recreation areas are finalized.

Staff Comments: See # 1 above and the Final Plat.

- (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. Sidewalks or trails on both sides of the street.
3. Trails through open space lots.
4. See #1 above and the Final Plat.

- (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: No non-residential building areas are in the stage 3.

- (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:

**Status of Building/Installing Amenities:**

1. The following was not part of the Stage 3 submittal. Staff is providing this progress report so that the status of the approved amenities can be discussed at a public meeting. If any deficiencies or timing delays are identified they can be addressed at the time of the pending Stage 3 request.
2. Club house:
  - a. Amenity is built.
  - b. Parking is built.
  - c. Landscape has been installed.
3. Pool:
  - a. Amenity is built.
4. Basketball play area:
  - a. Amenity is built.
  - b. Landscape has been installed.
5. Playground:
  - a. Amenity is built.
  - b. Landscape has been installed.
6. Pond and open spaces in The Boulevards Section Two:
  - a. Amenity is built.
  - b. The fountains are installed.
7. Walking path/trails in The Boulevards Section Two:
  - a. The 6' asphalt path is built.
  - b. The 4' mulch path is built.
8. Landscape in The Boulevards Section One and Two:
  - a. Landscape has been installed.
9. Landscape in The Boulevards Section Four (renamed to 4B):
  - a. Landscape has been installed.
10. Landscape in The Boulevards Section Five (renamed to 4A):
  - a. Landscape has been installed.
11. Walking path/trail in The Boulevards Section Five (renamed to 4A):
  - a. Landscape has been installed.
12. Pond in The Boulevards Section Five (renamed to 4A):
  - a. Amenity is built.
13. Meadows at Winding Creek Section Two:
  - a. The 6' asphalt path is built as a 9' asphalt path.
  - b. Landscape has been installed.
14. Turning Leaf at Winding Creek Section Four:
  - a. **Reserve Lot QQ:**
    1. **Landscape is deficient. Forty six additional shrubs are required.**
    2. The 6' asphalt path is built as a 9' asphalt path.

- b. **Reserve Lot RR:**
  - 1. **Landscape hasn't been installed. Nine trees and eight shrubs are required.**
  - 2. **The 6' asphalt path hasn't been installed.**
- b. **Neighborhood Column Signage has not been installed.**
- c. **Reserve Lot PP:**
  - 1. **Landscape is deficient. Sixteen additional shrubs are required.**
  - 2. **The 4' mulch path is not built. On September 12, 2016, the applicant committed to have this constructed with the phase that connects to Lytle Five Points.**
  - 3. **Trail Signage has not been installed. On September 12, 2016, the applicant committed to have these installed with the phase that connects to Lytle Five Points.**
- 15. Club House Addition Approved September 12, 2016
  - a. Amenity has been installed.
- 16. Second Swimming Pool Addition Approved September 12, 2016
  - a. Amenity has been installed.
- 17. Parking Lot Approved September 12, 2016
  - a. Amenity has been installed.
  - b. **Dumpster and screening have not been installed.**
- 18. Replat of Boulevards Section Two:
  - a. Pond has been installed.
- (9) The exact location and size of all signage are finalized.

Staff Comments: See #1 above and Final Plat.

(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.

Staff Comments:

- 1. Trustee Resolution 2733, Condition 33: Permanent vehicular access directly to Lytle Five Point Road for school buses shall be established from the portion of the development severed by the Wayne Local School District at or before a need is established to transport students to that district subject to all necessary permits to cross the five-hundred year flood plan for the headwaters of the Little Sugar Creek.
  - a. On May 1, 2017, the Zoning Commission approved the Stage 3 request for The Boulevards Section Six. The

following rationale was given: 1. The Wayne Local School District agrees with the request. 2. OEPA documents will need to be submitted and a copy provided to the Township. 3. Vehicular access to Lytle Five Points shall be established by the 2018-2019 school year.

**b. Applicant states: “Construction of Boulevards Section Seven will extend Crooked Creek Drive through to Lytle Five Points Road.**

(2) Conform to all applicable regulations set forth herein.

Staff Comments:

The Boulevards at Winding Creek, Section Seven:

- a. A total of eighty-eight (88) dwelling lots are proposed.
  - a. Fifty-nine (59) lots are identified to be 55’ lots.
    - i. **Lots 588, 589 have frontage of a 70’ lot and a minimum continuous width predominately as a 70’ lot.**
    - ii. **Lot 548 has frontage of a 90’ lot and a minimum continuous width predominately as a 70’ lot.**
    - iii. **Lots 566 and 567 have frontage of a 70’ lot and a minimum continuous width predominately as a 55’ lot.**
    - iv. **Lots 568 and 569 have frontage of a 70’ lot and a minimum continuous width predominately as a 70’ lot.**
  - b. Twenty-three (23) lots are identified to be 70’ lots.
  - c. Six (6) lots are identified to be 90’ lots.
    - i. **Lot 537 minimum continuous width functions more like a 70’ lot than a 90’ lot.**
- b. The front yard setback along the eastern side of Whispering Stream Court has been increased from 28’ to 40’ because of the sanitary easement. The 40’ setback ends with Lot 565 at the start of the cul-de-sac.
- c. **Thirty of the forty feet previously shown as open space south of the cul-de-sac of Whispering Stream Court is required to be dedicated ROW.**
- d. A total of ten (10) open space lots are proposed.
- e. **The cover page identifies 75 instead of 98 lots (88 dwelling lots, 10 open space lots).**

**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.
- (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.
- (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.
- (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.
- (e) The internal streets and thoroughfares conform to the approved Stage 2: PUD Preliminary Site Plan.
- (f) The amenities that are part of the submitted phase are scheduled to be constructed concurrently with that 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.
- (h) The comments and recommendations received from the Warren County departments as well as representatives of federal and state agencies have been satisfactorily addressed.
- (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.
  - (2) Copies of any restrictive covenants or agreements that are to be recorded have been submitted.