



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON FEBRUARY 22, 2022

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## MIAMI TOWNSHIP CASE 581

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**APPLICANT:** Beaver Creek Site Management, LLC  
7861 E. Kemper Road  
Cincinnati, OH 45249

**OWNER:** David C. & Carl F Bockman  
5654 Wild Rose Lane  
Milford, OH 45150

**REQUEST:** Requesting to rezone four (4) parcels 182404B028 (5.06 ac.), 182404H153 (28.79 ac.) a portion of 182404C040 (35.685 ac.), and a portion of 182404C016 (72.533 ac.) consisting of +/- 142.09 acres from I – Planned Industrial District to R-1 Residential District with an R-PUD - Residential Planned Unit Development Overlay.

**LOCATION:** The subject properties are located between Deerfield Road and SR 131 within Miami Township. The property is bordering Stonelick Township to the east and Goshen Township to the north.

**ZONING:** Existing Zoning: I – Industrial District

North: T – Mobile Home Park District  
I – Industrial District

East: I – Industrial District,  
E – Estate Residential (*Stonelick Twp.*)  
R-1– Agricultural and Rural Residential (*Goshen Twp.*)

South: I – Industrial District  
A – Agricultural District

West: T – Mobile Home Park District  
I – Industrial District

**LAND USE:** The existing land use is vacant and mostly wooded with an agricultural focus. The majority of surrounding properties to the north and northeast are single-family residential properties. While properties to the south along SR 131 are all small-scale industrial properties.

**HISTORY:** Currently, no relevant project history exists for the property involved in this petition for zoning map amendment.

**RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:**

It appears this request for a Map Amendment is compatible with the purpose of the R-PUD – Residential Planned Unit Development Overlay District in the Township’s Zoning Resolution (Chapter 15).

**15.01 PURPOSE**

*This Chapter establishes requirements and procedures for approval of special residential developments designed as single, distinct, integrated units, providing single and/or multifamily residential uses, necessary vehicular and pedestrian circulation, and associated open space and/or recreational uses.*

- A. *General – It is the purpose of the Residential Planned Unit Development Overlay District (“R-PUD”) to provide a flexible alternative to a strict application of certain dwelling unit type, lot area, density, and other requirements in Residential and Agricultural Zoning Districts, to encourage coherent planned residential development that is in keeping with modern site planning standards, to promote the general public health, safety, and welfare, and other general purposes of the Miami Township Zoning Resolution.*
- B. *Objectives – The “R-PUD” is specifically designed to:*
  - 1. *Encourage residential land development in consideration of topography, vegetation, community character, and compatibility with surrounding land uses;*
  - 2. *Encourage creative design in the arrangement of buildings, open space circulation, and all related factors by permitting maximum flexibility in design;*
  - 3. *Achieve the most efficient land use by utilizing the special advantages of planned development and coordinated planning and design, and facilitating the economic arrangement of buildings, circulation systems, and utilities; and*
  - 4. *Create high-quality living environments that balance certainly permitted density increases with preservation of green space and/or provision of recreational amenities.*
- C. *Procedures – To achieve these purposes and objectives, special supplemental procedures to those applicable in the conventional Residence Districts are established in this Chapter, under which development plans specifically designed to meet these objectives may be submitted for review and/or approval. These special provisions allow for the planned reduction or averaging of individual lot area requirements or other modifications to further the purposes of the “R-PUD”.*

**15.02 QUALIFYING CONDITIONS**

*Any application shall meet the following conditions to qualify for consideration as an “R-PUD” District.*

- A. *LOCATION - The “R-PUD” site shall be located within all Residence Districts, including the “A” Agriculture District and may not be located in any other zoning district.*

- B. *DEVELOPMENT* - The "R-PUD" site shall be no less than five (5) contiguous acres. Subject to Zoning Commission approval, contiguous property of any size, including property of less than five (5) acres may be added to a "R-PUD" at any time, after a final development plan has been approved or after construction of the development has been initiated or completed in phases or in its entirety, provided its design is an integral part of and is harmonized with the character of the preexisting "R-PUD" development. All additional development to an approved "R-PUD" will be processed, reviewed and approved in accordance with the requirements of this Chapter. No "R-PUD" development shall be permitted except where public water and sanitary sewer facilities are made available.
- C. *SINGLE CONTROL* - At the time of application and throughout the development period, all land included in the "R-PUD" must be under the single control of the applicant or his successor, except for any portions of the development which are finished during phased construction and transferred to private ownership in accordance with the requirements of this Chapter.

**15.03 USE REGULATIONS**

Contingent upon final development plan approval, as required by the provisions of this Chapter, the following uses may be permitted within the "R-PUD" District:

**A. PERMITTED USES**

- 1. All types of residential housing units (attached or detached) may be permitted within the "R-PUD" Overlay District, including but not limited to single family, two-family, and multifamily residential units;
- 2. Accessory buildings incidental to the principal use, which do not include any activity conducted as a business.

**B. DENSITY, HEIGHT, YARD AND SETBACK REQUIREMENTS**

- 1. The overall density of the R-PUD shall not exceed the maximum density permitted in the underlying zoning district or the maximum lot yield that can be expected when designing a subdivision that meets the standards of the underlying zoning, whichever is less;
- 2. Minimum yard, lot size, type of dwelling unit, height and frontage requirement of the underlying district may be varied by the Zoning Commission for the "R-PUD" development, provided that the spirit, intent, conditions and provisions of this Resolution are complied with in a total development plan. The Zoning Commission, at its discretion, may require that adherence to the minimum requirements of the underlying districts be accomplished within all or a portion of the perimeter of the site;
- 3. Height, yards, and setbacks shall be as approved in the development plan, provided the following minimum standards are observed:
  - a. *Height*: The height of any residential structure within an "R-PUD" district shall not exceed three stories or forty-five (45) feet;
  - b. *Minimum Distance Between Buildings*: There shall be a minimum distance of fifteen (15) feet maintained between residential structures; and
  - c. *Length of Structures*: There shall be no continuous structure of townhouses, attached dwellings or apartments, containing more than eight (8) units side by side.

**C. FENCES, WALLS** - The location, height and type of fences and walls shall be as approved in the development plan.

**D. OFF STREET PARKING** - Off-street parking, and when applicable loading, shall be provided in accordance with Chapter 23 of the Miami Township Zoning Resolution and additional standards set forth in this Chapter.

- E. *SIGNS - The number, size, and location of signs for an "R-PUD" development plan will be in accordance with Chapter 24 of the Miami Township Zoning Resolution unless otherwise approved by the Zoning Commission.*

**15.04 STANDARDS AND GUIDELINES**

*In order to obtain an "R-PUD", the developer must demonstrate that the preliminary development and final development plans meet the following standards:*

**A. SITE PLANNING/OPEN SPACE AND GREEN AREAS**

1. *To the extent possible, the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character;*
2. *Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings and pavement;*
3. *Whenever possible a R-PUD must be designed so the proposed green areas adjoin the green area of any bordering development or any public park in order to provide an interconnected greenbelt system.*

**B. GRADING AND DRAINAGE**

1. *Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts;*
2. *Drainage shall be designed and constructed so as to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.*

**C. NATURAL RESOURCE PROTECTION AREAS**

1. *The resource protection standards are intended to preserve valuable and unique site natural resources which contribute to the ecological well-being and character of the community, and to prevent damage to the environment and the public health, safety and welfare that may result from loss of vegetation, hillside slippage, flooding, erosion or inappropriate site development;*
2. *The applicant is required to identify the natural resources present at the subject site, the limitations they pose to development and the required resource protection areas not be built upon, altered or disturbed by development;*
3. *All resource protection areas identified on the subject site shall be properly notated and may be designated as permanent open space and be made an integral part of the required open space in accordance with the provisions of this Chapter;*
4. *The types of site natural resources that need to be identified and protected and the preferred method of protection are as follows:*
  - a. *Flood plains: The 100-year flood plain and areas of special flood hazard areas as identified by the Federal Emergency Management Agency, and in accordance with all applicable State and Clermont County regulations.*
  - b. *Water Courses: Natural streams, ravines and drainage ways, which may or may not have been identified in the Federal Emergency Management Agency Maps. Any alternations of these site resources shall meet the provisions of appropriate Clermont County regulations.*
  - c. *Lakes and Ponds: No development or diversion of existing year-round bodies of water should be permitted except to provide required roads.*

- d. *Steep Slopes: Site areas where the land surface is inclined from a horizontal plane twenty percent (20%) or greater characterized by increased runoff, erosion, sedimentation, and slippage hazards if disturbed by construction activities. In order to prevent slippage, loss of vegetation and erosion, the majority of steep slope areas should not be disturbed through the stripping of vegetation or grading. The following standards should guide the protection of steep slopes:*
- i. *Steep Slopes of 20% to 30%*
    - *One hundred percent (100%) of such resource protection areas should remain undeveloped when they are incorporated into the open space system for the "R-PUD" project, in accordance with this section.*
    - *Seventy percent (70%) of such resource protection areas should remain undisturbed.*
  - ii. *Steep Slopes of Greater than 30%:*
    - *One hundred percent (100%) of such resource protection areas should remain undeveloped when they are incorporated into the open space system for the "R-PUD" project, in accordance with this section.*
    - *Eighty-five percent (85%) of such resource protection areas should remain undisturbed.*
  - iii. *Development of steep slopes should be done with caution, and excavation and alteration of the ground should be minimized. When steep slopes are being proposed for development, the Zoning Commission may require specific performance standards to be applied to the development in order to mitigate impacts.*
- e. *Woodland Areas: Areas or stands of trees (measured canopy to canopy) covering an area greater than one-quarter (1/4) acre in which:*
- i. *The majority of the trees are young canopy (4"-16" tree caliper); or*
  - ii. *The majority of the trees are fifteen (15) feet in height or greater and form at least a twenty percent (20%) canopy cover.*
  - iii. *Any grove of trees without regard to a minimum area consisting of mature canopy (16" and greater tree caliper).*
  - iv. *All development should be planned, designed and constructed so that existing healthy trees and vegetation are preserved to the maximum extent possible, according to the following:*
    - *Young Canopy Woodland: No more than sixty percent (60%) should be cleared.*
    - *Mature Canopy Woodland: No more than thirty percent (30%) should be cleared.*

#### **D. CIRCULATION**

1. *The street, access and parking system shall provide for the smooth, safe convenient and functional movement of vehicles and pedestrians both on and off-site;*
2. *Circulation shall:*
  - a. *Minimize the conflict between pedestrian and vehicular traffic, and*
  - b. *Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.*
3. *Vehicular Access:*
  - a. *Acceleration, deceleration and/or left turn lanes may be required if the Township finds that they are necessary to preserve safety and/or the traffic-carrying capacity of the existing street.*
  - b. *A traffic impact study shall be required for all R-PUD developments.*

4. *Site Distance Triangles:*
  - a. *All sites shall be designed so that plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.*
  - b. *The site distance triangle should be determined in accordance with the most recent, relevant and applicable standards. The sight distance triangle should vary depending on the design speed of the street and the width of the street.*

**E. PEDESTRIAN CIRCULATION**

1. *Sidewalks shall be constructed along all public and private streets. These public sidewalks can be supplemented with pedestrian paths that traverse the common open space;*
2. *Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a convenient, safe, and visible pedestrian path between parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated;*
3. *When deemed necessary for proper pedestrian circulation the Township may require sidewalks and/or pedestrian paths be constructed to provide access from the end of a cul-de-sac to the nearest adjoining street.*
4. *Whenever a proposed development adjoins a collector street sidewalks shall be constructed along the collector the full length of the subject property.*

**F. LIGHTING**

1. *On-site exterior lighting should provide illumination adequate to permit safe night-time activities;*
2. *All roadway, street, parking and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.*

**G. SCREENING AND BUFFERING**

1. *Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development;*
2. *Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas*

**H. LOT REQUIREMENTS - The minimum lot size for a single family home shall be 8,400 square feet with a minimum lot width of 70.**

**I. DESIGN STANDARDS - The Zoning Commission shall consider quality of design when reviewing all R-PUD applications. Design standards shall include:**

1. *The use of unique street design and landscaping to provide for traffic calming, including but not limited to, landscaped islands, flared sidewalks, or street narrowing;*
2. *A sufficient number of housing types and models are offered to avoid a monotonous streetscape. Provisions are established to avoid having identical building elevations constructed on adjoining lots;*
3. *The development offers a variety of lot sizes, housing types and construction material including, but not limited to, brick, stone, vinyl or wood siding;*
4. *Trees and foundation plantings are proposed for the front yard outside the public right-of-way.*

**J. PERIMETER REQUIREMENTS - If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the "R-PUD" development, the Zoning Commission shall impose either of the following requirements and may impose both:**

1. *Structures and parking areas located at the perimeter of the "R-PUD" development shall be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses within appropriate buffering as determined by the Zoning Commission;*
  2. *Structures located on the perimeter of the "R-PUD" development shall be permanently screened in a manner, which is sufficient to protect the privacy and amenity of adjacent existing uses.*
- K. *COMMON OPEN SPACE RECREATION AREA - The Zoning Commission may recommend approval of the "R-PUD" development if it finds that the development plan contains areas to be allocated for common open space in accordance with the following requirements:*
1. *Common open space should be set aside for active and/or passive recreation. Central neighborhood greens and smaller pocket parks are encouraged. Active recreation can include such activities as golf courses, swimming pools, tennis courts and playgrounds. Passive recreation can include sitting areas, walking paths, gazebos or similar uses;*
  2. *Streets, rights-of-way, parking areas and public utility easements having a width of 50 feet or more cannot be considered as common open space;*
  3. *For "R-PUD" projects to be developed with one hundred percent (100%) single family units, Twenty percent (20%) of the total (gross) site area of the proposed "R-PUD" development, shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to final approved development plan;*
  4. *For projects to be developed with one hundred percent (100%) multi-family units, a minimum of thirty percent (30%) of the total gross site area of the proposed "R-PUD" development shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to the final approved development plan. Required perimeter setbacks and required setbacks between buildings shall not be considered in the calculation of common open space;*
  5. *For "R-PUD" projects to be developed with single family and multifamily units a minimum of twenty percent (20%) of the total (gross) site area of the proposed "R-PUD" development shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to the final approved development plan;*
  6. *At least thirty percent (30%) of such required common open space areas shall be contiguous; they shall constitute autonomous open space and be exclusive of all streets, structures, single family lots, parking areas, sidewalks, and landscaped areas incidental to the vehicular circulation system. Independent trails and bridle paths of sufficient width and design may be included in the calculation;*
  7. *Such open space areas shall be physically situated so as to be readily accessible, and available to, all residents of the "R-PUD" development.*
- L. *ACCESS POINTS - At its discretion and in consideration of special project features, the Zoning Commission may require a specific number of access points to serve the proposed "R-PUD", development.*
- M. *UTILITIES - All utilities shall be located underground.*

Miami Township’s Vision 2025 Plan, specifies this area of the Township as “New Development Mixed Use” (see Figure 16 – Preferred Land Use).

***New Development:***

*New Development areas are those remaining portions of the Township that are largely undeveloped. Although some of these areas have few development constraints, others may be characterized by relatively steep slopes, minimal existing roadway systems, and other limitations that have prevented development to this point. However, these constraints are likely to become less of a barrier to development over the course of the 20 year period, as the remaining undeveloped parcels in the Township become more valuable due to their scarcity and the local market’s increasing potential.*

*New Development areas will generally develop in a more intensive manner than the Maintain Present Character areas, both because of the prices they will demand and because they will be designed to differentiate themselves from their surroundings. Many New Development areas will provide opportunities for types of land uses that are new to the Miami Township market, such as mixed-use developments that combine housing with office or commercial space. Evaluating and accounting for potential traffic impacts will be particularly vital to the success of many of the New Development locations, as they may generate a higher number of vehicle trips than many types of conventional development.*

The proposed zoning request meets the goals of Miami Township’s Vision 2025 Plan by providing new single-family residential development opportunities for the surrounding region.

**SITE ACCESS:**

The proposed site access has been shown with two (2) entrances along Deerfield Road. The first entrance is located +/- 400 feet west of Parker Road and the second entrance is located +/- 1200 feet west of Seven Lands Drive. Both entrances have proposed landscaping and monument signs. Landscaping and monument signs would be maintained by the creation of a Homeowner’s Association. All proposed lots would be provided legal frontage on the nine (9) proposed 50’ foot rights-of-ways (Road A, Road B, Road C, Road D, Road E, Road F, Road G, Road H, and Road I). All proposed road names shall be submitted and reviewed by the Clermont County Engineer’s Office for duplicate or nearly duplicate names (per Article V, Section B8).

**DEVELOPMENT PROPOSAL:**

Per the application, the proposed Planned Unit Development (PUD) plan would be to develop 213 single-family residential lots on 142.09 gross acres with 60.61 acres (42.6%) of proposed open space, with an overall project density of 1.50 dwelling units per acre.

**DEVELOPMENT DATA:**

**Miami Township Case: 581**

**Parcel Number:** 182404B028, 182404C016, 182404C040, and 182404H153

**Current Zoning/Density:** I – Industrial District (Non-Residential)



**Proposed Zoning/Density:** R-1 Residential District with an R-PUD - Residential Planned Unit Development Overlay (1.50 units /acre)

**Lot Yield:** 213

**Total Gross Area:** 142.09 acres

**Area in Open Space:** 60.61 acres (42.6%)

**Min. Lot Area:** 10,500 Sq. Ft. (.2410 acres)

**Min. Lot Width:** 70 Feet

**Front Yard Setback:** 40 Feet

**Min Side Yard Setback:** 7.5 Feet

**Rear Yard Setback:** 30 Feet

**School District:** Milford Local School Districts (Milford LSD)

### **STAFF ANALYSIS:**

The proposed PUD plan would permit the applicant to develop 213 single-family residential lots on approximately 142.09 acres. The PUD plan proposes a density of approximately 1.50 dwelling units per acre, which falls well below previously planned developments. The PUD plan addresses the locations of wetlands, sites topography, and sensitive development areas, which are situated throughout the development area. The PUD plan shows design elements that minimize the effects of grading and tree removal for the roadway and building lots.

Additionally, the proposed site design accommodates the protection of existing steep slopes found on the project site. The street layout is fairly efficient in accomplishing internal circulation and extends into sensitive development areas only to provide greater connectivity. The PUD plan does show some lands and soils that are found to possess attributes regarding “Sensitive Development Areas” specifically lots 70-71, 131-136, and 208-209 that will require geotechnical studies as they will impact both wooded areas and steep slopes/soils that are prone to slip (soil type: EaD2, and EbE2). A further review will be conducted once a Design Plan has been submitted to the County for review.

The natural topography creates its own set of challenges that can be mitigated, but undesirable adjacent land uses, like that of the existing industrial properties cannot. The PUD plan has proposed a significant planted buffer along with the industrial zoning to the south. In addition to the buffering between the adjoining land uses, there are several open space lots situated throughout the development that provide some protection to the existing wetlands on the site. These watercourses are classified as “Riverine” (R4SBC), “Freshwater Pond” (PUBGh), “Freshwater Forested/Shrub Wetland” (PFO1A). The creation of a Homeowners Association would maintain all the proposed open spaces and proposed stormwater retention/detention structures.

Overall, the development plan appears to follow all *Clermont County Subdivision Regulations* pertaining to Article V and conforms to the R-PUD regulations contained in the Miami Township Zoning Resolution, with regards to density, open space requirements, and resource protection standards.

**Clermont County Community & Economic Development Comments:**

- The proposed development needs to conform to all standards and regulations found under Article V, of the *Clermont County Subdivision Regulations*.
- All proposed public streets need to be designed with the minimum rights-of-way width for residential local streets per the recommendation of the Clermont County Engineer’s Office, and further shall conform to the requirements of the *Subdivision Street Design and Construction Standards for Clermont County*.
- Designate “\*” lots (70-71, 131-136, and 208-209) that are proposed to impact “sensitive development areas” with a statement that geotechnical studies will be required on lots that fall onto (soil type: EaD2, and EbE2).

**The Clermont County Engineer’s Office Comment:**

- The submitted Traffic Impact Study is under review and comments will be submitted to the study engineer.

**The Clermont County Water Resources Department Comments:**

- Water Resources has determined that there is water and sewer capacity to serve the development.
- The water main is required to be looped to provide at least two feeds into the development.
- There is concern that there may be an erosion hazard between the existing stream and proposed retention basins. Please verify that this will not be an issue.

**STAFF RECOMMENDATION:**

Based on the Staff Analysis, move to **RECOMMEND APPROVAL** of Miami Township Zoning Case 581 requesting to rezone four (4) parcels 182404B028 (5.06 ac.), 182404H153 (28.79 ac.) a portion of 182404C040 (35.685 ac.), and a portion of 182404C016 (72.533 ac.) consisting of +/- 142.09 acres from I – Planned Industrial District to R-1 Residential District with an R-PUD - Residential Planned Unit Development Overlay with the following conditions:

1. The proposed development needs to conform to all standards and regulations found under Article V, of the *Clermont County Subdivision Regulations*.
2. All proposed public streets need to be designed with the minimum rights-of-way width for residential local streets per the recommendation of the Clermont County Engineer’s Office, and further shall conform to the requirements of the *Subdivision Street Design and Construction Standards for Clermont County*.
3. Designate “\*” lots (70-71, 131-136, and 208-209) that are proposed to impact “sensitive development areas” with a statement that geotechnical studies will be

required on lots that fall onto (soil type: EaD2, and EbE2).

**STAFF RECOMMENDATION: CONT.**

4. Assure that the proposed water main is to be looped to provide at least two feeds into the development.
5. Verify on the PUD plan that the erosion hazard between the existing stream and proposed retention basins is to not be an issue.
6. Address comments and conditions submitted by the Clermont County Engineer regarding the submitted Traffic Impact Study.