



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON JANUARY 24, 2023

MIAMI TOWNSHIP CASE 585

- APPLICANT:** Andy Jones
Brookstone Homes
7203 Wooster Pike
Cincinnati, OH 45227
- OWNER:** Stephen Glaros & Sarah Glaros
1088 Kimberly Drive
Milford, OH 45150
- REQUEST:** Miami Township Zoning Map Amendment Case 585 requesting to rezone parcel 172520D371 consisting of +/- 6.67 acres from R-1 – Residence District to RPUD – Residential Planned Unit Development. *To be an Addition to Primrose Creek - RPUD
- LOCATION:** The subject property is located east of Branch Hill Miamiville Road with proposed access future access to Conner Lane (Primrose Creek Subdivision)
- ZONING:** Existing Zoning: R-1 – Residence District
- North: RPUD – Residential Planned Unit Development
- East: R-1 – Residence District
- South: R-1 – Residence District
- West: R-1 – Residence District
- LAND USE:** The current land is mostly wooded with a single-family residence with a shared access driveway onto Branch Hill Miamiville Road. Most surrounding properties are single-family residential.

HISTORY: On January 23, 1888, Webber's Subdivision was recorded.

On April 30, 1918, Webber's Subdivision all lots within Section/Block 1-5 & 7-13 were vacated.

On May 17, 1926, Doll Park Subdivision was recorded.

On April 27, 2021, the Clermont County Planning Commission recommended approval of Miami Township Case 579.

On June 7, 2021, the Miami Township Trustees Approved Miami Township Case 579.

On September 28, 2021, the Clermont County Planning Commission approved Primrose Creek – Design Plan.

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.

In Miami Township's Vision 2025 Plan, it specifies this area of the Township as "Residential Revitalization" (see Figure 16 – Preferred Land Use).

Residential Revitalization:

Revitalization areas are those where existing development patterns are fundamentally sound, but additional improvements should be encouraged to foster the area's long-term viability and benefits to the Township as a whole. Revitalization areas are likely to require some public sector investment in order to facilitate their improvement, although these investments may range from entrepreneurship seed grants to large scale infrastructure construction.

Two of the Revitalization areas identified are historic riverfront communities located on the Little Miami Scenic Trail and surrounding residential areas. These communities provide a small-town quality of life that is attractive to many residents. Efforts to support and upgrade residential facilities and amenities will support this population and provide a unique lifestyle opportunity within Miami Township. In addition, these communities have the potential to function as regional destinations for bicycle trail users and others looking for a small-town environment. Both communities provide opportunities for goods and services that can be oriented to visitors; at the same time such businesses will enhance residents' quality of life by providing convenient goods and services that the local population alone might not be sufficient to support.

The other two Revitalization areas include the Township's two major employment centers. Both the Park 50 Tech Center and the Wards Corners interchange area have existing viable businesses, but both have additional capacity that has not yet been capitalized upon. In both cases, efforts to support new development and ongoing investments in existing development will have substantial impacts on the fiscal viability of the Township, the school districts that serve the Township, and Clermont County.

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 site access has been shown from the extension of Conner Lane from Branch Hill Guinea Pike.

DEVELOPMENT PROPOSAL:

Per the application, the proposed Planned Unit Development (PUD) plan would expand the original Primrose Development of 32 single-family residential lots to develop 47 single-family residential lots on 22.3 acres with 8.03 acres (36%) of proposed open space.

DEVELOPMENT DATA:

Miami Township Case: 585

Parcel Number: 172520D371

Current Zoning/Density: R-1 Residential District

Proposed Zoning/Density: R-1 Residential District with an R-PUD - Residential Planned Unit Development Overlay

Lot Yield: 47

Total Gross Area: 142.09 acres

Area in Open Space: 8.03 acres (36%)

Min. Lot Area: 9,800 Sq. Ft. (.2249 acres)

Min. Lot Width: 70 Feet

Front Yard Setback: 40 Feet

Side Yard Setback: 10'

Rear Yard Setback: 30 Feet

School District: Loveland CSD

STAFF ANALYSIS:

The proposed PUD plan would permit the applicant to develop 6.96 acres for 15 additional single-family residential lots for a total proposed building count of 47 on 22.30 acres, including Primrose Creek – RPUD overlay.

The extension of Conner Lane conflicts with the subdivision design standards under Article V, Clermont County Subdivision Regulations.

Article V, Section 504 B (3):

3. *The maximum length for cul-de-sacs shall be nine hundred (900) feet from the center line of the intersection street to the radius point of the cul-de-sac or as needed to serve a maximum of 30 lots.*

A variance must be submitted with Primrose Creek - Revised Design Plan to extend the previously approved variance case (V-03-21), allowing a cul-de-sac of 1387 feet (+487 ft.) and 32 single-family residential lots.

Should the variance not be approved for an additional cul-de-sac length and 47 units by Clermont County Planning Commission, the design plan cannot be approved as submitted.

Clermont County Community & Economic Development Comments:

- The proposed development must conform to all standards and regulations under Article V of the *Clermont County Subdivision Regulations*. A variance will be required for noncompliance with (Article V, Section 504, B(3))
- The existing residence is to be removed before construction permits can be issued.
- All proposed public streets need to be designed with the minimum rights-of-way width for local residential streets per the recommendation of the Clermont County Engineer's Office and shall conform to the requirements of the *Subdivision Street Design and Construction Standards for Clermont County*.

The Clermont County Engineer's Office Comment:

- No objections or comments to offer at this time.

The Clermont County Water Resources Department Comments:

- Gravity sewer may not be able to be extended from the existing Primrose Creek Development. Branch Hill Miami Road does not have public sewer access to the parcel in question.
- Public water is available at Branch Hill Miami Road; therefore, Water Resources would require that the water main be looped through Primrose Creek from Branch Hill Guinea to Branch Hill Miami Road.

STAFF RECOMMENDATION:

Based on the Staff Analysis, move to **RECOMMEND APPROVAL** of Miami Township Zoning Case 585, requesting to rezone parcel 172520D371 consisting of +/-

6.67 acres from R-1 – Residence District to RPUD – Residential Planned Unit Development with the following conditions:

1. The proposed development must conform to all standards and regulations under Article V of the *Clermont County Subdivision Regulations*. A variance will be required for noncompliance with (Article V, Section 504, B(3))
2. Removal of existing residence on parcel 172520D371 before construction permits can be issued.
3. All proposed public streets need to be designed with the minimum rights-of-way width for local residential streets per the recommendation of the Clermont County Engineer's Office and shall conform to the requirements of the Subdivision Street Design and Construction Standards for Clermont County.
4. Determine the plausibility of extending the gravity sewer from the existing Primrose Creek Subdivision. No public sewer access is available along Branch Hill Miamiville Road.
5. Water Main is required to lope through Primrose Creek Subdivision from Branch Hill Guinea to Branch Hill Miamiville Road.