



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON APRIL 25, 2023

CASE NO. ZC-2023-004

REPORT DATE: 2023-04-21

APPLICANT:

Richard Stumpf
1255 Melayn Street
Lebanon, OH 45036

PROPERTY OWNER:

Richard & Theresa M. Stumpf
1255 Melayn Street
Lebanon, OH 45036

PARCEL ID:

11-22-09E-069

ADDRESS OF REQUEST:

N/A

REQUEST:

A Major Modification to PD District (Heritage Woods P.U.D) to permit a revised plan to subdivide the remaining parcel 112209E069 consisting of +/- 38.51 acres into six lots exceeding 5 Acres.

HISTORY:

County Records show that Heritage Woods P.U.D Section 1 was initially recorded in early 1994. With Heritage Woods P.U.D Section 2 recorded November 6, 2001.

CONTENTS OF REPORT:

- Attachment A: Township Application
- Attachment B: Letter of Intent
- Attachment C: Property Notices
- Attachment D: Legal Description
- Attachment E: Proposed Lot Layout

DEVELOPMENT PROPOSAL:

Per the application, the applicant (Richard Stumpf) requests A Major Modification to PD District (Heritage Woods) to permit a revised plan to subdivide the remaining parcel 112209E069 consisting of +/- 38.51 acres into six lots exceeding 5 Acres.

The subject parcel was originally intended to be part of a future section of the Heritage Woods Planned Unit Development (P.U.D), but no formal plans were ever submitted, as per county and township records. The current applicant purchased the property in 2017 and is now requesting a revision of the original P.U.D zoning, with the proposed lots maintaining an agricultural designation.

The proposed major modification is not expected to have any adverse impact on the surrounding area, as the project density and proposed lots would be well below the existing Heritage Woods P.U.D. The development will be required to comply with the Clermont County Subdivision Regulations Article VII, Section 704.

The proposed site plan, however, lacks details regarding how stormwater management measures will be addressed, as there is an existing stormwater management system on the adjacent parcel owned by the Heritage Woods Homeowners Association (HOA). In the Letter of Intent, the applicant stated that they do not want the future lots to be part of the Heritage Woods HOA, so the design must demonstrate that the existing stormwater infrastructure will not be utilized.

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

The Goshen Township Growth Management Plan, enacted on December 20, 2000, refers to the subject property as a rural/suburban option. Based on this information, the request seems to align with the objectives outlined in Section 4 of the Township's Growth Management Plan. However, according to the Goshen Township Zoning Resolution, a Major Modification is not subject to review by the Clermont County Planning Commission. Nonetheless, we appreciate the request for review and recommendation as it provides an additional opportunity to gather feedback on the project before submitting a Design Plan proposal.

Rural/Suburban Option

A majority of Goshen Township is outside of the current sewer service area but future sewer extension plans are in place to accommodate growth in these areas over the long-range horizon of this plan. These improvements are planned for anywhere from 2 to 20+ years in the future and create an ever-changing situation for the Township. To counteract this evolving state of improvements, the areas subject to potential future sewer extensions have been designated as a Rural/Suburban Option. Simply put, where sewers are not available, per-mitted land uses and densities are the same as those permitted in the Rural Activities Area. If centralized sewer and water are available and the systems are capable of accommodating new growth , single family residential uses may be developed at densities as high as 1.5 units per acre. This density equates to approximately one unit for every 30,000 square feet of land. This density reflects the current density of development in areas where centralized sewer is available but poorly draining soils pose serious problems with proper drainage.

Goshen Township Zoning Resolution
Article 6: Planned Development Districts
6.02 Planned Development Districts

(J) Modifications to Approved Preliminary or Final Development Plans

1. *If an applicant proposes to modify an approved preliminary development plan or final development plan, the applicant shall submit the proposed modifications to the Zoning Inspector for transmittal to the appropriate authority based on paragraphs (3) and (4) below.*
2. *The proposed modifications shall be classified as a minor or major modification based on the following:*
 - a. *Minor Modifications* Minor modifications shall include, but are not limited to, changes that do not involve:
 - i. *Changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than permitted by the approved preliminary development plan or changes to the location or amount of land designated for a specific land use or open space;*
 - ii. *A reduction of more than 10 percent in the number of parking spots;*
 - iii. *A change of the permitted uses to a use not otherwise permitted in the proposed PD District;*
 - iv. *Any change that will increase demand on any on- or off-site infrastructure;*
 - v. *Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the PD District; or*
 - vi. *An expansion of a building footprint that affects the specified setbacks of the approved plan.*
 - b. *Major Modifications* Major modifications shall include, but are not limited, to:
 - i. *A change in density or intensity;*
 - ii. *Changes to the property or project boundaries of the entire PD District;*
 - iii. *Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations;*
 - iv. *Anything not classified as a minor modification above; or*
 - v. *Any change that the Zoning Commission determines, after review, should be forwarded on to the Board of Trustees as a major modification.*
3. *Review of Minor Modifications*
 - a. *The Zoning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved preliminary development plan or final development plan.*
 - b. *Such review and decision shall take place at a public meeting of the Zoning Commission and shall not require any additional notice beyond what is required by the ORC for public meetings.*
 - c. *The decision of the Zoning Commission on minor modifications shall be deemed administrative.*
 - d. *If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development plan.*
4. *Review of Major Modifications*
 - (a) *Major modifications shall require a public hearing with the Zoning Commission and Board of Trustees to revise the preliminary development plan pursuant to Section 6.02(E)(2): Preliminary Development Plan Review Procedure, with the following provisions:*
 - i. *The new plan shall not be subject to review by the Clermont County Planning Commission; and*
 - ii. *Major modifications shall be subject to new application fees.*
 - (b) *If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development plan.*

AGENCY REVIEW AND NOTIFICATION:

AGENCY	REFERRAL SENT	COMMENTS RECEIVED
Township (<i>Fire/EMS/Service</i>)		
Community and Economic Development (CED)	X	X
Engineer's Office (CCEO)	X	X
Water Resources Department (WRD)	X	X
Water Management & Sediment Control (WMSC)	X	X
Soil and Water Conservation District (SWCD)		
Ohio Department of Transportation (ODOT)	X	X
School District		

REFERRAL AGENCIES' COMMENTS:

Community and Economic Development Comments:

- As per the Clermont County Subdivision Regulations Article VII: Requirements for Special Developments, a 6 lot subdivision is considered a major subdivision. Once the Township confirms the zoning of the property, the Department of Community and Economic Development - Planning Division requires a complete application for the proposed Five Acre Plus Subdivision to be submitted.
- Future Lot Layout will be revised for compliance with the Clermont County Subdivision Regulations.

Engineer's Office Comments:

- ODOT should be consulted regarding potential impacts and/or access to SR 132. No further objections or comments for this case.

Water Resources Department Comments:

- If it is intended for the lots to tie into public water and sewer, the existing panhandles should be wide enough for private water and sewer laterals to run within it.

Water Management & Sediment Control Comments:

- No objections or comments for this case.

ODOT Ohio Department of Transportation Comments:

- No objections or comments for this case.

STAFF ANALYSIS:

Following a comprehensive analysis, staff has evaluated Goshen Township Case ZC-2023-004 and its request a Major Modification to PD District (Heritage Woods P.U.D) to permit a revised plan to subdivide the remaining parcel 112209E069 consisting of +/- 38.51 acres into six lots exceeding 5 Acres.

The proposed major modification and proposed development align with the Township's growth management plan and zoning regulations and will not adversely impact the surrounding area. So long as the development will be designed in a manner consistent the Clermont County Subdivision Regulations Article VII Section 704.

While the new proposal does not follow the perceived growth pattern of Heritage Woods P.U.D. the proposed development will provide additional housing options for the community, which are highly desirable. In conclusion, staff recommends approval of the proposed rezoning request as it is consistent with all standards within the Goshen Township Zoning Resolution and Growth Management Plan.

STAFF RECOMMENDATION:

Based on the staff analysis in the following report, the following motion is recommended, APPROVAL WITH CONDITIONS of Goshen Township Case ZC-2023-004 requesting a Major Modification to PD District (Heritage Woods P.U.D) to permit a revised plan to subdivide the remaining parcel 112209E069 consisting of +/- 38.51 acres into six lots exceeding 5 Acres with the following conditions:

1. The future Design Plan shall meet the requirements under the Clermont County Subdivision Regulations as it pertains to Article VII, Section 704.