



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON APRIL 26, 2022

GOSHEN TOWNSHIP CASE ZC-2022-004

- APPLICANT:** Kirk Ridder
Grand Communities, LLC
3940 Olympic Boulevard
Erlanger, KY 41018
- OWNER:** Robert G. Roak, Trustee
7221 Kyles Station Road
Middletown, OH 45044
- REQUEST:** Goshen Township Zoning Map Amendment Case ZC-2022-004 requesting to rezone parcels 112207E212 (23.00 ac.) & 112207E033 (16.23 ac.) consisting of +/- 39.23 acres from R-2 – Low Density Residential District to PD-R – Planned Development Residential District.
- LOCATION:** The subject properties are located south of SR 132 and west of Kirbett Road, adjacent to the north of Heisler Park in Goshen Township.
- ZONING:** **Existing Zoning:** R-2 – Low-Density Single-Family Residential District
Proposed Zoning: PD-R – Planned Development Residential District
North: R-2 – Low-Density Single-Family Residential District
East: R-2 – Low-Density Single-Family Residential District
South: R-2 – Low-Density Single-Family Residential District
West: R-2 – Low-Density Single-Family Residential District
- LAND USE:** **Existing Land Use:** Agricultural
Proposed Land Use: Single-Family Residential Planned Development.

HISTORY: On December 21, 2021, the Clermont County Planning Commission recommended approval of Goshen Township Case ZC-2021-008.

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

It appears this request is compatible with the Planned Development regulations within the Township's Zoning Resolution (Article 6).

6.01 Establishment and Purpose of Planned Development Districts

(A) *Overall Purpose In order to fully provide for the purpose and intent of this resolution as outlined in Section 1.01: Purpose, while also providing for some level of flexibility in meeting the standards established within the resolution, Goshen Township has established options for planned development districts. The overall purpose for these districts is to encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Regulations set forth in this article are adopted to accommodate unified planning and development that are consistent with existing established land use patterns in Goshen Township. The township's character is related to the physical attributes of the township, including its land use patterns and natural resources. The planned development districts are intended to achieve the following land use objectives:*

- (1) *Provide for a variety of housing options and lot sizes to promote the planning of a development that is more sensitive to the protection of open spaces and accommodation for all demographics in Goshen Township;*
- (2) *Encourage the protection of open space by permitting developments with a range of densities that also provide open space, consistent with the open space character of the surrounding area;*
- (3) *Permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting activity areas;*
- (4) *Promote economical and efficient use of land and reduce infrastructure costs through unified development;*
- (5) *Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses;*
- (6) *Provide for flexibility in situations where existing development, subdivided lots, or base zoning district requirements may limit the potential for future development; and*
- (7) *Provide a higher level of design review to ensure attractive, well-planned developments and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.*

(B) **Types of Planned Development Districts**

There are two major types of planned development districts in Goshen Township that include:

(1) **Planned Development Districts with Zoning Amendment**

(a) *A general Planned Development District requires the submission of a preliminary and final development plan in accordance with Section 6.02(E): Planned Development District Review Procedure, which requires an amendment to the Goshen Township Zoning Map in order to establish the district. Within this type of district, there are three major sub-types of districts including:*

- (i) *PD-R: Residential Planned Development District;*
- (ii) *PD-B: Business Planned Development District; or*

(iii) *PD-M: Mixed-Use Planned Development District. Article 6: Planned Development Districts 6.01: Establishment and Purpose of Planned Development Districts Goshen Township Zoning Resolution – February 22, 2017, 6-2*

(b) *An application for a general PD district may only be submitted at the option of the property owner or their authorized agent.*

(c) *An application for a general PD may be for any property in the township.*

(C) PDs Approved Prior to the Effective Date of this Resolution

Any Planned Development (PD) District or Planned Business Development District (PBDD) approved prior to the effective date of this resolution shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PDs shall be in accordance with Section 6.02(J): Modifications to Approved Preliminary or Final Development Plans.

(D) Deviation from Standards

(1) *The Zoning Commission and Board of Trustees may approve deviations from any of general development standards in this article except those standards found in Table 6-1.*

(2) *Such deviation must be reviewed and approved as part of the preliminary development plan.*

(3) *In approving a deviation from these standards, the Zoning Commission and Board of Trustees must find that:*

(a) *The proposed alternative achieves the purposes of the PD district to the same or better degree than the subject standard;*

(b) *The proposed alternative achieves the goals and intent of this resolution and the growth management plan to the same or better degree than the subject requirement; and*

(c) *The proposed alternative results in benefits to the township that are equivalent to or better than compliance with the established standard.*

6.02 Planned Development Districts (PD)

This section shall apply to any planned development district that requires a zoning map amendment and will be classified as a PD-R, PD-B, or PD-M District. Applications subject to the PDO State Route 28 Planned Development Overlay District shall be subject to the provisions of Section 6.03: PDO State Route 28 Planned Development Overlay District.

(A) Minimum Project Area

(1) *An application for a PD shall be for property that is under a single ownership or, if under several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PD boundaries.*

(2) *The minimum gross area of a tract of land developed as a PD shall be 10 acres.*

(3) *The Zoning Commission may authorize review of a tract of land smaller than 10 acres if, upon written request by the owner of land, they find that either:*

(a) *The requested smaller land area has unique natural features that would not be preserved if the parcel were developed as a conventional subdivision; or*

(b) *The ownership of the property and surrounding land and/or other use and development restrictions abutting the property reasonably prevent the applicant from acquiring the additional land necessary to satisfy the minimum area required.*

(4) *All land within the PD shall be contiguous in that it shall not be divided into segments by existing or proposed limited access highways, arterial streets, and other streets except local and collector streets, or any tract of land (other than roads or right-of-way for utility or related purposes) not owned by the developer of the PD. The determination of local streets for the purposes of this provision shall be based upon the specifications of the Clermont County Subdivision Regulations.*

(B) Permitted Uses

(1) *The following is a list of uses allowed in each type of planned development district subtypes.*

(a) PD-R: Residential Planned Development District

Any uses that fall within the following use classifications in Table 5-1 may be considered in a PD-R District:

(i) *Agricultural use classification;*

- (ii) Residential use classification; and
- (iii) Public and institutional use classification.

(2) Limiting Permitted Uses

As part of the review of a PD preliminary plan application, the Zoning Commission and Board of Trustees may identify uses that are permitted within a specific PD type that should be limited (with set conditions) or prohibited within the proposed PD preliminary plan application. Any such limitations and conditions shall be established in the approval of the PD preliminary plan.

(3) Accessory Uses and Structures in a PD District

Accessory uses in a PD District shall be subject to the following standards:

- (a) Accessory uses and structures related to residential uses in a PD District shall be subject to the standards applied to accessory uses in the R-2 District.
- (b) Accessory uses and structures related to nonresidential uses in a PD District shall be subject to the standards applied to the B-2 District.

(C) Development Standards

Except as otherwise authorized by the Zoning Commission and the Board of Trustees, PD Districts shall comply with the following development standards:

(1) Density and Intensity of Uses

- (a) All PDs shall comply with the standards set forth in Table 6-1.
- (b) A minimum of 40 percent of the floor area in a PD-M shall be residential dwelling units.
- (c) All open space required by this section shall be subject to Article 11: Open Space Standards.

| TABLE 6-1: PD DENSITY AND INTENSITY STANDARDS | | | | |
|--|--|---|---|--------------------------------|
| PD DISTRICT TYPE | MINIMUM OPEN SPACE REQUIRED (OF TOTAL SITE) | MAXIMUM GROSS DENSITY (TOTAL SITE) | MAXIMUM NET DENSITY (ANY ONE ACRE) | MAXIMUM BUILDING HEIGHT |
| PD-R | 35% | 3 Units Per Acre | 6 units per acre | 35 Feet |
| | 50% | 4 Units Per Acre | 8 units per acre | 35 Feet |

(2) Permitted Number of Dwelling Units

- (a) The maximum permitted number of dwelling units in a PD-R or PD-M project shall be calculated by multiplying the total area of “residential developable land” by the maximum gross density. For the purposes of this calculation, “residential developable land” is any land area except land that is designated as or for:
 - (i) Rights-of-way that exist prior to the application, but not including right-of-ways that will be proposed as part of the application;
 - (ii) Land that is the floodway or other areas that are not developable for residential units due to state or federal standards;
 - (iii) Land that is permanently conserved; and
 - (iv) Land designated solely for nonresidential development.
- (b) The permitted number of dwelling units may be located on any size lot or in any area of the development in accordance with this article and outside of the required minimum open space area (See Table 6-1.).

(3) Lot Standards for Residential Only Uses and Developments

- (a) The minimum lot area for any residential use shall be 5,000 square feet.
- (b) The minimum lot width for any residential use shall be 50 feet
- (c) Lots of less than 8,000 square feet shall have garages that are either:
 - (i) Rear-loaded; or
 - (ii) Set back a minimum of five feet from the front façade of the remainder of the house.
- (d) There shall be a minimum distance of 60 feet between the rear facades of any two homes and 10 feet between the side facades of any two homes. If lots are established, these distance requirements do not have to be equally applied to each lot (i.e., there does not have to be a five-foot side yard setback on each lot to meet the 10 foot side façade separation).

- (e) *The minimum front yard setback shall be 25 feet from any local residential street right-of-way, however, the facade of any front-loading garage (the garage portion of the front façade) shall be setback 30 feet from the street right-of-way. For homes that have frontage along a county designated road, the minimum front yard setback shall be 40 feet.*
 - (f) *If no right-of-way exists, the minimum front yard setback shall be 25 feet from the edge of pavement or the back of any easement the county may require along the street for the purposes of utilities, whichever is greater. The facade of any front-loading garage (the garage portion of the front façade) shall be setback 30 feet from the edge of pavement or the back of any easement the county may require along the street for the purposes of utilities, whichever is greater*
- (4) **Lot Standards for Mixed Use and Nonresidential Uses**
There shall be no minimum lot area or lot width requirements for mixed use buildings or other nonresidential uses.
- (5) **Floor Area Requirements for Dwelling Units**
All dwelling units shall comply with the floor area requirements of Section 5.05(C)(6): Floor Area Requirements.
- (6) **Architectural Standards**
At a minimum, all planned development applications shall be subject to the architectural standards of Article 9: Architectural Standards.
- (7) **Buffering**
- (a) *A setback of 20 feet shall be provided along the perimeter of a PD-R District where such district is adjacent to existing residential subdivisions. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer that provides 100% screening of the development.*
 - (b) *A setback of 50 feet shall be provided along the perimeter of a PD-B or PD-M District where such district is adjacent to existing residential subdivisions or a residential zoning district. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer that provides 100% screening of the development.*
 - (c) *The planting and landscaping material standards of Section 10.04: Landscaping Materials and Standards, shall apply.*
 - (d) *The applicant may request, or the Zoning Commission may recommend and the Board Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions warrant such modifications including opportunities for connectivity to adjacent uses and developments.*
- (D) **Street, Drive, and Sidewalk Requirements**
- (1) **General Street and Drive Design Criteria**
- (a) *The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.*
 - (b) *Street alignments should follow natural contours and be designed to conserve natural features.*
 - (c) *The locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.*
 - (d) *Dead-end streets shall be prohibited, except as stub streets. Article 6: Planned Development Districts 6.02: Planned Development Districts (PD) Goshen Township Zoning Resolution – February 22, 2017 6-7*
 - (e) *Permanent cul-de-sac streets are strongly discouraged and should only be utilized in instances where they are necessary due to topography, configuration of land, existing road layouts or other special circumstances. The Zoning Commission and Board of Trustees may require stub streets to extend to the development boundaries for planned road connections.*

(2) ***Pedestrian Circulation, Walkways, and Trails***

- (a) *A pedestrian circulation system shall be included in a PD-R or PD-M District and should be designed to ensure that pedestrians can walk safely and easily throughout the development, without having to walk or utilize the street for travel. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets. If the pedestrian system intersects a public or private street within the development, "pedestrian crossing" signs shall be posted.*
- (b) *A trail system may be provided within the area of open space. The system should be designed to minimize disturbance of the site with regard to the natural drainage system and topography. To the maximum extent feasible, natural materials should be used in the construction and maintenance of the trail system.*
- (c) *When developed adjacent to contiguous to a public trail, park, or recreation area, the development shall provide pedestrian access from the development to the public area by way of connecting walkway, trail, boardwalk, or bridge.*

Goshen Township's *2000 Growth Management Plan*, specifies this area of the Township as a "Rural/Suburban Option" area.

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, permitted 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.

This petition for a zoning map amendment and the details provided conform with the overall future development policies and its vision for residential development to take advantage of existing public services as stated in *Goshen Township's 2000 Growth Management Plan: Rural/Suburban Option*.

SITE ACCESS:

The proposed development shows the project is accessed from the west side of Kirbett Road. Discussion with Goshen Township has stated that Kirbett Road will be improved out to SR 132 to accommodate the increased traffic of the proposed project. The development proposes two accesses via (*Kettle Way and Woodstone Lane*) to the development from the western termination of Kirbett Road (+/-2000 Ft. south of SR 132). The development proposes that all lots would be provided direct access and legal road frontage by dedicating +/- 5.82 acres of 50' rights-of-way. The four proposed street names are *Woodstone Lane, Candle Light Way, Kettle Way, and Carriage street*. These proposed street names shall be reviewed by the Clermont County Engineer's Office for duplicate or nearly duplicate names of existing streets of record or streets for which design plans have been approved.

Proposed streets such as *Woodstone Lane and Carriage Street* are shown to be temporary dead-end streets and are permitted only as part of a continuing street plan. All temporary dead-end streets shall conform to requirements established in the *Subdivision Street Design and Construction Standards for Clermont County*.

DEVELOPMENT PROPOSAL:

Per the application, the proposed development would consist of 117 single-family residential lots on 39.4828 acres with 14.08 acres (35.7%) of open space, with an overall project density of 2.96 dwelling units per acre.

DEVELOPMENT DATA:

Goshen Township Case: ZC-2022-004

Parcel Number: 112207E212 & 112207E033

Current Zoning/Density: R-2 (+/- 1.45 units/acre)

Proposed Zoning/Density: PD (2.96 units/acre)

Lot Yield: 117

Total Gross Area: 39.48 acres

Area in Open Space: 14.08 acres (35.7%)

Min. Lot Area: 6,200 Sq. Ft. (.1423 acres)

Min. Lot Width: 50 Ft.

Front Yard Setback: 30 Ft.

Side Yard Setback: 5 Ft. min. 10 Ft. Total

Rear Yard Setback: 25 Ft.

School District: Goshen Local School Districts (GLSD)

STAFF ANALYSIS:

This petition is for a zoning map amendment for parcels 112207E212 & 112207E033 to be rezoned from R-2 – Low-Density Single-Family Residential District to PD-R – Planned Development Residential District. A favorable recommendation would allow the applicant to develop 117 single-family residential lots on approximately 39.4828 acres.

The existing R-2 – Low-Density Single-Family Residential District has a potential development density of 1.45 dwelling units per acre. The Planned Development proposes a density of 2.96 dwelling units per acre, an increase of 104% from the underlying “R-2” zoning potential density. The proposed density does fall below the recommended maximum of 3 dwelling units per acre under *Goshen Township Zoning Resolution Article 6: 6.02 Planned Development Districts*.

The proposed development is situated in an area of the township with limited residential development, and the requested 6,200 Sq. Ft. (.1423 acres) and 2.96 dwelling units per acre are found to be significantly higher than the immediate surrounding residential parcels (+/- .99 acres) found along Kirbett Road and SR 132.

The development plan addresses these differences by providing a 20-foot boundary buffer. The proposed buffer has been conceptualized by way of a proposed mound or berm, leaving existing vegetation and landscaped buffering. Details regarding the

specifications for the boundary buffer have not been provided at this time. A more detailed review of the proposed landscaping and buffering will be required during future phases of development.

In addition to the boundary buffer, there are six open space lots situated throughout the development that has been designed to provide stormwater retention, buffering, and playground amenities. The creation of a homeowners association would maintain all the proposed open spaces and stormwater retention structures.

Pedestrian circulation would be provided by sidewalks along both sides of all dedicated rights-of-way within the development while providing walkability to amenities such as a proposed centralized playground area, along with incorporating the stormwater retention basin as a water feature.

A brief review of the National Wetland Inventory Map has shown that there is a freshwater pond located on parcel 112207E212. The Ohio EPA and the Corps of Engineers should be contacted to see if Section 401/404 permits are required.

Overall, the requested project land use and proposed density are compatible with the *Clermont County Subdivision Regulations* and the current subdivision pattern developing throughout Goshen Township.

Clermont County Community & Economic Development Comments:

- The Ohio EPA and the Corps of Engineers should be contacted to see if Section 401/404 permits are required for the freshwater pond located on parcel 112207E212.
- The dedication of right-of-way (*Kettle Way*) between parcels 112207E233 & 112207E253 shall be increased from +/- 49 Ft. to 50 Ft. as stated in *Article V, in the Clermont County Subdivision Regulations*.
- Proposed buffering along (*Kettle Way*) is highly recommended for parcels 112207E233 & 112207E253.
- We recommend that O.S Lot 122 be proposed as an “active” open space, i.e. Soccer Field or Multi-purpose field.
- A centralized location for Cluster Box Units (CBU) is to be determined on plans and is recommended to use the proposed open space. Please see the *U.S. Postal Service National Delivery Planning Standards: A Guide for Builders and Developers* and *Builder and Developer Information Packet: Cluster Box Units*.

Clermont County Engineer's Office Comments:

- A Traffic Impact Study (TIS) has been reviewed and accepted by the County Engineer's Office.
- The Ohio Department of Transportation (ODOT) should also be consulted regarding potential impacts on SR 132.

Clermont County Water Resources Department Comments:

- Sanitary Sewer capacity is available for the proposed development.
- These parcels do not have access to public water. The public water main will need to be extended along Kirbett Road from the existing water main along SR 132. The water main along SR 132 is in the process of being replaced. There will be capacity for the proposed lots.

STAFF RECOMMENDATION:

Based on Staff Analysis, request a motion to **RECOMMEND APPROVAL** of Goshen Township Zoning Map Amendment Case ZC-2022-004 requesting a rezone of two parcels 112207E212 & 112207E033 consisting of 39.4828 acres from R-2 Low-Density Single-Family Residential District to PD-R Planned Development Residential District with the following conditions:

1. The Ohio EPA and the Corps of Engineers shall be contacted to see if Section 401/404 permits are required for the freshwater pond located on parcel 112207E212.
2. All proposed dedicated right-of-way needs to meet the Clermont County Street Design Standards as stated in *Article V, in the Clermont County Subdivision Regulations*.
3. Proposed buffering along (*Kettle Way*) is highly recommended for parcels 112207E233 & 112207E253.
4. Determine what open space is to be "Passive Open Space" and "Active Open Space".
5. Determine a centralized location for Cluster Box Units (CBU) that meet all U.S. Postal Service (CBU's) Standards.
6. The public water main will need to be extended along Kirbett Road from the existing water main along SR 132.