



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON MAY 24, 2022

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## MIAMI TOWNSHIP ZONING CASE 584

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- APPLICANT:** David Baker  
BSM Development, LLC  
3011 Armory Drive, Suite 120  
Nashville, TN 37204
- OWNER:** Lorven Milford, LLC.  
7106 Corporate Way  
Dayton, OH 45459
- REQUEST:** Miami Township Zoning Map Amendment Case 584 requesting to rezone a 5.19 acres portion of two parcels 182402B042 (21.48 acres) and 182402B042A (0.04 acres) consisting of a total of +/- 21.52 acres from B-1 Neighborhood Business District with a PUD Planned Unit Development Overlay (Case 572) and R-2 – Residence District to B-1 Neighborhood Business District with a PUD Planned Unit Development Overlay.
- LOCATION:** The subject properties are located along SR 28 across from Easley Drive with the physical address of 1153 SR 28 Milford, OH 45150.
- ZONING:** **Existing Zoning:** B-1 Neighborhood Business District with a PUD Planned Unit Development Overlay (Case 572) and R-2 – Residence District  
**Proposed Zoning:** B-1 Neighborhood Business District with a PUD Planned Unit Development Overlay.
- North:** B-2 – General Business District &  
R-PUD – Residential Planned Unit Development.
- East:** B-2 – General Business & R-2 – Residence District

**ZONING: Cont.**

**South:** R-2 – Residence District

**West:** R-2 – Residence District

**LAND USE:**

The existing land use is vacant and mostly wooded. The site has issues with differing topography. The surrounding properties are residential in use with a shopping center and multiple local businesses located on SR 28.

**HISTORY:**

On September 26, 2017, the Clermont County Planning Commission voted to recommend approval of Miami Township Zoning Map Amendment Case 555.

On November 9, 2017, the Miami Township Board of Trustees approved Miami Township Zoning Map Amendment Case 555.

On July 28, 2020, the Clermont County Planning Commission voted to recommend approval of Miami Township Zoning Map Amendment Case 572.

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

It appears this request for a Major Modification is compatible with the purpose of the B-PUD – Business Planned Unit Development Overlay District in the Township’s Zoning Resolution (Chapter 19).

**19.01 PURPOSE**

*A. General*

*This Chapter establishes requirements and procedures for approval of business developments within corridors along major transportation arterials which are planned and designed in a manner that maintains effective traffic flow and accessibility to reduce potential traffic hazards, encourage compatible land uses, and promote the general public health and safety, and other purposes of the Miami Township Zoning Resolution.*

*Business corridors along major transportation arterials are recognized as principal geographic areas of commercial activity in Miami Township. It is the purpose of the Planned Business Development Overlay District to provide a flexible alternative to the strict application of the requirements of the underlying zoning, to encourage effectively planned and designed business developments, prevent the deterioration of property, and to protect private investments, and to promote public health, safety and welfare.*

*B. Objectives*

*This District is specifically designed to:*

- 1. Encourage business development in consideration of existing and projected traffic, traffic improvements, accessibility, and compatibility with surrounding land uses;*
- 2. Protect adjacent residential uses and the general quality of life of the residents wishing to continue to use their property in residential use;*

3. *Encourage creative planning and design in the arrangement of buildings, circulation, access, shared ingress/egress arrangements, elimination of curb cuts, setbacks, and buffers;*
4. *Ensure that existing and anticipated land uses and traffic improvements will be developed in a manner that protects the general health and safety;*
5. *Protect property and private investment;*
6. *Maintain an effective and safe level of traffic flow and accessibility to reduce potential traffic hazards; and*
7. *Encourage business development in accordance with the Miami Township goals and policies.*

*C. Procedures*

*To achieve these purposes and objectives, special supplemental procedures to those applicable in the conventional underlying business district are established in this Chapter, under which development plans specifically designed to meet these objectives may be submitted for review and/or approval. Subject to Zoning Commission approval, these special provisions allow for the planned modification of the strict requirements of the underlying zone, an increase in the intensity of development, and other modifications to further the purpose of the District.*

**19.02 QUALIFYING CONDITIONS**

*A. Location and Boundary Area*

*The Overlay District site shall be located within the "B-1" Neighborhood Business District and the "B-2" General Business District.*

*B. Development Area*

*The site area, lot width, setbacks, and building height shall be no less than the minimum requirements of the underlying zoning district, unless these minimum requirements are permitted by the Zoning Commission's decision to be modified in accordance with the provisions of Section 19.04.*

**19.03 PERMITTED USES**

*The principal permitted uses, conditionally approved uses, and accessory buildings incidental to the principal uses are the same as those permitted by the underlying zoning district or Section 19.04.*

**19.04 MODIFICATIONS TO THE MINIMUM REQUIREMENTS**

- A. *To advance the purposes of this Chapter, the Zoning Commission may consider and may approve a modification to the requirements of the underlying zoning district as follows:*
  1. *A reduction to the minimum lot area by a maximum of fifteen (15) percent;*
  2. *A reduction to the lot width by a maximum of fifteen percent; (15) percent*
  3. *A reduction in the rear yard requirements adjacent to a residential district by a maximum of fifteen (15) percent, provided that adequate and effective buffering will be provided;*
  4. *A reduction in the front yard setback to a distance of not less than twelve (12) feet from the right of way line, provided however that: a) parking is provided only in the rear of the property; b) the building's main facade is oriented towards the street with openings to the business(s), sidewalks, and street trees to create an attractive streetscape; c) driveway sight distances are maintained; and d) the proposed development does not adversely affect adjacent properties.*
  5. *A reduction in the number of on-site required parking spaces by a maximum of fifteen (15) percent, provided that the applicant demonstrates that the reduction in the number of*

*spaces will not result in adversely affecting the general public and/or parking (i.e. for employees and or special occasions is provided off-site at a different location through a reciprocal arrangement with the property owner; and*

6. *A reduction in the required minimum size of the parking space from 10 x 20 feet to 9x 18 feet;*

*B. Conditions for Modifications*

*The Zoning Commission may consider and may approve modifications to the minimum requirements of the underlying zoning district depending on the quality and effectiveness of the proposed development if it is found that the following has been addressed satisfactorily:*

1. *The proposed development has been planned and designed effectively based on the guidelines of this Section, Section 19.05, and applicable ODOT and County Engineer's Standards.*
2. *The proposed development will not create inconvenient or unsafe access; and*
3. *The proposed development will not create traffic congestion in the streets, which adjoin the site.*
4. *The Zoning Commission may limit the modifications desired to an amount, which is sufficient to avoid the creation of any of the above conditions.*

**19.05 STANDARDS AND GUIDELINES**

*To have a business development approved under the Planned Business Development Overlay District requirements, the applicant must demonstrate that the site plan must meet the following standards and guidelines.*

*A. General*

1. *The site plan shall reflect all Township goals and policies affecting the site. \*

*B. Joint and Cross Access*

1. *Adjacent properties shall provide a cross-access drive and pedestrian access to allow circulation between properties.*
2. *A system of joint use driveways and cross access easements shall be established wherever feasible and the building site shall incorporate the following:*
3. *A continuous service drive or cross access corridor extending the entire length of each group of properties served to provide for driveway separation consistent with the access management planning and design and standards, and as approved by the County Engineer's Office.*
4. *A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;*
5. *Stub streets and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;*
6. *A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.*
7. *Property owners shall record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;*
8. *The agreement will be recorded with the deed specifying that the remaining access rights along the thoroughfare will be dedicated to the State and preexisting driveways will be closed and eliminated after the construction of the joint-use driveway;*
9. *Property owners shall record a joint maintenance agreement with the deed defining the maintenance responsibilities of property owners.*

*C. Access Connection and Driveway Design*

*Driveway width shall meet the following guidelines:*

- 1. If the driveway is one-way in or one-way outdrive, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one-way connection.*
- 2. For two-way access, each lane shall have a width of 12 feet and a maximum of four lanes shall be allowed.*
- 3. Driveways that enter the major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 12 feet in width, and one inbound lane with a 14 feet width.*
- 4. Driveway grades shall conform to the requirements of ODOT Location and Design Manual, latest edition, and applicable County Engineer's requirements.*
- 5. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts.*
- 6. Driveway width and flair shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off of the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles, or other vehicles.*
- 7. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. These measures generally are acceptable for the principal access to a property and are not intended for minor driveways.*

*D. Left Turns*

- 1. Left turn lanes, which provide stacking lanes for those automobiles preparing to turn left, should be utilized when possible to prevent traffic slowdown and traffic hazards.*

*E. Acceleration/Deceleration Lanes*

- 1. The use of acceleration/deceleration lanes should be utilized whenever possible to help prevent traffic slow-down and general interruptions, thereby avoiding potential traffic hazards.*

*F. Right-In/Right-Out Only Turns*

- 1. Points of access that allow only right-in/right-out access to major arterials should be utilized to prevent traffic slowdown and additional points of traffic conflicts.*

*G. Driveway Spacing*

- 1. Driveway spacing along the major arterial will be established by ODOT and/or the County Engineer's Office.*

*H. Development Features*

- 1. Building heights shall not exceed the height provided in the underlying district and shall be designed to not detract from adjacent residential property and to be compatible with existing development character and patterns.*
- 2. Development shall be planned, designed, and constructed to preserve to the maximum extent possible existing trees and vegetation; and*
  - a. Utilize existing topography and other natural resources on the site to provide buffering and limit grading to minimize environmental impact on adjacent uses; and*
  - b. Include screening and buffering such as the creation of berms and the use of bushes, trees, and shrubs to minimize the impact on adjacent uses.*

3. *Drainage shall be designed and constructed to not detrimentally affect adjacent properties.*
4. *Parking lot and walkway lights shall be shielded so that substantially all directly emitted light falls within the property line.*
5. *Perimeter development shall be fenced and/or screened in a manner that will protect the privacy and amenity of adjacent existing uses while complying with required site distances provided in Section 23.04 (C).*

Miami Township's Vision 2025 Plan (Comprehensive Land Use Plan), specifies this area of the Township as "Redevelopment Commercial and Mixed-Use".

***Redevelopment:***

*Redevelopment locations are those where substantial land-use change is likely to occur and where land-use change may be appropriate because existing development is being rendered obsolete by changes in the regional economy, traffic patterns, real estate market, or other factors. Regardless of the condition of existing land uses, Redevelopment areas have significant advantages, such as regional access, visibility of relatively large parcels, or other factors.*

*New land uses in Redevelopment areas will be generally more intensive than the previous land uses, although their intensity may be measured in terms of the built environment or their level of commercial activity. Since Redevelopment areas may include preexisting characteristics that could have negative consequences is perpetuated, such as numerous curb cuts or conflicting adjoining land uses, detailed site development and access management controls will be necessary to ensure that their redevelopment supports the Township's quality of life.*

The proposed zoning request meets the goals of Miami Township's Vision 2025 Plan by providing redevelopment advantages for the surrounding region.

**STAFF ANALYSIS:**

Per the application, the attached plan proposes a 20,422 sq. ft. grocery store and a 3,217 sq. ft. restaurant with adequate off-street parking and supporting infrastructure.

The proposed landscape plan indicates there will be a landscaped buffer for the residence to the east of the proposed development. The proposed improvements include the construction of a public roadway along the east property line to provide access to the proposed development as well as the adjacent medical office buildings to the east.

Upon construction of the proposed public roadway as shown on the proposed plans. There are plans with Miami Township to extend the public roadway to the south and connect to the existing Pinto Place and Sorrel Lane intersection, providing the residence to the east the access to SR 28.

The proposed intersection with SR 28 will be a signalized intersection with some minor improvements to the existing traffic signal and pavement markings to SR 28 and the existing Kohls driveway as outlined in the submitted traffic impact study.

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

1. In addition to parcel 182402B042, parcel 184024A042A is to be added to the application;
2. A dedication plat for the proposed right-of-way will need to be submitted to the Department of Community & Economic Development;
3. A lot split will be required for the 4.22 acre portion and shall be reviewed concurrently with the dedication plat in condition #1;
4. Permanent dead-end streets shall not be permitted in any commercial or industrial subdivision. Temporary dead-end streets shall be 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*; and
5. Existing zoning boundary lines shall be addressed by Miami Township Zoning Department to assure the location of the B-1 Neighborhood Business District with a PUD Planned Unit Development Overlay boundary line.

**The Ohio Department of Transportation Comment:**

- No comments have been received at this time.

**The Clermont County Engineer's Office Comments:**

- ODOT should also be consulted and approval obtained regarding the scope change relative to the previously approved TIS. Our office has no objections or comments to offer at this time.

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

- Clermont County Water Resources will need to confirm available capacity for public water and public sewer.
- Public water and sewer may need to be extended down the proposed street to serve the development.

**STAFF RECOMMENDATION:**

Based on the Staff Analysis, move to **RECOMMEND APPROVAL** of Miami Township Zoning Map Amendment Case 584 requesting to rezone a 5.19 acres portion of two parcels 182402B042 (21.48 acres) and 182402B042A (0.04 acres) consisting of a total of +/- 21.52 acres from B-1 Neighborhood Business District with a PUD Planned Unit Development Overlay (Case 572) and R-2 – Residence District to B-1 Neighborhood Business District with a PUD Planned Unit Development Overlay with the following conditions.

**STAFF RECOMMENDATION: Cont.**

1. Secure necessary right-of-way and access permit(s) from ODOT for any access to SR 28.
2. Submit a dedication plat for the proposed right-of-way to the Department of Community & Economic Development.
3. Submit a lot-split application and survey for the proposed 5.19 acres portion to Permit Central to be reviewed concurrently with the proposed dedication plat.
4. All temporary dead-end streets shall conform to requirements established in the *Subdivision Street Design and Construction Standards for Clermont County*.
5. Receive confirmation from the Clermont County Water Resources regarding available public water and public sewer capacity.
6. Receive confirmation from the Clermont County Water Resources regarding if public water and sewer needs to be extended down the proposed street to serve the development.