



## **Board of Zoning Appeals Agenda**

**Monday, July 15, 2019**

**4900 Parkway Drive, Suite 180**

**6:30 P.M. – MEETING OPENS**

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This meeting is to continue the Board of Zoning Appeals hearing in progress from Thursday, July 11, 2019

1. Call to order
2. Approval of Minutes: June 13, 2019  
July 11, 2019
3. Approval of Findings of Fact:
  - a. Case # 2019-183
4. New Business
  - a. Case # 2019-229 is a combined application for a conditional use and area variance for the conditionally permitted use for Kings School J.F. Burns Elementary under the Deerfield Township Zoning Resolution, Table 4.06-A and to Section 4.08 E. 4 (b) to allow the expansion by adding three modular classrooms and the decrease of the permitted setback from residential area. The subject property is located at 8471 Columbia, Deerfield Township, Warren County, Ohio.
  - b. Case # 2019-71 is an application appealing the Township Zoning Inspector Decision filed by John Johnston. The appeal sought by the Applicant is to overturn the decision of the Zoning Inspector determining the definition of automotive related uses within the Arbor Square PUD. The subject property is located at 5050 Socialville Foster Road, Deerfield Township, Warren County, Ohio.
5. Adjourn

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The Board will hear each case in the following order:

1. Presentation of the application and analysis by Planning and Zoning Staff
  2. Presentation and comments by the Applicant
  3. Comments from those in favor of or opposed to the application and from those with questions about the application
  4. Discussion by the Board after closing the public hearing
  5. Decision by the Board
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**MEMBERS:**

James Klatte, Tim Greive, John Meyer, Brian Leary, Jean Raga and alternate Jim Rinehart.



**Board of Zoning Appeals Meeting Minutes  
Thursday, June 13, 2019**

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**CALL TO ORDER**

Chairperson Tim Greive called the meeting to order at 6:30 p.m.

Present: Board Members: Tim Greive, Brian Leary, Jim Klatte, and Jim Rinehart

Absent: Sam Hill, John Meyer and Jean Raga.

Staff Members: Hayfaa Wadih, Planning Manager and Charles Galvin, Law Director.

A motion by Mr. Greive and second by Mrs. Raga to continue in progress Case No. 2018-355. Roll Call: Mr. Greive, Mr. Meyer, Mrs. Raga and Mr. Rinehart. Motion carried.

**APPROVAL OF MINUTES**

A motion by Mr. Leary and second by Mr. Klatte to approve the March 14, 2019 minutes as presented. Roll call: Ayes: Mr. Greive, Mr. Klatte, Mr. Leary, and Mr. Rinehart. Motion carried.

**APPROVAL OF FINDINGS OF FACT**

A motion by Mr. Klatte and second by Mr. Leary to approve the Findings of Fact for Case # 2019-41, Case 2019-44, Case 2019-45 and Case # 2019-50. Roll call: Yes: Mr. Leary, Mr. Klatte, Mr. Rinehart and Mr. Grieve.

**NEW BUSINESS**

Law Director Charles Galvin swore in Township staff and attendees wanting to provide testimony on Case No. 2019-183

**Case No. 2019-183 is a conditional use application to Table 4.06-A to allow the use of a Religious Place of Worship in a district zoned Office (O). The subject property is located at 3615 Socialville-Foster Road, Deerfield Township, Warren County, Ohio.**

Planning Manager Hayfaa Wadih presented the staff report for Case No. 2019-183 explaining the proposed conditional use request and answered board questions.

Dale Lykins, the Applicant, 5646 Santa Fe Trail, Mason, Ohio 45040, explained the justifications of the requested conditional use. He testified that a small group from the neighborhood would like to get together for Sunday church services. The meeting will take place on the weekend only, and there will not be other activities such as Sunday school of young ministry.

Ashely Altman, CEO of Lee Side Wellness, 3615 Socialville-Foster Road, Suite B & C, Mason, Ohio 45040, explained that her business agreed to share a space that she does not use, especially on the weekend. Her business office hours are Monday thru Friday for 8:00 am to 5:00 pm. She emphasized that there is enough parking to accommodate the anticipated congregation.

**Public Comment**

Robert Cooney, 3386 Socialville Foster Road, Deerfield Township, OH 45040, was not against the use but he had a few questions regarding the use of office and how the approved conditional use would impact the property going forward.

Mr. Greive closed the public portion of the meeting and opened it for the board discussion.

The board had a few questions to the applicant regarding the space he is intending on using, the number of the future church attendees and the need for parking.

The board reviewed and debated each section of the use conditional use criteria.

The board discussed and debated the application and found that the proposed use meets the objectives of the Deerfield Township Comprehensive Plan and Zoning Resolution. The use will be not be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity. Furthermore, the use will not impact the current use as office nor will change the office character of the area.

A motion by Mr. Rinehart and second by Mr. Greive to Approve Case No. 2019-183.

Roll call: Ayes: Mr. Leary, Mr. Greive, Mr. Rinehart and Mr. Klatte. Motion carried.

Mr. Greive asked if there were a new business for next month.

Ms. Wadih replied yes, and it is a new case.

**ADJOURN**

A motion to adjourn the meeting at 7:07 pm. Ayes: Mr. Rinehart, Mr. Greive, Mr. Klatte and Mr. Leary. Motion carried.

\_\_\_\_\_  
Tim Greive, Secretary

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Jean Raga, Chair



**Board of Zoning Appeals Meeting Minutes  
Thursday, July 11, 2019**

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**CALL TO ORDER**

Chairperson John Meyer called the meeting to order at 6:40 p.m.

Present: Board Members: Jim Klatte, John Meyer

Absent: Tim Greive, Brian Leary, Jean Raga, Jim Rinehart

Staff Members: Planning and Zoning Director Sam Hill, Planning Manager Hayfaa Wadih and Law Director Charles Galvin.

**NEW BUSINESS**

**Case No. 2019-229 is a combined application for a conditional use and area variance for the conditionally permitted use for Kings School J.F. Burns Elementary under the Deerfield Township Zoning Resolution, Table 4.06-A and to Section 4.08 E. 4(b) to allow the expansion by adding three modular classrooms and the decrease of the permitted setback from residential area. The subject property is located at 8471 Columbia, Deerfield Township, Warren County, Ohio.**

**Case No. 2019-71 is an application appealing the Township Zoning Inspector Decision filed by John Johnston. The appeal sought by the Applicant is to overturn the decision of the Zoning Inspector determining the definition of automotive related uses within the Arbor Square PUD. The subject property is located at 5050 Socialville Foster Road, Deerfield Township, Warren County, Ohio.**

Assistant Law Director Charles Galvin announced both cases will be continued to a future meeting due to several board members not able to attend this meeting tonight.

A motion by Mr. Klatte and second by Mrs. Meyer to continue the hearing on Case No. 2019-229 and Case No. 2019-71 until a future date.

Roll call: Ayes: Mr. Meyer, Mr. Klatte. Motion carried unanimously.

**ADJOURN**

A motion by Mr. Klatte and second by Mr. Meyer to adjourn at 6:41 p.m. Motion carried unanimously.

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Jean Raga, Chairperson

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Tim Greive, Secretary

**BOARD OF ZONING APPEALS  
DEERFIELD TOWNSHIP, WARREN COUNTY, OHIO**

CASE NO.: 2019-183

HEARD ON: June 13, 2019

DECISION ISSUED: July 11, 2019

**I. FINDINGS OF FACT**

- A. On June 13, 2019 the Board of Zoning Appeals (the “BZA”) considered Case No. 2019-183, based on the Application submitted on May 8, 2019 (the “Application”), attached hereto as Exhibit A. The Application was filed by Dale Lykins (the “Applicant”). The Application pertains generally to real property located at 3615 Socialville-Foster Road, Suite C, Deerfield Township, Warren County, Ohio, more particularly described as Warren County Auditor’s Parcel No. 16211260161 (the “Property”) and owned by Janaka Landen, LTD. The Property is zoned Office (O).
- B. The Application proposed the use of a part of the office building, Suite C, for a Religious Place of Worship. Religious Place of Worship is a conditionally permitted use in the Office zone. The Application requested conditional use approval pursuant to Deerfield Township Zoning Resolution (the “DTZR”) Table 4.06-A (Permitted Use Table).
- C. Hayfaa Wadih, Planning Manager for Deerfield Township, presented the staff report on behalf of the Township, a copy of which is attached hereto as Exhibit B.
- D. The Applicant explained the justifications for the requested conditional use approval. He testified that a small group from the neighborhood would like to get together for Sunday church services. They would like to establish the Open Table Church for neighbors to get together and support each other. They will share a space with an existing business, Lee Side Wellness, who has an additional room they do not use. Church services will be on the weekend only, and there will not be other activities such as Sunday school or youth ministry.
- E. Ashley Altman, CEO of Lee Side Wellness, spoke in favor of the application stating that her office and Mr. Lykins agreed to share a space that she does not use, especially on the weekend. Her business’s office hours are Monday thru Friday 8:00 am to 5:00 pm. There is enough parking to accommodate the anticipated congregation.
- F. Robert Cooney, 3386 Socialville-Foster Road, was not against the use but he had a few questions regarding the use of office and how the approved conditional use would impact the Property going forward.

G. No other persons spoke for or against the Application.

II. CONCLUSIONS OF LAW

- A. After accepting all testimony and public comments offered by the Applicant and all interested parties, the BZA closed the public portion of the hearing.
- B. The BZA discussed, clarified, and examined the Application's conditional use request in light of the standards provided in DTZR § 3.08(D) (1) & (2).
- C. Based on the above Findings of Fact, the BZA concludes:
  - a) The Religious Place of Worship use is a conditional use that is permitted within the Office district that is required to be reviewed and approved by the BZA.
  - b) The proposed use is in accordance with the objectives of the Deerfield Township Comprehensive Plan and Zoning Resolution.
  - c) The use will not substantially or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
  - d) The use will be harmonious and conform to the general character of the neighborhood, and it would not interfere with the business use of the Property since the use is limited to the weekend.
  - e) The use complies with all applicable provisions of the Zoning Resolution, and will not create excessive additional requirements for public facilities and services at public cost.
  - f) The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or harmful to property or improvements in the vicinity.

III. DECISION

- A. Upon consideration, the BZA voted to **APPROVE** the Application in Case No. 2019-183, subject to the following conditions:
  - 1. Part of the property at 3615 Socialville-Foster Road, Suite C shall be used as a Religious Place of Worship on the weekend only. Any proposed change in use shall comply with the Zoning Resolution.
  - 2. The Township Fire Rescue shall review the number of parking spaces the Property has to ensure there is enough capacity to accommodate the proposed number of users in compliance with the fire code.

- 3. The Applicant shall obtain a *Zoning Certificate of Occupancy* and/or *Interior/Exterior Renovation of Existing Spaces* for the use of the building, along with any applicable permits from Warren County (Health, Building, etc.)
  
- 4. Any modification of the use and/or site will require review by the Department of Planning and Zoning and may require additional review and approval by the Board of Zoning Appeals.

Dated this 11<sup>th</sup> day of July, 2019.

\_\_\_\_\_  
Secretary  
Deerfield Township BZA

\_\_\_\_\_  
Chair, Deerfield Township BZA

Approved As To Form:

\_\_\_\_\_  
Charles Galvin, Assistant Law Director

0100263.0531525 4848-7601-0138v1



Planning and Zoning Department  
4900 Parkway Drive-Suite 150  
Mason Ohio 45040  
Phone (513) 701-6958 Fax (513) 701-6996

**CONDITIONAL USE APPLICATION**

Please read then complete entire application. Incomplete applications may not be processed.

Applicant's Name Matt Luecke Telephone 513-200-8989  
 Kings Local School Dist.  
 Applicant's Address 8471 Columbia Rd Fax \_\_\_\_\_  
Maineville OH 45039 Email m.luecke@kingslocal.net  
 Owner Kings Local School Dist. Telephone \_\_\_\_\_  
 Owner's Address 1797 King Ave Fax \_\_\_\_\_  
Kings Mills OH 45034 Email \_\_\_\_\_



LOCATION IS SOUGHT

Complete mailing address including zip code

R-5F

1621326002

14. ZONING DEPARTMENT

Current Zoning

Parcel ID#

Acreage of Parcel

Request variance to section(s)

Rear grass Field

Reason for request (why a conditional use is sought?) What hardship requires that the conditional use be granted?

District enrollment numbers have been on the rise and require us to add additional classrooms. The long term plan for the building is to renovate and reposition part of the building to add more classroom spaces as well as to improve pickup + drop safety.

**PLEASE REVIEW THE FOLLOWING REQUIREMENTS. APPLICATION WILL NOT BE PROCESSED UNLESS ALL INFORMATION IS PROVIDED (Staff has the discretion to waive any part of the required items)**

- Included is a stamped surveyed drawing showing existing structures and the placement of the proposed variance which includes lot lines, setbacks, etc.
- A map showing the location of the properties that lie within the three hundred feet of the subject parcel, with each parcel containing a reference to that property owner.
- Graphics, pictures, and or elevations if applicable, have been included and represent the material to be presented in an accurate fashion.
- The Board of Zoning Appeals shall not grant a variance unless it shall, in each specific case,



**PAID**  
\$400.00 BK  
#10188

make specific findings of fact based directly upon the particular evidence presented to it, that support the following conclusions. Please provide a statement addressing each of the following:

**CONDITIONAL USE REVIEW CRITERIA**

- 1.** In reviewing conditional uses, the BZA shall consider the following:
  - a.** The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
  - b.** The use is in accordance with the objectives of the Deerfield Township Comprehensive Plan and zoning resolution; and
  - c.** The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- 2.** In order to approve a conditional use, the BZA shall use the following review criteria:
  - a.** The use is in fact a conditional use as established within the applicable zoning district;
  - b.** The use will be harmonious with, and in accordance with, the purpose of this zoning resolution and consistent with the policies of the Deerfield Township Comprehensive Plan;
  - c.** The use will conform to the general character of the neighborhood in which it will be located;
  - d.** The use complies with all applicable provisions of this zoning resolution including any use-specific standards;
  - e.** The use be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the same area;
  - f.** The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;
  - g.** That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and
  - h.** That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

**Expiration**

For conditional uses, the applicant shall have one year from the date of approval to receive an approved zoning permit or the conditional use shall be deemed null and void. Applicant may submit one request for an extension of six month to the BZA.

Matt Lwecke

Applicants Name

Matt Lwecke

Applicants Signature

6-13-19

Date

The minimum application fee is \$300 for Residential Districts and \$400 for all other Districts, to be applied to expenses. Deerfield reserves the right to require additional fees to cover unforeseen expenses.

This application shall be completed and eight (8) hard copies 11"x17" and an electronic PDF file, including maps, shall be filed with the Township Planner for presentation to the Deerfield Township Board of Zoning Appeals. Fee must be paid upon submission for application to be processed.



Kings Local School District

1797 King Avenue • Kings Mills, OH 45034

June 13, 2019

Deerfield Township Zoning  
4900 Parkway Drive  
Suite 150  
Deerfield Township, Ohio 45040

Attention: Deerfield Township Planning and Zoning

The Kings Local School District authorizes Innovative Modular Solutions to act on behalf of the school and move forward with zoning approvals for the J.F. Burns modular classroom project.

Sincerely,

Tim Ackermann  
Superintendent  
Kings Local School District



Planning and Zoning Department  
4900 Parkway Drive-Suite 150  
Mason Ohio 45040  
Phone (513) 701-6958 Fax (513) 701-6996

**AREA/DIMENSIONAL VARIANCE APPLICATION**

Please read then complete entire application. Incomplete applications may not be processed.

Applicant's Name	<u>Matt Luecke</u>	Telephone	<u>513-200-8989</u>
Applicant's Address	<u>8471 Columbia Rd</u>	Fax	_____
	<u>Maineville OH 45034</u>	Email	<u>m.luecke@kingslocal.net</u>
Owner	<u>Kings Local School District</u>	Telephone	_____
Owner's Address	<u>1797 King Ave</u>	Fax	_____
	<u>Kings Mills OH 45034</u>	Email	_____

LOCATION VARIANCE IS SOUGHT

8471 Columbia Rd Maineville OH 45034

Complete mailing address including zip code

<u>R-SF</u>	<u>1621326002 0</u>	<u>14.5</u>
Current Zoning	Parcel ID#	Acreage of Parcel

Request variance to section(s) Rear of Building

Reason for request (why is a variance sought?) What practical difficulty requires that the variance be granted?

For future placement of more modular classrooms we will need to encroach on the 200' setback for temporary use of the modular classrooms - please Drawings attached.

PLEASE REVIEW THE FOLLOWING REQUIREMENTS. APPLICATION WILL NOT BE PROCESSED UNLESS ALL INFORMATION IS PROVIDED (Staff has the discretion to waive any part of the required items)

- Included is a stamped surveyed drawing showing existing structures and the placement of the proposed variance which includes lot lines, setbacks, etc.
- A map showing the location of the properties that lie within the three hundred feet of the subject parcel, with each parcel containing a reference to that property owner.
- Graphics, pictures, and or elevations if applicable, have been included and represent the material to be presented in an accurate fashion.

**This application shall be completed and eight (8) hard copies 11"x17", and an electronic PDF format, including maps, shall be filed with the Township Planner for presentation to the Deerfield Township Board of Zoning Appeals. Fee must be paid upon submission for application to be processed.**

**For office use only**

**Date filed** \_\_\_\_\_ **Fee** \_\_\_\_\_ **Receipt** \_\_\_\_\_ **Case #** \_\_\_\_\_

**Yes**     **No**    **Application criteria has been met**

**Date legal advertisement appears** \_\_\_\_\_ **Date on Docket** \_\_\_\_\_

**Yes**     **No**    **Continuance granted**                      **Date on Docket** \_\_\_\_\_

**Approved**             **Denied**

June 25, 2019

Sam Hill

Deerfield Township - Department of Planning & Zoning

Dear Mr. Hill,

Thank you for your time and feedback on our conditional use application for temporary modular units at 8471 Columbia Rd. JF Burns Elementary School. I hope to have answered all of the questions below to each item.

1. We have submitted for a variance to the minimum of 200' setback requirement. Due to the future phases of modular classrooms we request to be able to move closer to the property lines so that they will all be able to fit.
2. The scales have been corrected and are included in this packet.
3. Has been added to the drawing and is in the packet.
4. Has been added to the drawing and is in the packet.
5. Future phases are now included on the drawing and are in the packet.
6. The total number of parking spaces that will be needed after all phases of modulars are in place will be 107. We currently have 122 spaces and will meet this requirement.
7. We will be sure that the units are well maintained, skirted, and landscaped at entry points in order to have as little impact as possible for our neighbors.

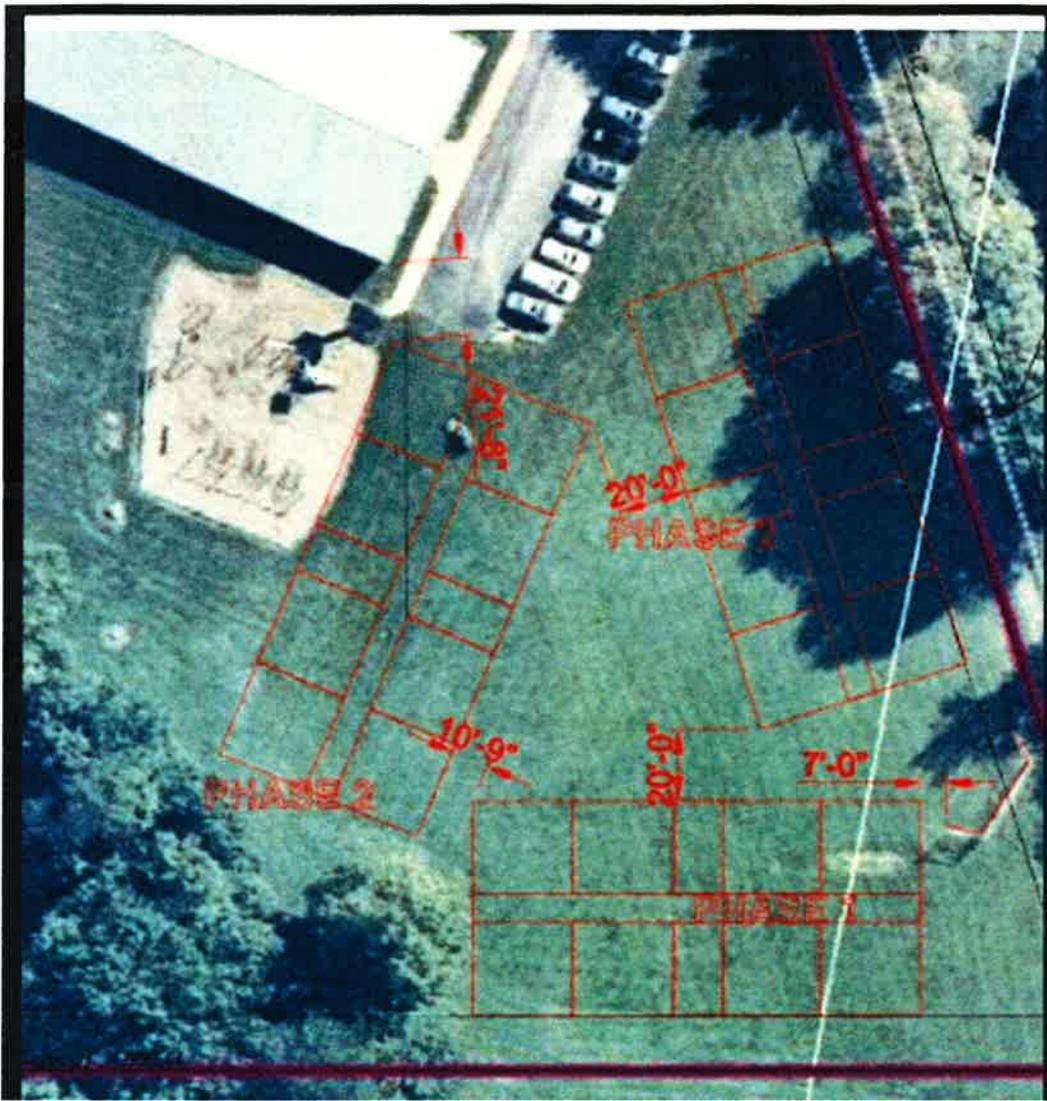
Please don't hesitate to reach out for any other information that is needed.

Respectfully,



Matt Luecke

Director of School Business Affairs





# STAFF REVIEW

## Deerfield Township

Planning & Zoning Department

To: Board of Zoning Appeals

From: Hayfaa Wadih, AICP, Planning Manager  
Sam Hill, Planning & Zoning Director

Meeting Date: July 11, 2019

Re: Kings School J.F. Burns Elementary, Case # 2019-229

### General Information

Applicant: Matt Luecke  
Kings Local School District

Owners: Board of Education D.U.L.S.

Location: 8471 Columbia Road  
Deerfield Township, Ohio 45039

Project: Renovation and Expansion of Conditional Use and Area Variance Request

Size of Tract: 14.5 acres

Existing Zoning: Residential Single Family (R-SF)

#### Surrounding Zoning and Land Use:

North: General Business (G-B) and Residential Two Family (R-TF) PUD  
South: Residential Single-Family (R-SF) PUD  
East: Residential Single-Family (R-SF) PUD  
West: Residential Single-Family (R-SF) PUD

Existing Land Use: Educational Facility

Aerial Image of Subject and Surrounding Properties



Source: Deerfield Planning and Zoning Department

## Project Description

The applicant, Matt Luecke, on behalf of Kings School District, has submitted an application to allow the construction of modular units for temporary classrooms and to improve the pickup/drop area. In addition, the proposed modular units require an area variance due to the proposed setbacks from adjacent residential lots. The subject property is located at 8471 Columbia Road in Deerfield

Township, Warren County, Ohio. The submittal consists of a site plan, details of the modular classrooms, and elevations. An application and the school superintendent authorizing the Innovative Modular Solutions to act on behalf of the school.

The applicant is proposing to install temporary classrooms at the southwest corner of the site in three phases.

## Background Information

It appears that the conditionally permitted use of the school was approved by the Warren County Regional Planning Commission in late 1980s early 1990s. The township has a record of approved addition in 2000 that includes the plan and permit by the township staff at that time.

## Public Hearing Notification

Pursuant to the development review procedures for Conditional Uses outlined in section 3.08 (A) (2) of the Deerfield Township Zoning Resolution (DTZR), a public hearing is scheduled for July 11, 2019. The public hearing notice was published in the local paper on Sunday, June 23, 2019. Also, public hearing notices were mailed on June 19, 2019 to all property owners within 1,000 feet.

## Staff Findings & Analysis

Due to future expansion and renovation plans to the existing J.F. Burns Elementary School, the applicant is requesting review and approval to erect three temporary modular buildings equipped with 8 classrooms per building.

Pursuant to section 4.08 (E) (4) of the Deerfield Township Zoning Resolution (DTZR), the following use-specific standards apply to educational facilities:

- i. Both educational facilities and higher educational facilities shall be located on a site with a minimum lot area of five acres.*
- ii. All structures shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.*

**Modular Buildings** – The applicant is proposing to erect three temporary modular buildings, which are approximately 7,505 SF (125’-1” x 60’) in area per building. As depicted on the site plan, the temporary structures are clustered near the southwest corner of the subject lot.

- **Modular Building 1** – The proposed modular running parallel with the western property line is setback 16 feet from the lot line and approximately 37 feet from the nearest developed residential lot. **(Variance of 163 feet or 82% reduction of setback needed)**

- Modular Building 2 – The proposed modular running parallel with the southern property lines is setback 16 feet from the lot line and approximately 36 feet from the nearest developed residential lot. (**Variance of 164 feet or 82% reduction of setback needed**)
- Modular Building 3 – The proposed modular placed perpendicular to the western property lines is setback 64 feet from the lot line and approximately 86 feet from the nearest developed residential lot. (**Variance of 114 feet or 57% reduction of setback needed**)

As such, the applicant needs the following requests to be approved to move forward with the project as proposed:

1. Expansion and/or modification of the existing educational facility (*it should be noted the existing structure is legal nonconforming due to the setbacks from residential lots*).
2. Area variance for modular building 1
3. Area variance for modular building 2
4. Area variance for modular building 3

The conditional use for an educational use was approved previously. The request for review is to expand the overall building footprint at the site and to temporarily allow the requested area variances. Further discussion regarding this case shall occur at the public hearing. The board shall discuss and evaluate the proposal in light of the Standards for Conditional Use and Area/Dimensional Variance Review Criteria as listed in the DTZR, Section 3.08 C & D, listed below.

## Conditional Use Review Criteria

- 1.** In reviewing conditional uses, the BZA shall consider the following:
  - a. *The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;*
  - b. *The use is in accordance with the objectives of the Deerfield Township Comprehensive Plan and zoning resolution; and*
  - c. *The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.*
- 2.** In order to approve a conditional use, the BZA shall use the following review criteria:
  - a. *The use is in fact a conditional use as established within the applicable zoning district;*
  - b. *The use will be harmonious with, and in accordance with, the purpose of this zoning resolution and consistent with the policies of the Deerfield Township Comprehensive Plan;*
  - c. *The use will conform to the general character of the neighborhood in which it will be located;*
  - d. *The use complies with all applicable provisions of this zoning resolution including any use-specific standards;*

- e. *The use be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the same area;*
- f. *The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;*
- g. *That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and*
- h. *That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.*

The applicant has provided the plan with the application in which it is stated that the district enrollment numbers have been on the rise. It is written in the application that the long term plan is to renovate the school building and add more classrooms and the installment of the modular classrooms will be temporary; and this installment will occur in three phases, enclosed in this packet for the board's review and consideration.

## **Variance Review Criteria**

1. *The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance.*
2. *Area/Dimensional Variance*
  - a. *The following factors shall be considered and weighed by the BZA to determine practical difficulty:*
    - i. *Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;*
    - ii. *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*
    - iii. *Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;*

- iv. *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*
  - v. *Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;*
  - vi. *Whether special conditions or circumstances exist as a result of actions of the owner;*
  - vii. *Whether the property owner's predicament can feasibly be obviated through some method other than a variance;*
  - viii. *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and*
  - ix. *Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.*
- b. *No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.*

## **Board Consideration**

The board usually reviews conditional use requests in compliance with the Standards for Conditional Use Review Criteria from the DTZR, as listed above on page 4 of this report, when evaluating the applicant's justification. Should the board determine sufficient evidence is provided to approve the proposed modifications at the conditional use site, staff recommends the approval be subject to the following conditions:

1. Three temporary modular buildings (used for classrooms) of approximately 7,505 SF (125'-1" x 60') are approved as proposed in the submitted site plan for this review and shall not exceed 14 feet in overall height.
2. The temporary modular buildings shall be setback a minimum of 15 feet from any property line.
3. The temporary modular buildings shall be permitted on a temporary basis for a period not to exceed five (5) years from the date of installation. In this case, installation shall be the date the Certificate of Occupancy is issued by the Warren County Building Department.
4. All applicable Deerfield Township and Warren County Permits (Zoning, Building and etc.) shall be approved and obtained prior to commencing any construction activity at the site.
5. Any modification of the use and/or site will require review by the Department of Planning and Zoning and may require additional review and approval by the BZA.

## **Expiration**

Should the board determine approval of the proposed modifications to the existing conditional use site is warranted, pursuant to section 3.08 (E) of the Zoning Resolution, the applicant shall have one year from the date of approval to receive an approved zoning permit or the approval shall be deemed null and void. Should the application become void, the applicant shall submit a new application, including the applicable fees and application materials, for review and approval pursuant to Section 3.08. Applicants may submit one request for an extension of six months to the BZA.

## **Enclosures:**

1. Conditional Use & Area Variance Applications (Including Written Scope and Site Plan)
2. Public Hearing Map, Notices and Labels
3. Review Comments – Letter Dated June 19, 2019



Planning and Zoning Department
4900 Parkway Drive-Suite 150
Mason Ohio 45040
Phone (513) 701-6958 Fax (513) 701-6996

APPEAL TO THE BOARD OF ZONING APPEALS

Please read then complete entire application. Incomplete applications may not be processed.

Applicant's Name John D. Johnston, Architect Telephone (513) 659-1511
Applicant's Address 7601 Blome Road Fax
Cincinnati, Ohio 45243 Email jjohnst@iglou.com
Owner Gorrepati Properties Telephone (513) 825-2660
Owner's Address 11843 Kemper Springs Dr. Fax
Cincinnati, Ohio 45240 Email pallavigee@yahoo.com

PROPERTY LOCATION

5050 Socialville Foster Road 16-33-212-002
Complete mailing address including zip code Parcel ID#

Date of order, decision or notice which is subject to the appeal

4 March 2019 Stage 2 Denial Letter - CarX Auto Service Facility

Please include a cover letter explaining in detail the nature of the appeal and how and why the applicant is an aggrieved person.

John D. Johnston, Architect Applicant Name Applicant Signature Date March 7, 2019

The minimum application fee is \$300 for residential districts and \$400 for all other districts. Checks should be made payable to Deerfield Township

For office use only

Date filed Fee Receipt Case #

Yes No Application criteria has been met

# KMK | Law

Joseph L. Trauth Jr.  
D: 513.579.6452  
jtrauth@kmlaw.com

March 5, 2019

Deerfield Township  
Board of Zoning Appeals  
4900 Parkway Drive, Suite 150  
Deerfield Township, Ohio 45040

Re: Gorrepati Properties

Ladies and Gentlemen:

This firm represents Gorrepati Properties. My client is a Car-X franchisee and desires to build a Car-X facility at 5050 Socialville-Foster Road in the Arbor Square PUD. This appeal to the Board of Zoning Appeals is from the attached Decision from Deerfield Township Planning and Zoning Department.

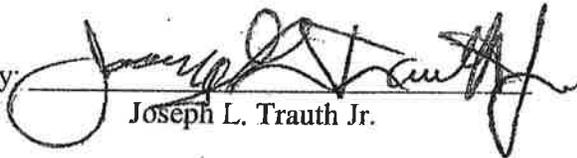
The apparent reason for the denial is that the Arbor Square PUD limits the development of the outlots to no more than two automotive-related uses (not including fuel stations). Those automotive-related uses must be defined by the Deerfield Township Code at the time of the passage of the Arbor Square PUD. The Deerfield Township Code at that time did not define the current car wash as an automotive-related use, and therefore, cannot be considered as one of the automotive-related uses. The current Deerfield Township code cannot be applied retroactively to the restrictions imposed on the Arbor Square PUD which was established in 2002. The zoning code of 2002 must be applied to the PUD.

It is therefore our position that this use is only the second automotive-related use, with the Firestone store being one and the proposed Car-X being the second. The Arbor Square PUD has to be defined by the Deerfield Township Zoning Code that was in place in 2002. We therefore believe that our proposed use is appropriate and legally allowed within the Arbor Square PUD and should be granted. Any other interpretation would constitute a taking of property in violation of the Fifth and Fourteenth Amendments to the United States Constitution.

Sincerely,

KEATING MUETHING & KLEKAMP PLL

By:



Joseph L. Trauth Jr.

kw

Enclosure





Department of Planning and Zoning  
4900 Parkway Drive, Suite 150  
Deerfield Township, OH 45040  
513•701•6964

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March 4, 2019

John Johnston  
7601 Blome Road  
Cincinnati, OH 45243

**RE: Stage 2 – Final PUD Plan Application for Car-X Facility**

Dear Mr. Johnston:

Deerfield Township is the proper zoning authority having jurisdiction over parcel 16332120022 (5050 Socialville-Foster Road, Mason, Ohio 45040) which is currently undeveloped. The property, zoned Office Warehouse (O/W) PUD, is within the Arbor Square PUD.

Thank you for submitting a Stage 2 – Final PUD Plan application for construction of a Car-X Facility on the subject property. Unfortunately, the application is denied due to noncompliance with the Arbor Square PUD Design Standards which outline use restrictions within the PUD boundaries. The standards are explicit in only permitting two automotive type uses within the entire PUD. As defined in the Deerfield Township Zoning Resolution, there are a total of five automotive type uses including: Automotive Fuel Sales, Automotive Repair, Automotive Sales or Rental, Automotive Service, and Automotive Washing Facility. Currently, the following two automotive uses are in operation within the Arbor Square PUD:

1. Firestone (Automotive Service)
2. Pro Clean Car Wash (Automotive Washing Facility)

Staff has determined the proposed Car-X use falls under Automotive Service as defined in the Zoning Resolution and would be the third automotive use within the Arbor Square PUD. If you wish to add a third automotive use to Arbor Square North, it will require a major PUD modification to modify the current standards and use restrictions. Should you wish to proceed with a formal major PUD modification application, you shall follow the entire development review procedures pursuant to Section 5.05 of the Zoning Resolution.

If you have any questions pertaining to this denial letter, please do not hesitate to contact me directly.

Respectfully,

Samuel L. Hill  
Planning & Zoning Director  
Deerfield Township

Cc: Hayfaa Wadih, AICP, Planning Manager (*via email*)  
Benjamin Yoder, Law Director (*via email*)

# MEMORANDUM

Planning and Zoning Department

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To: Board of Zoning Appeals

From: Sam Hill, Planning and Zoning Director

Date: July 11, 2019

Re: Administrative Appeal

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## General Information

Applicant: John Johnston, Architect

Owners: S Squared Properties, LLC

Location: Parcel 16332120022 (5050 Socialville-Foster Road)

Project: Car-X

Size of Tract: 1.7205 Acres

Existing Zoning: Office Warehouse (O/W) PUD

Surrounding Zoning and Land Uses:

North: City of Mason

South: Office Warehouse (O/W) PUD  
Automotive Washing Facility (Pro Clean) Automotive Service (Firestone)

East: Office Warehouse (O/W) PUD  
Cell Tower

West: Office Warehouse (O/W) PUD  
Bank (US Bank)

**Figure 1: Aerial Image of Subject and Surrounding Properties**



Source: Deerfield Township Planning & Zoning Department

## Appeal Description

The applicant, John Johnston, on behalf of S Squared Properties, LLC, has submitted an administrative appeal to the Zoning Inspector's decision to deny a Stage 2 – Final PUD Plan application for construction of a Car-X Facility on Parcel 16332120022 (5050 Socialville-Foster Road).

## Public Hearing Notification

Pursuant to Section 3.07 (B) (4) of the Deerfield Township Zoning Resolution (DTZR), a hearing notice was published in the local paper on Sunday, March 24, 2019.

## Background Information

- **May 15, 2001** – A map amendment rezoning 84.43 acres of land was approved by the Deerfield Township Board of Trustees.
- **March 14, 2002** – The stage 2 plan for Arbor Square was approved by the Township Zoning Commission. This approval established the design standards for the PUD and required each development to through final detail site plan approval.

- **October 3, 2018** – The applicant submitted a Major PUD Modification
- **October 25, 2018** – The Warren County Regional Planning Commission (RPC) reviewed the application and recommended approval to the Township Zoning Commission.
- **November 19, 2018** – The Township Zoning Commission reviewed the application and recommended approval to the Board of Trustees.
- **December 4, 2018** – The Township Board of Trustee reviewed the application and decided to deny the request.
- **January 2, 2019** – The applicant formally withdrew the application prior to Township Board of Trustees passing a resolution documenting the decision on the application at the December 4, 2019 meeting.
- **March 2, 2019** – The applicant submitted a Stage 2 – Final PUD Plan Application for construction of Car-X at 5050 Socialville-Foster Road.
- **March 4, 2019** – The Zoning Inspector issued a letter denying the Stage 2 – Final PUD Plan Application as submitted.
- **March 8, 2019** – The applicant filed an Application of Appeal to the Zoning Inspector’s letter dated March 4, 2019.

## Staff Analysis

The Zoning Inspector has denied the proposed Car-X use consistent with the rationale set forth in the letter of March 4, 2019, denying the Stage 2 – Final PUD Plan Application as submitted. Applicant submitted a letter through counsel on March 5, 2019, summarizing the rationale for its appeal.

## Appeal Review Criteria

*An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this zoning resolution, state law, or federal law.*

## Enclosures

1. Appeal Application
2. Zoning Inspector Denial Letter Dated March 4, 2019
3. Arbor Square PUD Design Standards
4. DTZR – Article 5: Planned Unit Development (PUDs)

## STAFF REPORT –

### DEERFIELD TOWNSHIP

#### Zoning and Planning Department

To: Deerfield Township Zoning Commission

From: Tim Hershner  
Zoning & Planning Director

Date: March 14, 2002

Re: Case #2002-011, Blong Property  
Office Warehouse PUD, Stage 2

#### PROPOSED CONDITIONS

1. Approval of Stage II, Preliminary Site Plan, is subject to the written acceptance of the following conditions by Toni Ellen Davidson, agent for Tom Harper Blong, et al, owners of the subject property. Ms. Toni Ellen Davidson shall remain the spokesperson for the PUD in all dealings with the Deerfield Township, regardless of the number of property owners within the property. Ms. Davidson may delegate her role as spokesperson to another individual and shall notify the Deerfield Township Zoning Inspector in writing of such event. In any case, only one spokesperson will be recognized by Deerfield Township as representing the PUD.
2. Prior to submission for Stage III, Final Detail Plan approval, all future improvements shall be subject to Site Plan Review by the Zoning Commission in accordance with Chapter 8 of the Deerfield Township Zoning Resolution, except for the Kroger building, Retail Shops B and the Kroger Fuel Center areas as designated on Exhibit A, Stage II, Site Development Plan.
3. Prior to submission for Zoning Permits, Stage III, Final Detailed Site Plan approval shall be obtained for all areas of the PUD in accordance with the procedure set forth in Section 19.07 of the Deerfield Township Zoning Resolution.
4. Compliance with all Deerfield Township Trustee's conditions and requirements that may be set forth by resolution granting the PUD overlay and compliance with requirements of Chapter 19 of the Deerfield Township Zoning Resolution.
5. All water and sanitary sewer systems shall be subject to final approval by the Warren County Water and Sewer Department.

6. The Landscaping Plan attached hereto as Exhibit D is hereby approved. All project landscaping shall substantially comply with the approved Landscaping Plan. As future building plans are submitted to the zoning commission for site plan review, landscaping plans for individual sites shall be submitted for review at that time.
7. Approval of site access and interior circulation by the Warren County Engineer, in conjunction with the Deerfield Township Fire Department.
8. Approval of a traffic impact study by the Warren County Engineer, which is subject to updating at the determination of the Warren County Engineer at such time as future site plans are submitted to Zoning Commission for review. All necessary improvements shall comply with the Requirements and Standards for the Design and Construction of Streets and Roadway Facilities.
9. Office Warehouse (O/W) uses shall constitute at least 51% of the net useable acreage (net acreage of right-of-way) and that any other uses shall be permitted for the balance of the property so long as any adverse impacts are mitigated.
10. All advertising billboards shall be removed from the property prior to approval of first Occupancy Permit.
11. Approval of stormwater drainage, in compliance with the Rules and Regulations for the Design of Storm Sewer and Stormwater Management Systems. The drainage area that is located within the Simpson Creek Watershed study shall receive written approval from Henderson Bodwell for use in the Stormwater matrix.
12. All parking lot light poles shall not exceed a maximum height of 24 feet. No light bulb nor lens shall protrude below the housing of any canopy light fixtures. No vertical lens wall mounted fixtures shall be permitted. Any direct light from the commercial properties toward residential properties shall be shielded from resident view.
13. The Landscaping Plan attached hereto as Exhibit D is hereby approved. All project landscaping shall substantially comply with the approved Landscaping Plan. As future building plans are submitted to the Zoning Commission for site plan review, landscaping plans for individual sites shall be submitted for review at that time.
14. Eight outlots shall be permitted in compliance with Exhibit B, subject to Zoning Commission approval of exterior materials in addition to Site Plan Review as outlined in Chapter 8 of the Deerfield Township Zoning Resolution.
15. A pedestrian walkway shall be provided from Kroger's front walk southward to the sidewalk along Blong Drive.
16. A six foot tall privacy fence shall be installed approximately 100 feet in length between the Kroger Fuel Center and apartments to the south. Said fence shall be set back the same distance from Mason-Montgomery Road as is the apartment immediately to the south of the Fuel Center.
17. The Lighting Plan and Standards attached hereto as Exhibit E is hereby approved. All project lighting shall comply with the approved Lighting Plan and Lighting Standards, except as otherwise specified in condition 12 above.
18. The Signage Standards attached hereto as Exhibits C-1, C-2 and C-3 are hereby approved, except as hereafter modified. All outlots shall be limited to two signs of which one may be as shown on Exhibit C-1, thereby allowing only one wall mounted sign with a maximum sign face area no greater than one square foot of sign face area for every lineal foot of store front. Furthermore, the stone base will be replaced with a stone landscape wall with the monument sign located in a landscape mound with a maximum

height of five feet. Otherwise, each outlot may have two wall signs based on the same maximum sign face area described above, but, with not more than one sign on any one side of the building. The freestanding sign as shown on Exhibit C-2 shall be limited to a maximum height of 25 feet, measured from the base of the sign and to the underside of the roof detail. This sign shall provide space for the Fuel Center pricing as depicted as one of the two signs which the Fuel Center shall have. The stone base shall be incorporated into a stone wall of a landscape mound. A second freestanding sign shall be permitted as shown on Exhibit C-3 with the approval of the Retail C building and shall be limited to 15 feet in height, measured in the same manner as the prior freestanding stand and with a similar stone wall base incorporated into a landscape feature.

19. Arbor Square of Deerfield Design Standards, attached hereto as Exhibit B are hereby approved. All buildings within the development shall substantially comply with the approved Design Standards. In case of any conflicts, this list of conditions takes priority over the standards.
20. Buildings elevations for Kroger, Retail B shops and the Kroger Fuel Center attached hereto as Exhibit F are hereby approved. All future buildings shall substantially comply with the Design Standards attached hereto as Exhibit B. As future building plans are submitted to the Zoning Commission for site plan review, building elevation plans for individual buildings shall be submitted for review at that time.
21. A pocket park with a Deerfield Township sign shall be developed on approximately 3/10ths of an acre located at the corner of Socialville-Foster and Mason-Montgomery Roads.
22. A walking/bike path surrounding the property as shown on the Landscaping Plan attached hereto as Exhibit D shall be constructed by the Developer and serve as 50% of the useable open space requirement.
23. Buffer along Blong Drive and Wilkens Boulevard shall be provided in accordance with the approved Landscaping Plan attached hereto as Exhibit D. Plantings shall be installed within the buffer areas at such time as buildings are constructed.
24. All existing trees shall be maintained and in the event any trees must be removed from the site, approval must be granted by the Zoning Inspector prior to removal.

- 8.) Arbor Square of Deerfield Design Standards, attached hereto as Exhibit B are hereby approved. All buildings within the development shall substantially comply with the approved Design Standards.
- 9.) Building elevations for Kroger, Retail B shops and the Kroger Fuel Center attached hereto as Exhibit F are hereby approved. All future buildings shall substantially comply with the Design Standards attached hereto as Exhibit B. As future building plans are submitted to the Zoning Commission for site plan review, building elevation plans for individual building shall be submitted for review at that time.
- 10.) A pocket park with a Deerfield Township sign shall be developed on approximately 3/10ths of an acre located at the corner of Socialville-Foster and Mason-Montgomery Roads.
- 11.) A walking/bike path surrounding the property as shown on the Landscaping Plan attached hereto as Exhibit D shall be constructed by the Developer.
- 12.) Buffer along Blong Drive and Wilkens Blvd. shall be provided in accordance with the approved Landscaping Plan attached hereto as Exhibit D. Plantings shall be installed within the buffer areas at such time as buildings are constructed.
- 13.) To the extent feasible, existing trees adjacent to the apartment development (nearest the Kroger Fuel Center) to the south shall be maintained.

**Deerfield Township  
Zoning Commission  
Meeting of March 14th, 2002  
Special Meeting**

**CALL TO ORDER:** Lee Speidel

**ROLL CALL:** Lee Speidel, John Richardson, Don de Reynier, Scott Evans, and Robert Giese were present.

**CASE 2002-0011** **Continuation of Stage 2 Review, Blong Property, 5355 Socialville-Fosters Road**

**Staff Report:** Tim Hershner went over suggested changes to Exhibit B from the other night to the Stage 2 Development Plan Conditions of Approval. Tim said these conditions come from the code, his suggestions, and input from the developer. Tim read from the Staff Report (Attachment 1) all of the 24 conditions. There was some changes and discussion on the following conditions:

Condition # 3 Adding after Resolution "should be adhered to", regarding receiving approval for Stage 1 and 2

Condition #14 Adding the phrase "in area fronting on Mason-Montgomery Road."

Condition #16 Adding "and maintained" after installed and adding "building" after apartment.

Condition #18 Adding "sign" after with a maximum.

Condition #22 Adding "6 foot in width shall" after walking/bike path and changing surrounding to "surround."

Other changes to Exhibit B, Design Standards and Exhibit D, Landscaping:

Condition # 2 Exhibit B – Arbor Square of Deerfield Design Standards, Adding after painted concrete block "all of which shall be complimentary to the materials in the Kroger building."

Condition # 5 Exhibit D regarding landscaping is approved. Their plan is close to the requirements. Perimeter landscaping will be in place from the beginning but interior landscaping will be approved as this develops. Tim said this plan has more landscaping than is seen at other places in the township.

**Public Comments:** Kelly Ralston, 7970 Birchwood Court, Mason, OH, was concerned about the additional traffic and wondered if the Fields-Ertel Krogers and Landen Krogers would stay open. She asked about what hours will the Krogers be open and have truck deliveries. She was told later in the meeting that the Fields-Ertel Krogers and Landen Krogers would remain open. This new Krogers will be open 24 hours and deliveries will be in the early AM.

Chuck Keenan, 7984 Bradford Court, Mason, OH, was concerned about location of loading docks and proper screening with landscaping. He mentioned the improper alignment of Socialville-Fosters Road and site distance problems there. Lee Speidel asked if the county has addressed that problem. Tim said that Dan Corey at the Warren County Engineers has been looking at improvements there. Lee Speidel told Mr. Keenan to call the county and ask to talk to Dan Corey about the problem. The location of loading docks were pointed out to him as well as the landscaping.

Elaine Elks, 8303 Cove Court, Mason, OH, said she is hoping the new Krogers would put in a recycling center since there is a shortage of recycling in this area. She asked when the outlots develop, will that have to be brought up to the board? Scott Evans said they will come before this board as they develop. John Richardson said we approve the concept of the 8 lots and landscaping but each one will come before us before it is built.

Lee Speidel closed the public portion of the meeting.

**Board Comments:** Lee Speidel made a motion to approve the site plan for the Blong property to include the Deerfield Township Staff Report, Conditions # 1-24 eliminating #13 since that is a duplication and this approval includes Exhibits A, B, C1, C2, C3, D, E, F1, F2, and F3. The noted changes to conditions were as follows:

Condition # 3 Adding after Resolution "should be adhered to", regarding receiving approval for Stage 1 and 2

Condition #14 Adding the phrase "in area fronting on Mason-Montgomery Road."

Condition #16 Adding "and maintained" after installed and adding "building" after apartment.

Condition #18 Adding "sign" after with a maximum to read "maximum sign height of 5 feet." At 6 lines down from the top after sentence ending "Fuel Center shall have. Add a new sentence stating the two fuel signs shall be a canopy-mounted sign as shown on Exhibit F-2. At the end of the last sentence change "freestanding stand to freestanding sign." Add at the end of the paragraph "Signs for retail buildings A, B, and C shall permit wall signs based on 1 square foot of sign area per linear foot of store front. Building B tenants are limited to one wall sign. Buildings A and C are permitted multiple wall signs.

Condition #20 On second word remove the "s" from elevations.

Condition #22 Adding "6 foot in width shall" after walking/bike path and changing surrounding to "surround" and adding the word "entire" before property.

Other changes to Exhibit B, Design Standards and Exhibit D, Landscaping:

Condition # 2 Exhibit B – Arbor Square of Deerfield Design Standards, Adding after painted concrete block "all of which shall be complimentary to the materials in the Kroger building."

Condition # 5 Exhibit D regarding landscaping is approved. Their plan is close to the requirements. Perimeter landscaping will be in place from the beginning but interior landscaping will be approved as this develops. Tim said this plan has more landscaping than is seen at other places in the township.

Scott Evans seconded the motion and the vote was the following:

John Richardson	-	yes
Don de Reynier	-	yes
Scott Evans	-	yes
Robert Giesse	-	yes
Lee Spiedel	-	yes

**ADJOURNMENT:** The meeting was adjourned at 9:25 PM by mutual consent.

Lee Speidel, 6/18/02  
Lee Speidel Date

Marilyn Arnold, 6/18/02  
Marilyn Arnold, Clerk Date ZB3\_14\_02.min

**STAFF REPORT –**

**DEERFIELD TOWNSHIP**

Zoning and Planning Department

To: Deerfield Township Zoning Commission

From: Tim Hershner  
Zoning & Planning Director

Date: March 14, 2002

Re: Case #2002-011, Blong Property  
Office Warehouse PUD, Stage 2

**PROPOSED CONDITIONS**

1. Approval of Stage II, Preliminary Site Plan, is subject to the written acceptance of the following conditions by Toni Ellen Davidson, agent for Tom Harper Blong, et al, owners of the subject property. Ms. Toni Ellen Davidson shall remain the spokesperson for the PUD in all dealings with the Deerfield Township, regardless of the number of property owners within the property. Ms. Davidson may delegate her role as spokesperson to another individual and shall notify the Deerfield Township Zoning Inspector in writing of such event. In any case, only one spokesperson will be recognized by Deerfield Township as representing the PUD.
2. Prior to submission for Stage III, Final Detail Plan approval, all future improvements shall be subject to Site Plan Review by the Zoning Commission in accordance with Chapter 8 of the Deerfield Township Zoning Resolution, except for the Kroger building, Retail Shops B and the Kroger Fuel Center areas as designated on Exhibit A, Stage II, Site Development Plan.
3. Prior to submission for Zoning Permits, Stage III, Final Detailed Site Plan approval shall be obtained for all areas of the PUD in accordance with the procedure set forth in Section 19.07 of the Deerfield Township Zoning Resolution.
4. Compliance with all Deerfield Township Trustee's conditions and requirements that may be set forth by resolution granting the PUD overlay and compliance with requirements of Chapter 19 of the Deerfield Township Zoning Resolution.
5. All water and sanitary sewer systems shall be subject to final approval by the Warren County Water and Sewer Department.

6. The Landscaping Plan attached hereto as Exhibit D is hereby approved. All project landscaping shall substantially comply with the approved Landscaping Plan. As future building plans are submitted to the zoning commission for site plan review, landscaping plans for individual sites shall be submitted for review at that time.
7. Approval of site access and interior circulation by the Warren County Engineer, in conjunction with the Deerfield Township Fire Department.
8. Approval of a traffic impact study by the Warren County Engineer, which is subject to updating at the determination of the Warren County Engineer at such time as future site plans are submitted to Zoning Commission for review. All necessary improvements shall comply with the Requirements and Standards for the Design and Construction of Streets and Roadway Facilities.
9. Office Warehouse (O/W) uses shall constitute at least 51% of the net useable acreage (net acreage of right-of-way) and that any other uses shall be permitted for the balance of the property so long as any adverse impacts are mitigated.
10. All advertising billboards shall be removed from the property prior to approval of first Occupancy Permit.
11. Approval of stormwater drainage, in compliance with the Rules and Regulations for the Design of Storm Sewer and Stormwater Management Systems. The drainage area that is located within the Simpson Creek Watershed study shall receive written approval from Henderson Bodwell for use in the Stormwater matrix.
12. All parking lot light poles shall not exceed a maximum height of 24 feet. No light bulb nor lens shall protrude below the housing of any canopy light fixtures. No vertical lens wall mounted fixtures shall be permitted. Any direct light from the commercial properties toward residential properties shall be shielded from resident view.
13. The Landscaping Plan attached hereto as Exhibit D is hereby approved. All project landscaping shall substantially comply with the approved Landscaping Plan. As future building plans are submitted to the Zoning Commission for site plan review, landscaping plans for individual sites shall be submitted for review at that time.
- ✎ 14. Eight outlots shall be permitted in compliance with Exhibit B, subject to Zoning Commission approval of exterior materials in addition to Site Plan Review as outlined in Chapter 8 of the Deerfield Township Zoning Resolution.
15. A pedestrian walkway shall be provided from Kroger's front walk southward to the sidewalk along Blong Drive.
16. A six foot tall privacy fence shall be installed <sup>to be maintained</sup> approximately 100 feet in length between the Kroger Fuel Center and apartments to the south. Said fence shall be set back the same distance from Mason-Montgomery Road as is the apartment <sup>building</sup> immediately to the south of the Fuel Center.
17. The Lighting Plan and Standards attached hereto as Exhibit E is hereby approved. All project lighting shall comply with the approved Lighting Plan and Lighting Standards, except as otherwise specified in condition 12 above.
- ✎ 18. The Signage Standards attached hereto as Exhibits C-1, C-2 and C-3 are hereby approved, except as hereafter modified. All outlots shall be limited to two signs of which one may be as shown on Exhibit C-1, thereby allowing only one wall mounted sign with a maximum sign face area no greater than one square foot of sign face area for every lineal foot of store front. Furthermore, the stone base will be replaced with a stone landscape wall with the monument sign located in a landscape mound with a maximum

*sign*  
↑

height of five feet. Otherwise, each outlot may have two wall signs based on the same maximum sign face area described above, but, with not more than one sign on any one side of the building. The freestanding sign as shown on Exhibit C-2 shall be limited to a maximum height of 25 feet, measured from the base of the sign and to the underside of the roof detail. This sign shall provide space for the Fuel Center pricing as depicted as one of the two signs which the Fuel Center shall have. The stone base shall be incorporated into a stone wall of a landscape mound. A second freestanding sign shall be permitted as shown on Exhibit C-3 with the approval of the Retail C building and shall be limited to 15 feet in height, measured in the same manner as the prior freestanding ~~stand~~ *sign* and with a similar stone wall base incorporated into a landscape feature. ✕

19. Arbor Square of Deerfield Design Standards, attached hereto as Exhibit B are hereby approved. All buildings within the development shall substantially comply with the approved Design Standards. In case of any conflicts, this list of conditions takes priority over the standards.
20. Buildings elevations for Kroger, Retail B shops and the Kroger Fuel Center attached hereto as Exhibit F are hereby approved. All future buildings shall substantially comply with the Design Standards attached hereto as Exhibit B. As future building plans are submitted to the Zoning Commission for site plan review, building elevation plans for individual buildings shall be submitted for review at that time.
21. A pocket park with a Deerfield Township sign shall be developed on approximately 3/10ths of an acre located at the corner of Socialville-Foster and Mason-Montgomery Roads.
- \* 22. A walking/bike path *6ft wide shell* *entire* surrounding the property as shown on the Landscaping Plan attached hereto as Exhibit D shall be constructed by the Developer and serve as 50% of the useable open space requirement.
23. Buffer along Blong Drive and Wilkens Boulevard shall be provided in accordance with the approved Landscaping Plan attached hereto as Exhibit D. Plantings shall be installed within the buffer areas at such time as buildings are constructed.
24. All existing trees shall be maintained and in the event any trees must be removed from the site, approval must be granted by the Zoning Inspector prior to removal.

overlay shall also include an outline and description of existing vegetation and tree coverage.

- 5. A transparent overlay allowing aircraft patterns and seasonal wind directions. Areas of possible noise and odor pollution on or off-site shall be indicated.

19.06  
 STAGE II  
 PUD

(B.)

The Warren County Regional Planning Commission (RPC) shall review the application and transmit its recommendation to the Deerfield Township Zoning Commission, which shall review the application and RPC recommendations and transmit its recommendations to the Deerfield Township Trustees. Each of these agencies shall consider the impact of the site plan upon the public health, safety, morals, general welfare and the environment of the general public as well as the occupants of nearby real estate. Among the factors to be considered are:

1. Adequacy and arrangement of vehicular access and circulation, including intersections, road widths, channelization structures and traffic controls.
2. Adequacy, location, arrangement, appearance and sufficiency of off-street loading.
3. Location, arrangement, size and placement of buildings and lighting and signs.
4. Arrangements of landscape features.
5. Adequacy of storm water and sanitary disposal facilities.
6. Adequacy of structures, roadways, in areas with moderate to high susceptibility to flooding, ponding or erosion.
7. Conformance with specific requirements of the Deerfield Township Trustees which may have been stated in the resolution which awards to the applicant's real estate the status of being a Planned Unit Development district.
8. Recommendations from the Warren County Engineer and other departments or officials of the Township and Warren County, as well as representatives of Federal and State agencies including the Soil Conservation Service, the Department of Conservation, the Environmental Protection Agency and similar agencies.
9. Conformance with any land use plan, urban design plan, and other planning policy adopted by the Township Trustees.

(C.)

Approval of the site plan may be conditional upon provisions that are necessary for the protection of public health, safety and general welfare. The Deerfield Township Zoning Commission may require the preliminary site plan to be resubmitted if, in its opinion, substantial changes are required.

- D. Changes in the Sketch Plan

If, in the site plan development, it becomes apparent that certain elements of the sketch plans, as it had been approved by the Deerfield Township Trustees are not feasible, or require substantial modification, the applicant shall then present his/her proposed solution to the Warren County Regional Planning Commission (RPC) as his/her preliminary site plan in accordance with the above procedures. This application shall then be processed according to the site plan approval process in this Section. If, at any stage of the site plan approval process, the change is found to fail to conform to the "intent" of the zoning resolution, the applicant may, if he wishes, produce another site plan in conformance with the approved sketch plan.

**19.07 Final Detailed Plan Approval-Stage Three (III) Approval (Amended 5/28/98)**

The owner or developer shall make application to the Deerfield Township Administrator for final site plan approval (Stage III).

The final site plan shall conform to the Stage One (I) Rezoning and Stage Two (II) preliminary site plans as approved by the Deerfield Township Trustees.

The final detailed site plan shall conform substantially to the approved preliminary site plan. The approval of final development plan shall be made by the Deerfield Township Trustees. No zoning permits shall be issued except in conformance with the final site plan (Stage III) as approved by the Deerfield Township Trustees. The Deerfield Township Zoning Inspector shall have the authority to approve minor changes to the Stage Three (III) plan.

**19.08 Staging and Plan Changes**

Any plan which requires more than twenty-four (24) months to complete, shall be constructed in phases and a phasing plan must be developed. In a phased Planned Unit Development, it is expected that changes in the approved final plan may be required from time to time. In order to preserve the flexibilities which are fundamental to Planned Unit Development, planned changes are permitted subject to the limitations listed below:

1. The changed plan must meet the basic objectives of all regulations and requirements of this resolution.
2. All plan changes must submitted to the Deerfield Township Trustees for re-approval.

**19.09 Conditions for Approval (Amended 1/28/99, Resolution 98-149)**

The Planned Unit Development shall not be approved unless the development plan clearly shows the following:

- A. All applicable requirements in Sec. 19.05, 19.06, 19.07 and Chapter 20 have been satisfied, and
- B. The following specific conditions are fully met:
  1. The uses proposed will not be detrimental to the present surrounding uses or to the uses authorized under the zoning code for the surrounding real estate, but will be harmoniously related to the surrounding area.

2. Adequate common open space area has been reserved in the event of residential developments.
3. Any internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and there is adequate ingress and egress to public thoroughfares adjacent to the development.
4. Any part of the Planned Unit Development not used for structures, parking and loading areas, or streets or walkways shall be landscaped or otherwise improved for the purpose intended and convenient access thereto provided.
5. The development plan is consistent with the intent and purposes of the Zoning Resolution to promote public health, safety, morals, community stability and the general welfare of Deerfield Township residents.
6. The development plan provides adequate safeguards to protect the general public and owners and occupants of nearby real estate from nuisances, noise, air pollution, water pollution, soil pollution, visual blight, or any other environmental contamination and shall provide for the preservation of as many trees as practicable.
7. Final site plan approvals shall not be effective until the property owner causes the terms and conditions of the final site plan for the planned unit development to be placed in the chain of title of the real estate to which it applies as a restrictive covenant, running with the land, incorporated in a Deed of Conveyance. This restrictive covenant may be altered with the consent of the property owner and the Warren County Board of Commissioners.
8. The development plan may vary from the requirements of the Deerfield Township Zoning Resolution and the Warren County Subdivision regulations.

#### 19.10 Common or Public Open Space

The Planned Unit Development shall provide for the reservation, within the tract to be developed, of a stated percentage of gross land area of the plan for use as common or public open space, unless the Deerfield Township Trustees decides that this requirement is not necessary for the proper execution of the Planned Unit Development. This common or public open space may include such areas as pedestrian walkways, park land (exclusive of publicly maintained parks), usable open areas, vehicular parking areas and driveways, but not public roads or streets, drainage ways, and other land of essentially open character reserved for common or public usage.

This common or public open space shall be conveyed to a legally established community trust unless the Deerfield Township Trustees decides that this requirement is not necessary for the proper execution of the planned unit development and the proper legal documents necessary for such trust shall be prepared by the owner or owners of the tract of land; the common or public open space shall be for the exclusive use of the occupants of the Planned Unit Development. The area shall not consist of isolated or fragmented pieces of land that would provide no benefit to the occupants of the Planned Unit Development. Buffer strips shall be provided where necessary to

## EXHIBIT B

### ARBOR SQUARE OF DEERFIELD DESIGN STANDARDS

1.) **Use Restrictions.** No noxious or offensive activity shall be conducted on the property nor shall anything be done thereon which may become or create an annoyance or nuisance (by reason of unsightliness or the excessive emission of odors, dust, fumes, smoke or noise) to the owners of adjacent property. Development of the outlots shall be restricted to two fuel stations, no more than two automotive related uses (not including fuel stations) and no more than four buildings with drive-thru windows such as banks, restaurants, cafes, coffee shops and dry cleaners.

2.) **Building Materials.** The building materials for the exterior walls of all Structures *shall be added "all of which shall be complementary to the Kroger building"* located on the Property shall consist only of the following materials, or any combination of such materials: stone, brick, dryvit, hardboard or painted concrete block, all of which shall be complimentary to the materials in the Kroger building. In addition, *Kroger building* painted concrete block and metal expansion walls will be permitted so long as such walls do not face any public right of way. Roofing materials used for all structures shall be architecturally compatible in terms of materials and colors to compliment the design of the main shopping center buildings. Roof mounted mechanical equipment shall be effectively screened from public rights of way. *materials in the*

*In Addition*  
3.) **Parking & Landscaping.** All parking areas and drives and pedestrian walkways shall be paved with an impervious surface such as asphalt, concrete or interlocking pavers. All landscaping shall conform to the overall landscaping plan approved for the development by the Deerfield Township Zoning Commission. Landscaped and parking areas shall be properly maintained thereafter by the owner in a well-kept condition. Employee, owner or tenant parking will not be permitted on private or public dedicated streets and each property owner shall be responsible to provide such parking facilities on their own property.

4.) **Waste & Refuse.** No waste material or refuse shall be dumped upon or permitted to remain on any part of the property. No trash containers may be placed in the area between the front wall or walls of a structure and any public right of way. Trash containers shall be placed along the side or rear walls of the structure and shall be effectively screened from view from public rights or way and adjoining properties.

5.) **Off-Street Loading.** Maneuvering of trucks and trailers are to be confined insofar as possible to the premises of each establishment. It is preferred that loading docks be located in the rear or the sides of buildings. Loading areas shall be effectively screened from view from public rights of way and adjoining properties.

6.) **Outside Storage and Equipment.** Outdoor storage shall be permitted only where such

storage is screened from public rights of way and adjoining properties. Temporary seasonal sales of materials stored outdoors shall not constitute outside storage.

7.) **Signs.** Project signage shall conform to the sign standards approved by the Deerfield Township Zoning Commission. The bases of ground mounted signs shall be constructed of materials compatible in type and color with building materials as determined by the Developer.

8.) **Maintenance.** The Owner or lessees of any portion of the property must at all times keep the premises, Structures, all other improvements, and appurtenances thereon in a safe, clean, and well-manicure condition and comply in all respects with all governmental health and police requirements and will contain and remove at their own expense any trash or rubbish of any character whatsoever which may accumulate on said lots. Grass shall be cut on all lots by the owner or lessee of such lots.

3/14/02

**Deerfield Township  
Zoning Commission**  
Stage 2

*Lee Spindel* 3/19/02  
 Chairperson Date

**EXHIBIT B**

**ARBOR SQUARE OF DEERFIELD  
DESIGN STANDARDS**

- 1.) **Use Restrictions.** No noxious or offensive activity shall be conducted on the property nor shall anything be done thereon which may become or create an annoyance or nuisance (by reason of unsightliness or the excessive emission of odors, dust, fumes, smoke or noise) to the owners of adjacent property. **Development of the outlots shall be restricted to two fuel stations, no more than two automotive related uses (not including fuel stations) and no more than four buildings with drive-thru windows such as banks, restaurants, cafes, coffee shops and dry cleaners.**
  
- 2.) **Building Materials.** The building materials for the exterior walls of all Structures located on the Property shall consist only of the following materials, or any combination of such materials: stone, brick, dryvit, hardboard or painted concrete block, all of which shall be complimentary to the materials in the Kroger building. In addition, painted concrete block and metal expansion walls will be permitted so long as such walls do not face any public right of way. Roofing materials used for all structures shall be architecturally compatible in terms of materials and colors to compliment the design of the main shopping center buildings. Roof mounted mechanical equipment shall be effectively screened from public rights of way.
  
- 3.) **Parking & Landscaping.** All parking areas and drives and pedestrian walkways shall be paved with an impervious surface such as asphalt, concrete or interlocking pavers. All landscaping shall conform to the overall landscaping plan approved for the development by the Deerfield Township Zoning Commission. Landscaped and parking areas shall be properly maintained thereafter by the owner in a well-kept condition. Employee, owner or tenant parking will not be permitted on private or public dedicated streets and each property owner shall be responsible to provide such parking facilities on their own property.
  
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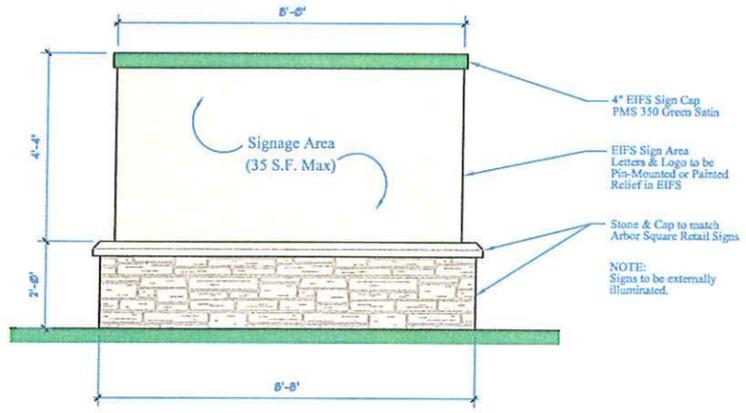
3/14/02

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NOTE:  
 Provided the consent of the Warren County Engineer and/or the Harbourwatch Condominium Owners' Association is obtained, should Wilkens Boulevard be extended north of Socialville-Fosters Road, screening as normally required between O'W and Residential uses shall be provided between the extended Wilkens Boulevard and the Harbourwatch Condominiums. (Condition #10 of the 2.6 acre Cell Tower Property rezoning approved 8-3-04)



TYPICAL GROUND MOUNTED SIGN  
 SCALE: 1/2" = 1'-0"

SITE PLAN  
 SCALE: 1" = 100'-0"

NOTE:  
 This Site Plan (meeting Stage II requirements) is intended to satisfy Condition #13 of the 2.6 acre Cell Tower Property rezoning approved 8-3-04

GRAVE TABLE					
NO.	DATE	DESCRIPTION	BY	CHKD	DATE
1	10/12/04	PRELIMINARY	JMM	JMM	10/12/04
2	10/12/04	REVISED	JMM	JMM	10/12/04
3	10/12/04	REVISED	JMM	JMM	10/12/04
4	10/12/04	REVISED	JMM	JMM	10/12/04

PROPOSED DEVELOPMENT  
 FOR :

# ARBOR SQUARE - NORTH

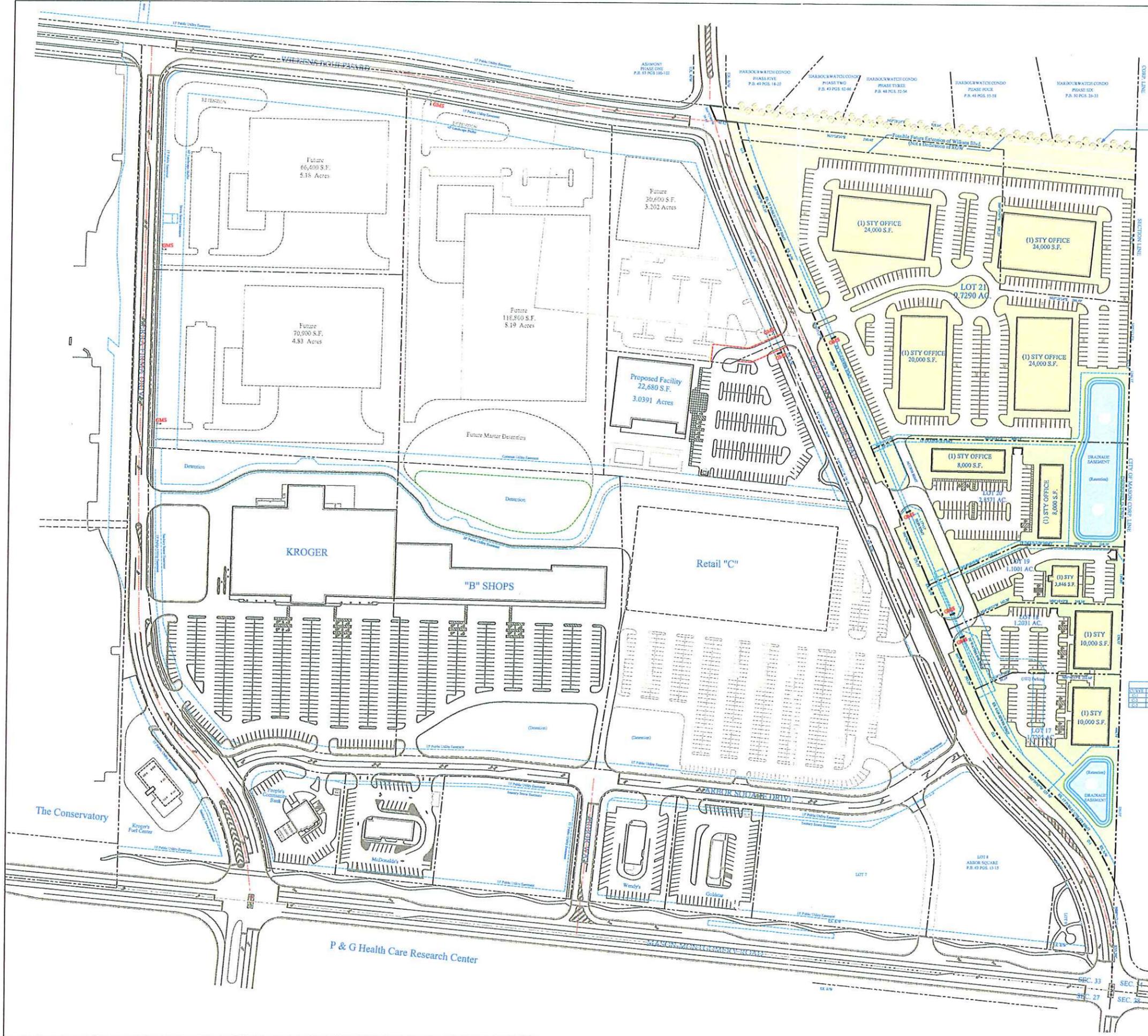
IN  
 DEERFIELD TOWNSHIP, OHIO

NOTE: THIS DRAWING IS FOR DESIGN INTENT AND PRELIMINARY BUDGET ANALYSIS ONLY. INFORMATION IS SUBJECT TO CHANGE PER SURVEY, CIVIL ENGINEERING AND CODE OFFICIALS HAVING JURISDICTION

DESIGNED BY:  
 **Cincinnati United Contractors**  
 100 E-BUSINESS WAY, SUITE 360  
 CINCINNATI, OHIO 45241  
 PHONE: (513) 677-0060 FAX NO: (513) 677-1121  
**CONTRACTORS • ARCHITECTS • DEVELOPERS • INVESTORS**

ALL DESIGN DRAWINGS ARE THE EXCLUSIVE PROPERTY OF CINCINNATI UNITED CONTRACTORS

DRAWING DATE: Oct 07, 2004-10-45AM  
 FILE NAME: 787 - Arbor Square Stage 2 10/04.dwg  
 USER: JMM  
 PLOT DATE: 10/12/04



# Article 5: Planned Unit Developments (PUDs)

## Section 5.01: Purpose

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The purpose for Planned Unit Developments (PUDs) is established in Section 4.05: Zoning District Purpose Statements .

## Section 5.02: Types of PUD Districts

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The PUD District shall be established as a zoning district. A PUD can be created that overlays any of the zoning districts provided for in this zoning resolution. An approved PUD shall be referenced using both the base zoning district and PUD, for example R-SF PUD Residential Single-Family Planned Unit Development or G-B PUD General Business Planned Unit Development.

## Section 5.03: PUDs Approved Prior to the Effective Date of this Zoning Resolution

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Any PUD approved prior to the effective date of this zoning resolution shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PUDs shall be in accordance with this article.

## Section 5.04: Compliance with Plans

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All PUDs approved after the effective date of this zoning resolution shall comply with the Deerfield Township Comprehensive Plan including compliance with the permitted uses, densities, intensities, and other recommendations of the plan specific to the applicable property.

## Section 5.05: Review Procedure

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All PUDs shall be processed in two stages that include a preliminary PUD plan and a final PUD plan. The following is the procedure for establishing a PUD:

### A. PUD INITIATION

1. A PUD may be initiated by the filing of an application by one or more of the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment. An application initiated by the owner or their agent shall be subject to the complete review procedure established below.
2. The zoning commission or board of township trustees may initiate a rezoning of a property to establish a PUD district without submitting a preliminary PUD plan. Upon rezoning a property to establish a PUD district development may occur in one of the two following methods:
  - a. The property owner may submit an application for a use that is permitted in any method (permitted, permitted with use-specific standards, or as a conditional use) in Table 4.06-A (Permitted Use Table) without being subject to the PUD standards of this article; or
  - b. The property owner may submit an application of a preliminary PUD plan pursuant to this article. The review shall follow the same procedure established herein but no zoning amendment for the district shall be required.

**B. STAGE 1 – PRELIMINARY PUD PLAN**

The preliminary PUD plan is intended to establish the major governing principles of a development related to land uses, density, and circulation. Specific details related to issues such as the number of parking spaces, the type and location of landscaping, or the location of individual single-family or two-family residential dwellings shall be reviewed during the final PUD plan.

**1. Step 1 - Preapplication Conference**

- a. Applicants for any PUD District are required to meet with the zoning inspector for a preapplication conference prior to submitting a formal application for a PUD.
- b. The purpose of the preapplication conference is to informally discuss application requirements, review procedures, and details of the proposed development.
- c. One or more preapplication conferences between the applicant and township staff may be required unless specifically waived by the zoning inspector.
- d. Applicants are encouraged to bring a preliminary site plan to the preapplication conference.
- e. No formal application is required to facilitate a preapplication conference. The applicant need only contact the zoning inspector to set up a meeting date.
- f. Discussions that occur during a preapplication conference with township staff are not binding on the township and do not constitute official assurances or representations by Deerfield Township or its officials regarding any aspects of the plan or application discussed.

**2. Step 2 – Preliminary PUD Plan Application**

- a. Applications for the preliminary PUD District shall be submitted to the zoning inspector at the township offices.
- b. Where the property is not already zoned as a PUD, the preliminary PUD plan shall be submitted as part of a zoning map amendment.
- c. The application shall include all such forms, maps, and information as may be prescribed for that purpose by the zoning inspector to assure the fullest practicable presentation of the facts for the permanent record.
- d. Each application shall be signed by at least one of the owners, or the owner’s authorized agent, of each property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- e. Applications for amendments initiated by the zoning commission or the board of township trustees shall be accompanied by the initiating board’s motion or zoning resolution pertaining to such proposed amendment.
- f. All applications shall be subject to Section 3.04: Common Review Requirements.
- g. All applications shall be submitted with the required fees as established in the Deerfield Township fee schedule.

**3. Step 3 – Referral to the Warren County Regional Planning Commission**

- a. Within five days after filing of an application, the township shall transmit a copy thereof to the Warren County Regional Planning Commission.
- b. The Warren County Regional Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the zoning commission.
- c. Such recommendation shall be considered at the public hearing held by the zoning commission on such proposed amendment.

**4. Step 4 – Public Hearing and Recommendation by the Zoning Commission**

- a. Upon the filing of an application for an amendment (Step 2), the zoning commission shall set a date for a public hearing regarding the proposed PUD amendment and the preliminary PUD plan.
- b. The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
- c. For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with Section 519.12 of the ORC to all owners of property within 500 feet of the area of the proposed amendment. If the amendment rezones more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with Section 519.12 of the ORC.
- d. Within 30 days after the zoning commission's public hearing, the zoning commission shall recommend the approval or denial of the proposed amendment and submit such recommendation together with such application or zoning resolution, the text and map pertaining thereto, and the recommendation of the Warren County Regional Planning Commission to the board of township trustees.

**5. Step 5 – Public Hearing and Decision by the Board of Township Trustees**

- a. Upon receipt of the recommendation from the zoning commission (Step 4), the board of township trustees shall set a time for a public hearing on such proposed amendment.
- b. The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the zoning commission.
- c. For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with Section 519.12 of the ORC to all owners of property within 500 feet of the area of the proposed amendment. If the amendment rezones more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with Section 519.12 of the ORC.
- d. Within 20 days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the zoning commission, or adopt some modification thereof. In the event the board of township trustees modifies or overturns the recommendation of the zoning commission, the majority vote of the board of township trustees shall be required.
- e. Review and approval of the preliminary PUD plan shall be limited to:
  - i. Defining the uses permitted within the PUD, the general location of such uses (footprints of individual single-family and two-family dwellings are not required), and any use-specific standards that may apply to the permitted uses;
  - ii. Establishing the maximum density or intensity of development that is permitted in the PUD;
  - iii. Establishing the minimum lot area and lot width requirements for residential uses;
  - iv. Defining any standard of the underlying district that will need to be consistently varied for all of a single type of use (e.g., a zero lot line development where all of the side lot lines of the single-family uses will be reduced to zero).
  - v. Establishing the layout of any new streets, major access drives, sidewalks, and other methods of circulation through the development; and
  - vi. Defining the amount and general location of open space.
- f. In accordance with the standards set forth herein, the board of township trustees may explicitly impose special conditions relating to the PUD as the board may determine necessary in order to best promote the public health, safety and welfare.

**6. Review Criteria for Preliminary PUD Plans**

The following criteria shall be used in recommendations and decisions regarding the preliminary PUD plan:

- a. The preliminary PUD plan is in accordance with this zoning resolution as adopted by the board of township trustees;
- b. The preliminary PUD plan is consistent with the Deerfield Township Comprehensive Plan;
- c. The intensity proposed for the development does not exceed the maximum density or lot coverage allowed for the PUD as a whole;
- d. The uses proposed will not be detrimental to existing and potential future surrounding uses and will be harmoniously related to the surrounding area;
- e. The internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Warren County Official Thoroughfare Plan. A traffic impact study may be required by the township, and the zoning commission and trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate better traffic flow between individual developments in conjunction with the Warren County Engineer's Office;
- f. The arrangement of vehicular access and circulation, including intersections, road widths, channelization structures and traffic controls are adequately designed for the proposed uses and existing surrounding development;
- g. The design generally addresses storm water management, erosion control, and avoids flood hazard areas;
- h. The minimum common open space areas have been designated and designed in accordance with the provisions of this article, and shall be conveyed to a legally established homeowner's or property owner's association, commercial management group, the township, or other agency as herein provided;
- i. The comments and recommendations from the Warren County Engineer's Office and other departments or officials of the township and Warren County, as well as representatives of Federal and State agencies including the Soil Conservation Service, the Department of Conservation, the Environmental Protection Agency and similar agencies are adequately addressed;
- j. The preliminary PUD plan may vary from the requirements of the zoning resolution upon approval by the board of township trustees of the preliminary plan.
- k. Approval of the preliminary PUD plan may be conditional upon provisions that are necessary for the protection of public health, safety, and general welfare. The zoning commission or board of township trustees may require that a revised preliminary PUD plan be submitted if, in its opinion, substantial changes are required to comply with this article.

**C. STAGE 2 – FINAL PUD PLAN**

**1. Step 6 – Final PUD Plan Submittal**

- a. Within 24 months of approval of the preliminary PUD plan (Step 5), the applicant shall submit the final PUD plan for review unless an alternative time limit is approved as part of the preliminary PUD plan approval in Step 5.
- b. Applicant may submit a written request to the zoning commission to extend the time limit for an additional 24 months.

**2. Step 7 – Public Hearing and Decision by the Zoning Commission**

- a. Upon receipt of the final PUD plan submittal (Step 6), the zoning commission shall set a time for a public hearing on the proposed final PUD plan.
- b. Notification of the hearing shall be in accordance with state law.
- c. Within 30 days after its public hearing, the zoning commission shall either approve, approve with modifications, or deny the final PUD plan.
- d. Final PUD plan approvals shall not be effective until the property owner causes the terms and conditions of the final PUD plan to be placed in the chain of title of the real estate to which it applies as a restrictive covenant, running with the land, incorporated in a deed of conveyance.

**3. Review Criteria for Final PUD Plans**

The following criteria shall be used in decisions regarding the final PUD plan:

- a. All requirements established as part of the approved preliminary PUD plan have been satisfied;
- b. All requirements of this zoning resolution that have not been varied as part of the preliminary PUD or that may not be varied as part of a PUD have been met;
- c. That the final PUD plan is consistent with the intent and purposes of the zoning resolution;
- d. That the proposed final PUD plan for the individual phase of the overall PUD District is consistent with the approved preliminary PUD plan. Each phase of a PUD shall contain a proportional percentage of the open space required as part of the PUD based on the size of the proposed phase compared to the overall PUD;
- e. That any part of the PUD not used for structures, parking and loading areas, streets, public improvements, or walkways shall be landscaped or otherwise improved for the purpose intended or otherwise left in its natural state.
- f. That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development, as determined by the Warren County Engineer's Office, and that safe and convenient pedestrian and non-vehicular access is provided.
- g. The location, arrangement, size and placement of buildings, accessory structures, parking, lighting, and landscaping features contribute to creating a project that can be characterized as sustainable, innovative, and exemplary.
- h. That the final PUD plan documents that will be reviewed and decided upon include:
  - i. All necessary legal documentation relating to the incorporation of a homeowners' or property owners' association for residential PUDs, or other similar associations for nonresidential PUDs, has been submitted and approved as part of the final PUD plan. Such legal documentation shall demonstrate how the common open space will be maintained over the life of the development
  - ii. Copies of any restrictive covenants or agreements that are to be recorded.

**D. STAGING PLAN**

Any plan that will require more than 24 months to complete shall be constructed in phases and a staging plan shall be developed accordingly. In a phased PUD, it is expected that changes in the approved final plan may be required from time to time. In order to preserve the flexibilities which are fundamental to a PUD, planned changes or modifications are permitted subject to the procedures of Section 5.05:F Modifications.

**E. TIME LIMITS AND EXTENSIONS**

- 1. The time limits for preliminary PUD plan approvals are addressed in Section 5.05:C.I Step 6 – Final PUD Plan Submittal.

2. Within 24 months of approval of the final PUD plan (Step 7), a subdivision plat shall be recorded or, where a subdivision is not required, construction, building, remodeling or reconstruction of a building, structure, or land shall have commenced. An alternative time line may be approved pursuant to Section 5.05:D Staging Plan.

**3. Review Status of PUD Plans**

If a preliminary or final PUD plan is not submitted, or a subdivision plat is not recorded, within the time limits of this article, the township board of trustees may review the status of any approved PUD District or PUD plan, and take action, in accordance with the following procedures:

- a. The board of trustees may hold a public hearing to review the status of any approved PUD plan and, at the conclusion of the hearing, may by resolution:
  - i. Extend any applicable time period;
  - ii. Modify or revoke the preliminary and/or final PUD plan approval; or
  - iii. Initiate a zoning map amendment to rezone the property to another zoning district.
- b. If the applicant requires an extension of the time limits, it shall be the applicant's responsibility to request a status review by submitting a written request to the zoning inspector.

**F. MODIFICATIONS**

1. Modifications to an approved preliminary or final PUD plan may be considered in accordance with this section.
2. A request for a modification shall be submitted to the zoning inspector.
3. The zoning inspector shall have the authority to determine if the proposed modification is a major modification or minor modification in accordance with this section. Such decision may be appealed to the BZA.

**4. Major Modifications**

- a. Major modifications to an approved preliminary or final PUD plan shall include but not be limited to:
  - i. An increase in residential density;
  - ii. An expansion in nonresidential floor area that exceeds 10% of the total floor area that was previously approved;
  - iii. Changes to the PUD boundaries;
  - iv. Changes in the amount (percentage of the total development) or location of different land uses; or
  - v. Changes to internal street patterns that alter the intersection points with existing streets.
- b. Major modifications shall be reviewed in accordance with the entire procedure set forth in Section 5.05: Review Procedure.

**5. Minor Modifications**

Other amendments or modifications shall be classified as a minor modification and shall be reviewed and approved by the zoning inspector, except that the zoning inspector may elect to submit the minor modification to the zoning commission for review and a decision. Such review shall occur at a public meeting of the zoning commission and shall be subject to notice and fees as established by the board of township trustees and state law.

## Section 5.06: PUD Development Standards

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### A. DEVELOPMENT STANDARDS FOR ALL PUDS

1. Unless otherwise permitted to be modified in this article, the standards of this zoning resolution shall apply.
2. The following development standards may not be modified as part of a PUD approval:
  - a. Section 9.07: Permitted Signs; and
  - b. Section 6.02: Outdoor Lighting.

### 3. Permitted Uses

In any PUD, any use that is permitted in Table 4.06-A (Permitted Use Table) may be approved within the subject PUD, whether or not the use is permitted in the applicable base zoning district, provided that the project shall be planned, developed and operated in accordance with an approved development plan. Specific uses, structures, and developments shall be properly integrated with the surrounding area in such a way as to promote the health, safety, morals, general welfare and wholesome environment of the general public and of the occupants of nearby property, and to avoid nuisances to the general public or to the occupants of nearby property.

### B. PLANNED UNIT DEVELOPMENTS IN RESIDENTIAL DISTRICTS

PUD Districts approved over a residential zoning district shall be subject to the following conditions:

#### 1. Permitted Uses and Maximum Permitted Density

- a. The maximum permitted gross residential density shall be based on the total area of land zoned as a specific residential zoning district prior to subdivision, that includes all areas of development, open space, or lands that will be used for roads or public dedications.
- b. The maximum permitted gross residential density is subject to approval by the board of township trustees as part of the preliminary PUD plan approval.
- c. The density for each development plan will be reviewed on a case-by-case basis taking into account:
  - i. Recommendations from the Deerfield Township Comprehensive Plan;
  - ii. Adjacent land uses;
  - iii. Unique features and characteristics of the land;
  - iv. The proposed development plan layout; and
  - v. Quality and character of the proposed open space.

#### 2. Accessory Uses and Structures

Accessory uses and structures shall conform to the provisions of Section 4.09: Accessory Uses and Structures for the applicable residential zoning district that is part of the PUD.

#### 3. Minimum Dwelling Size

The minimum dwelling size in a PUD shall be in accordance with the minimum size established in the residential district where the PUD is located, unless modified in the preliminary PUD plan.

#### 4. Lot Area and Yards

- a. The minimum lot area and lot width requirements shall be established in the preliminary PUD plan approval based on:

- i. Recommendations from the Deerfield Township Comprehensive Plan;
  - ii. Adjacent land uses;
  - iii. Unique features and characteristics of the land;
  - iv. PUD plan layout; and
  - v. Quality and character of the proposed open space.
- b. In those cases when a PUD is being proposed next to an existing recorded subdivision, the lots of the PUD that abut the existing subdivision shall have a lot area that is at least 75% of the area of abutting lots.
- c. To the maximum extent feasible, when a PUD is proposed adjacent to the open space of an existing PUD, the proposed PUD shall establish open space adjacent thereto to create larger areas of open space within the township.
- d. The minimum setbacks for individual lots shall be those of the underlying residential zoning district unless varied as part of the PUD approval.

**5. Height Requirements**

The maximum height of structures shall be as established in the underlying residential zoning district unless modified as part of the PUD approval.

**6. Open Space**

- a. A minimum of 20% of the total PUD development proposed for residential uses shall be set aside for common open space.
- b. Common open space shall be used as an amenity or for recreational purposes for the entire development, dedicated to another agency as allowed in Section 6.04: Open Space, or may remain undeveloped.
- c. All common open space shall be subject to Section 6.04: Open Space.

**7. Parking**

Off-street parking shall be in accordance with the provisions of Article 7: Parking, Loading and Mobility, unless modified as part of the PUD approval.

**8. Design Standards**

The overall quality of the design of the development shall be considered when reviewing a PUD application. The zoning commission and board of township trustees shall review:

- a. The use of unique street design and landscaping;
- b. The use of a sufficient number of house types to avoid a monotonous streetscape;
- c. The incorporation of limitations on the use of certain building materials (See subsection 9 (Building Materials) below.);
- d. The incorporation of hiker/biker trails to the extent reasonably possible and desirable. All developments shall incorporate the improvements as described in the Deerfield Township Comprehensive Plan; and
- e. The incorporation of ponds or other water features to the extent reasonably possible and desirable.

**9. Building Materials**

All PUD developments shall maximize the use of natural building materials such as brick, jumbo brick, stone, wood, or cultured stone. The zoning commission and board of township trustees reserve the right to regulate building materials on each development plan on a case-by-case basis.

**C. PLANNED UNIT DEVELOPMENTS IN NONRESIDENTIAL DISTRICTS**

PUD districts approved within a nonresidential district shall be subject to the following conditions:

**1. Prohibited Uses**

The following uses shall be prohibited in all PUDs in nonresidential districts:

- a.** Heavy industrial or commercial uses that are noxious or offensive by reason of smoke, dust, gas fumes, odors, vibrations, or noise beyond the limits of the premises upon which such operation is located. Such uses include, but are not limited to, the assembly or manufacture of automobiles or automobile bodies; manufacturing involving the use of large quantities of hazardous or toxic substances; petroleum refining or petroleum storage; processing, refining, or rendering of fats and oils; or smelting or refining of metals from ores;
- b.** Mini-storage or self-storage facilities of any kind or size, whether for rental or sale;
- c.** Truck terminals, truck plazas, or truck stops;
- d.** Junk, scrap, wrecking yards, or salvage yards where the operations are for the conversion of saleable materials;
- e.** Prisons and other penal institutions;
- f.** Landfills;
- g.** Adult entertainment establishments; and
- h.** Other similar uses as determined by zoning commission and board of township trustees.

**2. Accessory Uses and Structures**

Accessory uses and structures shall conform to the provisions of Section 4.09: Accessory Uses and Structures for the applicable nonresidential zoning district that is part of the PUD.

**3. Setback Requirements**

The minimum setbacks for individual lots shall be those of the underlying nonresidential zoning district unless varied as part of the PUD approval.

**4. Maximum Height**

The maximum height of structures shall be as established in the underlying residential zoning district unless modified as part of the PUD approval.

**5. Common Open Space**

- a.** A minimum of 20% of the total PUD development proposed for nonresidential uses or mixed uses shall be set aside for common open space.
- b.** All common open space shall be subject to Section 6.04: Open Space.

**6. Parking and Loading**

- a.** Off-street parking and loading shall be in accordance with the provisions of Article 7: Parking, Loading and Mobility, unless modified as part of the PUD approval.

- b.** Applicants are encouraged to develop shared parking lot facilities to reduce the number of off-street parking spaces required in the PUD (See Section 7.04:E Alternative Parking Options).

**7. Buffer Yards**

- a.** Buffer yards shall be provided in accordance with Article 8: Landscaping and Buffering.
- b.** The zoning commission may grant modifications to any buffer yard and general landscaping requirement where existing or proposed vegetation meets the intent of these regulations, or when, because of the unique shape, location, or character of the PUD, alternative landscaping requirements would produce a more appealing landscape design.
- c.** While the zoning commission may authorize alternative buffering options, in no case shall the zoning commission permit an alternative that will result in less of a buffering than that required in Section 8.05: Landscape Buffering Requirements.

**8. Design Standards**

The overall quality of the design of the development shall be considered when reviewing a PUD application. The zoning commission and board of township trustees shall review:

- a.** The use of unique street design and landscaping;
- b.** The use of a sufficient number of house types to avoid a monotonous streetscape;
- c.** The incorporation of limitations on the use of certain building materials (See subsection 9 (Architectural and Building Material Standards) below.);
- d.** The incorporation of hiker/biker trails to the extent reasonably possible and desirable. All developments shall incorporate the improvements as described in the Deerfield Township Comprehensive Plan; and
- e.** The incorporation of ponds or other water features to the extent reasonably possible and desirable.

**9. Architectural and Building Material Standards**

- a.** All PUD developments shall maximize the use of natural building materials such as brick, jumbo brick, stone, wood, or cultured stone. The zoning commission and board of township trustees reserve the right to regulate building materials on each development plan on a case-by-case basis.
- b.** Metal siding, vinyl siding, and exposed smooth face CMU block is prohibited as an exterior building material on all building elevations visible from a public road right-of-way.
- c.** All visible elevations shall include decorative features such as cornices, pilasters, and contrasting horizontal bands. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls.

**d. Architectural Guidelines**

The design guidelines in Section 6.03: Architectural Design Guidelines and Standards shall be incorporated as part of the buildings in the PUD.

**10. Circulation and Access**

- a.** A PUD in a nonresidential district shall have primary access from an arterial or collector road. Secondary access points on local streets may be permitted with approval from the zoning commission and board of township trustees during the preliminary PUD plan review.

**Article 5: Planned Unit Developments (PUDs)**

Section 5.06: PUD Development Standards

*Subsection C: Planned Unit Developments in Nonresidential Districts*

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- b.** Pedestrian ways shall be subject to the provisions of Section 7.05: Mobility and Sidewalks unless otherwise waived by the zoning commission. Pedestrian ways, including sidewalks and multi-use paths, are required to accommodate safe non-motorized transportation throughout the PUD along internal streets and perimeter roads. Additional pedestrian ways may be permitted internally within the development where they are not adjacent to a road.
- c.** Cross access easements to adjacent parcels may be required by the zoning commission and board of township trustees to provide better circulation and access between adjacent developments.