

CASE 4-2024 PUD

CLOUGH CREEK SUBDIVISION (5505 CLOUGH PIKE)

FOR CONSIDERATION BY THE ANDERSON TOWNSHIP ZONING COMMISSION ON DECEMBER 16, 2024

**APPLICANT:** Kristi Moorman, P.E, for ChoiceOne Engineering, on behalf of Robert Gerwin of Homes by Coach on behalf of Brand New Socks, LLC, property owner.

**LOCATION & ZONING:** 5505 Clough Pike  
Part of Book 500, Page 440, Parcels 61 & 237  
"A" Residence

**REQUEST:** Approve a planned unit development application (PUD) to allow 19 Single Family lots on a total of 9.51 acres, with 4.09 acres (43.01%) of open space and an overall proposed density of 2 units per acre.

**SITE DESCRIPTION:**  
*Tract Size:* 9.51 acres proposed for the development, part of 28.68 acre parcel  
*Frontage:* Approx. 706.5 feet on Clough Pike  
*Topography:* Steep slope south to the creek from Clough Pike, Floodplain, Floodway  
*Existing Use:* Residential Vacant Land

<b>SURROUNDING CONDITIONS:</b>	<u>ZONE</u>	<u>LAND USE</u>
<i>North:</i>	"A" Residence	Single Family Residences
<i>South:</i>	"SF-6" Residence	Single Family Residences (City of Cincinnati)
<i>East:</i>	"A" Residence	Single Family Residences
<i>West:</i>	"A" Residence	Single Family Residences

**PROPOSED DEVELOPMENT:** The applicant is proposing a Planned Unit Development (PUD) for the following subdivision:

- 19 single-family lots
- 9.51 acres developed, 4.09 acres open space
- 1.8 acres in Right of Way
- PUD 40' right-of-way for street, parking on one side.
- Minimum lot size: 7,700 SF
- Front Yard Setback: 20'
- Side Yard Setback: 5'
- Rear Yard Setback: 30'
- Minimum lot width: 70'
- The road profile identifies a 4' wide walk on both sides of the street, partially in the R/W and partially in an easement. There is also a walking path and a gazebo
- Four off-street parking spaces provided
- Landscape buffer along Clough Pike, min. 15' wide
- Cross access to adjacent properties

The proposed subdivision will be heard by the Hamilton County Regional Planning Commission and subject to the County's Subdivision Regulations. The subdivision falls within the "A" Residence District, which permits a minimum lot size of 20,000 SF.

**ZONING HISTORY:**

In 2019, this property was considered in Case 7-2019 PUD for a Planned Unit Development for 32.625 acres for 66 Single Family lots, with 10.849 acres of developed area, 18.757 acres of open space and varying setbacks among the lots. At the June 26, 2019 Zoning Commission hearing, the proposal failed to receive three affirmative votes.

The Anderson Township Board of Township Trustees moved in Resolution 19-0815-03 to remand Case 7-2019 PUD back to the Zoning Commission for further review and decision with a five-member Commission.

Case 7-2019 PUD, “A-PUD and “C-PUD”, was approved by the Anderson Township Zoning Commission on October 28, 2019.

On March 19, 2020, The Board of Anderson Township Trustees overturned the decision of approval made by the Zoning Commission in Case 7-2019 PUD, following briefings from the respective parties to the appeal and argument in front of the Board of Trustees on February 27, 2020.

**FINDINGS:**

*The purpose of the Planned Unit Development (“PUD”) Overlay District is to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services, orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to neighboring properties. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as of-right by the underlying district regulations.*

The application is being reviewed by the Zoning Commission due to the request modified setbacks and lot sizes under the “A” Residence District. The proposed density for the PUD Plan is within the zoning requirement, at 2 dwelling units per acre. The PUD will be reviewed under the standards found in Article 4.1 of the Zoning Resolution. In addition to compliance with the Township’s Zoning Resolution, the development is also being reviewed under the Anderson Township Comprehensive Plan. If approved by the Anderson Township Zoning Commission, the subdivision will be reviewed by the Hamilton County Regional Planning Commission for compliance with the Hamilton County Subdivision Regulations.

**Zoning Resolution Compliance**

The proposed density is compliant with the “A” Residence zoning district, which permits one dwelling unit per 20,000 square feet. The applicant is proposing 2 units per acre.

As stated above, the following area and setbacks are proposed:

- Minimum lot size: 7,700 square feet
- Front Yard Setback: 20’
- Side Yard Setback: 5’
- Rear Yard Setback: 30’
- Minimum lot width: 70’

## **Applicable Plans**

### ***Anderson Plan***

The application is **not** consistent with the following Goals and Initiatives of the Anderson Plan:

#### Mobility:

- *Anderson Township will be a community with a model sidewalk and bike trail system connecting residents to businesses, schools, recreation, entertainment and other public uses.*

Sidewalks are required along all street frontages of new subdivisions. Sidewalks are not shown along Clough Pike. There is a proposed walking path in the open space shown, along with a gazebo. No details regarding the walking path were submitted. The road profile shows a 4' wide sidewalk, 1' in the R/W and 3' within a pedestrian easement. Since the front yard setbacks are proposed at 20', staff is concerned that the driveways will not be deep enough to provide adequate clearance for the sidewalks.

#### Quality of Place:

- *Anderson Township will be a community that strives to be sustainable and resilient in its practices by balancing the demand for development and activities with the needs of our environment, recognizing that what we as a community do now will affect future generations of Township residents and businesses.*

The proposed subdivision is approximately 9.51 acres of two much larger parcels, as well as being located in the floodplain. No information has been provided regarding the residual parcels and their futures, which is not under consideration in this Case.

#### Natural and Environmental Resources:

- *The vast natural and environmental resources of Anderson Township will be protected for future generations.*

The topography of the site is extremely steep and Clough Creek traverses the site. Nine lots will be within the floodplain. Staff is concerned that this proposal has not yet been submitted to the proper County agencies and the Army Corps of Engineers for their review and response. The grading plan submitted does not show the overall change in topography or the grading that will need to take place for the construction of homes. Clough Creek has shown visible signs of shifting in the last decade, which is cause for concern with this property. In addition, staff believes that additional information regarding potential retaining walls with the hillside should be submitted.

The landscaping plan submitted shows a small buffer along Clough Pike, however, does not provide specific species details or buffers to a neighboring property in lots 17-19.

The landscaping plan also does not provide any trees that will remain or the amount of trees that will be removed due to grading.

The application is consistent with the following Goals and Initiatives of the Anderson Plan:

Housing:

- *The Township should provide a variety of businesses and housing options to meet changing demographics and market demands.*

Several examples of potential homes have been submitted with the application. All are single family residences.

Land Use and Development:

- *Anderson Township will be a well-planned community with a mixture of agricultural uses, residential neighborhoods, commercial centers, and an industrial base balanced with public uses, parks, and recreational uses.*

The proposed use is consistent with the Future Land Use Map in remaining a single-family residence district.

**RECOMMENDATION:**

Staff findings based on the Planned Unit Development evaluation criteria (*Article 4.1, G*):

1. The proposed density for the development is consistent with the "A" Residence District. The zoning setbacks and lot sizes, however, are more consistent with the "C" Residence Zoning District.
2. The application is **not** consistent with the Vision and Goals of the Board of Trustees as outlined in the adopted Anderson Plan, specifically the goals and initiatives mentioned above in the Mobility, Quality of Place and Natural and Environmental Resources.
3. The use (single-family) is compatible with surrounding residential land uses; however staff has concerns regarding the lack of details on the plan submitted.
4. While there is 4.09 acres of open space (43%), a majority of it is in the floodplain. In addition, details regarding the residual acreage from the property has not been provided.
5. The applicant stated that development will be in one phase.
6. The proposed development is serviced adequately and efficiently by essential public facilities and services, however, staff believes that this site needs to be reviewed regarding Clough Creek, as well as the hillside.
7. There are no historical features on the site.
8. Modifications of the zoning or other regulations *could* be warranted if protections are put in place for stabilization of the creek, as well as the hillside.

9. Sidewalks are stated to be provided in the development, however, staff is concerned that vehicles will overhang the sidewalk with the proposed 20' front yard setback. In addition, no sidewalks are proposed along Clough Pike. No details were provided about the walking path.
10. The proposed development is single-family, consistent with surrounding properties; however, the applicant submitted minimal information about a buffer from the properties to Clough Pike.
11. The application includes 43% of open space.
12. The development has not been submitted for review by the property agencies regarding the creek and the hillside and therefore could be a detriment to surrounding uses.
13. The subdivision has not been reviewed by additional agencies, including the Hamilton County Engineer's Office.
14. The development is not consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
15. This standard looks at whether the development provides adequate protection of natural features on the property, including land over 20% slope, flood-plain and wetland areas, areas permanently inundated by water, and areas protected by the Ohio Department of Natural Resources. Staff is of the opinion that currently the proposed PUD does not meet this standard in regard to Clough Creek and the steep slopes on the property.

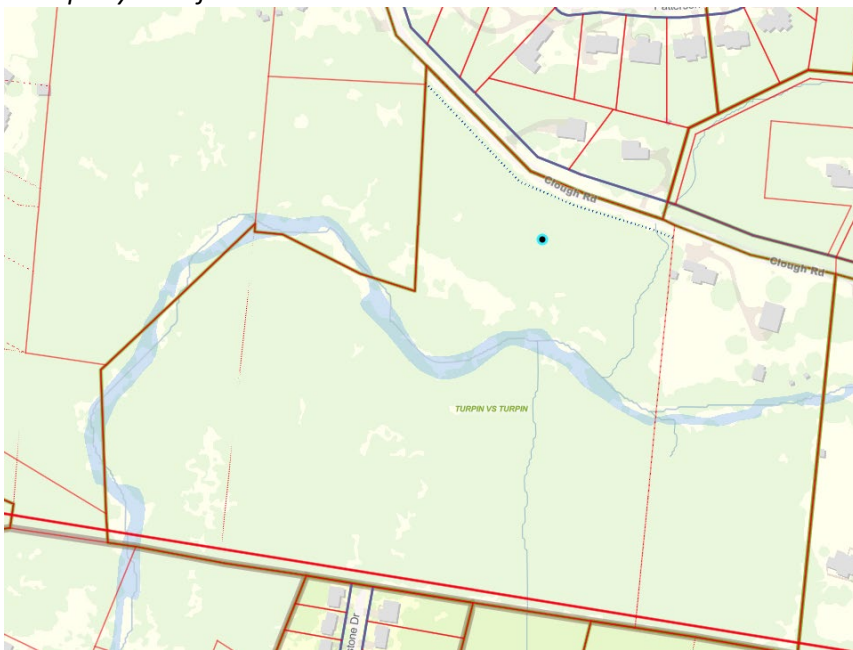
**GENERAL STANDARDS FOR  
PUD PLAN APPROVAL:**

In determining whether a PUD Plan filed pursuant to this Article shall be approved or recommended for approval, the Director of Planning and Zoning, the Anderson Township Zoning Commission, and the Anderson Township Board of Trustees shall apply the following general standards.

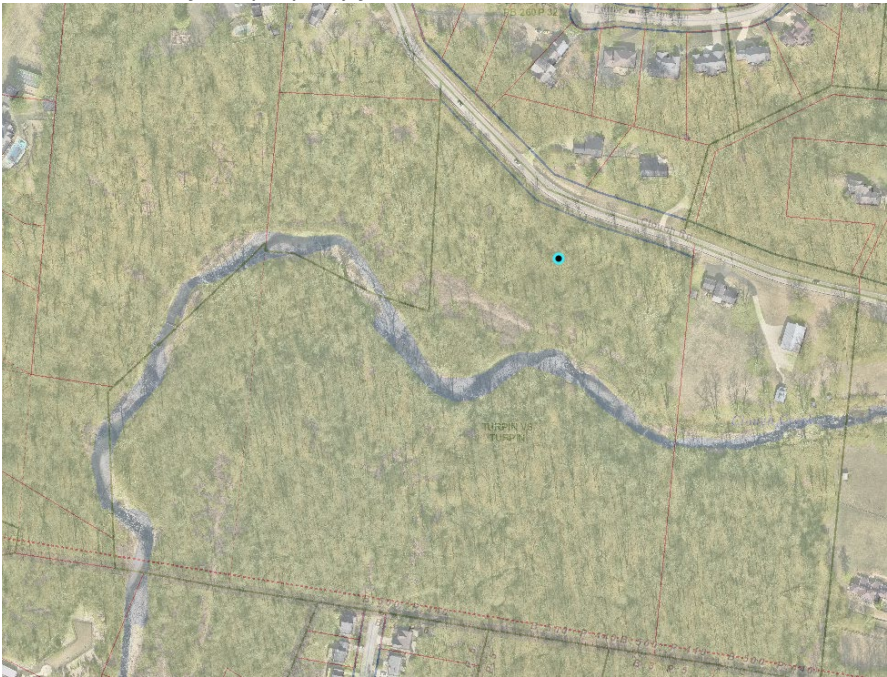
1. Compliance with this Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located;
2. Applicability of and consistency with adopted objectives and policies of the Township and County related to land use, as well as Township plans duly adopted by the Board of Anderson Township Board of Trustees and Hamilton County Regional Planning Commission, including, but not limited to the Anderson Township Comprehensive Plan;
3. Compatibility with surrounding land uses;
4. Whether the size and physical features of the project area enable adequate protection of surrounding property and orderly and coordinated improvement of property in the vicinity of the site;
5. Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant;
6. Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;

7. Whether significant scenic or historic features, as identified or contained in plans duly adopted by the Board of Anderson Township Board of Trustees and Hamilton County Regional Planning Commission, are adequately conserved;
8. Whether modification of the zoning or other regulations are warranted by the innovative design of the development plan;
9. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement;
10. The adequacy of the provisions for visual and acoustical privacy;
11. Whether the development includes an appropriate amount of, and appropriate access to, dedicated open space;
12. Whether the development will be detrimental to present and potential surrounding uses;
13. The consistency of the development with recommendations from Township, County, State and/or Federal agencies;
14. Whether the development is consistent with the Vision and Goals as adopted by the Anderson Township Board of Trustees.
15. Whether the development provides adequate protection of natural features on the property, including land over 20% slope, flood-plain and wetland areas, areas permanently inundated by water, and areas protected by the Ohio Department of Natural Resources.

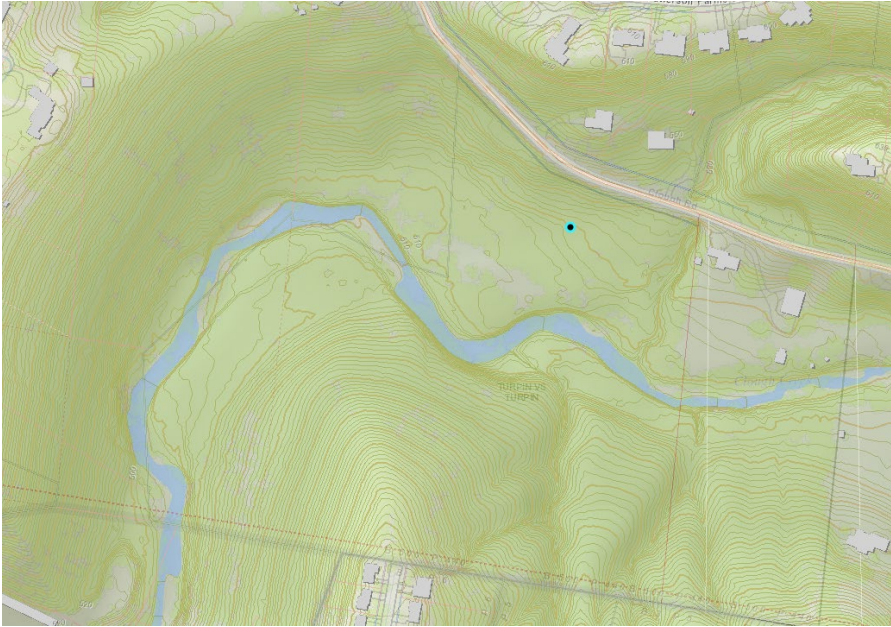
A Property view from CAGIS



An aerial view of the property from CAGIS



A Topography map of the Property from CAGIS



A Zoning map of the property from CAGIS

