

STAFF REPORT

CASE: ZC10-2017

APPLICANT: Guttman Development Group

LOCATION: 4990 Wilmington Pike

ZONED: B-2 PUD (Business-Planned Unit Development District)

REQUEST: A Major Change to an Approved Preliminary Development Plan

DATE: December 5, 2017

DESCRIPTION OF REQUEST

Existing Zoning District: The subject rezoning site is the Magic Castle entertainment center area containing 5.42 acres. The property is currently zoned B-2 PUD.

Applicant Proposal: The applicant is requesting approval of a Major Change to an Approved Preliminary Development Plan for the PUD B-2 District approved for the Magic Castle site containing 5.42 acres. The applicant is proposing the removal of the Pro Shop and Maintenance Building and a modified parking area for the Magic Castle to make way for a dedicated entrance to serve the adjacent proposed multi-family development to the north.

Property Location: The subject property is located at north side of Brown Road just east of the intersection of Brown Road and Wilmington Pike (the subject property has limited frontage on Wilmington Pike).

Existing Land Use:

The subject property is currently the site of the Magic Castle, consisting of an 18 hole miniature golf course, batting cages, a picnic shelter, an indoor entertainment venue, a maintenance building, and an existing pro shop utilized in conjunction with the Rollandia Golf Course. The site is bordered on the north (Madison's Grant in the City of Kettering) and east (Brown's Run in Sugarcreek Township) by single-family homes on lots ranging from 8,000 to 12,000 SF. The parcel adjacent to the northeast corner of subject site (also in the City of Kettering) is undeveloped and farmed. Southeast of the subject site is the Quail Run Racquet Club. Land located to the west (Rolandia Acres in the City of Kettering) is developed single-family residential. Land located to the south (Cornerstone in the City of Centerville) is planned for commercial and some residential development.

Zoning of Adjacent Parcels:

Madison's Grant to the north in the City of Kettering is zoned R-2 (medium density residential). Rolandia Acres to the west in the City of Kettering is also zoned residential. Cornerstone to the south in the City of Centerville is zoned B-PD (Business Planned Development) for much of its mutual frontage with the subject site and R-PD

(Residential Planned Development) at the eastern end. Quail Run to the east is located in the A-1 (Agricultural) District. Brown's Run to the east is located in the R-1B (Suburban Residential-Moderate) District.

Subject Parcel:



History of Previous Action:

On October 17, 2016 a map amendment was approved for the 5.4 acres comprising the Magic Castle site rezoning it from A-1 to B-2 PUD subject to the following conditions:

1. The Preliminary Plan, upon approval by the Township Trustees, shall become the Final Plan governing use of the property.
2. Any conditions attached to the Preliminary Plan shall also attach to the Final Plan.
3. The batting cage facility shall close no later than 10 p.m.
4. The entire Family Game Center (miniature golf, inside amusement) shall close no later than 10 p.m. on Sunday-Thursday and no later than 11 p.m. on Friday and Saturday.
5. Special events that take place outside of normal operating hours (after proms, etc.) may be approved by the Director of Planning and Zoning on a case by case basis.
6. The 5,000 SF Proposed Office may be approved and used for office use via the Zoning Certificate approval process without additional BZC or Trustee oversight.
7. Any deviations from the approved plan shall be subject to the PUD modification process outlined in the Sugarcreek Township Zoning Resolution.

8. The applicant shall dedicate right-of-way (30' total from centerline is proposed but right-of-way will be set no closer than 1' from any existing improvements based on an as built survey).
9. All exterior lights will be turned off when the business is closed.
10. The following uses will be prohibited should redevelopment of the site be proposed in the future and a revised Preliminary Development Plan be submitted for approval:
 - a. Automotive Body Repair, Automotive Fuel Sales, Automotive Sales or Rental, Automotive Service or Repair, Automotive Washing Facility, Restaurant Fast-Food, Drive Through Facility and Motel.

Applicable Articles and Findings of Fact:

Section 3.06 of the Sugarcreek Township Zoning Resolution governs Map Amendments. Review Criteria outlined in Section 3.06 D) includes the following:

- 1. The amendment is in accordance with the Sugarcreek Township Long-Range Land Use Plan and this Zoning Resolution; and**
- 2. Where more than one zoning district is available that permits the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the recommendations of the Long Range Land Use Plan.**

The intent of PUD (Planned Unit Development) District is to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in planning and building while promoting public health, safety and morals. Furthermore, the PUD District was established for the purpose of conserving land through more efficient allocation of private lots, common grounds, residential and nonresidential uses, and securing benefits from new techniques in community development.

The PUD B-2 designation will allow the current use of the property to continue as approved and at the same time will give the township necessary oversight if and when redevelopment of the site is proposed.

Section 5.05 Section of the Sugarcreek Township Zoning Resolution governs development within the PUD-B District.

- **Section 5.05 A. notes that the applicant shall request a subtype classification of either PUD B-1 or PUD B-2 based on proposed uses.**
- **Section 5.05 B. 2. states that the permitted uses within the PUD B-2 District shall be the same as the B-2 District.**
 - The applicant has chosen subtype B-2 based on current use. Commercial recreation is a permitted use in the B-2 District.

- **Section 5.05 C. 1. b. states that the building height standards in the B-2 District shall apply to the PUD B-2 District.**
 - Maximum building height of 60' is met.
- **Section 5.5 C. 2. establishes a maximum lot coverage standard of 80% for the PUD-B Districts.**
 - Maximum lot coverage of 80% is met. Staff has requested that lot coverage be recalculated, as lot coverage as currently calculated is based on intended property lines, versus existing zoning district lines. Staff would anticipate a small change to the percentage stated.
- **Section 5.05 C. 3. establishes a 20% open space standard for PUD-B Districts, noting that required landscaping, buffering and non-improved areas may count toward this requirement.**
 - The 20% open space standard has been met. Staff has requested that open space be recalculated, as open space as currently calculated is based on intended property lines, versus existing zoning district lines. Staff would anticipate a small change to the percentage stated.
- **Section 5.05 C. 4. establishes that when a PUD-B District abuts a residential zoning district, the minimum rear yard setback and minimum side yard setback requirements of the residential district shall be the minimum rear yard setback and minimum side yard setback requirement, respectively, in the PUD-B along the property line that abuts the residential district.**
 - The applicant is proposing the removal of the existing Pro Shop and Maintenance building and the construction of a revised parking area to serve the Magic Castle site, as well as the construction of a private drive to serve the adjacent multi-family site to the north. The setback previously proposed between the proposed multi-family site and the existing Pro Shop and Maintenance Building was 15'. The applicant is proposing a 20' setback from the new parking area to the property line.
- **Section 5.05 C. 5. establishes a 50' perimeter setback requirement. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer. When adjacent to an R-1A, R-1B, E or R-PUD District, the side and rear perimeter setback areas shall include buffering as required in Section 10.06 B. 2. and shall meet the buffer design standards of Section 10.06 C. The applicant may request, or the Zoning Commission may recommend and the Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions or interconnectivity warrant such modifications.**
 - The applicant intends to landscape the area between the existing Magic Castle improvements and their site.

- Staff recommends that the open space plan be updated to provide the required 50' perimeter to the east and north (except where the proposed parking lot and any existing improvements conflict).
- Staff recommends that a landscaping plan for the Magic Castle parking area and open space area adjacent to Brown Road and the proposed private drive be required to be submitted for approval concurrently with the Final Development Plan for the adjacent multi-family site.

5.10 A. establishes the approval criteria for a preliminary development plans as follows:

- **The PUD application and preliminary development application are consistent with the recommendations of the Sugarcreek Township Long-Range Land Use Plan and the requirements of this Resolution.**
 - The subject property is in Planning Area 1: Northcentral Sugarcreek. The applicable Planning Area Recommendations were addressed above.
- **The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network. A traffic impact study may be required and reviewed by the Greene County Engineer's Office. Cross access easements or stubbed streets to adjacent parcels may be required to facilitate better traffic flow.**
 - Access will remain unchanged to the Magic Castle site and no additional traffic stemming from the Magic Castle site is anticipated. The applicant will dedicate additional right-of-way (30' total from centerline proposed but right-of-way will be no closer than 1' from any existing improvements based on an as built survey). An additional access is proposed through the subject site to serve the adjacent multi-family site to the north.
- **The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development.**
- **The proposed development will not impose an undue burden on public services and facilities such as fire and police protection, the transportation network, the school system, and the water and sewer services.**
 - No change from current conditions is anticipated.
- **The minimum common open space areas have been designated and shall be duly transferred to a legally established homeowners or property owners association, where applicable, or have been addressed in a form established in this article.**

- Open space will be owned and maintained by the applicant.
- **The location and arrangement of residential, nonresidential, and accessory structures, parking areas, walks, pedestrian ways, lighting and appurtenant facilities shall be compatible with the surrounding land uses. Any part of a PUD not used for residential and accessory structures or access ways shall be landscaped or otherwise improved and identified with proposed uses unless specified as part of an open space land in accordance with this article as approved by the BZC.**
 - Staff notes that the parking area is impacted by this major change. The applicant is proposing 104 spaces in conjunction with the Magic Castle indoor entertainment venue, the batting cages and the miniature golf course. The applicant would be required to provide a total of 82 spaces, with a total maximum permitted of 98 spaces. 104 spaces are proposed, in excess of the allowable coverage. The applicant will need to eliminate the parking spaces along the main drive aisle within 30' of the right-of-way line.
 - Pursuant to Section 10.08 of the Sugarcreek Township Zoning Resolution a total of 10 percent of the paved area (not including driveways without access to parking spaces) shall be landscaped pursuant to the township's standards (including plantings at a rate of two trees and four shrubs per 20 parking spaces of fraction thereof). **The applicant has done an evaluation of this requirement and has indicated that the minimum standard has not been met (they are at 6.9% or approximately 1,100 SF short). Staff recommends that the BZC require that the plan be updated to meet this requirement, as well as to meet the township's permitted number of maximum spaces.**
- **The preliminary development application has been transmitted to, and comments have been received from, all other agencies and departments charged with responsibility of review.**
 - No change to existing conditions is proposed.

Staff Comments:

The approval process for Planned Unit Developments is typically two-part. The Map Amendment and Preliminary Development plan are approved first and then the more detailed Final Development plan is submitted for review and approval. In this case, the applicant is seeking approval of a revised Preliminary Development Plan for the Magic Castle site to reflect the removal of two buildings, a modified parking area and the addition of a private drive to serve the proposed multi-family project to the north.

Staff notes that the Conditional Use approved for the Magic Castle site was granted subject to operating hour conditions as follows:

1. The batting cage facility shall close no later than 10 p.m.

2. The entire Family Game and Golf Center shall close no later than 10 p.m. on Sunday-Thursday and no later than 11 p.m. on Friday and Saturday.

Staff recommends the following as conditions of approval relative to the Preliminary Development Plan should the Township Trustees move to approve the applicant's requests:

1. The Preliminary Plan, upon approval by the Township Trustees, shall become the Final Plan governing use of the property.
2. A landscaping plan for the Magic Castle parking area and open space area adjacent to Brown Road and the proposed private drive shall be required to be submitted for approval concurrently with the Final Development Plan for the adjacent multi-family site.
3. The plan shall be updated to meet the requirements of Section 10.08 regarding interior landscaping for parking areas and to meet the township's requirement for a maximum of 98 spaces.
4. The spaces along the main drive aisle within 30' of the right-of-way line shall be eliminated.
5. Any conditions attached to the Preliminary Plan shall also attach to the Final Plan.
6. The batting cage facility shall close no later than 10 p.m.
7. The entire Family Game Center (miniature golf, inside amusement) shall close no later than 10 p.m. on Sunday-Thursday and no later than 11 p.m. on Friday and Saturday.
8. Special events that take place outside of normal operating hours (after proms, etc.) may be approved by the Director of Planning and Zoning on a case by case basis.
9. Any deviations from the approved plan shall be subject to the PUD modification process outlined in the Sugarcreek Township Zoning Resolution.
10. The applicant shall dedicate right-of-way (30' total from centerline is proposed but right-of-way will be set no closer than 1' from any existing improvements based on an as built survey).
11. All exterior lights will be turned off when the business is closed.
12. An access easement shall be provided over the private drive serving the proposed multi-family development to the north or the area deeded off fee simple to the multi-family property owner.
13. The following uses will be prohibited should redevelopment of the site be proposed in the future and a revised Preliminary Development Plan be submitted for approval:
 - a. Automotive Body Repair, Automotive Fuel Sales, Automotive Sales or Rental, Automotive Service or Repair, Automotive Washing Facility, Restaurant Fast-Food, Drive Through Facility and Motel.

The applicant has requested that the Zoning Commission review the list of prohibited uses, should redevelopment of the site be proposed. The applicant would like the flexibility to utilize the site under a redevelopment condition for a convenience store with associated automotive fuel sales and car wash. Any redevelopment would be subject to the major change process outlined in the Zoning Resolution.

Cara K. Tilford, AICP
Director of Planning and Zoning