

STAFF REPORT

October 15, 2020

TO: Honorable Mayor Mary McDonald
And Members of Trotwood City Council

FROM: Jung-Han Chen,
Planning and Development Director

CASE #: **PC Case #20-06: Preliminary PUD (Planned Unit Development)** for approximately 40 acres of land of five parcels, H33 02111 0091, part of 0092, and 0093 for a recreation/sports complex, with various supplementary functions, **Flight Wood-Flight Academy Sports Complex/Chris Wright, Applicant / United Theological Seminary**

Preliminary PUD (Planned Unit Development)

DESCRIPTION:

Originally, this is a Preliminary PUD (Planned Unit Development) application to seek Commission's positive recommendation for the development of a 100-acre of the site into a sport/recreation complex with various compliment functions, including education, medical, and residential component as well, consisting of five parcels for this request. However, there is some procedural issue related to granting the applicant the right to rezone the properties of the Sisters of the Precious Blood, approximately 70 acres. The application under the consideration is limited to the 40-acre site owned by the United Theological Seminary properties, excluding the land surrounding the seminary education building, as the phase I for the proposed recreation/sports venue.

DISCUSSION:

The applicant, Mr. Chris Wright, has been looking for a site that would fulfill his vision of creating a recreation/sports complex in Trotwood where he grew up. The concept of this recreation/sports complex consists of various sports venues, active recreation sports, from water park baseball, soccer, volleyball courts, as well as indoor sports spaces. The future plan may also expand to certain sports schools and sport medical offices for this complex as well. The attached illustration provides the outline of the master plan approach for this recreation/sports complex for properties, potentially including the Sisters of the Precious Blood that initially were planned but will need to be reviewed and maybe considered at a later date. The propertied activities for this portion of the complex encompass water sports, sand volleyball courts, outdoor fitness trails as well as campus quads for a future living arrangement for perspective athletics to further enhance their skills on this complex.

This application solely focuses on the approximately 40-acre parcels owned by the United Theological Seminary that is currently zoned as O-R (Office Residential) District. Given the zoning classification, active recreation, private tennis/swim club, and open spaces are all permissible as conditional uses. The idea of going through the PUD process is several folds: (1) a large tract development to be flexible; (2)

allow multiple uses on one tract of land: (3) allow all permitted, as well as conditional uses in Residential District, as well as various type of office of functions to be allowed in this development.

Given that the applicant has an option to purchase these parcels and is in need to get the review underway under a specific timetable; hence the consideration of this 40-acre.

This PUD process was comprehensively amended in 2019 to provide guidelines for compatible uses to co-exist and to encourage mixed-use development. It is a two-step process, with a Preliminary PUD, followed with a Final PUD. The ideal of a Preliminary PUD is to allow the developer to present a fine-tune development concept to the Planning Commission, as well as the City Council before investing all the detailed engineering study in nailing down all the infrastructure improvement to undertake.

The standards and criteria for preliminary PUD approval can be granted when the following measures are satisfied:

- (a) The planned unit development complies with the purpose and intent of this Zoning Code;
- (b) The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the City;
- (c) The proposed zoning and the conditions and requirements incorporated within the Ordinance approving the PUD zoning district provide for minimizing impacts on the surrounding development;
- (d) The site will be accessible from current or planned public thoroughfare or planned thoroughfare adequate to carry traffic which will be imposed upon them by the proposed development;
- (e) Potential impacts on public services and facilities can be mitigated by site and building design and the benefits which will accrue to the City and the public;
- (f) Existing and proposed utility services for the proposed residential population densities and nonresidential uses are or will be available to the project;
- (g) The proposed development complies with applicable requirements and conditions of Section 1140.02;
- (h) Each individual Section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the City, adequate assurance has been provided by the applicant and to the satisfaction of the City that such objective will be achieved.
- (i) Any permitted, conditional, or accessory uses excluded from the specific proposed planned unit development are based upon findings in accordance with Sections 1140.189b), 1140.19(b), 1140.20(b); and
- (j) The planned unit development can be substantially completed within the time specific in the schedule of development submitted by the applicant.

Initially, the submitted application, attached, encompass 110-acre site to include the Sisters of the Precious Blood properties, directly south of these parcels, as a larger master plan for consideration. There were some communication issues between the applicant and the Sisters related to the consent from the governing Council of the Sister that their properties should not be under consideration for either zoning change or the PUD. Therefore, the review focuses on the UTS properties. Currently, there are two access points to the site: access drive from Denlinger Road and the access drive from Covenant House Dr. off Salem Ave. Both accesses will likely need to be addressed when the project gets the final approval and becomes a reality since they are not designed for the volume conceivably for the recreation complex. However, staff will recommend the undertaking of the traffic impact study until the applicant has completely secured the site before committing additional expenses to this study, along with other studies that may be necessary.

The applicant will need to come back to the Planning Commission for a larger tract of land for recreation/sports complex when the Sisters give the consent to the applicant for the remaining 70-acre site directly south of the scope of this case. Given that there is a deadline for the acquisition of the real estate owned by the UTS, the applicant has to move this project forward in order to meet the deadline or at a minimum to receive some assurance from the City to go back to the property owner to extend the original agreement.

The underlying zoning allows active recreation, private swimming pool, and residential component, therefore, the proposed uses are within the underlying requirements.

STAFF RECOMMENDATION

Staff would recommend the Planning Commission to recommend approval to Trotwood City Council for the proposed Preliminary PUD for these three parcels, H33 02111 0091, 0092 (part), and 0093 for a recreation/sports complex.

PLANNING COMMISSION REVIEW AND APPROVAL ALTERNATIVES:

The Commission's action could be:

1. Move to make the specified findings under Chapter 1140 and **APPROVE** the requested Preliminary PUD for parcels, ID H33 02111 0091, 0092 (part), and 0093, approximately 40 acres of land.
- 2.
3. Move to **DENY** requested amendment.
4. Move to table the application for more information from the applicant.

TROTWOOD PLANNING COMMISSION RECOMMENDATION

Planning Commission, at its regular meeting on August 25, 2020, moved to recommend City Council to approval the proposed Preliminary PUD for these three parcels, H33 02111 0091, 0092 (part), and 0093 for a recreation/sports complex, and supplementary functions.

CITY COUNCIL REVIEW AND APPROVAL ALTERNATIVES:

The City Council action could be:

1. Move to make the specified findings under Chapter 1140 and **APPROVE** the requested Preliminary PUD for parcels, ID H33 02111 0091, 0092 (part), and 0093, approximately 40 acres of land for a recreation/sports complex with supplementary functions
2. Move to **DENY** requested Preliminary PUD.
3. Move to table the application for more information from the applicant.

Attachments: Trotwood Zoning Code Chapter 1140.04 and 1140.05 Preliminary Planned Unit Development Administration and Enforcement

1140.05 PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL PROCEDURE

- (a) An application for a preliminary development plan may be submitted to the Zoning Administrator at any time.
- (b) Within five working days after the filing of the initial application by the applicant, the Zoning Administrator shall forward the application to representatives of interested City Departments for review and comment. No later than ten working days after receipt of the initial application for review and comment, the representative of the pertinent City Departments shall forward suggestions and comments to the Zoning Administrator. The Zoning Administrator shall then compile all suggestions and comments from Staff members and forward them to the applicant for review.
- (c) Upon receipt of the City Staff's comments and suggestions, the applicant may then submit a revised application for review and comment or request the initial application be presented to Planning Commission for their review and approval. A resubmitted application shall be processed in the same manner as the initial application as described above.
- (d) Upon the completion of the review period described above, or upon the request of the applicant to present the application to Planning Commission, the Zoning Administrator shall schedule a public hearing to be held by the Planning Commission at its next scheduled meeting as permitted by Trotwood City Charter and this Ordinance. This hearing is intended to provide members of the general public with an opportunity to review the Planned Unit Development proposal as well as submit any verbal or written comments which they may have.
- (e) Following the public hearing Planning Commission may table the application in order to request submission of additional information or documents from the applicant or City Staff. Alternately, Planning Commission may take action to approve or disapprove the application. In addition Planning Commission shall recommend to City Council any conditions, restrictions or prohibitions regarding any of the requested uses within the PUD as well as suggested modifications, conditions and restrictions to the preliminary development plan.
- (f) Before making a recommendation for approval or approval with supplementary conditions or modifications the Planning Commission shall find that the facts submitted with the application and presented at the public hearing, and any modifications, amendments or supplementary conditions recommended by the Planning Commission, satisfy the standards and criteria for planned unit development approval as per Secti of this code.
- (g) In any event, the Planning Commission shall act to approve or disapprove the application the preliminary development plan within sixty days after the initial public hearing and forward the application with the Planning Commission's recommendations and comments to City Council.
- (h) Upon receipt the recommendation from Planning Commission of an application for Planned Unit Development the Clerk of Council shall cause to be scheduled a public hearing before City Council. At the public hearing before City Council the applicant shall present his/her request and the Zoning Administrator shall present the Planning Commission's recommendation as well as any comments and recommendations from City Staff. Following the above presentations, members of the public shall be given the opportunity to comment on the proposed application, the Planning Commission's recommendation and any comments or recommendations from City Staff.
- (i) Following conclusion of the public hearing, City Council may approve, disapprove, modify and approve or table the application in order to request submission of additional information or documents from the applicant or City Staff.

- (j) Within 45 days after completion of the public hearing as required in this Section, the Council shall, approve or deny the Planned Unit Development Plan. In the event the City Council approves the Preliminary Planned Unit Development Plan, the Council shall find, by Ordinance, that the facts submitted with the applications, and any modifications, amendments or supplementary conditions satisfy the standards and criteria for Planned Development approval per Section 1140.07. If the City Council determines in order to conduct a sufficient review and make its decision that additional information is required from the applicant or additional study is required, the Council may table consideration of the application until such additional information is received by the Council or the Council's study is complete.
- (k) If an application for Final Planned Unit Development Plan has not been submitted within two (2) years of the date of the Ordinance approving, the Preliminary Development Plan shall be null and void. Approval of a new or resubmitted Preliminary Development Plan shall be required as provided under Section [1140.04](#) and [1140.05](#) .

1140.04 The standards and criteria for preliminary PUD approval can be granted when the following standards are satisfied:

- (a) The planned unit development complies with the purpose and intent of this Zoning Code;
- (b) The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the City;
- (c) The proposed zoning and the conditions and requirements incorporated within the Ordinance approving the PUD zoning district provide for minimizing impacts on the surrounding development;
- (d) The site will be accessible from current or planned public thoroughfare or planned thoroughfare adequate to carry traffic which will be imposed upon them by the proposed development;
- (e) Potential impacts on public services and facilities can be mitigated by site and building design and the benefits which will accrue to the City and the public;
- (f) Existing and proposed utility services for the proposed residential population densities and nonresidential uses are or will be available to the project;
- (g) The proposed development complies with applicable requirements and conditions of Section 1140.02;
- (h) Each individual Section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the City, adequate assurance has been provided by the applicant and to the satisfaction of the City that such objective will be achieved.
- (i) Any permitted, conditional, or accessory uses excluded from the specific proposed planned unit development are based upon findings in accordance with Sections 1140.189b), 1140.19(b), 1140.20(b); and
- (j) The planned unit development can be substantially completed within the time specific in the schedule of development submitted by the applicant.