

## **Background and Rezoning Process Summary**

### **Proposed Rezoning, 7878 & 7914 Sharts Road, Franklin Township R1B PUD, Single-Family Residential Planned Unit Development, to R-2, Low-Density Residential District**

On Thursday, June 1, 2023 Springboro City Council will conduct a Public Hearing regarding an application to rezone approximately 42.08 acres of land located at 7878 and 7914 Sharts Road from Rezoning, from Franklin Township R1B PUD, Single-Family Residential Planned Unit Development, to R-2, Low-Density Residential District. The rezoning is at the request of Associate Construction, Carlisle, Ohio, property owner. The Public Hearing will take place at 7:00 p.m. EST in Council Chambers in the Springboro City Building located at 320 West Central Avenue (SR 73), Springboro. A copy of the rezoning application may be found at the end of this document.

This summary document describes the nature of the rezoning request, the rezoning process, and contact information for questions you may have regarding the Public Hearing.

## **Background**

The subject property is approximately 42.08 acres in area and consists of land located at 7878 and 7914 Sharts Road just south of the intersection of Sharts Road and Advanced Drive. The property is vacant and is currently located in Franklin Township. Franklin Township and the City of Springboro entered into an annexation agreement in October 2022 regarding this property. A petition to annex the property into the City was filed by the property owners with the Warren County Commissioners earlier this year. Annexation is expected to be completed later this year. Concurrent to the annexation process, the property owner is seeking rezoning so that future development may be reviewed under City zoning regulations.

The R-2 District allows for the development of moderate density residential areas in the community. Examples of developed R-2 District areas in Springboro include the Royal Oaks, Fieldstone, and Creekside subdivisions. Permitted uses in the R-2 District include single-family detached residential dwellings as well as places of worship, schools, public recreation areas, cultural/municipal/public uses, essential services and utilities, bed and breakfasts, golf courses, farmer's markets/roadside stands, home occupations, and accessory uses and buildings to permitted uses listed above. Residential development up to four (4) dwelling units per acre may occur on lots no smaller than 9,000 square feet in the R-2 District. Commercial and industrial development would be prohibited under the proposed rezoning. Although not explicitly part of the rezoning request, following rezoning the applicant proposes to develop the property as the Cedar Creek Reserve subdivision.

Please see the exhibit on page 3 of this document for an aerial photograph of the subject properties and the areas proposed for rezoning.

Lands to the north, south, and east are generally within the City of Springboro, while lands to the west are generally in Franklin Township. To the north, on the west side Sharts Road is a residential dwelling being developed in Franklin Township, in Springboro Quick Tech on the north side of the Advanced Drive and Sharts Road intersection, to the east in the Stolz Industrial Park are Matrix 5 at 105 Advanced Drive, Hanover Clocks at 125 Advanced Drive, Armstrong Trailer at 175 Advanced Drive, Honest Abe Roofing at 235 Advanced Drive, and Corvexxe at 245 Advanced Drive, to the south the City of Springboro's Clearcreek Park, and a large residential lot to the southwest. To the west in Franklin Township are residential lots and a church, Franklin Faith Tabernacle, all on Sharts Road.

In the City of Springboro, adjacent zoning includes ED, Employment Center District, to the north, PUD, Planned Unit Development, to the east associated with the Stolz Industrial Park on Advanced Drive, and to the south R-2 District overlaying Clearcreek Park and residential uses to the west. To the west in Franklin Township, can be found R2, Two-Family Residential District, regulated in the Warren County Rural Zoning Code.

The *Springboro Master Plan*, adopted by City Council in February 2022, includes recommendations for the long-range development of the community. It is divided into 16 policy areas that make specific recommendations for

smaller portions of the community and are grouped together because of proximity, land use patterns, date of development and other general characteristics. As this property was not within the City boundaries at the time of the plan's adoption, there are no recommendations as it pertains to this rezoning request.

### **Where Things Are Presently**

In response to the application filed by Associate Construction, the Springboro Planning Commission reviewed the application for rezoning at its April 12, 2023 meeting on a preliminary basis. Property owners within 300 feet of the subject property were notified by mail of the review. Following that preliminary review the Planning Commission authorized the rezoning request to be placed on a future meeting agenda for approval. The Planning Commission approved the rezoning request at their May 10th meeting. Materials submitted by the applicants, staff comments, agendas, and additional information have been made available to the public through the City's website.

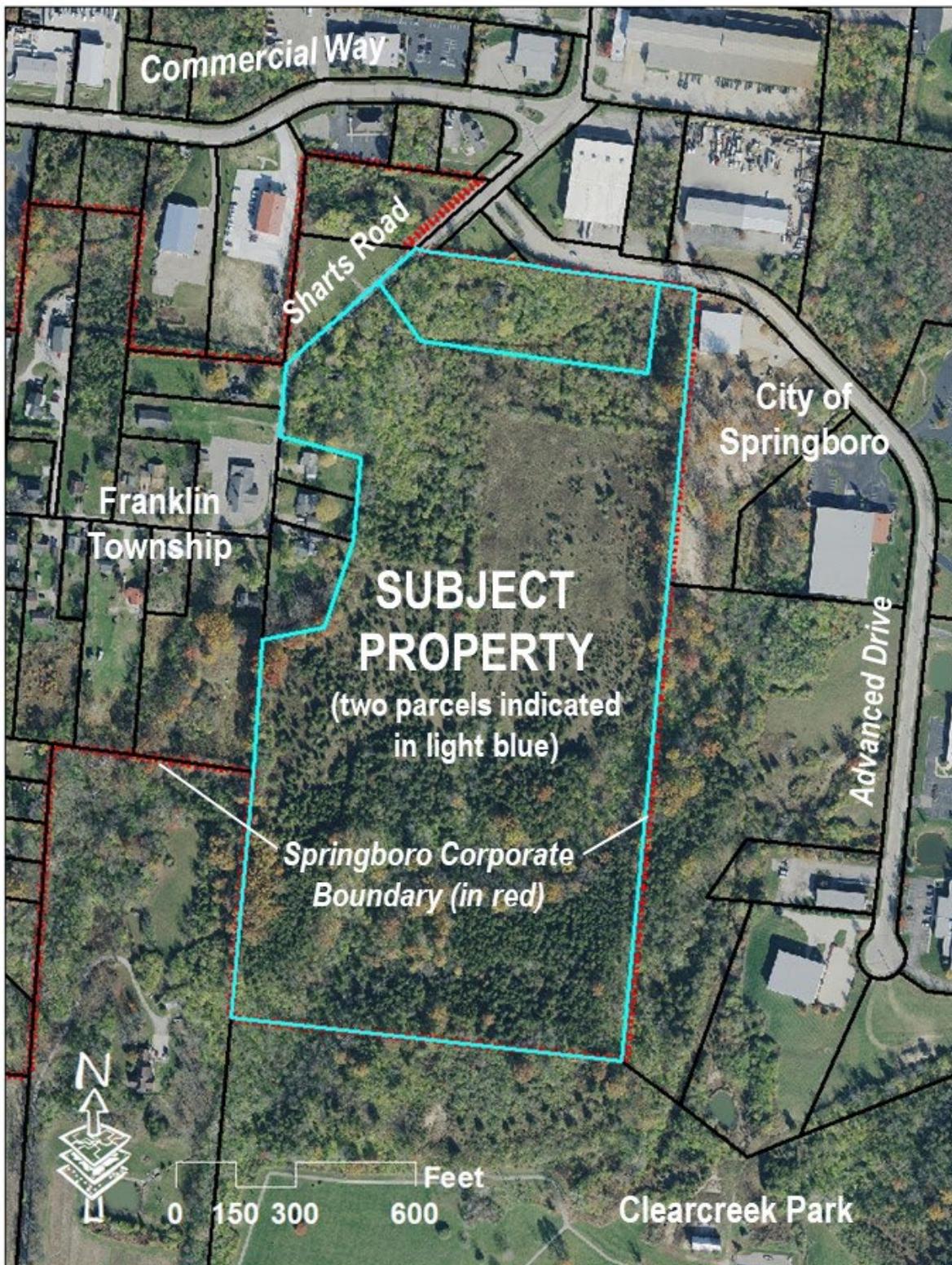
The Planning Commission's action was a *recommendation*. Only the Springboro City Council can formally legislate by Ordinance a change in zoning such as the one requested. As part of that process, and to solicit input from the public, City Council has set a Public Hearing for Thursday, June 1, 2023 to hear comments from all parties interested in the rezoning. All property owners within 300 feet of the property line for the subject property were notified by mail of the rezoning request and Public Hearing as has the property owner of the subject property.

Following the Public Hearing, and as is typical for proposed City rezoning Ordinances, the rezoning Ordinance will be read three times at City Council prior to adoption. Following adoption, Ordinances become effective thirty (30) days following the final reading by City Council. At that point the City Clerk will direct the City Engineering Department to revise the Official Zoning Map based on City Council's action. The City Council adoption process is subject to change.

### **If You Cannot Attend the Public Hearing**

If you cannot attend the Public Hearing on June 1st, you may still forward your comments in writing to City Council so that it may be read into the record. The letter must be signed and include your name and address. Letters may be sent to the attention of Ms. Lori Martin, Clerk of Council, City of Springboro, 320 West Central Avenue, Springboro, Ohio 45066. Letters may be faxed to the attention of the Clerk of Council at (937) 748-0815 or by e-mail at [lori@cityofspringboro.com](mailto:lori@cityofspringboro.com) and they need to include your name and address.

All information regarding this rezoning request application and other information is available for public inspection at the Planning Department in the Springboro City Building, 320 West Central Avenue (SR 73), during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, legal holidays excluded. Please call (937) 748-4343 for more information.



The aerial photograph above shows the location of the proposed rezoning and vicinity. Image courtesy of the Warren County GIS Department (2020) and the rezoning applicant.

# APPLICATION—REZONING

## CITY OF SPRINGBORO PLANNING COMMISSION

The undersigned requests the approval identified above. Site Plan Review approvals subject to expiration provided for in Section 1284.18 of the Planning and Zoning Code. For all approvals under this application, it is understood that it shall only authorize the approval described in this application, subject to any conditions or safeguards required by the Planning Commission, and/or City Council.

Owner  
 Agent  
 Lessee  
 Signed Purchase Contract

APPLICANT NAME:

Associate Construction

Address

31 Eagle Ct

Carlisle Oh 45005

Telephone No.

( 937 ) 746 2932

Fax No.

( )

Email Address

ROD@ASSOCIATECONSTRUCTION.COM

PROPERTY OWNER NAME (IF OTHER): SAME AS ABOVE

Address: 7914 and 7878 Sharts Rd

Franklin Oh 45005

Telephone No. ( )

Property Address or General Location: 7914 and 7878 Sharts Rd, Franklin, Oh 45005

Parcel Number(s): 04191270050 & 04191760020

Existing Zoning District: I-1 Light Industrial

Proposed Zoning District: R2

Proposed Use: 75 lot NEW residential development. It would be consistent w/ Masterplan as the properties to west are residential and plat would be very low density w/ less than 2 units per acre.

The applicant or representative who is authorized to speak on behalf of the request must also be present at all meetings.

Rodney L Morris  
(Signature of Applicant and/or Agent)

3/8/23  
(Date)

Printed Name

RODNEY L MORRIS



**PROPOSED ANNEXATION AREA  
LEGAL DESCRIPTION  
42.082 AC.  
FRANKLIN TOWNSHIP  
WARREN COUNTY**

Situated in the State of Ohio, Warren County, Franklin Township, being all of parcels 1 & 2 as conveyed to Associate Construction Inc. recorded in Document No. 2022-004469 of the Warren County Recorder's Office and being more particularly described as follows:

Beginning at a Railroad Spike at the intersection of the centerline of Sharts Road and the existing southerly corporation line of the City of Springboro (Per annexation plat recorded in O.R. 225, Page 901) also being the northwest corner of the grantor's 42.082 acre tract;

Thence along the southerly line of a 0.3238 acre tract conveyed to 725 Pleasant Valley, by O.R. 3987, Page. 136 and the southerly Right-of-Way of Advanced Drive, S86°55'30"E, a distance of 715.81 feet to the northwesterly corner of a 4.2508 acre tract conveyed to Advance 5, LLC., by Document No. 2021-030269;

Thence along the Westerly line of said 4.2508 acre tract, also along the westerly lines of a 3.5511 acre tract conveyed to M&N Holdings IV, LLC., by Document No. 2022-002138 and a 8.2239 acre tract conveyed to Springboro Advance, LLC., by Document No. 2021-056885, S11°15'00"W, a distance of 1948.65. feet to a point in the northerly line of a 47.2084 acre tract conveyed to the City of Springboro, O.R. 5465, Page 998.

Thence along the northerly line of said 47.2084 acre tract, N88°00'00"W, a distance of 996.60 feet to a point in the easterly line of a 19.93 acre tract conveyed to Michael H. Alford Revocable Living Trust, Michael H. Alford Trustee, by Document No. 2017-010622;

Thence along the easterly line of said 19.93 acre tract, also along the easterly lines of a 3.5114 acre tract conveyed to Cadwallader Properties, LLC. , by Document No. 2022-032036, N01°00'00"E, a distance of 942.8 feet to the southwesterly corner of a 1.08 acre tract conveyed to Kenneth D. Wiginton, by O.R. 2035, Page 88;

Thence along the south line of said 1.08 acre tract, N72°50'00"E, a distance of 159.00 feet to the southeasterly corner of said 1.08 acre tract;

Thence along the easterly line of said 1.08 acre tract, N14°42'00"E, a distance of 229.00 feet to the southeasterly corner of a 0.5 acre tract conveyed to Bobbi J. Quillen, by Document No. 2021-016907;

Thence along the easterly lines of said 0.50 acre tract and a 0.5 acre tract conveyed to Kennon Vest, by Document No. 2021-038520, N01°00'00"E, a distance of 208.00 feet to the northeasterly corner of said 0.5 acre tract;

Thence along the northeasterly lines of said 0.50 acre tract, N80°12'00"W, a distance of 209.50 feet to the centerline of Sharts Road;

Thence along the centerline of Sharts Road and partially with the easterly lines of a 2.0018 ac. tract conveyed to Franklin Faith Tabernacle, Inc., by O.R. 3986, Pg. 97 and a 1 acre tract conveyed to Franklin Faith Tabernacle, Inc. by Document No. 2014-026659, N01°00'00"E, a distance of 213.1 feet to a point in the centerline of Sharts Road and the southerly corner of a 1.10 acre tract conveyed to George P. & Michele R. Jonson, by Document No. 2020-010763;

Thence along the centerline of Sharts Road and the southeasterly line of said 1.10 acre tract, N43°05'00"E, a distance of 434.00 feet to the point of beginning;

Containing 42.082 acres more or less and being subject to all easements, restrictions and rights-of-way of record.

The above description is based on information of record, No Field survey was performed. Dated April, 2022 by Apex Engineering & Surveying, Inc., Paul J. Leisring, Ohio Professional Surveyor No. 7267.

Bearings and Distances are based on Document No. 2022-004469 of the Warren County Recorder's Office





**From:** [Rod Morris](#)  
**To:** [Dan Boron](#)  
**Cc:** [Rod Morris](#)  
**Date:** Monday, April 17, 2023 1:03:17 PM

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Hi Dan,

After further investigation and talking with original owners and reviewing the owners title policy we purchased on property when we bought it. Here is a response for the neighbors comments.

According to the previous owner, no cars have been stored on the property for over 42 years, the amount of cars on property was limited to 10 to 15 cars. We also purchased an owners title policy on the property and that goes back 60 years to check for any environmental liens or records that may have been filed on the property and none were found. According to our engineer there are no blue streams on site in area being developed for homes. All infrastructure to be built on site are public utilities and no wells or septic systems will be built with this project. No neighboring underground wells will be affecting by us developing the ground and all erosion control measures will be in place and followed so no storm water issues will cause a problem for them. In fact with storm water master drainage and retention we should improve or resolve any flooding issues they may have had in the past. As far as the current buildings to be demolished we will follow and get all proper permits required and if there are any toxic materials on the buildings we will have professionals properly remove them. This is not our first development and we have dealt with demos of this kind on other properties before. As far as tree clearing, we stopped work as soon as we got the stop order and never resumed tree removal from that point on. There were claims made at last meeting that we went back for a second time and that is not the case. My brother took his daughter on the site and road 4 wheelers back there and that's when they called Warren County on us for a second time because they thought we were working but it is our right to ride ATVs on site as far as I understand within the township zoning. We understand and sympathize with all of the neighbors concerns. We understand they are not happy with the idea of homes being built behind them and how they have enjoyed the woods for years but they also need to understand that the land will eventually develop whether its homes or industrial. Its not going to stay undeveloped forever as they wish it would.

Personally if I lived there I would want homes to be built behind me instead of large industrial buildings w large rooftops and much taller side walls. As far as tree removal as Dan mentioned in the meeting it is in our best interest to provide a buffer with the current trees in the ground. It is not our intention to tear all the trees down. We will just remove whats required for the infrastructure and leave a nice buffer for both existing neighbors and new owners that will be abutting the existing neighbors. Please let me know if anyone has any other concerns I would be happy to address them prior to the next meeting. Thanks again,

Rod Morris  
VP Associate Construction  
937 313 2496