WASHINGTON TOWNSHIP ZONING COMMISSION
8190 McEwen Road
Dayton, Ohio 45458
(937) 433-0796

APPLICATION FOR CHANGE OF ZONING DISTRICT TO PLANNED DEVELOPMENT TWO STAGE

FOR WTZC USE ONLY: CASE # Z-680 FEE RECEIPT # RN-002121
DATE FILED 08-18-06 RECEIVED BY GJO

After the closing date the applicant cannot modify the text or map or submit additional information unless specifically requested by staff, Zoning Commission or Trustees.

PLEASE TYPE INFORMATION USE ADDITIONAL SHEETS AS NECESSARY

Property Owner *Bonni & Joseph Mercuri*

Address *2406 E. Spring Valley Pike*

Applicant *David O'Neil*

Address *551 Brassfield Circle, Dayton, Ohio 45459*

being the owner(s) of land located at *2406 E. Spring Valley Pike* hereby make application to have said land reclassified from the *A* zoning district(s) to the *PUD-R* zoning district(s).

A. DESCRIPTION AND/OR LOCATION OF LAND

1. The area of land sought to be approved contains approximately *85.65* acres, having a frontage of approximately *1,450* feet located (1) along the *north* side of *Clyo Road and frontage of* approximately *1,669* feet *along the south side* of *Spring Valley.*

2. The area of land for consideration is further described on MICROFICHE #02-058601 and is located in Section *17* Town *3* Range *5 MRS* Washington Township, Montgomery County, State of Ohio.

(See attached)

B. DEVELOPMENT DATA

1. Total land area *85.65* acres.

2. Residential:

a. Total land area *85.65* acres.

b. Proposed number of dwelling units *350*

c. Types of dwelling units (key to development plan):

Single Family detached 60 > 49 UNITS
Attached Garden Cottages 175 > *subject to revision at final stage development* -136 —
Lodge Suites 115 >

d. Average size of dwelling unit *1,300* square feet.

e. Proposed building height (key to development plan). *Single level*
19 feet @ peak of roof

€ If available: Floor Area
Open Space
Living space *The Plan calls for a mix of unit types & sizes*
Recreation space

g. Density 10,668 square feet of land area per dwelling unit.
(4.09 units per acre)

h. Lot coverage (percent) *20% imperious (80% green space)*

i. If land is to be given to Centerville/Washington Park District the exact location of land and amount must be displayed on Development Plan.
N/A

3. Nonresidential:

a. Total land area *N/A* acres of _____ square feet.

b. Total floor area *N/A* square feet.

c. Floor area use.

d. Types of uses (key to development plan). All business shall be of Retail-Service character.

e. Building height (key to development plan). € Lot coverage (percent)

g. Number of parking spaces (surface and enclosed)

C. List other comments that are pertinent to consideration for reclassification.
75% of units – single occupancy
25% of unit – two occupants
Total Residents - 480

D. REASONS FOR NEED TO RECLASSIFY

The applicant shall prepare a definitive statement on how the Planned Development will fulfill

each of these following requirements:

1. If it is your position that the present zoning is not related to the public health, safety or morals please set forth all facts that tend to support this position.

   See Attached.

2. Will the site be accessible from public roads which are adequate to carry the traffic that will be imposed upon them by the proposed Development? Will the streets and driveways on the site of the proposed Development be adequate to serve the residents or occupants of the proposed Development?

   Yes, existing roadways are adequate, impact on traffic 350 units x 1.8 vehicle trips per day = 630

3. Traffic control signals will be provided without expense to Montgomery County when the County Engineer determines such signals are required to prevent traffic hazards or congestion in adjacent streets.

   If warranted the Developer will pay for the engineering and installation of traffic Control signals.

4. The Development will not impose an undue burden on public services and facilities, such as fire and police protection.

   - *Sewer, water run through the site*
   - *All facilities will be hard wired for fire/emergency*
   - *All facilities will be sprinkled for fire protection*
   - *The nature of the use including on site security will not impose an undue burden on police services.*

5. The site can be serviced by public sewer and water and proper storm drainage shall be provided.

   - *Sewer & water run through the site*
   - *Stormwater management will be in accord with Township/County regulations.*

6. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for public health, safety and morals.

   Yes.

E. AFFIDAVIT

Before contemplating this application and executing the following affidavit, it is recommended that this application be discussed with the Washington Township Zoning Inspector or a member of his staff

APPLICANT'S AFFIDAVIT

STATE OF OHIO
COUNTY OF MONTGOMERY

I (we) _____ hereby certify that we are all of the owners of the real estate which is the subject of the pending zoning application; that we hereby consent to the Board of Trustees of Washington Township re2oning the real estate from *A-1 to* _____ a Planned Development *R*(PD *R*)zoning district; that we understand that our application will be considered and processed in accordance with the Planned Unit Development Regulations set forth in the Washington Township Zoning Resolution; that we agree to accept, fulfill and abide by those regulations and any and all stipulations and conditions attached to the rezoning of the property by the Board of Trustees of Washington Township. The statements and attached exhibits are in all respects true and correct to the best of my/our knowledge and belief

Signature – Robert Abernathy, Agent

Mailing Address
807 Stokes Road

City and State
Lebanon OH

Phone 513 932.0335

NOTARIAL SEAL
STATE OF OHIO

Subscribed and sworn to before me this 18th day of August 2006

Deborah A Yosick
Notary Public

DEBORAH A. YOSICK, Notary Public
In and for the State of Ohio
My Commission Expires Oct. 23, 2006

Person to be contacted for details, other than above signatory:

Name *David O'Neil* Address *433 Windsor Park Dr., Dayton, OH 45459*
Phone *937.432.9000*
and
David H. Montgomery, Esq. *2700 Kettering Tower, Dayton, OH 45423*
937.223.1130
and
Thomas McDougall *6528 Byers Road, Miamisburg, Ohio 45342*
937.847.2660

Attachment to Application for change in Zoning District A-Agriculture to Planned Development/Two Stage PUD/R. Bonnie & Joseph Mercuri, 2406 E. Spring Valley Pike, Washington Township, Ohio

Applicant: Robert D. Abernathy **(See Section D, question #1 of Application)**
c/o 551 Brassfield Circle
Dayton, OH 45459

Need: As the **Vision Statement** states:

> "The Community is growing older with fewer young adults in smaller households. Between 1990 and 2000, the Community experienced a 31% increase of residents of 65 years and older...."

The Vision Statement tells us that the proposed development is an "*in fill development area*".

- It is undeveloped
- It is mostly bordered by developed land
- It is served with utilities with sufficient capacity to accommodate the development
- It is served by roads with sufficient capacity to accommodate the development

The property is located in the section of Washington Township that calls for development. It is, or will shortly be, surrounded by other residential development. A major trunk sewer runs through the middle of the property. The property is also serviced by more than adequate water. The nature of the development places significantly less demand on the roadway system than a comparable single family development. Traffic generated is less than two vehicle trips per residential unit per day. Approximately half of the traffic generated by single family residential development with a 1.75 unit per acre density, a 9.6 vehicles trips per day:

Single family – 85.65 acres x 1.75 units x 1.6 trips = 1,439/day
Senior – 85.65 acres x 5 units x 1.8 trips = 771/day

The project is a 62 year old plus pure "empty nester" project.

Location of the development of this project is right in line with the **Vision Statement** calling for a mix of housing choices, which, among other things, will allow residents "...to change housing type by preferences change and still reside within the same neighborhood." (LU3.B)

The proposed project is perfectly consistent with the strategy to encourage "conservation subdivisions". Conserving open space and existing natural resources is a key to the success of this project. Approximately 80% of the land area will be retained in open space/green space. (LU5.D)

The proposed development will be heavily screened from Clyo Road and Spring Valley Road for a variety of reasons, one of which is to maintain a rural feel of the Clyo Road corridor as encouraged by the **Vision Statement**.

In accord with the **Vision Statement** the proposed project represents an efficient use of the land. It preserves natural areas. It includes a range of housing choices – all in a high quality manner in keeping with the best planning practices for the entire community. (Pg. 2.6, Community Plan)

The proposed development is consistent with the **Vision Statement** Objectives and Supporting Strategies.

site plan has 11 less units

Application for change in Zoning District A-Agriculture to Planned Development/Two Stage PUD/R. Bonnie & Joseph Mercuri, 2406 E. Spring Valley Pike, Washington Township, Ohio

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Attachment to Application for change in Zoning District A-Agriculture to Planned Development/Two Stage PUD/R. Bonnie & Joseph Mercuri, 2406 E. Spring Valley Pike, Washington Township, Ohio

DEVELOPMENT DESCRIPTION

WHITE OAK LODGE
A Senior Independent living community

Introducing White Oak Lodge, a new senior independent living community in Washington Township, Montgomery County, Ohio.

White Oak Lodge breaks new ground, as America's most accessible and most resident-involving community. The design and services offered at White Oak promotes the highest sense of community and creates the greatest number of relationship-forming opportunities possible. Seniors, 62 and older, have a wide selection of housing options in the general market place. Single family homes, apartments, condominium and other senior independent communities satisfy the need for shelter. Beyond this, seniors are seeking security, community involvement, personal involvement and purpose, as well as, meaningful and enjoyable activity. They are seeking to fulfill these needs in a living environment that does not place barriers to their mobility or accessibility to these services. White Oak Lodge seeks to provide a new standard for the fulfillment of these needs through the design of its community and the quality of its service offerings.

The typical new resident of White Oak is a mid to late 70's female who has lost her spouse in the recent past. She is coming from the house that holds the memories of her life with her spouse, but now feels empty and unsafe. She is seeking to stay in a familiar area, near her children and grand children, the church she attends and the shopping and services that are known to her. She is looking to find a place of safety, where she can feel secure without placing a greater burden on her family. She is also in need of establishing new relationships to replace the spouse/companion she has lost and to eliminate the loneliness of that loss. White Oak seeks to address each of these needs with the highest quality design and service offerings in the industry today.

The White Oak Lodge community is designed to provide the highest level of resident interaction, opportunity for involvement and ease of access. The cottages at White Oak are designed in small enclaves and placed on private courtyards. This allows the large community to be broken down into small communities of neighbors. Upon application for residency in White Oak each applicant is given a personality profile similar to that used by e-harmony.com, to allow residents to be placed with neighbors with whom they will have the highest probability of forming meaningful friendships. From this point White Oak offers a broad spectrum of activities that are designed to involve residents with other residents. These activities involve year round gardening with a mini farm and green houses, classes and clubs involved in scrap booking, pottery, cooking, gardening, fitness, swimming and aquatics, painting, quilting, internet usage, writing, computer usage, bridge and cards, golf and many other activities that also offer opportunity for volunteer work at daycare facilities, schools and community service.

The White Oak Lodge community is situated on 80 acres and consists of 110 apartment units in the main Lodge and 220 cottages on the grounds. This low density allows for the creation of a campus that offers tranquil ambiance with ponds, walking trails, aviaries, gardens and wooded and green spaces. The goal of White Oak is to provide a village feel that is welcoming and inclusive. The resident is made to feel to be a very valuable and cherished member of the community.

White Oak Lodge is the most appealing, accessible and engaging senior independent community available in the United States today and will raise the standard by which senior housing is judged.

AUG-18-2006 09:26AM FAX: ID:PSE PAGE:002 R=95%

TRANSFER
03:35pm MAY 14, 2002
KARL L. KEITH, COUNTY AUDITOR
Conv/Tran #: 09149 $.00

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that BONNIE M. MERCURI, married, of Montgomery County, Ohio, Grantor, for valuable consideration paid, grants, with limited warranty covenants, to JOSEPH D. MERCURI, TRUSTEE, and BONNIE M. MERCURI, TRUSTEE, each as to an undivided one-half (1/2) interest, whose tax-mailing addresses are 9258 Clyo Road, Dayton, Ohio 45458, the real property described in Exhibit A attached hereto as a part hereof (the "Property"). 067-38-3-2&3

The Property is conveyed subject to, and there are hereby excepted from the limited warranty covenants, the following:

1. Easements, conditions, restrictions, covenants, encumbrances and other matters of record;

2. All legal highways;

3. Zoning and building statutes, ordinances, codes, rules and regulations;

4. Taxes and assessments not yet due and payable.

Prior Instrument Reference: Microfiche No. 87-0218 D08 of the Deed Records of Montgomery County, Ohio.

Joseph D. Mercuri, husband of Grantor, hereby releases all of his rights of dower with respect to the Property.

Witness the execution hereof this 8th day of May, 2002.

Bonnie M. Mercuri
BONNIE M. MERCURI

Joseph D Mercuri
JOSEPH D. MERCURI

Prepared	W
Cashiered	
Fiched	
Coded	Cd
Entered	
Verified	
Imaged	

$18.00 05/15/02 11:23:01
DEED-02-039601 0003
Montgomery County
Judy Hodge Recorder

Aug. 18. 2006 9:36AM No. 0077

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

The foregoing instrument was acknowledged before me this 8th day of May 2002, by JOSEPH D.MERCURI and BONNIE M. MERCURI, husband and wife.

Notary Public

This instrument prepared by: Robert M. Curry, Esq., Thompson Hine LLP, 2000 Courthouse Plaza N.E., 10 W. Second Street, Dayton, OH 45402.

SHELLEY FISHER, NOTARY PUBLIC
IN AND FOR THE STATE OF OHIO
MY COMMISSION EXPIRES AUGUST 26, 2006

EXHIBIT A

KARL KEITH
COUNTY AUDITOR
MONTGOMERY COUNTY DAYTON, OHIO
DESCRIPTION APPROVED FOR
STRAIGHT TRANSFER CLOSURE
NOT CHECKED
BY D.J. DATE 5/19/02
MAP DEPARTMENT

Parcel No. 067 03803 0002

Situated in the County of Montgomery in the State of Ohio and in the Township of Washington:

Being a part of the Northwest quarter of Section 17, Town 3, Range 5, MRs., bounded and described as follows: Beginning on the North line of said Section at a planted stone, one hundred ninety-eight and 00/100 (198.00) feet West from the Northeast corner of said quarter; thence running South 2 ¾ degrees, West parallel with the East line of said quarter two thousand three hundred fifty-seven and 52/100 (2,357.52) feet; thence North 85 ¾ degrees West, parallel with the South line of said quarter one hundred seventy-four and 90/100 (174.90) feet; thence South 2 3/4 degrees West parallel with the East line of said quarter three hundred fifty-two and 44/100 (352.44) feet to a stake on the South line of said quarter; thence North 52 ¾ degrees West five hundred twenty-eight and 00/100 (528.00) feet to a point in the Clyo Road; thence with said road North 55 ½ degrees West seven hundred twenty-six and 00/100 (726.00) feet; thence North 49 ¾ degrees West two hundred thirty-two and 32/100 (232.32) feet to a point in said road; thence North 2 ¼ degrees East parallel with the West line of said quarter one thousand nine hundred fifty-eight and 88/100 (1,958.88) feet to the North line of said section; thence with said North line South 84 ¼ degrees East one thousand four hundred thirty-six and 16/100 (1,436.16) feet to the place of beginning containing 76.45 acres more or less.

ALSO THE FOLLOWING DESCRIBED PREMISES: Situate in said State, County and Township and being the Northwest corner of Section No. 17, Town 3, Range 5 MRs., bounded and described as follows: Beginning at a planted stone, the Northwest corner of said section; thence South 84 ¼ degrees, East with the North line of said section, one thousand one hundred twenty-two and 00/100 (1,122.00) feet; thence South 2 ¼ degrees West parallel with the West line of said section one thousand nine hundred fifty-eight and 88/100 (1,958.88) feet to a point in the Clyo Road; thence with said road North 49 ¾ degrees West nine hundred twenty and 70/100 (920.70) feet, thence North 47 ¼ degrees West five hundred twenty-eight and 00/100 (528.00) feet to a stone in the West line of said section; thence with said West line North 2 ¼ degrees East one thousand one hundred eighteen and 70/100 (1,118.70) feet to the place of beginning containing 40 acres more or less.

EXCEPTING THEREFROM THE FOLLOWING described real estate: Situate in the Township of Washington in the County of Montgomery and State of Ohio, situated in the Northwest quarter of Section No. 17, Town 3, Range 5 MRs; being 30 acres taken by parallel lines off of the west side of Z. A. Harlans 116.45 acre tract; being more fully bounded and described as follows: Beginning at a stone at the northwest corner of said section 17, thence along the north line of said section south 84° 15' East eight hundred ninety-eight and 92/100 (898.92) feet to an iron pin; thence parallel with the west line of said section South 2° 15' west one thousand seven hundred ninety-one and 90/100 (1,791.90) feet to an iron pin in the center of the Clyo Road, thence along the center line of said Clyo Road north 49° 45' west six hundred thirty and 96/100 (630.96) feet to a point, thence continuing along the center line of said Clyo Road north 47° 15' West five hundred twenty-eight and 00/100 (528.00) feet to a stone on the west line of said Section 17. Thence along the west line of said section north 2° 15' east one thousand one hundred eighteen and 70/100 (1,118.70) feet to the place of beginning, containing 30 acres.

BONNYBROOK FARMS

July 24, 2006

To: Washington Township Trustees

Gentlemen/Ladies:

Please accept this letter as notice that Robert D. Abernathy of Stoneridge Development Ltd. will be representing us in all zoning proceedings. Thank you.

Bonnie M. Mercuri

Joseph D. Mercuri

The Equestrian Center / 2406 East Spring Valley Pike / Centerville, Ohio 45458 | The County Farm / 9400 Clyo Road / Centerville, Ohio 45458

(937) 433-0886
www.BonnybrookFarms.com

LU MCD