



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON FEBRUARY 23, 2021

BATAVIA TOWNSHIP CASE B-01-16ZPD-MM-21

- APPLICANT:** Brad Austing
M/I Homes of Cincinnati, LLC
9349 Waterstone Blvd,
Cincinnati, OH 45249
- OWNERS:** Boyd O. Billingsley, Trustee
1705 Clough Pike
Batavia, OH 45103
- Estrella Residential Owners Association Inc.
C/O Stonegate Property Management Inc.
431 Ohio Pike, Suite 210
Cincinnati, OH 45255
- REQUEST:** Requesting a Major Modification to the existing PD overlay district known as “Estrella” 032008B169 and to incorporate parcels 012008B116 and 032008B053 consisting of a total of 31.6755 acres.
- LOCATION:** The subject properties are located on the north side of Clough Pike just east of Catalina Lane & Founders Boulevard in Batavia Township. *See the attached location map for further clarification*
- ZONING:** The existing zoning for the three subject parcels are R-1 – Residential District (012008B116 and 032008B053) and PD – Planned Development District (032008B169). The surrounding properties consist of a variety of residential and industrial zoning districts. Properties located south along Clough Pike are I – Industrial District and R-1 Residential District. *Estrella* PD District borders the property to the west, and *Billingsley Subdivision* PD District borders to the north and east. *See the attached zoning map for further clarification.*

LAND USE: The subject properties (012008B116 and 032008B053) are currently vacant wooded farmland. The surrounding land uses along Clough Pike are a mixture of single-family residential and vacant woodland. *Estrella* is adjacent to the west with *Billingsley Subdivision* to the north and east. To the northeast, the subject properties border *Batavia Township Park*.
See the attached aerial map for further clarification.

HISTORY: On February 23, 2016, the Clermont County Planning Commission recommended approval of Union Township Case 3-16-Z and Batavia Township Zoning Case B-01-16ZPD.

On May 24, 2016, the Clermont County Planning Commission voted to approve *Estrella – Design Plan*.

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

It appears this request for a Major Modification is compatible with the Planned Development regulations within the Township’s Zoning Resolution (Article 36).

A. *Objectives for Planned Developments*

The Planned Development (PD) District and the associated planning and development regulations as set forth and referred to herein are designed to achieve the following objectives:

- 1. Provide flexibility in the regulation of residential, commercial, and office land development;*
- 2. Encourage a variety of housing and building types, a compatible mix of commercial and residential development and creative site design;*
- 3. Encourage the provision of useful open space, and preservation of valuable and unique natural resources;*
- 4. Provide a development pattern that preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, prevents the disruption of natural drainage patterns, and contributes to the ecological well-being of the community;*
- 5. Promote efficiency through more effective use of land than is generally achieved through conventional residential and/or commercial development resulting in substantial savings through shorter utilities, streets, and other public services, and*
- 6. Provide a residential and/or commercial development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the Batavia Township Growth Management Plan.*

B. Adjustments to Planned Developments

1. Major Changes: Major changes to an existing Planned Development, modifications from the Preliminary Development Plan, or revisions to a Final Development Plan for a tract of land in which development has not already begun or is not completed, in light of technical or engineering considerations, shall include the following. If the Zoning Commission determines a proposed modification to be a major change, then the modification shall be reviewed in accordance with the procedures specified in Section 36.01 P.1.

- a. A significant change in density or intensity.*
- b. Changes in the outside boundaries of the Planned Development.*
- c. Significant modification of the type, design, location, or amount of land designated for specific land use or open space.*
- d. Modification in the internal street and thoroughfare locations of alignments significantly impacts traffic patterns or safety considerations.*
- e. A modification to the minimum setbacks or building sizes of the approved Preliminary Development Plan.*

All changes not deemed to be major changes shall be considered minor changes.

Batavia Township's 2018 Growth Policy Plan, specifies this area of the Township as an "Existing Neighborhood & Infill Area" area (see Figure 1 – Future Land Use).

Existing Neighborhood And Infill Area:

The Existing Neighborhood and Infill Areas identify locations within the Township where existing subdivision-type residential development has occurred. This land use category also identifies Infill Areas, property adjacent to or in close proximity to existing subdivision-type neighborhoods. Future residential development in Batavia Township should be guided to the areas designated as Existing Neighborhood and Infill Area to take advantage of existing public services and roads to be compatible with the current subdivision pattern developing in these areas.

This request for a Major Modification continues to meet the encouraging future development policies stated in Batavia Township's *2018 Growth Policy Plan: Existing Neighborhoods and Infill Area*, and its vision for development to take advantage of existing public services and roads, and to be compatible with the current subdivision pattern developing in these areas.

STAFF ANALYSIS:

Per the application, this major modification request is to incorporate parcels 012008B116 and 032008B053 (31.6755 acres +/-) R-1 – Residential District into the overall *Estrella PD* – Planned Development District. The proposed additional acreage would provide adequate building locations for 48-Villa style ranch homes (46 attached and 2 standalone) into the existing *Estrella PD*.

These “ranch-style” homes will be a single-story maintenance-free product. Lawn maintenance, snow removal, and mulch bed turning will be provided by a newly formed Villas sub-association of the Estrella HOA.

The proposed 48 lots have a width of 44 feet at the building line and a minimum of 5,700 square feet, with setbacks of 25 feet (Front), 7.5 feet (Side), and 20 feet (Rear).

The proposed Villas project gross density is 1.52 units per acre and a net density of 1.83 units per acre. Approximately 66.3% of the project will be open space with a total of 21 acres.

When fully incorporated into Estrella PD the overall project area increases from 66.7 to 98.44 gross acres. The overall gross density for the project will decrease from 1.69 units per acre to 1.64 units per acre. The overall gross open space would increase by 21 acres from 29.8 acres to a total of 52.64 acres (29.1%). This new density falls below the net maximum residential density of 3 units per acre as stated in *Batavia Township Zoning Resolution*.

However, Lots 141-144 are proposed partially onto Estrella Lot 89 (.10 acres) a dedicated open space lot. This proposed transfer land as dedicated open space may create hardships with the recording process and would require approval from the Estrella HOA.

It is worth noting, but not part of the application is that the applicant intends to deed the Estrella Homeowners Association an additional 24.88 acres of undeveloped land to the west as open space which would bring the new total of open space within Estrella PD to 77.52 acres (78.7%)

Sensitive Development Soils and Steep Slopes (CcD2) have been found throughout the project site. It is in the best interest of the applicant to contact the Soil and Water Conservation District to be proactive in mitigating the negative impacts to erosion hazards present on the proposed site. The applicant will need to submit geotechnical reports prepared by a qualified engineer, licensed in the State of Ohio, on land planned for development.

The majority of the project boundary falls within Batavia Local School District’s jurisdiction while lots 141-144 straddle into West Clermont Local School District. While *Estrella* is also in West Clermont Local School District. This development may cause overlapping issues with the two school districts.

Clermont County Department Community & Economic Development Comments:

- Batavia and West Clermont Local School Districts will need to be notified regarding the overlapping of school district lines.
- Geotechnical Reports will be required for planned construction on sensitive development soils: (CcD2)

Clermont County Engineer's Office Comments:

- A traffic impact analysis was completed for the existing Estrella Subdivision in January 2016. From that study, roadway improvements were implemented in the form of an eastbound left-turn lane into Estrella. Considering the findings of the previous study and the proposed development, no additional studies or improvements are necessary. Based on that, our office has no additional comments or objections at this time.

Clermont County Water Resources Departments Comments:

- The proposed development will be served by Clermont County Water Resources Department's water and sewer systems. There is available capacity in the systems to serve the development.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **RECOMMEND APPROVAL** of Batavia Township Zoning Case B-01-16ZPD-MM-21 for a Major Modification to the existing PD overlay district known as "*Estrella*" 032008B169 and to incorporate parcels 012008B116 and 032008B053 consisting a total of 31.6755 acres with the following conditions:

1. Batavia and West Clermont Local School Districts will need to be notified regarding the overlapping of school district lines.
2. Geotechnical Reports will be required for planned construction on sensitive development soils: (CcD2)