



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON FEBRUARY 23, 2021

BATAVIA TOWNSHIP CASE B-01-18ZPD-MM-21

- APPLICANT/
OWNER:** Jeff Hayes
CKN Development, LLC
1768 Happy Valley Drive
Fairfield, OH 45014
- REQUEST:** Requesting a Major Modification to the existing PD overlay district known as “*Rosewood Subdivision*” and to incorporate parcel 032021D005 consisting of 1.43 acres (+/-).
- LOCATION:** The subject properties are located on the north side of Judd Road just east of Greenbrook Drive and Shaker Meadows Subdivision in Batavia Township. *See the attached location map for further clarification*
- ZONING:** The existing zoning for the two subject parcels are PD – Planned Development District (032021D059) and A – Agricultural District (032021D005). The surrounding properties consist of a variety of residential zoning districts. Properties along Judd Road and Apple Road to the east and south are zoned A – Agricultural District and R-1 Residential District. *Shaker Meadows Subdivision*, an R-3 – Residential District borders the property to the west with a small portion of the property adjacent to *Batavia Township Park*, zoned A – Agricultural District. *Forest Glen Subdivision*, a PD – Planned Development District is adjacent to the north. *See the attached zoning map for further clarification.*
- LAND USE:** The subject properties (032021D059 & 032021D005) are currently under construction as part of the continued development of the *Rosewood Subdivision*. The surrounding land uses along Judd Road and Apple Road are mostly single-family residential with large parcels still being used for agricultural purposes. *Shaker Meadows Subdivision*, is adjacent to the west with *Forest Glen Subdivision*, to the north. To the northeast, the subject properties border *Batavia Township Park*. *See the attached aerial map for further clarification.*

HISTORY: On April 24, 2018, the Clermont County Planning Commission recommended approval of Batavia Township Zoning Case B-01-18ZPD.

On October 23, 2018, the Clermont County Planning Commission voted to approve Rosewood Subdivision – Design Plan.

On August 28, 2020, Taylor Corbett, the administrative representative appointed by the Clermont County Planning Commission found that the resubmittal of Rosewood Subdivision – Revised Design Plan dated August 25, 2020, to comply with the administrative approval process. Per, Article IX, Section 903, Rosewood Subdivision – Revised Design Plan was found not to create an increase to the number of allowed buildable lots approved under Batavia Township Zoning Case B-01-18ZPD

On September 1, 2020, the Batavia Township Board of Trustees approved the modified final development plan for the addition of one (1) buildable lot.

On October 27, 2020, the Clermont County Planning Commission voted to approve Rosewood Subdivision – Revised 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.

In Batavia Township’s 2018 Growth Policy Plan, it specifies this area of the Township as “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, Part One of the major modification request is to incorporate parcel 032021D005 (1.42 acres +/-) A – Agricultural District into the overall Rosewood Subdivision PD – Planned Development District. The proposed addition of this 1.42-acre property would consolidate the parcel and the existing stormwater retention basin into the overall project boundary. The applicant is also proposing three additional single-family lots on part of the additional acreage. The remainder of the lot would become open space.

Part Two of the major modification request is to modify the future sections of Rosewood Subdivision including increased open space, improved pedestrian access, mature tree preservation, roadway adjustments, and lot reconfiguration.

The planned revisions presented in this application do propose an increase to the overall density of the site from 2.61 units per acre to 2.71 units per acre adding a total of 11 new lots. This new density still falls below the net maximum residential density of 3 units per acre as stated in Batavia Township Zoning Resolution. The overall open space would also increase by 2.86 acres to 21.42 acres (29.1%).

The total project boundary falls within West Clermont Local School District's jurisdiction and does not cause any overlapping issues with surrounding school districts.

Clermont County Department Community & Economic Development Comments:

- Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan. All temporary dead-end streets shall conform to requirements established by the *Subdivision Street Design and Construction Standards for Clermont County*.
- A Revised Design Plan will be required to be submitted under Article III of the *Clermont County Subdivision Regulations*.

Clermont County Engineer's Office Comments:

- No 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-01-18ZPD-MM-21 for a Major Modification to the existing PD overlay district known as "*Rosewood Subdivision*" and to incorporate parcel 032021D005 consisting of 1.43 acres with the following conditions:

1. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan. All temporary dead-end streets shall conform to requirements established by the *Subdivision Street Design and Construction Standards for Clermont County*.
2. A Revised Design Plan will be required to be submitted under Article III of the *Clermont County Subdivision Regulations*.