



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON MARCH 23, 2021

BATAVIA TOWNSHIP CASE B-01-21ZPD

- APPLICANT:** Danny Gudorf
Carbon Core Capital, LLC
615 Main Street, 4th Floor
Cincinnati, OH 45202
- OWNER:** David P. & Holly D. Feist
2118 Chippewa Trail
Maitland, FL 32751
- REQUEST:** Requesting to rezone two parcels 012008D016 & 012008E017 consisting of 38.27 acres from R-1 – Single-Family District to PD – Planned Development.
- LOCATION:** The subject properties are located on the east side of Amelia Olive Branch Road directly across from Billingsley Drive, the entrance to Billingsley Subdivision in Batavia Township. *See the attached location map for further clarification*
- ZONING:** The existing zoning for the two subject parcels is R-1 – Residential District. The surrounding properties consist of a variety of residential zoning and Industrial zoning. The properties to the south and east R-1 – Residential District and are part of *Crossgates Subdivision* and *Sunnyfield Subdivision*. Billingsley Subdivision a PD – Planned Development, is located directly to the west of the property across Amelia Olive Branch Road. The property adjacent to the north was recently approved for a residential PD – Planned Development but is not shown via the attached zoning map. The project area extends to the north through parcel 012008E017 and is adjacent to I – Industrial District. The property is situated in the Clermont County Airport’s Retention Restriction Area and would fall under the Clermont County Airport Zoning Regulations.
See the attached zoning map for further clarification.

LAND USE: The subject properties are currently vacant agricultural land with two existing structures on site. The surrounding area is majority residential. The adjacent industrial property to the north is undeveloped.
See the attached aerial map for further clarification.

HISTORY: Currently, no project history exists for the property involved in this petition for zoning map amendment.

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

It appears this request for a PD – Planned Development is **not** 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.*

C. *Uses Permitted*

Any use that is permitted in any zoning district may be approved within a Planned Development provided that the project shall be planned, developed operated in accordance with an approved development plan. Specific uses, structures, and developments shall be properly integrated with the surrounding area in such a way as to promote the health, safety, morals, general welfare and wholesome environment of the general public and of the occupants of nearby property, and to avoid nuisances to the general public or to the occupants of nearby property. All uses shall be approved by the Township as part of the development plan review process

3. *“Multi-family” dwellings and “Attached Single-family” dwellings. Multi-family and attached single-family dwelling units, including apartments, attached townhouse and condominium units, may be incorporated into a proposed Planned Development, if the Township finds that such use will be consistent with the character of the area, compatible with surrounding uses, and in compliance with the standards of this chapter. The Township may allow higher density for mixed use development when determined to be of benefit to the project. In no case shall the complex of multi-family structures, including paved area, utilize more than 60% of the net acreage allocated to such complex. In areas where townhouses or attached condominiums are developed, a maximum of eight (8) townhouse units in any contiguous group is recommended. Variable setbacks may be granted by the Township for each multi-family dwelling or attached single-family building if considered appropriate. If not, minimum setbacks from the perimeter property line shall be:*
 - a. *Front yard 50 feet from the public right-of-way; or 30 feet from a private right-of-way easement. (Proposed 25 feet)*
 - b. *Side yards 50 feet on each side; and*
 - c. *Rear yard 50 feet from rear lot line.*
 - d. *Between buildings 25 feet between buildings.*
4. *“Non-residential Uses”. Each lot intended for a non-residential use is recommended to have a minimum area of 15,000 square feet and a minimum width at the building line of 100 feet. Yard setbacks shall be as follows:*
 - a. *Front yard – 40 feet*
 - b. *Side yard – 20 feet on each side*
 - c. *Rear yard – 40 feet from rear lot line*
 - d. *Parking setback from right-of-way – 10 feet; and*
 - e. *Parking setback from other lot lines – 5 feet*
5. *The square footage of all dwelling units, attached and detached units, within a PD shall follow the guidelines established by the Zoning Resolution in effect at the time of issuance of Zoning Certificates unless modifications are agreed upon at the time of PD approval.*
6. *The total residential density of the PD shall be established on the NET acreage of the residential portion of the PD, excluding any areas of commercial, office, or non-residential use including open space lots. Slopes greater than 20%, existing public right of ways, and existing utility easements shall be subtracted from the total acreage to calculate net density. The total maximum recommended net residential density of PD’s shall be 3 D.U.A. (dwelling units per acre). The Township may allow increased density for attached dwelling or multi-family dwellings in a PD if the Township determines that the proposed density will be appropriate for the property and the area, and that the proposed design justifies the increase in density.*

B-01-21ZPD RECOMMENDED NET DENSITY

1. Recommended Density

38.32 gross acres (including min. of 20% open space or 7.60 acres)

- .33 acres of > 20% slope

- .31 acres of existing public rights-of-way and/or utility easements

= 37.68 net acres 37.68 x 3 D.U.A. = 113 (max. # of dwelling units)

37.68 net acres – 7.60 acres of open space = 30.08 acres (max. 113 D.U. to be built on max of 30.08 acres)

2. Proposed Density

38.32 gross acres (including proposed. of 62.9% open space or 23.89 acres)

- .33 acres of > 20% slope

- .31 acres of existing public rights-of-way and/or utility easements

= 37.68 net acres 37.68 x 5.15 D.U.A. = 194 (proposed # of dwelling units)

The Township may allow increased density for attached dwelling or multi-family dwellings in a PD if the Township determines that the proposed density will be appropriate for the property and the area and that the proposed design justifies the increase in density.

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.

The Existing Neighborhood areas have developed based on a combination of residential zoning classifications over the years, and lot sizes vary. The predominant density of existing single family neighborhood development in these areas is generally between 2 and 3 lots per acre. There are locations within this land use area that include single family homes on parcels of land that are several acres in size, which are not within subdivisions. There are also some subdivisions that have developed with lot sizes larger than 1 acre under Agriculture District zoning regulations. However, the predominant development pattern in this concept area is subdivision-type neighborhoods.

This land use category includes some attached single family developments created as part of Planned Development zoning projects, and multiple family apartment developments, demonstrating that the residential density varies. There are several schools, churches and other public or institutional uses within these areas. Public water and sanitary sewer service is generally available within the areas designated for this land use category, although infrastructure improvements may be required to service future development.

Future Development Policies

- *Allow residential development that is consistent with the densities of existing neighborhoods in the planning area – generally 2 to 3 dwelling units per acre for single family detached development and 8 to 10 dwelling units per acre for multiple family or attached single family development in planned developments.*
- *Encourage use of planned development zoning regulations for residential development within the Existing Neighborhood and Infill Areas. The use of planned development regulations provide an opportunity to achieve superior site design within neighborhoods, while potentially protecting stream corridors, steep slope areas, and other sensitive terrain as part of protected open space within the neighborhood. The quality of the design, the amenities offered by the project, the amount and location of open space, and the protection of sensitive areas are all important elements for consideration when the Township evaluates planned development requests, and can be instrumental features when determining appropriate density levels.*
- *Allow nonresidential uses that are compatible with neighborhood development, such as schools, churches and similar institutional uses.*
- *Encourage development of a hike/bike trail system to coordinate access between neighborhoods and community facilities, and to integrate with neighborhood pedestrian walkways.*
- *Require traffic impact studies in conjunction with the County Engineer's Office for proposed development to identify proposed improvements that may be required to mitigate the impacts of proposed development.*
- *Encourage dedication of land for future park and recreational uses.*

This request for a Zoning Map Amendment falls within the overall 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. The proposed attached single-family development also falls below the 8 to 10 dwelling units per acre as stated in the above future development policies. However, the proposed density of the development does not seem compatible with the current subdivision pattern developing in this area.

SITE ACCESS:

Access will be provided to the site via the main entrance off of Amelia Olive Branch Road, directly across from Billingsley Drive. Within the development, a 28' private roadway easement would provide necessary ingress/egress to all individual units as well as additional off-street parking.

DEVELOPMENT CHARACTER:

Per the application, the proposal plans to develop 194 attached single-family rental-style units on 38.32 gross acres (37.68 net acres) with 23.89 acres (62.9%) of proposed open space. The project density as shown on the plan is 5.6 dwelling units per acre. Proposed landscaping has been shown throughout the development with mounding/vegetation along the perimeter of the site. Sidewalks would provide pedestrian circulation on one side of the street with access to private amenities. Amenities include a clubhouse/amenity area, pool, retention basin that would serve as a water feature and possible dog park.

STAFF ANALYSIS:

The proposed zoning map amendment would permit the applicant to develop 194 attached single-family rental-style units on approximately 38.32 acres. The proposed zoning change maintains a net density of approximately 5.6 dwelling units per acre, which exceeds the recommended maximum under the PD – Planned Development District. However, the Township may allow increased density in a PD if the Township determines that the proposed density will be appropriate for the property and the area and that the proposed design justifies the increase in density.

Overall, the requested 5.6 dwelling units per acre are above the surrounding residential densities previously approved by Batavia Township. The requested density is not compatible with the current subdivision pattern developing in this area. For comparison purposes, Batavia Township case B-03-20ZPD recently approved a project to the north with a density of 2.67 units per acre, while the existing subdivisions to the south and east, *Crossgates Subdivision* and *Sunnyfield Subdivision*, are zoned R-1 – Residential District that requires 20,000 sq. ft. minimum lot size.

The development also proposes 23.89 acres (62.9%) of dedicated open space, although the open space to be dedicated is not clearly shown on the plan. Further detail is needed regarding the specifics of the proposed open space as the open space is supposed to be preserved. Residential uses are **not** an allowed use on land to be dedicated as open space. As a result, all residential structures will need to be situated on platted lots outside of the land to be dedicated as open space. The applicant along with the township shall determine the proposed location of all open space lots regarding the location of the proposed residential units. This may require a more in-depth review of proposed setbacks and building site location.

The proposed access from Amelia Olive Branch falls over an existing freshwater pond and maybe an environmental concern as shown on the National Wetland Inventory map provided. Per the application, the project engineer states that an environmental analysis is underway to determine if there are any jurisdictional streams and/or wetlands present on the site which could impact the final development in the future.

Three retention basins have been proposed and fall within the Clermont County Airport's Retention Restriction Area, and stormwater control will need to be provided by other means than stormwater retention along with providing how section 4 of the Clermont County Airport Zoning Regulations will be satisfied.

Clermont County Community & Economic Development Comments:

- Residential uses are **not** an allowed use on land to be dedicated as open space. As a result, all residential structures will need to be situated on platted lots outside of the land to be dedicated as open space. The applicant, along with the township, shall determine the proposed location of all open space lots regarding the location of the proposed residential units. This may require a more in-depth review of proposed setbacks and building site location.
- Update the acreage breakdown table consisting of the following: total acreage of the entire tract, the total acreage of the lands in lots, the total acreage of land contained in streets, the total acreage of open space, parkland, etc.

Clermont County Engineer's Office Comments:

- A Traffic Impact Study is required as it is expected that more than 100 trips will be generated by the proposed development during the peak hour. It was noted in the submittal letter that a traffic impact study is already underway. Once completed the study should be submitted to the County Engineer's office for review.

Clermont County Water Resources Department Comments:

- The proposed development will be served by Clermont County Water Resources Department's water and sewer systems. The Water Resources Department is determining sewer availability.
- The proposed development is within the Clermont County Airport's Retention Restriction Area. Stormwater control will need to be provided by other means than stormwater retention.
- The plans will need to demonstrate how Section 4 of the Clermont County Airport Zoning Regulations will be satisfied.
- The heights of the proposed buildings will need to be provided to show conformity to the height restrictions per the Clermont County Airport Zoning Regulations.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **RECOMMEND APPROVAL** of Batavia Township Zoning Map Amendment Case B-01-21ZPD requesting to rezone two parcels 012008D016 & 012008E017 consisting of 38.27 acres from R-1 – Single-Family District to PD – Planned Development with the following conditions:

1. Update acreage breakdown table consisting of the following: total acreage of the entire tract, the total acreage of the lands in lots, the total acreage of land contained in streets, the total acreage of open space, parkland, etc.
2. A Traffic Impact Study is required to be submitted to the Clermont County Engineer's Office and the Department of Community and Economic Development.
3. Stormwater control will need to be provided by other means than stormwater retention.
4. Future Plans will need to comply with the Clermont County Airport Zoning Regulations.