



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON MARCH 23, 2021

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## BATAVIA TOWNSHIP CASE B-02-21ZPD

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- APPLICANT:** Greg Thurman  
Redwood USA, LLC  
7007 East Pleasant Valley Road  
Independence, OH 44131
- OWNER:** Kath Development, LLC  
1275 Ohio Pike  
Amelia, OH 45102
- REQUEST:** Requesting to rezone a portion of parcel 032019G017 consisting of 28.4 acres from B-2 – General Business District to PD – Planned Development.
- LOCATION:** The subject property is located on the north side of SR 125, approximately 330 feet east of Brown Road and 1,175 feet west of Mount Holly Road in Batavia Township. *See the attached location map for further clarification*
- ZONING:** The existing zoning for the subject property is B-2 – General Business District. The surrounding properties consist of B-2 – General Business Districts along SR 125. While the properties to the north are A – Agricultural District.  
*See the attached zoning map for further clarification.*
- Note: The county zoning map may show inaccuracies to what the Batavia Township Official Zoning Map has the property listed as.
- LAND USE:** The subject property is currently vacant farmland. The surrounding properties consist of individual businesses along SR 125 with a self-storage facility located directly to the east.  
*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 the occupants of nearby property, and to avoid nuisances to the general public or 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.*
  - 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.*
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*

*28.4 gross acres (including min. of 20% open space or 5.68 acres)*  
*- 0 acres of > 20% slope*  
*- 0 acres of existing public rights-of-way and/or utility easements*  
*= 28.4 net acres    28.4 x 3 D.U.A. = 85.2 (recommended max. # of dwelling units)*

2. *Proposed Density*

*28.4 gross acres (including proposed. of 54% open space or 15.4 acres)*  
*- 0 acres of > 20% slope*  
*- 0 acres of existing public rights-of-way and/or utility easements*  
*= 28.4 net acres    28.4 x 4.2 D.U.A. = 120 (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 "Existing Neighborhood & Infill Area" and "State Route 125 Corridor" (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.*

### ***State Route 125 Corridor:***

*The SR 125 Corridor is a unique portion of Batavia Township. This corridor has predominantly developed as commercial and retail business uses, although residential development is located in several areas along the corridor. The development patterns in adjoining Pierce Township, Monroe Township, and ~~the Village of Amelia~~ reflect similar commercial and retail business development patterns. In general, the appearance of existing development along the corridor can be categorized as haphazard and uncoordinated. It is anticipated that pressure to develop this corridor for more intensive retail, and more regional oriented retail uses, will continue to increase.*

*The SR 125 Corridor concept area as designed on the Future Land Use Map should be viewed as an "overlay", representing the general boundaries of the corridor. In general, commercial uses (i.e. office, business, retail, service uses) are recommend for the area. Specific zoning decisions should be used to control the intensity of future development of a particular property given the site characteristics and the surrounding environment. The actual "depth" (i.e. distance from SR 125 of commercial development ) of business development will also require individual analysis on a case by case basis. It does not seem appropriate for the Growth Policy Plan to define a specific uniform depth given the irregularities of the existing parcel configurations and land uses.*

*The Future Land Use Map designates two areas along the SR 125 Corridor as Commercial Development Focus Areas – from the boundary with Union Township to the western boundary with the Village of Amelia, and from the eastern boundary with the Village of Amelia to the intersection with SR 132. Increased efforts for commercial development and coordinated retail and office land uses are recommended to accomplish the goals of the Priority Issue to identify and pursue economic development opportunities and to encourage a balanced tax base and job growth. There are existing residential developments that "front" on SR 125, such as Tall Trees and Whispering Trees. Control of business development in proximity to residential uses are of significant concern, and emphasis should be given to mitigating impacts of future development on existing residential areas along or adjacent to the corridor.*

### ***Future Development Policies***

- *Confer with the County Engineer's Office and ODOT relative to requiring traffic impact studies for proposed developments.*
- *Encourage use of planned development districts to allow creative site design and while providing a public review process.*
- *Consider the creation of an Overlay Zoning District that will provide unique and unified development control for the area, addressing signs, landscaping, building*

*materials, etc., without altering the uses allowed in the underlying, existing zoning districts.*

- *Encourage the creation of a thoroughfare access management plan that incorporates the input of the various jurisdictions along SR 125 and promote shared access points to improve upon traffic safety.*
- *Research existing property ownership, vacancy rates and available properties, and promote redevelopment opportunities that exist within the Commercial Development Focus Areas.*

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 State Route 125 Corridor, and its vision for development to take advantage of existing public services and roads. The proposed density of the project and leaving 5.8 acres of B-2 – General Business District along SR 125 would be considered compatible with the current pattern of development along the SR 125 Corridor in Batavia Township

#### **SITE ACCESS:**

Access will be provided to the site via the main entrance off SR 125. Within the development, a 26' 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 120 attached single-family rental-style units on 28.4 gross acres with an undetermined net acreage, while proposing 15.4 acres (54%) of open space. The project density as shown on the plan is 4.2 dwelling units per acre. Proposed landscaping has been shown throughout the development with large retention ponds and preserved woodland toward the back of the property. Sidewalks would provide pedestrian circulation on one side of the street with access through the proposed common areas. No other details have been provided regarding other amenities offered.

#### **STAFF ANALYSIS:**

The proposed zoning map amendment would permit the applicant to develop 120 attached single-family rental-style units on approximately 28.4 acres. The proposed zoning change maintains a gross density of approximately 4.2 dwelling units per acre. The gross density does not determine the density under the PD – Planned Development District. The net acreage will need to be provided to determine the final proposed density. 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 proposed 4.2 gross/dwelling units per acre is above the surrounding residential densities. However, the site location may allow for this density considering the proximity to a major development corridor.

The development also proposes 15.4 acres (52%) of dedicated open space, which is far above the recommended minimum. The proposed open space does provide significant buffering around the site. However, the proposed location of the stormwater retention ponds may adversely affect the designated freshwater Forested/Shrub Wetland as shown on the Nation Wetland Inventory map provided.

**Clermont County Community & Economic Development Comments::**

- The Batavia Township application for PD Map Amendment and Preliminary Development Plan will need to be accurate as the requested site area to be rezoned is 28.4 acres, **not** 34.02 acres as shown on the application.
- Provide the NET acreage to determine the required NET density.
- 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:**

- Access to State Route 125 requires ODOT approval.

**Ohio Department of Transportation (ODOT) Comments:**

- No comments or objections have been received at this time.

**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.

**STAFF RECOMMENDATION:**

Based on Staff Analysis, move to **RECOMMEND APPROVAL** of Batavia Township Zoning Map Amendment Case B-02-21ZPD requesting to rezone a portion of parcel 032019G017 consisting of 28.4 acres from B-2 – General Business District to PD – Planned Development with the following conditions:

1. Update application with accurate site development data for Batavia Township Records.
2. 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.
3. ODOT approval is required for access onto SR 125.