



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON AUGUST 24, 2021

BATAVIA TOWNSHIP CASE B-03-21ZPD

- APPLICANT:** D.R. Horton
8180 Corporate Park Drive, Suite 100
Cincinnati, OH 45242
- OWNER:** Ulreys Run, LTD.
312 Mt. Holly Road
Amelia, OH 45102
- REQUEST:** Batavia Township Zoning Map Amendment Case B-03-21ZPD
Requesting to rezone two parcels 032019E102 & 032019E161
consisting of 39.65 acres from "R-1" Single-Family District to "PD"
Planned Development.
- LOCATION:** The subject properties are located on the southeast corner of
Chapel Road and Mt. Holly Road, +/- 300 feet west of SR 222 in
Batavia Township.
- ZONING:** Existing Zoning: R-1 – Single-Family District
Proposed Zoning: PD – Planned Development
- North: A – Agricultural District
R-1 – Single-Family District
East: E-R – Estate Residential District
South: A – Agricultural District
Southeast: PD – Planned Development (*Mt. Holly Preserve*)
West: A – Agricultural District
R-1 – Single-Family District
- LAND USE:** Existing Land Use: Partially Wooded Agricultural Land Use
- Proposed Land Use: Single-Family Residential Planned
Development

HISTORY: On November 26, 2019, the Clermont County Planning Commission recommended the approval of Batavia Township Zoning Map Amendment Case B-02-19ZPD.

On December 12, 2019, the Batavia Township Zoning Commission recommended denying Batavia Township Zoning Map Amendment Case B-02-19ZPD.

On January 6, 2020, the Batavia Township Board of Trustees voted to deny Batavia Township Zoning Map Amendment Case B-02-19ZPD.

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

As designed it appears this request 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. Provisions Governing Planned Developments

1. General

Because of the special characteristics of Planned Developments, special provisions governing the developments of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of this Resolution, the provisions of this Article shall prevail for the development of land for Planned Developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Resolution.

2. Construction

No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permits shall be issued until approval of the PD Final Development

Plan by the Township Zoning Commission in conformance with the requirements of this Section 36, PD Planned Development Provisions have been met.

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

D. Recommended Minimum Project Area

It is recommended that the gross area of the tract to be developed under the Planned Development approach shall be a minimum of five (5) acres.

E. Definitions

- 1. "Common Open Space" is a parcel of land or any area of water, or a combination of land and water within the site designed and intended for the use or enjoyment of occupants of the Planned Development, or consistent with use as described in Section 36.01 H. Common Open Space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants but shall not include rights-of-way and required private yards;*
- 2. "Landowner" shall mean the legal or beneficial owner or owners of all of the land proposed to be included in a Planned Development. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this Article;*
- 3. "Plan" shall mean the written and graphic submission for a Planned Development, including a Preliminary Development Plan (denoting a prospectus for development), Final Development Plan, a plat of subdivision, all covenants relating to the use, location, and bulk of buildings and other structures, density of development, private streets, ways and parking facilities, common open space, and public facilities;*
- 4. "Planned Development" (PD) is an area of land, controlled by a Landowner, to be developed as a single entity for a variety of dwelling units and/or other uses, the Plan for which may not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one zoning district created, from time to time, under the provisions of the Batavia Township Zoning Resolution; and*
- 5. "Professional Consultant" shall mean a person who possesses the knowledge and skills, by reason of education, training, and experience to comprehend the full nature and extent of the project in question regarding its social, economic, physical, environmental, and design characteristics and implications in order to foster a unified plan for development. The professional consultant maybe, a registered architect, landscape architect, engineer, planner, or equivalent.*

F. Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation or by a group of individuals or corporations. Such ownership maybe by a public or private corporation.

G. *Common Open Space*

No less than twenty (20%) percent of the gross acreage in any Planned Development shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in H of this section. All required open space shall be readily accessible and usable by occupants of the approved development.

H. *Disposition of Common Open Space*

The required amount of common open space land reserved under a Planned Development shall be held in corporate ownership by owners or the Homeowners Association of the project area for the use of each owner who buys property within the development or under exceptional circumstances be dedicated to the Township, following consent and approval by the Township, and retained as common open space for public parks, recreation, and related uses. All land dedicated to the Township must meet the Batavia Township Board of Trustees requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for watercourses and other similar channels are not acceptable for common open space dedicated to the Township unless such land or right-of-way is usable as a trail or other similar purposes and approved by the Batavia Township Board of Trustees. A Homeowners Association (HOA), or other appropriate management entity for non-residential use projects, shall be established and in place prior to the development of any land within a PD with the open space(s) under their control being denoted on the record plat and identified as "non-buildable" other than for HOA approved uses.

I. *Maintenance of Open Space*

A Homeowners Association, or other appropriate management entity for nonresidential use projects, shall be responsible for maintenance of open space and other required amenities within the proposed PD. A Homeowners Association shall be established, and the Bylaws and Articles of Incorporation shall be recorded at the time of approval of the Final Development Plan, prior to issuance of a Zoning Certificate or approval of a record plat.

The Batavia Township Board of Trustees may require a maintenance bond to be provided or an escrow account established by the developer for maintenance and upkeep of all common areas until such time as 75% of the lots have been sold.

J. *Utility Requirements*

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirement.

K. *Planned Development*

Planned Developments may be developed following the provisions of L-N of this Section.

L. *Minimum recommended Lot Sizes, Setbacks, Building Line Widths, Dwelling Square Footages, and maximum recommended Density Levels.*

Minimum requirements with respect to lot sizes, setbacks, building line widths, and dwelling square footages shall be duly noted on the record plat. The Township shall evaluate the proposed off-street parking to determine if adequate parking is provided and may require additional improvements if deemed necessary.

1. *"Single-family". Each lot intended for a single-family detached dwelling is recommended to have a minimum area of 10,000 square feet and a minimum width at the building line of 75 feet. Variable setbacks may be granted by the Township if considered appropriate. If not, minimum setbacks shall be:*

a. *Front Yard 35 feet from right-of-way;*

- b. Side Yard(s) 20 feet total; 5 feet minimum on one side; and
 - c. Rear Yard 30 feet from rear lot line.
2. "Two-family" (Not Applicable)
 3. "Multi-family" (Not Applicable)
 4. "Non-residential Uses" (Not Applicable)
 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-03-21ZPD RECOMMENDED MAXIMUM NET DENSITY

1. Recommended Maximum Density
39.60 gross acres (including min. of **20% open space or 7.92 acres**)
 - 0.36 acres of > 20% slope
 - 1.00 acres of existing public rights-of-way and/or utility easements
 = 38.24 net acres **38.24 x 3 D.U.A. = 114** (max. # of dwelling units)

38.24 net acres – 7.92 acres of open space = 30.32 acres (max. **114 D.U.** to be built on max of **30.32 acres**)
2. Proposed Density
39.60 gross acres (including proposed. of **31% open space or 12.28 acres**)
 - 0.36 acres of > 20% slope
 - 1.00 acres of existing public rights-of-way and/or utility easements
 = 38.24 net acres **38.24 x 2.12 D.U.A. = 81** (proposed # of dwelling units)

Batavia Township’s 2018 Growth Policy Plan, specifies this area of the Township as an “Existing Neighborhood & Infill Area” area (see *Future Land Use Plan*).

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 are 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 families or attached single-family development in planned developments.*
- *Encourage the use of planned development zoning regulations for residential development within the Existing Neighborhood and Infill Areas. The use of planned development regulations provides 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 non-residential uses that are compatible with neighborhood development, such as schools, churches, and similar institutional uses.*
- *Encourage the 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 the 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 residential development to take advantage of existing public services and roads. The proposed density of the development is compatible with the current subdivision patterns developing in this area.

SITE ACCESS:

The proposed site access would be from Mt. Holly Road (*Road A*) and Chapel Road (*Road B*). All proposed lots would be provided legal frontage on the three proposed 50' foot rights-of-ways (*Road A, Road B, and Road C*). All proposed road names shall be reviewed by the Clermont County Engineer's Office for duplicate or nearly duplicate names (per Article V, Section B8).

DEVELOPMENT PROPOSAL:

Per the application, the proposed Planned Development would be to develop 81 single-family residential lots on 39.60 gross acres (38.24 net acres) with 12.28 acres (31%) of proposed open space, with an overall project density of 2.12 dwelling units per acre.

DEVELOPMENT DATA:

Batavia Township Case: B-03-21ZPD

Parcel Number: 032019E102 & 032019E161

Current Zoning/Density: R-1 (2.17 units/acre)

Proposed Zoning/Density: PD (2.12 units/acre)

Lot Yield: 81

Total Gross Area: 39.6 acres

Area in Open Space: 12.28 acres (31%) **Min. Lot Area:** 10,050 Sq. Ft. (.2307 acres)

Min. Lot Width: 75 Feet

Front Yard Setback: 35 Feet

Side Yard Setback: 5' min. 20' Total

Rear Yard Setback: 30 Feet

School District: West Clermont Local School Districts (WCLSD)

STAFF ANALYSIS:

The proposed Planned Development would permit the applicant to develop 81 single-family residential lots on approximately 39.60 gross acres. The existing R-1 Single-Family District has a potential development density of 2.17 dwelling units per acre. The Planned Development proposes a density of approximately 2.12 dwelling units per acre, a small decrease to the underlying R-1 zoning potential density. The proposed density also falls below the recommended maximum of 3 dwelling units per acre under *Batavia Township Zoning Resolution Article 36: PD – Planned Development District*.

However, the proposed development is situated in an area of the township with limited development, and the requested 2.12 dwelling units per acre is found to be significantly higher than the immediate surrounding residential developments, specifically *Stonegate Subdivision*.

Stonegate Subdivision is a residential community located directly to the east of the proposed project site and is currently zoned ER – Estate Residential District which requires a minimum lot size of 1 acre (43,560 sq. ft.) and has an existing density of .4 dwelling units per acre.

The PD plan addresses these differences by providing 100-foot of buffering. This proposed buffer has been described as a “tree buffer”. Details regarding the specifications for the buffering have not been provided at this time. A more detailed review of the proposed landscaping and buffering will be reviewed during future phases of development. In addition to the buffering, there are several open space lots situated throughout the development that are designed to protect the existing watercourses along with providing some type of landscaped buffer between the adjoining residential properties. The creation of a Homeowners Association would maintain all the proposed open spaces and stormwater retention structures.

Pedestrian circulation would be provided by sidewalks along both sides of all dedicated rights-of-ways within the development. Walking paths have been shown on the PD plan connecting the proposed amenities such as a picnic area, tot lot, and incorporating the stormwater retention basin at the corner of Mt. Holly Road and Chapel Road as a water feature.

Overall, the requested project land use and proposed density are compatible with the current subdivision pattern developing throughout Batavia Township.

Condition for Approval:

Article 8, 8.02 (Q)(2)

- *Sidewalks shall be required for all new developments whenever the parcel has frontage on a public street. In the case of frontage on a public street the sidewalk shall be constructed the entire distance the property abuts the street.*

Clermont County Community & Economic Development Comments:

- Sidewalks shall be required for all new developments whenever the parcel has frontage on a public street. In the case of frontage on a public street side shall be constructed the entire distance the property abuts the street. (Article 8, 8.02 (Q)(2))

Clermont County Engineer's Office Comments:

- No objections or comments 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 system. There is currently capacity available in the water and sewer systems to serve this proposed development.

STAFF RECOMMENDATION:

Based on Staff Analysis, move to **RECOMMEND APPROVAL** of Batavia Township Zoning Map Amendment Case B-03-21ZPD requesting to rezone two parcels 032019E102 & 032019E161 consisting of 39.65 acres from "R-1" Single-Family District to "PD" Planned Development with the following conditions:

1. Sidewalks shall be constructed along the frontage of Mt. Holly Road and Chapel Road. As required under Article 8, 8.02 (Q)(2)