



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON FEBRUARY 22, 2022

WILLIAMSBURG TOWNSHIP CASE ZC-01-22

- APPLICANT:** Gopi Sandhu, Director of Sustainable Operations
Nestle Purina Petcare Company
One Checkerboard Square – 5T
St. Louis, MO 63164
- OWNER:** Nestle Purina Petcare Company
One Checkerboard Square
St. Louis, MO 64164
- REQUEST:** Requesting to rezone three (3) parcels 523509F005 (43.91 ac.), 523509F004 (39.32 ac.), 523509F050 (1.18 ac.) consisting of +/- 84.29 acres from A – Agricultural District to I - Industrial District..
- LOCATION:** The subject properties are located just east of the Nestle Purina facility located in *South Afton Industrial Park*. The properties are situated south of SR 32 and have access to the east from Mathis Road and SR 276 in Williamsburg Township.
- ZONING:** Current Zoning: A – Agricultural District
- North: A – Agricultural District & I – Industrial District
East: A – Agricultural District & R-2 One and Two Family Residential District
South: A – Agricultural District & I – Industrial District
West: I – Industrial District
- LAND USE:** The existing land use is vacant wooded agricultural land.
- The land uses in the immediate vicinity can be characterized as predominantly industrial and manufacturing intensive. With the construction of Nestle Purina’s facility adjacent to the west within *South Afton Industrial Park*.

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

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

It appears this request for I – Industrial District zoning is compatible with the minimum submittal requirements under the regulations within Article 5 and Article 10 of the *Williamsburg Township’s Zoning Resolution*.

Article 5: Zoning Districts and Use Regulations

Section 504: Zoning District Purpose Statements

504.8: (I) Industrial District

It is the purpose of the (I) Industrial District to accommodate and encourage the development of light industrial uses which generally operate within enclosed structures and are primarily clean, quiet, and emit minimal hazardous or objectionable elements such as noise, odor, dust, smoke, glare or vibration.

Article 10: Site Plan Review

Section 1000: Purpose

It is the purpose of this article to ensure that all developments are reviewed for compatibility with the regulations and intent of this Zoning Resolution, Township policies & plans, and good site planning practice.

Section 1001: Applicability

Site plan review and approval are required for the following:

- A. *Any zoning map amendment, except a zoning map amendment initiated by the Township.*
- B. *Any nonresidential use or development in any residential district.*
- C. *Any use or development in the “B-1” or “B-2” Business District or the “I” Industrial District.*

Section 1002: Site Planning Guidelines

In reviewing the site plan, the Zoning Administrator shall determine whether the proposed development meets all requirements of the Zoning Resolution, including but not limited to those of the particular zoning district in which the development would be located and those presented below in Section 1003 through 1014.

Section 1003: General

- A. *The proposed development shall reflect all Township plans and policies affecting the site, including the Williamsburg Township Land Use Plan, and any concept plans planned development plans, or planned business plans previously adopted for adjacent properties.*
- B. *The proposed development shall be consistent with the statement of intent for the zoning district in which it is located or proposed.*

Section 1004: Site Planning / Open Space

- A. *To the extent possible, the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site’s natural resources and enhance its visual character;*

- B. *Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings and pavement.*

Section 1005: Grading and Drainage

- A. *Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.*
- B. *Drainage shall be designed and constructed so as to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.*
- C. *The site plan should conform to the requirements of the Clermont County Stormwater and Sediment Control Regulations.*

Section 1006: Circulation

- A. *The street, access, and parking system shall provide for the smooth, safe, convenient, and functional movement of vehicles and pedestrians both on and off-site.*
- B. *Circulation shall:*
 - 1. *Minimize the conflict between pedestrian and vehicular traffic; and*
 - 2. *Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.*
- C. *Vehicular Access:*
 - 1. *Acceleration, deceleration, and/or left turn lanes may be required if the Township finds that they are necessary to preserve the safety and/or the traffic carrying capacity of the existing street.*
 - 2. *The Township may require a traffic impact study by the Clermont County Engineer, the Ohio Department of Transportation, or some other recognized and qualified traffic engineer if one or more of the following conditions exist. Any fee for this study shall be paid directly to the agency conducting the study.*
 - a. *If the proposed development or redevelopment may increase the number of trips entering or leaving the property by ten percent or more;*
 - b. *If the proposed development or redevelopment may adversely change the type of traffic generated within the property, for example, the addition of truck traffic;*
 - c. *The scale or use of the proposed development might cause deterioration of service levels on the street and/or deterioration of safety or service levels at intersections in the vicinity;*
 - d. *The proposed development is in the vicinity of a street or intersection with a history of safety and /or accident problems; and*
 - e. *The geometry of existing or proposed improvements might cause a safety hazard.*
- D. *Sight Distance Triangles:*
 - 1. *All sites shall be designed so that plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles, or pedestrians.*
 - 2. *The sight distance triangle shall conform to the requirements of Section 700E(1) of the Zoning Resolution, except that, if warranted, the dimensions of the sight distance triangle may be varied depending on the width and a design speed of the street.*

Section 1007: Pedestrian Circulation

- A. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a convenient, safe, and visible pedestrian path between the parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated.

Section 1008: Lighting

- A. On-site exterior lighting should provide illumination adequate to permit safe nighttime activities.
- B. All roadway street, parking lot, and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

Section 1009: Screening and Buffering

- A. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
- B. Where vegetative and/or topographic conditions that provide natural screening and buffer exist prior to the development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for the maintenance of such areas.

Section 1010: Site Plan Review Procedures

The Township shall review all required site plans using the procedures, standards, limitations, and guidelines set forth in this Article. Site plans submitted for review shall demonstrate the proposed development meets the guidelines and performance standards set forth in the Zoning Resolution. The site plan shall contain sufficient detailed information about existing and proposed site conditions to allow an informed decision to be made by the Zoning Administrator, Zoning Commission, Board of Township Trustees, and County Planning Commission as may be required concerning the general acceptability of the proposed development.

To be considered complete, a site plan shall identify and provide all the information required under Section 1012 of this Article.

At the time of the filing of an application for site plan review, the applicant shall pay the required site plan review fee in accordance with the Township's effective schedule of fees.

Section 1011: Site Plan

All applications for site plan review shall be accompanied by the following:

- A. A completed application form was provided by the Zoning Department of Williamsburg Township;
- B. The required site plan review fee in accordance with the Williamsburg Township fee schedule;
- C. Copies of the site plan drawn in accordance with Section 1012

Section 1012: Contents

- A. Legend:
 - 1. Date plan created/modified;
 - 2. Scale (appropriate for a review);
 - 3. Vicinity map;
 - 4. North arrow;
 - 5. Development name;
 - 6. Development address;
 - 7. Property owner name and address;
 - 8. Plan creator name and address.

B. Parcel Data:

- 1. Auditor's parcel number*
- 2. Parcel lines*
- 3. Directional bearings and distances (if parcel split or consolidation involved)*
- 4. Legal description (if parcel split or consolidation involved)*
- 5. Net acreage and square footage (acreage/square footage less right-of-way area)*
- 6. Adjacent parcels*
- 7. Zoning*
- 8. Adjacent parcel zoning*
- 9. Adjacent land uses*
- 10. Adjacent street names*
- 11. Street names forming the nearest intersection*
- 12. Distance from the nearest intersection*

C. Development Data:

- 1. Description of all proposed uses*
- 2. Existing structures to be retained*
 - a. Gross floor area*
 - b. Setback distances from adjoining properties*
 - c. Setback distances from rights-of-way*
- 3. Proposed structure location*
 - a. Number of floors*
 - b. Structure height*
 - c. Gross floor area*
 - d. Setback distances from adjoining parcels*
 - e. Setback distances from rights-of-way*
- 4. Addition/Modification location*
 - a. Number of floors*
 - b. Addition/modification height*
 - c. Gross floor area*
 - d. Setback distances from adjoining parcels*
 - e. Setback distances from rights-of-way*
- 5. Floodplain*
 - a. Identification of whether any structure will lie within one hundred year floodplain*

- 6. Parking and circulation*
 - a. Curb cut locations*
 - b. Drive aisle locations and dimensions*
 - c. Off-street parking space locations and dimensions*
 - d. Off-street parking space count*
 - e. Parking lot screening locations*
 - f. Parking barrier locations*
 - g. Off-street loading/unloading locations and dimensions*
 - h. Loading/unloading screening locations*
 - i. Street locations*
 - j. Right-of-way line locations*
 - k. Measurements from centerline to rights-of-way line*
 - l. All parking, loading, and circulation areas marked as paved*
 - m. Pedestrian walkway locations*
- 7. Stormwater facility location*
- 8. Outdoor lighting locations*
 - a. All lighting marked inward (or downward) directed and shielded*
- 9. Sign location (subject to separate approval)*
- 10. Vegetation screening locations*
 - a. Description of vegetation used, including container size or caliper.*
- 11. Fence locations*
 - a. Description of fencing used including height.*
- 12. Landscaping locations;*
 - a. Description of landscaping including size or caliper.*
- 13. Waste/dumpster location and screening;*
 - a. Description of screening used including height.*
- 14. Estimated construction schedule*
- 15. Rendering of a structure face*
- 16. Additional information necessary to determine compliance*

Section 1013: Waiver of Site Plan Requirements

Depending on the nature of the site plan review application, one (1) or more of the site plan requirements may be waived by the Zoning Administrator. To obtain a waiver the applicant must submit a statement to the Zoning Administrator indicating reasons why the requirements should be waived. The Zoning Administrator may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the impact the proposed development shall have on the existing character of the neighborhood and/or the spirit of the Zoning Resolution. The decision of the Zoning Administrator with respect to the waiver is subject to review upon appeal to the Board of Zoning Appeals.

Section 1014: Revisions of Site Plan After Approval

No changes, erasures, modifications, or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modifications, or revisions are first submitted to and approved by the Zoning Administrator.

Section 1015: Compliance and Enforcement

It shall be incumbent upon the Zoning Administrator or his duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved site plan.

In the event that the Zoning Administrator finds that construction is not in accordance with the site plan, he shall issue a stop-work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved site plan shall be at the developer's, builder's, contractor's, or owner's expense.

Due to the conceptualized nature of this request, further review is required by the township to determine if Williamsburg Township's Site Development Standards in Article 10 are adhered to.

Williamsburg Township's Land Use Plan has not been reviewed or amended since 2004 and does not specify areas of the Township for development.

The proposed use for a buffer and potential future uses to support the pet food manufacturing and warehousing operation is compatible with the Township's 2004 Land Use Plan.

DEVELOPMENT PROPOSAL:

Per the application, Nestle Purina is requesting to rezone parcels 523509F004 (39.32 acres), 523509F005 (43.91 acres), and 523509F050 (1.18 acres), consisting of a total of 84.41 +/- acres from A - Agricultural District & to I - Industrial District.

Nestle Purina operates a pet food manufacturing and distribution plant on the adjoining property, which shares the I - Industrial District that allows permitted uses such as manufacturing, warehousing, distribution, and storage. The applicant is requesting that the subject properties be rezoned so that the property could serve as an extension of the existing pet food manufacturing and distribution plant.

The site plan is only a conceptualized drawing of the “maximum potential impact” and only limited development characteristics have been provided at this time.

SITE ACCESS:

The proposed access to Afton Drive has been shown on the site plan through the existing facility on parcel 523508E009 along with secondary access onto Mathis Road with further access onto SR 276. Comments have been received from the Clermont County Engineer’s Office and Ohio Department of Transportation (ODOT) including that a traffic impact study or evaluation may be required depending on the nature of the industrial development. A permit and variance request will be required for the new drive per *ODOT’s State Highway Access Management Manual*. Along with consulting with Williamsburg Township regarding the potential impacts and proposed access to Mathis Road.

STAFF ANALYSIS:

The application has provided a site plan that is a conceptualized drawing of the “maximum potential impact” as required under Williamsburg Township’s Zoning Resolution: Article 10: Site Plan Review.

The submittal proposes the additional property serve as a significant buffer from the existing manufacturing facility. Nestle Purina as shown will eventually develop the site to support the existing pet food manufacturing and distribution facility.

Conceptually the uses include warehousing and distribution, offices, parking and loading, compressed natural gas station, or additional manufacturing of products.

The site plan though conceptual shows significant disturbance to the existing wetlands and watercourses throughout the site. These watercourses are classified as “Riverine” (R4SBC), “Freshwater Pond” (PUBGh), “Freshwater Forested/Shrub Wetland” (PSS1Ch), and “Freshwater Emergent Wetland” (PEM1A). A wetland delineation may be required and possibly 404/401 Ohio EPA permits may be needed if these sensitive development areas are to be disturbed.

Clermont County Community & Economic Development Comments:

- Due to the conceptualized nature of this request, further review is required by the township to determine if Williamsburg Township’s Site Development Standards in Article 10 are adhered to.

Clermont County Community & Economic Development Comments:

- The Ohio Department of Transportation (ODOT) should be consulted regarding the potential impacts or access to SR 276 and SR 133.
- Williamsburg Township should be consulted regarding potential impacts and the proposed access to Mathis Road.

The Ohio Department of Transportation (ODOT's) Comment:

- A traffic impact study or evaluation may be required depending on the nature of the industrial development. A permit and variance request will be needed for the new drive per *ODOT's State Highway Access Management Manual*.

The Clermont County Water Resources Department Comments:

- Water Resources will have to determine the available capacity for water and sewer service.
- There are concerns about how the proposed development will have an impact on the existing streams and retention pond currently on the property.

STAFF RECOMMENDATION:

Based on the Staff Analysis, move to **RECOMMEND APPROVAL** of Williamsburg Township Zoning Case ZC-01-22 rezone parcel 523509F004 (39.32 acres), 523509F005 (43.91 acres), and 523509F050 (1.18 acres) consisting of a total 84.41 +/- acres from A - Agricultural District & to I – Industrial District with the following conditions:

1. Prior to the Township granting a zoning certificate for any new structure on the proposed project site a preliminary site plan shall be submitted to the township for review and adhere to the site development standards under Article 10, of the *Williamsburg Township Zoning Resolution*.
2. Determine the available capacity for water and sewer services with the Water Resources Department.
3. Ensure that concerns with the impact to existing streams and retention pond be addressed prior to submitting a finalized site plan to Williamsburg Township.
4. A traffic impact study or evaluation may be required depending on the nature of the industrial development. A permit and variance request will be needed for the new drive per *ODOT's State Highway Access Management Manual*.