



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON SEPTEMBER 27, 2022

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## WILLIAMSBURG TOWNSHIP CASE ZC-02-22

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- APPLICANT:** Michael Daly  
Vashti, LLC  
1426 State Route 125  
Hamersville, OH 45130
- OWNER:** Michael Daly  
Vashti, LLC  
1426 State Route 125  
Hamersville, OH 45130
- REQUEST:** Requesting to rezone two parcels, 523505A028 (21.11 acres) & parcel 523505A105 (2.73 acres), consisting of +/- 23.84 acres from B1 – Neighborhood Business District to B-2 – General Business District.
- LOCATION:** The subject properties are located on the north side of SR 32 at the corner of McKeever Road and SR 32. The subject property's boundary to the west follows the East Fork Little Miami River. The properties have a physical address of 4257 & 4265 McKeever Road, Williamsburg, 45176.
- ZONING:** Current Zoning: B-1 – Neighborhood Business District  
Proposed Zoning: B-2 – General Business District
- North: A – Agricultural District & F – Flood District (*Williamsburg Twp.*)
- East: A – Agricultural District (*Williamsburg Twp.*)
- South: A – Agricultural District & F – Flood District (*Williamsburg Twp.*)  
I-A – Light Industrial District (*Village of Williamsburg*)
- West: R-1 – Single-Family Residential District (*Village of Williamsburg*)

**LAND USE:** The current land use is primarily vacant, besides two model homes located in the southeast corner of the property. These model homes have not been used for marketing for a couple of years.

The land uses in the immediate vicinity are predominantly agricultural/single-family residential with an equestrian-style event center located directly south of SR 32.

**HISTORY:** On November 10, 2003, the Williamsburg Township Trustees approved Case ZC-2-03.

## **RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:**

### **ARTICLE 5: ZONING DISTRICTS AND USE REGULATIONS**

#### **504.7: (B-2) GENERAL BUSINESS DISTRICT**

*It is the purpose of the (B-2) General Business District to provide for the wide variety of needs for both convenience goods and the more common and often recurring shopping trips for goods, and personal and household services. The location and nature of commercial activity is intended to serve the greater community and/or region.*

#### **SECTION 505: PERMITTED USE TABLE**

*The Permitted Use Table sets forth the principally permitted uses within the zoning districts. Permitted uses within Planned Unit Development districts are identified in Section 6 Planned Unit Development Regulations. The abbreviations used in the table are described as follows.*

##### **505.1: PERMITTED USE (P)**

- A. A "P" in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations.
- B. Uses permitted with conditions under this category are approved administratively by the zoning inspector pursuant to the zoning certificate review procedure or during site plan review, if applicable.

##### **505.2: PERMITTED USES WITH USE-SPECIFIC STANDARDS (PS)**

- A. A "PS" in a cell indicates that a use category is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with use-specific standards are subject to all other applicable regulations of this zoning code.
- B. Uses permitted with use-specific standards under this category are approved administratively by the zoning inspector pursuant to the zoning certificate review procedure or during site plan review, if applicable.

##### **505.3: CONDITIONAL USE (C)**

- A. A "C" in a cell indicates that a use category is allowed only if reviewed and approved as a conditional use by the Board of Zoning Appeals in accordance with these Zoning Regulations.

**Below are the requested uses within Williamsburg Township Case – ZC-2-22:**

1. Animal Hospital or Veterinary Clinic – Permitted Uses with Use-Specific Standards (PS) in B-2 General Business District

**507.3: (A) Use-Specific Standards for Animal Hospital or Veterinary Clinic:**

*A. Animal Hospital/ Veterinary Clinics:*

1. All soundproofed structures shall have a minimum setback of fifty (50) feet from any abutting residential district.
2. All non-soundproofed structures shall have a minimum setback of one hundred (100) feet from any abutting residential district.
3. If the animal hospital or veterinary clinic includes a kennel use for the temporary boarding of animals for purposes other than medical or dental treatment, it shall also be subject to the standards in Section 507. H Kennel.

2. Hotel – Permitted Use (P) in B-2 General Business District

3. Travel Trailer Camp or Overnight Port – Conditional Use (C) in B-2 General Business District

**507.3: (N) Conditional Use Standards for Travel Trailer Camp**

*N. Travel Trailer Camp*

1. No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Warren County Combined Health District.
2. Recreation parks, recreation camps, recreational vehicle park, and temporary park camps, wherein one or more travel trailers, motor homes, truck campers or other types of dependent or self-contained recreational vehicles or otherwise portable camping units, such as tents, can be placed on leased or otherwise contracted spaces for recreation, vacation purposes.
3. Accessory buildings and uses customarily incidental to any of the above uses, including the sale of food and refreshments are permitted, provided such accessory facilities are only for exclusive use by the principal permitted use occupants and their guests.
4. Minimum District Size, Configuration, Frontage, Setback and Buffering
  - a. Minimum lot area of five (5) acres.
  - b. Minimum of one hundred (100) feet of frontage on a public right-of-way.
  - c. Minimum setback of one hundred (100) feet is required from any residential district.
  - d. A buffer no less than six feet in height consisting of evergreen or solid landscaping, or solid fencing.
5. Duration of Placement or Occupancy
  - a. No placement of a recreational vehicle or portable camping unit, or occupancy thereof by the same tenant shall exceed 120 days in any twelve (12) month period following the beginning of placement or occupancy, unless otherwise specified by the Ohio Department of Health.
  - b. Otherwise permanent occupancy of such a single family residence is prohibited, except by the managing operator and the immediate family members legally dependent thereon.
  - c. The owner or operator of a permitted travel trailer camp shall maintain a constant record of each tenant or visitor, noting their name, date of stay, home address and the make, model year and license number of their vehicles, which shall be available for inspection by the zoning inspector or other law enforcement agencies.

6. No individual camping sites shall be subdivided from or sold as ownable or buildable lots independent of the overall recreation park, camp or combined park-camp property that they are part of as rentable or leasable spaces.
7. Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated and maintained in accordance with the Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Clermont County Public Health District.
8. The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Clermont County Engineer's Office or ODOT, as applicable.
9. All aspects of development internal to a site in a travel trailer camp are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Clermont County Public Health District.

**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.*

The three (3) proposed uses,

1. Animal Hospital or Veterinary Clinic;
2. Hotel;
3. Travel Trailer Camp or Overnight Port;

The proposed uses above are compatible with the proposed B-2 – General Business District request. However, several conditions for approval have not been addressed. See the above-highlighted conditions referenced in Article 10: Site Plan in *Williamsburg Township's Zoning Resolution*.

Due to the conceptualized nature of the submitted site plan dated 09/04/22, the Township must further review to determine if Williamsburg Township's Site Development Standards have fully complied.

Williamsburg Township's Land Use Plan has not been amended since 2004 and currently does not guide particular land uses for this area of Williamsburg Township.

**DEVELOPMENT PROPOSAL:**

Per the application, Vashti, LLC is requesting to rezone parcels 523505A028 (21.11 acres) and 523505A105 (2.73 acres), consisting of a total of 23.84 +/- acres from B-1 – Neighborhood Business District to B-2 – General Business District.

Per the application, Vashti, LLC reference two (2) business uses for the property; however, the possibility of a veterinarian office results in the proposed site having three (3) potential business uses:

1. Animal Hospital or Veterinary Clinic;
2. Hotel;
3. Travel Trailer Camp or Overnight Port;



- The "Veterinary Office" is considered a Permitted-Use with Use-Specific Standards under B-2 – General Business District. The proposal description is lacking, however, it is believed to be proposed for one of the existing model homes.
- The "Short Term Executive / Vacation Lodging" is considered a Permitted Use as a Hotel/Motel under B-2 – General Business District. The proposal is to renovate one of the existing model homes into four (4) separate combination-lock entry bedrooms with common area access and ample, fully equipped "hi-tech" office space.
- The "Overnight RV Park on the River" is considered a Conditional Use as a Travel Trailer Camp or Overnight Port under General Business District. The proposal is for twenty-five (25) Riverfront RV sites with only electric hookups, as it is in a 100-year flood plain. A proposed fill and dump station is located outside of the dump station.

As for the submittal of this application, the applicant has stated that they have only obtained preliminary site approval from Clermont County Public Health, the Ohio Board of Health, and the Ohio EPA. However, no documentation has been provided with this application packet.

**SITE ACCESS:**

The proposed site has existing paved driveway access north of McKeever Road. Interior circulation has been presented throughout the property, accessing the proposed twenty-five (25) RV campsites. No further details have been provided at this time.

**STAFF ANALYSIS:**

The application has provided a site plan required under Williamsburg Township's Zoning Resolution: Article 10: Section 1001: Applicability for Site Plan Review for development proposals in B-2 General Business Districts.

Staff finds that the submitted site plan lacks essential details that may be needed to make an informed review. We highly recommend that the Township request the above-highlighted information be provided before taking action on the proposed rezoning request, as the site plan will be approved along with the property's zoning. Considering the uniqueness of the existing structures and the proposed multiple separate uses, further detail is requested to be provided to the Township.

Though conceptual, the site plan, shows significant portions of the development within the 100-year flood zone. A wetland review may be required, and 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 the submitted site plan and multi-proposed uses, further review is required by the Township to determine if Williamsburg Township's Site Development Standards in Article 10 adhere.
- All structures shall be surveyed, split off into separate platted parcels, and must conform to the *Clermont County Subdivision Regulations and Williamsburg Township Zoning Resolution*.

**Clermont County Engineer's Office Comment:**

- The existing driveway shall be upgraded to comply with the Clermont County Engineer's Office's commercial driveway standard.
- ODOT shall also be consulted regarding potential impacts to access onto SR 32

**The Clermont County Water Resources Department Comments:**

- There is currently no public sanitary sewer for the proposed development.
- Provide a Verification Letter regarding the on-site system from the Ohio EPA and Clermont County Public Health.
- Determine the available capacity for water and sewer services with Brown County Water.
- The proposed development is in the flood plain and must meet flood regulations.

**STAFF RECOMMENDATION:**

Based on the Staff Analysis, move to **RECOMMEND APPROVAL** of Williamsburg Township Zoning Case ZC-02-22 rezone two parcels 523505A028 (21.11 acres) & parcel 523505A105 (2.73 acres) consisting of +/- 23.84 acres from B1 – Neighborhood Business District to B-2 – General Business District with the following conditions:

1. Before the Township grants a zoning certificate for either of the proposed uses on site, a revised site plan shall be submitted to the Township for review and conform to the site development standards under Article 10 of the *Williamsburg Township Zoning Resolution*.
2. All structures shall be surveyed, split off into separate platted parcels, and conforming to the Clermont County Subdivision Regulations and Williamsburg Township Zoning Resolution.
3. The existing driveway shall be upgraded to comply with the Clermont County Engineer's Office's commercial driveway standard.

**STAFF RECOMMENDATION: Cont.**

4. ODOT shall also be consulted regarding potential impacts to the access onto SR 32.
5. Determine the available capacity for water and sewer services with Brown County Water.
6. Provide a Verification Letter regarding the on-site system from the Ohio EPA and Clermont County Public Health.
7. The proposed development shall meet all stated flood regulations.