



LEGISLATIVE COVER MEMO

Introduction: July 15, 2024

Agenda Item: **Ordinance 2024-17**
AN ORDINANCE TO CONSIDER THE REQUEST FROM FORESTAR REAL ESTATE GROUP TO REZONE 109.5 ACRES OF LAND ON SHAKER ROAD AND MANCHESTER ROAD FROM I-2 GENERAL INDUSTRIAL DISTRICT TO R-2 METROPOLITAN RESIDENTIAL DISTRICT.

Submitted by: Barry Conway, City Engineer

Scope/Description: Charles E. Baverman III, of Dinsmore & Shohl, LLP on behalf of Forestar Real Estate Group, 9292 N. Meridian Street, Suite 211, Indianapolis, Indiana 46260 has requested a rezoning for their 109.5 acre parcel (Parcel # 0835200001) located on Shaker Road and Manchester Road from I-2 General Industrial District to R-2 Metropolitan Residential District.

This rezoning request was reviewed by Planning Commission at its July 10, 2024 regularly scheduled meeting. After holding a public hearing on the request, Planning Commission voted 6-0 to recommend to approve the rezoning request to City Council.

Vote Required for Passage: Per Section 4.12 of the City Charter, the amendment, or rejection of this Ordinance requires the affirmative vote of not less than FOUR members of Council.

Exhibits: Exhibit A: Rezoning Application

CITY OF FRANKLIN, OHIO
ORDINANCE 2024-17

AN ORDINANCE TO CONSIDER THE REQUEST FROM FORESTAR REAL ESTATE GROUP TO REZONE A 109.5 ACRE PARCEL OF LAND ON SHAKER ROAD AND MANCHESTER ROAD FROM I-2 GENERAL INDUSTRIAL DISTRICT TO R-2 METROPOLITAN RESIDENTIAL DISTRICT.

WHEREAS, the Forestar Real Estate Group has submitted a request to rezone a 109.5 acre parcel of land on Shaker Road and Manchester Road District (Parcel # 0835200001) from I-2 General Industrial District to R-2 Metropolitan Residential District and;

WHEREAS, the Franklin City Planning Commission, at its July 10, 2024 meeting, voted 6-0 to make a recommendation to Council for approval on the submitted rezoning request and;

WHEREAS, this Council, upon receipt of said recommendation, has timely conducted a public hearing in accordance with Section 4.03 of the Charter of the City of Franklin;

WHEREAS, this Council, upon receipt of said recommendation, has conducted a public hearing in accordance with Section 4.13 of the Charter of the City of Franklin; and

THE CITY OF FRANKLIN HEREBY ORDAINS

Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the rezoning request is approved as recommended by Planning Commission. The Official Zoning Map of the City of Franklin, adopted by Ordinance 2020-01 on February 3, 2020, is hereby amended by changing the zoning from I-2 General Industrial District to R-2 Metropolitan Residential District for Parcel # 0835200001, located on Shaker Road and Manchester Road in the City of Franklin;

OR

Section 1. Upon an affirmative vote of at least four (4) of the members of Council present, that the recommendation of Planning Commission is overruled in the following respects:

_____ and;

Section 2. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed;

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council;

Section 4. This Ordinance shall become effective on August 30, 2024.

INTRODUCED: July 15, 2024

ADOPTED: July 29, 2024

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by that body on July 29, 2024.

Khristi Dunn, Clerk of Council



Legal Counsel.

DINSMORE & SHOHL LLP
255 E. Fifth St., Suite 1900
Cincinnati, OH 45202
www.dinsmore.com

Charles E. Baverman III
513-977-8351 (direct) · (513) 977-8141 (fax)
Charlie.Baverman@Dinsmore.com

May 31, 2024

City of Franklin, Ohio
Building & Zoning Division
1 Benjamin Franklin Way
Franklin, OH 45005

Re: Rezoning Application

**Intersection of Shaker Road and Manchester Road, City of Franklin, Warren County,
Ohio Parcel ID 0835200001**

To Whom It May Concern:

Enclosed herewith are application materials for the proposed re-zoning of the above-referenced property from I-2 Light Industrial to a PUD overlay permitting the development of a residential subdivision thereon. For your convenience, the following is a list of the materials being submitted as part of the application:

1. Executed copy of the application;
2. Notarized letter of authorization from the property owner;
3. Legal description of the Property;
4. List of all contiguous/adjacent owners;
5. Vicinity map (showing the matters requested by Item D of the application);
6. Statement (addressing the matters requested by Item E of the application);
7. Depictions of proposed community amenities;
8. Sample architectural renderings and housing features; and
9. Application fee check.

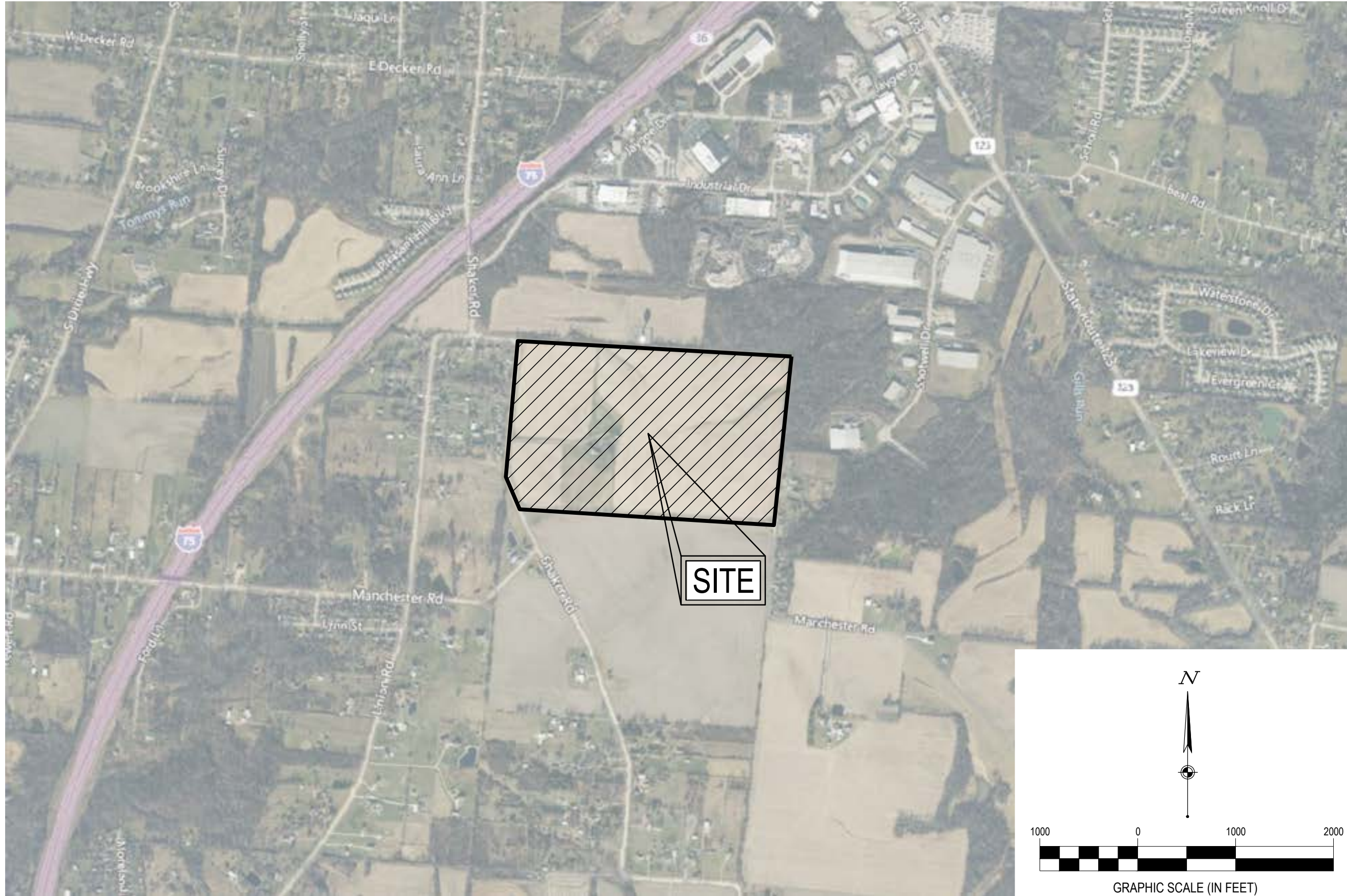
My client Forestar (USA) Real Estate Group Inc. and I appreciate your consideration of the application and look forward to working with the City of Franklin to bring this promising development to fruition. Please do not hesitate to reach out to me directly should you have any questions regarding the contents of the application.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "C.E. Baverman III".

Charles E. Baverman III
Attorney for Forestar (USA) Real Estate
Group Inc.

CEB/mah
enclosures
43751745.1



FORESTAR

SHAKER FARMS
MANCHESTER ROAD AND SHAKER ROAD
FRANKLIN TOWNSHIP, OH

© 2024 CESO, INC.

Project Number: 763884-01

Scale: 1"=1000'

Drawn By: RJL

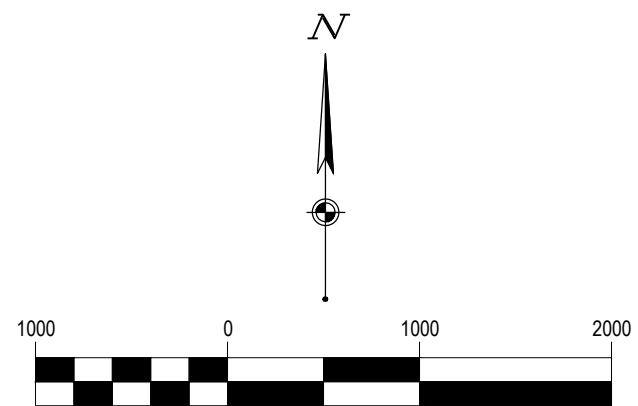
Checked By: JSB

Date: MAY 2024

Issue: PRELIMINARY

Drawing Title:

VICINITY MAP



GRAPHIC SCALE (IN FEET)
1 in. = 1000 ft.



Legal Counsel.

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May 31, 2024

City of Franklin, Ohio
Building & Zoning Division
1 Benjamin Franklin Way
Franklin, OH 45005

Re: Supplement to Rezoning Application

Intersection of Shaker Road and Manchester Road, City of Franklin, Warren County, Ohio Parcel ID 0835200001

To Whom It May Concern:

This letter accompanies a Rezoning Application submitted on behalf of my client, Forestar (USA) Real Estate Group Inc. ("Forestar"). Forestar proposes to develop 284 single family residential lots on an approximately 110 acre parcel located at the intersection of Shaker Road and Manchester Road in the City of Franklin (the "City"), Warren County, Ohio Parcel ID 0835200001 (the "Property"). In order to facilitate this development, Forestar proposes to re-zone the Property from the I-2 General Industrial District ("I-2") to the Planned Unit Development Overlay District ("PUD"). Contemporaneously with this application we have also submitted a Planned Unit Development application and a preliminary development plan. This letter will explain Forestar's proposed development and the rationale for the proposed zone change.

Developer Overview

Forestar is a leading national residential lot developer focusing on the affordably priced single family home market. Based in Arlington, Texas, Forestar has averaged more than 14,500 residential lot deliveries annually from 2020 through 2023. It currently holds a portfolio of approximately 82,400 lots throughout the country, as shown in the graphic below.

DIVERSIFIED NATIONAL FOOTPRINT

57 MARKETS | 23 STATES



Forestar is a majority-owned subsidiary of D.R. Horton, the largest homebuilder by volume in the United States since 2002. Forestar's strong relationship with its parent entity creates a preferred buyer for Forestar developed lots. Forestar expects that D.R. Horton will acquire and develop all or a majority of the lots within this proposed community.

Proposed Community Overview

Forestar proposes to construct a residential subdivision development on the Property containing 46 townhome lots, 135 fifty-foot width lots and 103 sixty-foot width lots. The preliminary development plan included with this application also identifies numerous community amenities including pickleball courts, a children's play area, dog park and walking trails. Depictions of these proposed amenities are included with this application.

Finally, the homes to be constructed within this community will feature numerous amenities that will be appealing to current and prospective City residents. A list of sample features often included in D.R. Horton home communities is included with this application, as are sample architectural renderings of home construction options for each of the lot types to be offered within the community.

Property Description

The Property is currently being used for agricultural purposes, with one residential structure constructed in 1963 located on the entire 110 acre parcel.

In 2023 the Property was annexed into the City and classified in the I-2 district.

Rationale for PUD Zoning

The City’s planning staff has recommended PUD zoning for the proposed project. Pursuant to Section 1109.05 of the City’s Municipal Code (the “Code”), PUD zoning may be used:

“to accommodate the development or redevelopment of parcels consistent with the design principles of traditional neighborhoods and conservation subdivisions. Traditional neighborhood development means a consolidated, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity or walking distance to each other . . . Such proposed developments may be considered for approval at locations and with conditions that the City determines to be appropriate for the development and the surrounding area.”

The Code also states that PUD zoning should be used “to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning.”

As mentioned above, Forestar’s proposed community will include numerous attractive amenities and it will be designed in accordance with the City’s standards to ensure a high quality finished product.

Comprehensive Plan Compliance

Forestar’s proposed development aligns with the recently completed Reinvent Franklin 2040 Comprehensive Plan (the “Plan”), which intends for the Property to be used for single-family residential housing. The Future Land Use Map identified as Map 2.7 in Chapter 2: Land Use of the Plan designates the Property for “low density residential” use in the future. Under the Plan, “low-density residential” is defined as:

“0-6 dwelling units per acre. Characterized by single-family residential development with lots ranging in size and one to two-story buildings. These lots are characterized by a variety of single-family dwellings, ample open space, extensive landscaping, and separations between single-family dwellings and/or accessory buildings.”

The Plan identifies that the future land use map “provides a clear understanding of what the City expects for new development.”

Forestar’s proposed development would also promote the goals and findings of the Plan. Chapter 5 of the Plan lists the main goal of the Plan’s housing chapter as creating the conditions that create choice neighborhoods in the City, resulting in those neighborhoods becoming desirable and attractive housing options in the Miami Valley market. This goal comports with the finding made on page 82 of the Plan, which states that there is a need

for higher-end housing in the City and housing designed to lure young professionals and families to the City. The Plan identifies infill development as one of the ways that the Plan hopes to achieve its goal of creating choice neighborhoods of higher-end housing within the City, as outlined in Chapter 2: Land Use. However, as stated in the Plan, infill development in 'core neighborhoods' should shy away from single-family redevelopment.

Ultimately, Forestar's development of the Property into single-family home lots would achieve the above-stated goals of the Plan by creating a highly desirable neighborhood that will stand out in the Miami Valley market and provide higher-end housing options that attract young professionals and families into the City. Further, the development of this community on a newly annexed site comports with the Plan's goal of utilizing infill development on underdeveloped property to achieve the goals of the Plan, while avoiding the infilling of core neighborhoods where the Plan indicates that higher-density housing options are desired. Overall, the Forestar development will signal that the City is an economically vibrant and desirable locale where high-quality development is taking place, both of which concepts are underscored throughout the Plan.

Positive Community Impact

Forestar's research indicates that the City, like most communities in this region, is in need of additional housing stock to both grow its population base and provide opportunities for existing residents to improve their standard of living. A rezoning of the Property to permit residential usage would accomplish those goals by taking an underutilized parcel and transforming it into a vibrant community containing a mixture of desirable housing options at different price points together with attractive community amenities.

Forestar intends to spend approximately \$23,000,000 in the development of this proposed residential community. That investment, combined with the investment in homes construction to be made following subdivision development, will enhance the value of surrounding properties and the addition of this community to the City's tax base will benefit the City as a whole. Furthermore, the inflow of new residents who also work, eat and shop in the City will help existing business located throughout the City to thrive.

Forestar's proposed development will benefit surrounding properties in numerous ways. Forestar will extend public utility lines to the Property in order to facilitate this development, which lines will then be accessible for use in any future development of neighboring properties thereby lessening the cost to develop those properties. The development of residential homes on this Property will also demonstrate the market for new housing in this portion of the City, which will have a positive impact on property values in the surrounding area.

Conclusion

As explained above, a single family residential home community is an ideal use for the Property that will have a positive economic impact for the City and will enhance the quality

of life available to current and future City residents. We respectfully request approval of this application so as to facilitate the development of this exciting project.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'C.E. Baverman III', with a long horizontal flourish extending to the right.

Charles E. Baverman III
Attorney for Forestar (USA) Real Estate
Group Inc.

CEB/MAH
enclosures

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SCHEDULE II

Sample Elevations

See attached.







SCHEDULE III

Sample Depictions

See attached.







SAMPLE FEATURES

Community Included Features

- Cluster Mailboxes
- Stone water table with address plaque

A Gourmet's Delight

- Premium Aristokraft cabinetry with 36" upper cabinets
- Whirlpool stainless steel appliances, including electric smooth top range, microwave and dishwasher
- Stainless steel 8" deep double bowl sink
- Walk-in Pantry
- Ice maker water line rough-in
- Garbage disposal
- Microwave vented to the outside

Heart of the Home

- 9' Ceilings first floor
- Half wall on lower staircase
- Granite in kitchen with Spot-Resistant Pull-Down Faucet
- Quartz bathroom countertops
- Rev-wood flooring on first floor per plan
- Low-maintenance vinyl flooring in bath/laundry room
- Mohawk carpet in select areas of home
- Mohawk 3/8" 5lb carpet pad
- Moen chrome faucets in kitchen and baths
- Large 6' sliding glass door
- Arch top interior doors with smooth finish & knob handles
- Elongated commodes- Fiberglass tub/shower surround
- By-pass Shower doors
- Maxim exterior lighting
- Puck lights in Kitchen/Great room/all bedrooms/breakfast nook/study/ bathrooms & showers per plan
- Ceiling Fan R/I in Great room/ Bedroom 1
- Pre-primed interior trim & casing/ Sherwin Williams Paint
- Ventilated wire shelving in closets
- Smoke detectors w/ battery back-up in bedroom/ hallway

Luxurious Bedroom 1 Suite

- Generously sized Bedroom 1 with attached full Bath
- 4 Puck Lights and Ceiling Fan R/I
- Spacious walk-in closets
- Raised height double bowl vanities

Distinctive Exteriors

- Professionally designed exterior elevations
- Sodded front and side yards /Seed straw rear yard
- Landscaping package
- Low maintenance wood grain textured vinyl siding
- Dimensional fiberglass shingles
- Garage door opener, keypad & transmitters
- Garage coach lights
- Grids on front windows
- Shutters on front elevation per plan/elevation
- Vinyl ventilated soffits
- Continuous aluminum gutters and downspouts
- Two frost-proof exterior hose bibs
- Two exterior electrical outlets
- Concrete driveway and walkways

Energy Saving Features

- MI Vinyl insulated double pane windows with low-E glass, and screens
- 95% high-efficiency electric heat pump
- 15 SEER High efficiency air conditioner
- 50-gallon electric water heater with quick recovery
- Ridge vents for maximum attic ventilation
- High density R-15 wall insulation batt with vapor barrier
- R-49 Ceiling insulation
- Blower door & duct blasting tests prior to close
- Advanced air barrier & air sealing techniques
- Insulated wood front door & house to garage door

Home Is Connected

- DEAKO Switch package
- Video doorbell installed
- Programmable smart thermostat
- Amazon Echo Dot®
- Smart lock on front door
- Lamp Module
- Touchscreen control panel
- All smart home features are professionally integrated after closing
- Garage door opener w/ 2 transmitters & keypad

Superior Construction

- 2 CAT 6, 1 Phone Line CAT 5
- Non-corrosive PEX plumbing
- Passive radon mitigation system
- Engineered roof truss system
- All studs at 16" on center on all load bearing walls & exterior walls
- 220V Dryer outlet with dryer vent
- 200 AMP electric service

D.R. Horton's Personal Touch

- **America's #1 Homebuilder Since 2002****
- One-year limited warranty from D.R. Horton
- Two-year limited mechanical, electrical, plumbing and HVAC warranty from D.R. Horton
- Each D.R. Horton home is backed by an industry leading RWC Ten-year insured, transferable structural limited warranty
- 30 Year Tuff-n-Dri foundation waterproof and insulation on Basement plans
- Lifetime Limited Dimensional roof shingles
- Personalized homeowner orientation
- Final walk-through prior to closing
- 30 day, 6 month and 11 month scheduled warranty service.
- 50 Year Vinyl Siding Warranty

D.R. Horton is an Equal Housing Opportunity builder. Home and community information, including pricing, included features, terms, availability and amenities, are subject to change and prior sale at any time without notice or obligation. Options and upgrades are available at an additional cost and are subject to construction cut-off dates. D.R. Horton reserves the right to substitute for equal or higher priced models. See sales agent for complete details. D.R. Horton America's Builder is a registered trademark of D.R. Horton, Inc. Other registered trademarks used above are used for informational purposes only and do not indicate endorsement or sponsorship of the products or services of D.R. Horton, Inc. *Peephole not included if home has glass front door option. **D.R. Horton is America's largest new home builder by volume. Rev. 06/21/21