



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, May 29, 2014 at 7:00 PM

**Frank B. Willis Building, 2079 US 23 North, Conference Room,
Delaware, Ohio 43015**

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of April 24, 2014 RPC Minutes
- Executive Committee Minutes of May 21, 2014
- Statement of Policy

II. VARIANCES *(none)*

III. ZONING MAP/TEXT AMENDMENTS

- 07-14 ZON Scioto Twp. Zoning Commission – zoning text amendments
- 08-14 ZON Douglas Hoover – Berkshire Twp. – 2.849 acres from PCD to FR-1
- 09-14.A ZON Lifestyle Communities – Liberty Twp. – 7.32 acres from PC to PC
- 09-14.B ZON Lifestyle Communities – Liberty Twp. – 39.321 PC and PI to PR
- 10-14 ZON Old Harbor Estates LLC – Berlin Twp. – 15.38 acres from FR-1 to R3 w/ PRD overlay

IV. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
07-14	Tanger Outlets	Berkshire	01 lot / 66.10 acres
08-14	Northgate II	Genoa	02 lots / 04.538 acres
09-14	London Crossing (fka Holmes Tract)	Genoa	13 lots / 10.094 acres

Preliminary/Final *(none)*

Final

10-14	Sorrento at Highland Lakes <i>easement vacation</i>	Genoa	01 lots /30.207 acres
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T=TABLED, W=WITHDRAWN

V. EXTENSIONS *(none)*

VI. OTHER BUSINESS

- Compensation for Contract Work after regular business hours

VII. POLICY / EDUCATION DISCUSSION

- Brief demonstration of the new DALIS website
- Reminder: Zoning Inspector meeting on Tuesday, June 3 at 8:30 a.m. in the RPC offices.

VIII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairman O'Brien called the meeting to order at 7:30 p.m.

▪ **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Susan Kuba, Ric Irvine, Fred Fowler, Ken O'Brien, Tom Hopper, Dave Stites, Tom Farahay, Bill Thurston, Teresa Watkins, Charlie Callender, Bonnie Newland, and Mike Dattilo. Alternates: Adam Howard, John Piccin and Tom Neid. Arrived after roll call: Tiffany Jenkins (R). Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the April 24, 2014 RPC Minutes**

Mrs. Jenkins made a motion to Approve the minutes from the last meeting, seconded by Mr. Sedlacek. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **May 21, 2014 Executive Committee Minutes**

1. Call to order

Chairman O'Brien called the meeting to order at 7:45 a.m. Present: Ken O'Brien, Tiffany Jenkins, Susan Kuba, Dave Stites, and Jeff George. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from April 16, 2014

Mrs. Kuba made a motion to Approve the minutes from the April 16, 2014 Executive Committee meeting, seconded by Mr. George. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

- Financial / Activity Reports for May 2014

REGIONAL PLANNING RECEIPTS		APRIL	YTD TOTAL
General Fees (Lot Split)	(4201)	\$820.00	\$2,665.00
Fees A (Site Review)	(4202)	\$300.00	\$2,400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$600.00
Membership Fees	(4204)	\$20,126.00	\$268,280.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$861.30
Assoc. Membership	(4206)		
General Sales	(4220)	\$10.00	\$10.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$15,200.00	\$46,575.00
Charges for Serv. B (Final. Appl.)	(4231)		\$4,400.00
Charges for Serv. C (Ext. Fee)	(4232)		\$300.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$900.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$720.00	\$845.00
Soil & Water Fees	(4243)	\$550.00	\$2,425.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$207.64
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$65.72	\$110.12
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$38,491.72	\$331,179.06

Balance after receipts	\$710,526.68
Expenditures	- \$ 22,751.94
End of April balance (carry forward)	\$687,774.74

After discussion of the financial reports, Mr. George made a motion to approve the financial reports as presented for audit. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Site Review
 - 1.) Tanger Outlets – Berkshire Twp. – 01 lot / 66.1 acres
 - 2.) Olentangy Crossings Sec. 7, Lot 7404, Div. #1 – Orange Twp. 01 lots / 25.03 acres
 - 3.) Slate Ridge – Orange Twp. – 05 lots / 58.33 acres

- May RPC Preliminary Agenda
 - 1.) Rezoning:
 - Scioto Twp. Zoning Commission – zoning text amendments
 - Douglas Hoover – Berkshire Twp. – 2.849 acres from PCD to FR-1
 - Lifestyle Communities – Liberty Twp. – 7.32 acres from PC to PC
 - Old Harbor Estates LLC – Berlin Twp. – 15.38 acres from FR-1 to R3 w/ PRD overlay
 - 2.) Variance: *none*
 - 3.) Preliminary:
 - Tanger Outlets –Berkshire Twp. - 01 lot / 66.10 acres
 - Northgate II-Genoa Twp. - 02 lots / 04.538 acres
 - Holmes Tract-Genoa Twp. - 13 lots / 10.094 acres
 - 4.) Preliminary/Final: *none*
 - 5.) Final:
 - Sorrento at Highland Lakes *easement vacation* – Genoa Twp. - 01 lots /30.207 acres
 - 6.) Extension: *none*

- Director’s Report
 - 1.) Berlin Code - in process of being adopted.
 - 2.) Berlin Comp Plan - Attended 5/13 to discuss, to make final minor changes.
 - 3.) Berkshire Zoning Code - Attended 5/19 to finalize minor changes - send to Prosecutor via Jeff George.
 - 4.) Berkshire Zoning Code - if they want to continue with changes, establish a contract.
 - 5.) Liberty Zoning Code - Final changes and clean copy to township, now waiting for adoption.
 - 6.) Liberty Comp Plan - Maps complete, no meetings yet, want to wait until Code is in adoption phase, negotiating contract, begin stakeholder meetings.
 - 7.) Concord Comp Plan - Discussing recommendations. Next meeting invited Buckeye Valley

Representative and Sanitary Engineer.

- 8.) Planning a Zoning Inspector meeting for Tuesday, June 3rd at 8:00 a.m. here.
- 9.) Continued work with the Partnership for a Healthy Delaware County toward creation of its Community Health Improvement Plan (communications, obesity committees).
- 10.) Working with other county agencies to amend the Final Plat requirement and reduce to 11 x 17 for internal copies, use paper instead of mylar, and distribute copies of the signed plat rather than the pre-signed plat. Also reviewing the print distribution schedule which currently includes a mylar for the Map Dept. (which they no longer want) and “photo positives” for other agencies (which utilizes a process that no longer exists).
- 11.) May 13th attended a kickoff meeting at MORPC for an Active Transportation Plan. Plan will identify regional routes including transit planning.
- 12.) May 13th attended the Dam Safety Meeting for Delaware County officials sponsored by EMA and ODNR.
- 13.) New DALIS site - continue working with GIS staff to add features from our own data, have modified/prepared the following: Zoning, Current Active Subdivisions, Olentangy Streams and Setbacks, Parks, Trails, Sidewalks, Proposed Roads.
- 14.) Future educational sessions at RPC meetings: DALIS website, Lot split, Tech Review, Site review, Preliminary Plan, CAD’s ...

4. Old Business (*none*)

5. Other Business (*none*)

6. Personnel

- Bonus Policy amendments –

RPC staff will continue working on updating the Bonus Policy for future contract work.

Mr. Stites made a motion to recommend Approval of compensating Mr. Sanders \$708.40 for contract work completed, after regular business hours, over 15 pays beginning June 13th – December 26th. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

7. Adjourn

Having no further business, Mr. George made a motion to adjourn the meeting at 10:20 a.m. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, June 18, 2014 at 8:45 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.

• **Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted an opportunity to make their formal presentation. The audience will then be granted an opportunity to speak, at which time the chair will allow questions from the members of the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration. The Chairperson may limit repetitive debate.

II. VARIANCES (none)

III. ZONING MAP/TEXT AMENDMENTS

07-14 ZON Scioto Twp. Zoning Commission – zoning text amendments

I. Request

The Scioto Township Zoning Commission has been working on a number of text amendments within its Zoning Resolution.

- 1) Article XXVIII – Board of Appeals, Section 28.06 d) to add language for the “Expiration of Variance” which is compatible with Court rulings.
- 2) Article XXIII – Board of Appeals, Section 28.07 e) 1) to add language for the “Expiration of a Conditional Use Permit” which is compatible with Court rulings.
- 3) Amendment to be applied to five (5) separate Articles (FR-1, PRD, C-1, C-2, A-1), Sections (7.04, 10.04, 12.04, 13.04, 19.04). In order to comply with Court rulings, language specific to “revoke” must be removed from these Articles. Note: The “revoke” language will remain in Article XVI – Industrial District (I) and Article XVIII – Quarry District (QD), Sections 16.04, 18.04 because those are active “Mineral Mining” sites within the Township with Conditional Use permits.
- 4) Article IV – Definitions, Section 4.01 k) to add language to the Resolution which identifies the various types of Cemeteries recognized in the ORC.
- 5) Article VII – (FR-1), Section 7.04 j) to replace old language and add new language for Commercial, Pet, and Family Cemeteries.
- 6) Article VII (FR-1), Section 7.04 j) iii) e – Declaration Document/Family Cemetery) which is a form to become part of the Conditional Use process (if approved) that is to be filed with the County Recorder’s Office.
- 7) Article XXI – General Development Standards, Section 21.05 c) – Swimming Pools to change language to place the safety approval process solely with the Delaware County Code Compliance Department.
- 8) Article IV – Definitions, Section 4.01 l) to add a definition for Temporary Conditional Uses.
- 9) Article VII (FR-1), Section 7.04 r) to add language that identifies specific Temporary Conditional Uses that are not currently addressed in the Resolution.
- 10) Article VII (FR-1), Section 7.03 e) to add new Agricultural Definitions enacted by the 129th General Assembly and to update/revise old language in this Section to better comply with the ORC.
- 11) Article XIX (A-1), Sections 19.03 e) f) g) to add new Agricultural Definitions enacted by the 129th General Assembly and to update/revise old language in these Sections to better comply with the ORC.

II. Response

A township representative has been in contact with RPC staff in discussing many of these issues. The township submitted a copy concurrently to the County Prosecutor’s office and will share that information with staff for use in other communities.

III. Staff Recommendations

Staff recommends **Conditional Approval** of the text amendments to the Scioto Township Zoning Resolution to the DCRPC, Scioto Twp. Zoning Commission and Scioto Twp. Trustees, *subject to incorporating any comments from the County Prosecutor’s office.*

Commission / Public Comments

Mrs. Jenkins made a motion for Conditional Approval of the text amendments to the Scioto Township

Zoning. *Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

08-14 ZON Douglas Hoover – Berkshire Twp. – 2.849 acres from PCD to FR-1

I. Request

The applicant Douglas Hoover, on behalf of Mary F. Hoover, Trustee, is requesting a 2.849-acre rezoning from PCD to FR-1 for a single family dwelling.

II. Conditions

Location: 399 S. 3 B's & K Road

Present Zoning: Commercial Planned Community Office District (PCD)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): house and 2 outbuildings

Proposed Use(s): existing use

Existing Density: NA/Commercial Use

Proposed Density: 1 du / acre

School District: Olentangy Local School District

Utilities Available: Del-Co Water and private on-lot treatment systems

Critical Resources: stream/drainage course

Soils: BoA Blount Silt Loam 0-2% slope

BoB Blount Silt Loam 2-4% slope

GwB Glynwood Silt Loam 2-6% slope

PwA Pewamo Silty Clay Loam 0-1% slope

III. Issues

RPC records indicate that this property was reviewed by the Commission in March, 2000, and was rezoned by Berkshire Township in May, 2000, to Planned Commercial with the intent to use the property for commercial purposes at a maximum 3,600 square feet. Over the years, the site has failed to sell as a potential commercial site. Further, financing for potential owners who may wish to use the site in its existing residential form is limited since the current use is non-conforming. A potential buyer has committed to purchasing the land, conditioned upon gaining financing, and proposes to have it rezoned.

The current residential use is in character with other parcels on the east side of 3 B's and K Road, despite the fact that the large acreage between those lots and the Interstate is zoned Planned Commercial. The Comprehensive Plan recommends that these lots to the south remain as residential, so "downzoning" this property is in keeping with that. The potential road network on the MTB/Dorcy Oil and Medellin properties will not be impacted by rezoning this site to FR-1.

IV. Staff Recommendations

Staff recommends **Approval** of the 2.849 acre rezoning for Douglas Hoover to the DCRPC, Berkshire Twp. Zoning, and Berkshire Twp. Trustees.

Commission / Public Comments

Mr. Sedlacek made a motion for Approval of the 2.849 acre rezoning for Douglas Hoover. Mr. Farahay seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-14.A ZON Lifestyle Communities – Liberty Twp. – 7.32 acres from PC to PC
09-14.B ZON Lifestyle Communities – Liberty Twp. - 32.00 acres PC and PI to PR.

I. Request

The applicant, Lifestyle Communities, is requesting a 7.32-acre development plan amendment from Planned Commercial to Planned Commercial with a different development plan.

The applicant also seeks a rezoning of existing Planned Commercial and Planned Industrial to Planned Residential for the purposes of developing 264 units in township-style multi-family structures and 55 units of single-family detached condominiums.

II. Conditions

Location: southwest corner of Sawmill Parkway and Seldom Seen Road

Present Zoning: Planned Commercial Development (PC) and Planned Industrial (PI)

Proposed Zoning: Planned Commercial Development (PC) and Planned Residential (PR)

Present Use(s): vacant

Proposed Use(s): The Villages at Sawmill Parkway mixed use development

Proposed Density: 36 units in the PC designation (5.1 units per acre)
319 units in the PR designation (9.9 units per acre)

School District: Olentangy Local School District

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: stream/drainage course

Soils: BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

AmE Amanda Silt Loam 18-25% slope

CaC2 Cardington Silt Loam 6-12% slope

Surrounding uses: **To the east** is the railroad with commercial land (Wolf Commerce Park) in the City of Powell; **to the south** is Woods at Big Bear Farms condominiums in Powell; **to the west** is Sawmill Parkway, the Orchards at Big Bear Farms condos and the Seldom Seen Acres condos, both in the Township; and **to the north** is Golf Village Retail Section 1, with several built outlots, two vacant outlots, and a 23-acre undeveloped parcel owned by the City of Powell. Also, in the northwestern corner is the site of Urban Active Fitness and CVS, along with a vacant retail site.

III. Description

The subject property was zoned by Liberty Township in June of 1999, according to RPC records, with land along the railroad zoned as Planned Industrial and the remainder as Planned Commercial. The land was platted as several large lots but it remains undeveloped. The overall masterplan also included the extension of Sawmill Parkway as well as residential uses on the west side of Sawmill. As a platted subdivision with unbuilt right-of-way, this site will need to be re-platted for the purposes of establishing easements and creating the large commercial blocks.

The current proposal seeks to develop a Traditional Neighborhood Design concept, with a mix of uses in a walkable layout. Along Sawmill Parkway and between existing Sawmill Drive and a new private road that requires a new access from Sawmill Parkway, a new development plan shows a 40,000 s.f. commercial building. This could house a variety of commercial uses as allowed in the development text, and will feature a large public restaurant. A smaller 5,000 s.f. commercial building is proposed to include 20 residential units above retail. A third building will serve as an amenities building with an outdoor pool and tennis courts for the overall development and would include 16 residential units integrated into the building. Based on the architectural renderings, these buildings are

proposed to be of a traditional design at three-stories in height, which is also reflected in the height variance request listed elsewhere in the report.

The residential portion of the site is designed with two different housing products. One is the Epcon single-family detached condominium unit, with 55 buildings using this format. These units range from roughly 1,900 square feet to 2,000 square feet in size. All have private garages accessed from the front.

The second approach is in a townhouse format, arranged in blocks. Parking is provided along the private streets and internally within each block. No square footage is listed in the proposal, but the company's successful River South development in downtown Columbus offers units from 661 square feet (one bedroom) to 1,865 square feet (two bedrooms, two baths). Units at River South also include ground floor parking accessed via the internal blocks.

As previously noted, thirty-six units are proposed within the mixed-use buildings. It is assumed that these square footages will be in the same range as those listed above.

Overall, the development includes 5.7 acres of open space in the form of detention areas and two small "squares" integrated within the site. Generally, open space also exists in smaller pieces throughout the development. Detail is provided showing various green space around the buildings. All internal streets include street trees and parking lots within multi-family squares and also include landscaping and trees.

Five-foot paved sidewalks are provided along all internal streets and a larger multi-use path is proposed to extend from an existing trail as it leaves property to the south, extending north to Seldom Seen Road to connect to the existing trail along the north side of Seldom Seen Road.

IV. Conformance with the Comprehensive Plan

The 2006 Liberty Township Comprehensive Plan identifies the "Sawmill Central" subarea as a large zone between Powell Road and Home Road, west of the railroad. The plan recommends that vacant sites along Sawmill be considered for Traditional Neighborhood Development with pedestrian orientation, significant green space, mixed uses and a maximum density of five units per net developable acre. Throughout the report, staff recognizes that several divergences are appropriate to achieve this type of development, and concedes that the density may be appropriate at 6 units per gross acre as allowed in the zoning code as well as additional density allowed in the commercial area, but cannot support the densities requested.

V.A Divergences – 09-14.A ZON Planned Commercial

The applicant has asked for seven divergences from the standards in the zoning code:

1. Request to reduce the minimum acreage requirement from 10 acres as defined in the code to 7 acres based on the fact that this site is integrated into a larger mixed-use district.
Staff response: *This is reasonable as the site is surrounded by other commercial to the north, which totals approximately 9 acres in addition to this proposal.*
2. Request to increase the lot coverage from the required 70% and reduce the open space from 30% required based on the fact that this site is integrated into a larger mixed-use district.
Staff response: *This may be reasonable, based on the open space along the railroad and throughout the site. The application does not provide detail as to what the current percentages are and how that compares to the requirements. RPC staff does not have access to digital files to make this determination.*
3. Request for a reduction of setbacks as defined, while noting that the code allows setbacks to be "per plan."

Staff response: It should be noted that the development plan does not indicate where these setbacks cannot be met. The drawing indicates a 2-foot parking setback and a 10-foot building setback along the internal private streets. The Township should consult with the Fire Chief regarding this specific request. However, based on the walkable approach of the overall development, it is appropriate to have such small setbacks. The setback to the west is also appropriate since that land will be developed commercially as well.

4. Request to increase the height of the amenity buildings from 40 feet to 50 feet.

Staff response: This may be reasonable, but height limitations are based on fire-fighting capabilities. Township should work with the Fire Department to ensure safety. See other comments regarding scale of commercial buildings and architectural details.

5. Request to allow parking to be approved per plan as the plan generally notes the parking does not comply.

Staff response: Based on the Traditional Neighborhood Design concept, this may be appropriate. However, the application notes that the northern amenities building will include a restaurant open to the public. Care should be taken to ensure that residential units within and directly adjacent to the commercial areas have specified parking so that sufficient public parking is available near the amenities building and 5,000 s.f. building. Staff also notes that the large parking lot to the south of the largest commercial building is accessed at a single point from the private road. Providing a second road and pedestrian access to the east of the building will provide improved access for the public and for fire-fighting purposes.

6. Request to allow residential units to be permitted on the upper floors of the retail/office and amenity buildings.

Staff response: Current demographic trends strongly suggest that such walkable, mixed-use developments create a “sense of place” that appeal to a sector that is currently underserved in the Liberty/Powell area. This request may be reasonable, but the application includes little detail as to how these units are integrated into the buildings, how the units are accessed, and how parking is provided.

7. Request to allow “other divergences” as may be necessary in the plan.

Staff response: Staff does not recommend a blanket approval of other divergences without specific reference in the plan. Minor amendments as defined in the Zoning Code may be made through the Zoning Commission if they are discovered after approval.

V.B Divergences – 09-14.A ZON Planned Residential

The applicant has asked for five divergences from the standards in the zoning code:

1. Request to increase the density from 6 dwelling units per gross acre to 9.9 dwelling units per gross acre.

Staff response: Staff understands the request. For a walkable, mixed-use development to be viable, it must attract the public as well as serve a dense core of residents. As mentioned previously, this serves a market that is underserved in this part of Delaware County. A multi-family study is provided as part of the application. Generally, when multi-family uses are provided, this type of layout is much preferred over the typical single-use approach. However, this proposal introduces a density that is out of character with the surrounding area and indicates units that are of unspecified square footages. Reducing the number of units from 319 to 192 would allow the plan to comply with the existing zoning code. This number includes in the current proposed 55 detached units, bringing the multi-family section from 264 to 137, unless these could be distributed differently. The plan could then be amended to allow the multi-family units to be larger, or to include some two-story units where they all appear to be proposed with three stories.

2. Request for a reduction of setbacks as defined, while noting that the code allows setbacks to be “per

plan.”

Staff response: *The drawing indicates a 2-foot parking setback and a 10-foot building setback along the private road network for the non-residential buildings but doesn't indicate other setbacks.*

3. Request for a reduction of parking from 3 spaces per unit to 2 spaces per unit based on previous experience with such projects and planning principles of traditional neighborhood designs.

Staff response: *It appears that the detached section has sufficient parking.*

The drawing indicates parking along the internal streets and within each multi-family “block.” The total number of space provided in the multi-family area is 502 spaces where the required amount is 957. As noted in the introduction, other Lifestyle Communities projects include parking on the base floor of individual units, accessed from within each block. It is reasonable that a reduction of parking can be expected for these units, particularly if there are one-bedroom units. The applicant should provide detail regarding other similar existing developments where there is no off-site parking, such as in a more urban area. Reducing the density would also help with this issue.

4. Request for a reduction of structure separation and a commitment to meet the requirements of the Liberty Township Fire Department with respect to firewalls, etc.

Staff response: *This request is not specific as to where the standard cannot be met. Requests for a reduction in structure separation requirements have been made, and sometimes approved, on other developments. The Township should consult with the Fire Chief regarding this specific request. The new draft of the Zoning Resolution allows the setback in Cluster Housing to be reduced, so with the assurances of the fire-rated adjacent walls as noted within the development plan, this divergence may be reasonable. The code requires masonry walls and no openings on walls that are adjacent. The multi-family buildings may require other fire suppression provisions.*

5. Request for the allowance of storage buildings which also serve as garages, as allowed per plan.

Staff response: *The development plan does not indicate a detail for these structures. There appear to be approximately six such structures dispersed throughout the site. If architectural detail can be provided and these buildings blend with the other structures, this is a reasonable request.*

VI. Utilities

Letters are included from various utilities noting availability. A letter from the Sanitary Engineer's office is included stating that the site can be served by the existing system. This letter is based on a calculation of 300 apartments, 35 condominiums and restaurant, leasing, fitness and retail uses. The calculated usage is equal to 266 residential units.

VII. Architectural Details

Architectural renderings are included for all the structure types and appear to be have significant architectural interest. With higher density developments, it is critical that the materials be of higher quality than what may be specifically required. Materials should be natural, with stone, brick, and wood, or mimicking the appearance of wood. Townhouses should be built with a variety of “faces” across the individual units, which are indicated on the renderings. The style and scale of the retail and amenity buildings seem to be of a Colonial style which appears to be of high quality but out of character with the surrounding area, which is generally built-out. The rendering of the amenity building indicates a three-story structure with a steep pitched roof and double projecting brick chimney structures. This will be adjacent to the Urban Active building, which may justify the height. Generally, the Township should seek additional information on which buildings will be located and what the square footage and height details are projected to be.

VIII. Access

The application includes a Traffic Impact Study with various scenarios for traffic projection. That study and the

development plan, indicate utilizing the full access at existing Bunker Lane and adding a new right-in/right-out access to Seldom Seen Road. The plan also utilizes the existing Sawmill Drive access to Sawmill Parkway, indicating that it will be converted to a right-in/right-out in accordance with the county's access management requirements. A new full access would be provided approximately 532 feet south of Sawmill Drive. This is referenced as a new signalized intersection. There is no corresponding letter from the County Engineer's office stating review of the study and the timing of these improvements is not referenced but there has been significant discussion about the overall access plan for this area.

Based on the mixed-use nature of the site, staff recommends that at minimum, the new road be built to a public standard both in pavement build-up and width to the first intersection to the east. This right-of-way should allow an access point for the SSA LTD parcel with frontage on Sawmill Parkway. Ideally, this public standard would also extend north to existing Bunker Lane, since it will attract public access to the commercial uses. Staff recommends continuing to work with the County Engineer on the overall access plan for this area and seeking approval of a Traffic Impact Study that accounts for the adjacent uses.

IX. Staff Recommendations

09-14.A ZON Planned Commercial Staff Recommendations

Staff recommends **Conditional Approval** of the 7.32 acre Planned Commercial development plan amendments for Lifestyle Communities to the DCRPC, Liberty Twp. Zoning, and Liberty Twp. Trustees, *subject to:*

1. *Approving divergence to reduce the minimum acreage requirement;*
2. *Requiring more information regarding the request for increase in lot coverage and reduction in open space;*
3. *Approving the reduction of setbacks after consultation with the Fire Chief;*
4. *Approving the divergence to increase the height of the amenity buildings, but only after consultation with the Fire Chief and requiring additional detail on the size and scale of the buildings. Consider an architectural style that does not call for such a steep roof and additional height;*
5. *Approving the divergence for reduction in parking only after additional detail is provided on the distribution of residential parking versus commercial parking;*
6. *Providing an additional access for the southern commercial lot east of the building for access and fire-fighting purposes;*
7. *Approving the divergence to allow residential units to be permitted on the upper floors of the retail/ office and amenity buildings after additional detail is provided as to the access and parking of such units;*
8. *Not approving "other divergences" unless specifically noted in the plan;*
9. *Requiring additional architectural detail including materials and color palette for the buildings;*
10. *Requiring a public street standard for the road connection from Sawmill Parkway to the first intersection and preferably maintaining that standard north to existing Bunker Lane.*

09-14.B ZON Planned Residential Staff Recommendations

Staff recommends **Conditional Approval** of the 32.00 acres rezoning from PC and PI to PR for Lifestyle Communities to the DCRPC, Liberty Twp. Zoning, and Liberty Twp. Trustees, *subject to:*

1. *Allowing a density of 6 dwelling units per gross acre in the PR district;*
2. *Approving the reduction of setbacks as defined, but indicating what those internal setbacks are;*
3. *Requiring additional detail on similar developments before approving a divergence for parking reduction. Reducing the density would also help with this issue;*
4. *Approving the reduction in structure separation in consultation with the Fire Chief and meeting the masonry wall requirements and other fire suppression provisions;*
5. *Approving the divergence for storage/garage buildings, with the submission of architectural detail can be provided and these buildings blend with the other structures, this is a reasonable request.*

Commission / Public Comments

Mr. David Fisher, Kephart Fisher, Mr. Jeff Strung, EMH&T, and Mr. Chase Miller, Lifestyle Communities were present. Mr. Fisher appreciated Mr. Sanders’s review of the project and would work with the Township regarding the parking and density issues Mr. Sanders raised. He explained that the zoning request needed to be separate due to no mixed use designation in Liberty Township’s Zoning Code.

Mr. O’Brien questioned if any roads were anticipated to be public. Mr. Fisher stated that their plan did not anticipate dedicating any more road way within the development. The new access from Sawmill Parkway to the commercial lot does seem support a public road and will work with the proper agencies to accommodate that. He said that Bunker Lane south to the new access needs more study.

Mr. Farahay made a motion to recommend Conditional Approval of the 7.32 acre Planned Commercial development plan and Conditional Approval of the 32.00 acres rezoning from PC and PI to PR for Lifestyle Communities. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

10-14 ZON Old Harbor Estates LLC – Berlin Twp. – 15.38 acres from FR-1 to R3 w/ PRD overlay

I. Request

The applicant Old Harbor Estates LLC is requesting a 15.38-acre rezoning from FR-1 to R3 with a PRD overlay for the extension of Old Harbor Estates subdivision.

II. Conditions

Location: north side of Hollenback Road, east of South Old State Road

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: R3 with PRD overlay

Present Use(s): vacant

Proposed Use(s): single family lot subdivision

Existing Density: 1 du / acre

Proposed Density: 1.84 units/net developable acre or 1.56 units/gross acre

Surrounding Land Uses: **To the north**, undeveloped but approved Old Harbor Estate Section 1, USA Lands (Alum Creek Park) **to the east**, large lots **to the south**, undeveloped land and South Old State Road **to the west** with Shadow Creek Subdivision and frontage lots on the west side of the road.

School District: Olentangy Local School District

Utilities Available: Del-Co Water and private on-lot treatment systems

Critical Resources: stream/drainage course

Soils: GwB Glynwood Silt Loam 2-6% slope

CaB Cardington Silt Loam 2-6% slope

CaC2 Cardington Silt Loam 6-12% slope

AmD2 Amanda Silt Loam 12-18% slopes

III. Description

Old Harbor Estates proposes a single access point on Hollenback Road with connection to proposed Section 1 to the north and a stub provided to the undeveloped 12.39 acres to the east. Streets will be public, with sidewalks provided as well as street trees required in the front yards of each lot. A Common Access Driveway provides access to three lots in the northeast corner of the property, while preserving an existing drainage course.

Lots generally have 95 feet of frontage with an 85-foot minimum, allowing them to feature side-load garages. Parcel size is in the range of 12,300-16,200 s.f., or between a quarter and a third of an acre. The open space dedication will total approximately 3.4 acres in three areas. The largest of these is 2.28 acres and includes a detention facility. Of the 24 home sites, 12 are adjacent to either platted open space or the Alum Creek Park land.

Process – The Berlin Township Zoning Resolution includes three residential districts (R-2, R-3, and R-4) that allow different lot sizes and densities as well as some minor differences in permitted and conditional uses. This proposal, therefore, includes the amendment of the map to the R-3 district with a PRD overlay. The R-3 district provides a maximum density of one unit per 20,000 square feet, or approximately 1.85 units per net developable acre.

Comprehensive Plan – The Berlin Township Comprehensive Plan recommends this area for residential uses at 1.85 dwelling units per net developable acre. The number of lots conforms to both the plan and the zoning code.

Lot Size – The R-3 zoning designation appears to allow the smallest lots of the three Multi-Type Residential Districts. There is no lot size regulated by the PRD section of the code – it references the underlying district. The R-3 requires a lot size of 20,000 square feet (.45 acres) where the proposed lots range from 12,300-16,200 square feet. Based on the unusual shape of some lots, there are several that meet or exceed the minimum lot size.

Other subdivisions within this sub-area include smaller lots, including .33-acre lots in Mariner’s Watch and Oldefield Estates and .25-acre lots in Piatt Meadows. Whether this was an intentional lot-size reduction that occurred with recent changes to the zoning code or not, this proposal does not conform to this regulation. There is no specific allowance for a divergence from this and none is specifically requested. Some amount of divergence may be warranted, since the 20,000 s.f. lot size exceeds the pattern established in the area, but this will need to be seriously discussed by the Township before this layout can be approved. [The applicant has met with the Berlin Township Zoning Commission which discussed this issue. He has subsequently provided a letter requesting a divergence from the lot size requirement. Staff concurs with the divergence approach.]

Open Space – As stated, the total open space acreage is 3.40 acres which is approximately 22% of the gross acreage. The code requires 20%. The open space exceeds the amount required, is distributed through the development and includes active and passive open space areas, other required elements within the code.

Divergences – The applicant is asking for three divergences from the specifications of the code:

- 1.) Requested divergence from the requirement that a 50-foot buffer be provided around the perimeter of the site. The request is that this requirement be reduced to 35-feet along the property line with the US Lands to the north and east. **Staff response** – *this is a reasonable request as this land is a designated park and will not be developed. This area of the park currently includes no park amenities.*
- 2.) Requested divergence from the side-yard setback of 12.5 feet and instead define a 25-foot building separation. This will allow the placement of side-load garages on all homes and maximize the building width with a 5-yard setback on the opposite side of each home. **Staff response** – *staff encourages side-load garages and feels this request meets the spirit of the code, which is a building separation of 25 feet. However, it will be important that the Township enforce this as part of the zoning permit process. Once a pattern is determined on a street, all the adjacent lots will have to place their garages on the same side as the first lot.*

Traffic Impact Analysis – The application states that even if all the large adjacent parcels were developed with this proposal, the total unit count would be 92. The total trips per day generated by these units would not meet the County’s threshold for any road type above “local” status. The County Engineer is requiring a south-bound

left-turn lane to be constructed along South Old State Road at the entrance to Section 1. Berm and ditch improvements are expected along Hollenback Road.

Utilities – Utility letters are provided, including a letter from the Sanitary Engineer’s office confirming availability of service, requiring an extension to the existing trunk line through the USA lands to the east of the site.

IV. Staff Recommendations

Staff recommends **Conditional Approval** of the 15.38 acre rezoning from FR-1 to R-3/PRD overlay for Old Harbor Estates LLC to the to the DCRPC, Berlin Township Zoning Commission and Berlin Township Trustees, *subject to:*

1. *Specifying the garage/driveway placement for each parcel rather than apply a blanket 25-foot building separation;*
2. *The applicant acknowledging that the lot size issue is a requested divergence.*

Commission / Public Comments

No one was present to represent the applicant.

Mr. Farahay made a motion for Conditional Approval of the 15.38 acre rezoning from FR-1 to R-3/PRD overlay for Old Harbor Estates LLC. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.



IV. SUBDIVISION PROJECTS

Preliminary

07-14 Tanger Outlets – Berkshire Twp. - 01 lot / 66.10 acres

I. Conditions

- Applicant:** Columbus Outlets LLC, John Villapiano
- Subdivision Type:** Commercial
- Location:** south side of US 36/SR 37, east of I-71
- Current Land Use:** Vacant with some woods
- Zoned:** A-1 and Planned Commercial and Office
- Utilities:** Del-Co water and proposed public sanitary sewer
- School District:** Big Walnut
- Engineer:** EMH&T

II. Staff Comments

This subdivision proposal allows for the initial development of land zoned for Planned Commercial and Office use including the location of the Simon/Tanger outlet mall. It involves both the Fallon Gilbert 155-acre parcel, zoned PCD and the 59-acre Igo piece to the north, currently zoned A-1. Wilson Road will be extended south from its current intersection at 36/37 via easement across the Igo property. The road will continue in dedicated right-of-way through the Fallon Gilbert property to the southern property line, ending in a temporary T-turnaround.

A new road, “Farrow Road,” will connect to the existing southern access road utilized by A. D. Farrow Harley-Davidson site. When the traffic signal is removed from the Pilot/Flying J location, this access road will allow traffic to exit those sites and access the new traffic signal. The plan also shows a private road travelling directly south of the A.D. Farrow property to the mall site. This will serve as an emergency access as well as a potential

sewer access road. At 36/37 east-bound, a new, dedicated continuous right turn will be added.

A major feature of the improvements is the intersection of Wilson Road and the access to the mall access road. This intersection is located such that it is not under the high-tension power lines and also avoids an existing gas line that crosses the property. Roads are shown with sidewalks and a larger multi-use path along the west side of Wilson Road. The northern section of Wilson Road is proposed with 92-foot seven lane southern part projected to be built as an 82-foot six-lane section with provisions to eventually be widened, should other improvements in the overall regional road network impact the site. Some engineering details continue to be worked out through the engineering process.

A technical review was held on May 20, 2014, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **Tanger Outlets** to the DCRPC.

Commission / Public Comments

Mr. Jeff Strung, EMH & T, was present to represent the applicant.

Mrs. Jenkins made a motion for Preliminary Approval of Tanger Outlets subdivision, seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.

08-14 Northgate II – Genoa Twp. - 02 lots / 04.538 acres

I. Conditions

- Applicant:** Romanelli GW LLC
- Subdivision Type:** Commercial
- Location:** north side of Northgate Way, east of SR 3
- Current Land Use:** Vacant, wooded
- Zoned:** Planned Industrial Warehouse District
- Utilities:** Del-Co water and public sanitary sewer
- School District:** Westerville
- Engineer:** Advanced Civil Design Inc.

II. Staff Comments

The site a piece of property that has been through several amendments through the years. Initially, it was part of a 20-acre lot in the Maxtown Subdivision. That parcel was later subdivided as “Northgate, Resubdivision of Lot 3461. The result was a new ~5-acre tract, Lot #5226. Subsequent changes including transferring .485 acres from this parcel to the parcel to the west and transferring a 0.005-acre strip from the western parcel into this one. This resulted in the current parcel being 4.439 acres in size and parts of Lot 5225 and 5226. We will be approving a new plat of this area to be titled “Northgate II, Resubdivision of Portions of Lots 5225 and 5226.”

The proposal is to divide the lot into a 2.263-acre site for a Goodwill store currently under construction and a 2.276-acre site for future development. Both parcels will utilize a shared driveway along the northwest property line. The site gets it access from Northgate Way, a private road. This revision has been through the Township Zoning process.

A technical review was held on May 20, 2014, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **Northgate II** to the DCRPC.

Commission / Public Comments

Mr. Doug Hock, Advanced Civil Design, was present to represent the applicant.

Mrs. Jenkins made a motion for Preliminary Approval of Northgate II. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-14 **London Crossing** (fka Holmes Tract)- **Genoa Twp. - 13 lots / 10.094 acres**

I. Conditions

- Applicant:** Romanelli & Hughes
- Subdivision Type:** Residential
- Location:** north side of Freeman Rd., west of Blackhawk Forest Drive
- Current Land Use:** two single family residences
- Zoned:** Suburban Residential
- Utilities:** Del-Co water and public sanitary sewer
- School District:** Westerville
- Engineer:** Stantec

II. Staff Comments

London Crossing is a proposed 13-lot subdivision on Freeman Road. The plan utilizes a simple cul-de-sac design, named Dax Lane. The area is zoned Suburban Residential, requiring a minimum lot size of 20,000 s.f. with no open space requirement. Water detention facilities are located on the western edge of the property, extending across several lots. This drainage eventually outlets to two separate watersheds. No widening is required on Freeman Road. Sidewalks are provided within the subdivision.

A technical review was held on May 20, 2014, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **London Crossing** to the DCRPC.

Commission / Public Comments

Mr. Kevin Kershner, Stantec, was present to represent the applicant.

Mr. Farahay made a motion for Preliminary Approval of London Crossing. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (*none*)

CONSENT AGENDA

Final

10-14 Sorrento at Highland Lakes *easement vacation* – Genoa Twp. - 01 lots /30.207 acres

I. Conditions

Applicant: Romanelli & Hughes

Subdivision Type: Condominium

Location: north side of Highland Lakes Drive, east of Worthington Rd.

Current Land Use: vacant

Zoned: Planned Residential (RPD)

Utilities: Del-Co Water, central sewer

School District: Westerville

Engineer: Stantec

II. Staff Comments

The Sorrento at Highland Lakes condominium project included an initial plat for the purposes of right-of-way dedication and easement creation. That plat was recorded on March 20, 2013. Subsequent condominium amendments have been filed as the project has progressed. The developer has determined that a 12'-wide, 0.019-acre portion of a Drainage and Utility Easement impedes his ability to construct a unit as desired by a customer. Although the word "Utility" requires the vacation to proceed through the RPC, the easement is technically only for drainage purposes. The applicant has discussed the issue with the Soil and Water Conservation District and that agency has agreed that the defined area is not needed for drainage maintenance. The vacation was advertised in the newspaper and notice was sent with the subdivision agenda. The office received no objections to this action.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

III. Staff Recommendation

Staff recommends *Final Approval* of Sorrento at Highland Lakes *easement vacation* to the DCRPC.

Commission / Public Comments

Mr. Sedlacek made a motion for Final Approval of Sorrento at Highland Lakes easement vacation. Mr. Farahay seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. EXTENSIONS *(none)*

VI. OTHER BUSINESS

- Compensation for Contract Work after regular business hours
Mr. Stites explained that the Executive Committee has discussed at length amending the current contract work policy and how to compensate employees for completed evening contract work.

Mr. Stites stated that, after discussion with the Auditor's office on procedures, he would make a motion to compensate Mr. Sanders \$705 for completed contract work

in a lump sum payment. Mr. Farahay seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION

- Mr. Sanders briefly demonstrated the new DALIS website and highlighted a few features that Commission members may use on a regular basis.
- Reminder: Zoning Inspector meeting on Tuesday, June 3 at 8:30 a.m. in the RPC offices.

VIII. RPC STAFF AND MEMBER NEWS *(none)*

Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 8:25 p.m. Mr. Fowler seconded the motion. *VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next meeting of the Delaware County Regional Planning Commission will be Thursday, June 26, 2014, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Ken O'Brien, Chairman

Stephanie Matlack, Executive Administrative Assistant