

# Delaware County Regional Planning Commission

109 North Sandusky Street  
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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## *\*MINUTES\**

Thursday, August 29, 2013 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 July 25, 2013 RPC Minutes
- Executive Committee Minutes of August 21, 2013
- Statement of Policy

### II. VARIANCES *(none)*

### III. ZONING MAP/TEXT AMENDMENTS

- 17-13 ZON Northstar Commercial Development LLC – Berkshire Twp. - 99.29 acres from A-1 to PCD  
 20-13 ZON Crownover Farms, Ltd. – Berlin Twp. – 87.843 acres from FR-1 to R-4 & PRD  
 21-13 ZON Dominion Homes – Liberty Twp. – 114.5 acres from FR-1 to PR

### IV. SUBDIVISION PROJECTS

#### Preliminary

		Township	Lots/Acres
11-03.3/4	Killdeer Meadows, Sections 3 & 4	Berkshire	49 lots / 19.16 acres

#### Preliminary/Final

14-13	Loch Lomond Hills	Liberty	01 lots / 11.69 acres
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#### Final

02-10	Redtail Estates	Concord	05 lots / 18.90 acres
04-13	Carriage Cove	Liberty	03 lots / 08.18 acres

**T=TABLED, W=WITHDRAWN**

### V. EXTENSIONS *(none)*

### VI. OTHER BUSINESS

- Fiscal Authorization Form Approval

### VII. POLICY / EDUCATION DISCUSSION

### VIII. RPC STAFF AND MEMBER NEWS

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairman O'Brien called the meeting to order at 7:00 p.m.

▪ **Roll Call**

Representatives: Jeff George, Ric Irvine, Fred Fowler, Gary Merrell, Ken O'Brien, Tiffany Jenkins, Sharon Hough, Tom Hopper, Joe Clase, Dave Stites, Holly Foust, Tom Farahay, Bill Thurston, Charlie Callender, Bonnie Newland, Mike Dattilo. Alternates: Ken Baker, Adam Howard, and John Piccin. Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the July 25, 2013 RPC Minutes**

*Mr. Clase made a motion to Approve the minutes as presented. Mrs. Foust seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **August 21, 2013 Executive Committee Minutes**

**1. Call to order**

Chairman O'Brien called the meeting to order at 8:45 a.m. Present: Ken O'Brien, Tiffany Jenkins and Susan Kuba. Absent: Dave Stites and Jeff George. Staff present: Scott Sanders and Stephanie Matlack.

**2. Approval of Executive Committee Minutes from July 17, 2013**

*Mrs. Kuba made a motion to Approve the Executive Committee meeting minutes as presented. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**3. New Business**

- Financial / Activity Reports for July 2013

REGIONAL PLANNING RECEIPTS		JULY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,025.00	\$3,580.00
Fees A (Site Review)	(4202)	\$600.00	\$2,700.00
Insp. Fees (Lot Line Transfer)	(4203)		\$1,500.00
Membership Fees	(4204)		\$264,753.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$564.43
Assoc. Membership	(4206)		
General Sales	(4220)		\$68.49
Charges for Serv. A (Prel. Appl.)	(4230)	\$19,274.90	\$51,051.50
Charges for Serv. B (Final. Appl.)	(4231)	\$4,356.90	\$22,546.90
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$150.00
Charges for Serv. D (Table Fee)	(4233)		\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$900.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$3,900.00
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)	\$100.00	\$100.00
Soil & Water Fees	(4243)	\$800.00	\$3,675.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$206.40
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$20.60	\$191.80
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$26,927.40</b>	<b>\$337,026.72</b>

<b>Balance after receipts</b>	<b>\$527,259.29</b>
<b>Expenditures</b>	<b>- \$ 20,906.14</b>
<b>End of July balance (carry forward)</b>	<b>\$ 506,353.15</b>

*After discussion of the financial reports, Mrs. Kuba made a motion to approve the financial reports as presented for audit. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- Site Reviews:
  - 1.) Courtyards on Maxtown – Genoa Twp. – 49 lots / 14.7 acres
- August RPC Preliminary Agenda
  - 1.) Rezoning:
    - Northstar Commercial Devlpt. LLC – Berkshire Twp. - 99.29 acres – A-1 to PCD
    - Crownover Farms, Ltd. – Berlin Twp. – 87.843 acres from FR-1 to R-4 & PRD
    - Dominion Homes – Liberty Twp. – 114.5 acres from FR-1 to PR
  - 2.) Variance: none
  - 3.) Preliminary:
    - Killdeer Meadows, Sections 3 & 4 – Berkshire Twp. – 49 lots / 19.16 acres
  4. Preliminary/Final:
    - Loch Lomond Hills – Liberty Twp. – 1 lots / 11.69 acres
  - 5.) Final:
    - Redtail Estates – Concord Twp. – 5 lots / 18.90 acres
    - Carriage Cove – Liberty Twp. – 3 lots / 8.18 acres
  - 6.) Extension: none
- Director’s Report
  - 1.) Sunbury – close to finishing the Comp. Plan
  - 2.) Liberty Twp. – waiting for review from the County Prosecutor, Chris Betts on the Zoning Code
  - 3.) Berlin Twp. – draft reformat of the Zoning Code presented to Zoning Commission with sample language for adult regulation and elderly/age restricted
  - 4.) Concord Twp. – preparing to begin Comp. Plan update this fall
  - 5.) Co Planning Director’s meeting – hosted and attended
  - 6.) OEPA grant – finished, awaiting remaining funds
- Consideration for Approval: Authorization of Signatures

*Mrs. Jenkins made a motion to recommend Approval of the authorization for Ken O’Brien,*

*Chairman and Dave Stites, Vice Chairman to sign vouchers, PO's, invoices, and payroll. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

4. **Old Business** *(none)*
5. **Other Business** *(none)*
6. **Personnel** *(none)*
7. **Adjourn**

*Having no further business, Mrs. Jenkins made a motion to adjourn the meeting at 10:30 a.m. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next regular Executive Committee meeting will be Wednesday, September 18, 2013 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**

#### **17-13 ZON Northstar Commercial Development LLC – 99.29 acres from A-1 to PCD**

##### **I. Request**

The applicant Northstar Commercial Development LLC is requesting a 99.29-acre rezoning from A-1 to PCD to allow expansion of the existing Planned Commercial and Office-zoned Northstar development.

##### **II. Conditions**

**Location:** between N. Galena Rd. and I-71, north of Wilson Rd.

**Present Zoning:** Agricultural (A-1)

**Proposed Zoning:** Planned Commercial District (PCD)

**Present Use(s):** One single-family home, vacant

**Proposed Use(s):** Commercial area

**Existing Density:** 1 du / 2 acres

**Proposed Density:** N/A

**School District:** Big Walnut Local School District

**Utilities Available:** Del-Co Water and public sewer system

**Critical Resources:** streams, ponds

**Soils:** BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

CaB Cardington Silt Loam 2-6% slope

CaC2 Cardington Silt Loam 6-12% slope

AmD2 Amanda Silt Loam 12-18% slope

##### **III. Process**

The Berkshire Township Zoning Resolution allows an applicant to file a Preliminary Development Plan which requires basic detail to be provided while initiating the rezoning process. If approved, the applicant will subsequently file a Final Development Plan which provides additional detail defining how and when the site will be developed.

The PCD designation includes a typical wide variety of commercial and office uses, denoted by the applicable NAICS number. Multi-family dwellings are also a permitted use, so long as rental apartments do not exceed 25% of the total number of multi-family residential units within the Development Plan. Maximum density is four units per net developable acre and shall be “specifically designed as part of the architecture of the structure in a village setting.”

##### **IV. Comprehensive Plan**

The 2008 Berkshire Township Comprehensive Plan designates this area for future Planned Residential uses at a density of 1.25 units per acre. It was envisioned that an access would come north from Wilson Road to allow development of this area. The Plan recognizes the existing commercial zoning of the Northstar development, but did not anticipate that commercial uses would extend north into this area. The proposal, therefore, does not conform to the plan.

##### **V. Proposal**

The applicant has submitted a conceptual development plan, showing a drive that circulates through the site providing access to several individual commercial lots. These lots vary in size from 4.6 acres to 8.4 acres, with a

large 20-acre site fronting on N. Galena Road. The drawing also shows a conceptual plan for the existing portion of Northstar, none of which has been approved through the Final Development Plan process.

The text of the submission includes various commitments to meet the standards in the Zoning Code. These include density limits of 15,000 square feet of commercial per acre and 4 units of multi-family per net developable acre, minimum commercial floor space of 500 square feet per building, sidewalks and street trees, buffering and perimeter setbacks, commitments to quality building designs, standard landscaping and signage requirements.

## **VI. Divergences**

The applicant is requesting two divergences from the standards within the Zoning Code:

1. Divergence from the setback standards that require side yards and rear yards that are 1/3 the sum of the height and depth of the structure, with 100 feet as the perimeter setback. The applicant is asking for 20-foot side yard, 20-foot rear yard, and 20-foot perimeter, unless abutting residential uses where the setback will be 100 feet. A 10-foot minimum building separation is also requested.

*Staff response: With the lack of detail, staff can not support a blanket divergence of this nature. It may be appropriate to allow reduced setbacks, particularly as such typically provides easier access between commercial uses and encourages a more efficient use of land, reducing the amount of land needed for each end user. Staff particularly does not support a 10-foot minimum separation between potentially large commercial and office uses without a commitment to prevent the spread of fire from building to building.*

2. Divergence to increase the required maximum lot coverage of 50% to 70%. The application notes that this was allowed for existing Northstar to the south.

*Staff response: Again, this may be appropriate in certain locations, but it seems that this could logically be offset in other locations on the site. Staff supports an individual end-user developing at this level of lot coverage, but doesn't support a divergence for all uses within the project.*

## **VII. Transportation/Interchange**

The local community, Delaware County, and ODOT have long sought improvements at the I-71/U.S.36/S.R.37 interchange. ODOT has studied whether improvements, including an additional bridge, should be located to the north of the existing bridge or to the south. That decision will be based on proposed development such as this one.

If the interchange improvements are made on the north side of 36/37, the new bridge will likely become a major east/west route that connects to Wilson Road or N. Galena Road. This bridge would likely be located adjacent to this proposal and any connecting roads would impact the site.

The application does not acknowledge that this interchange could potentially impact the site.

Some of these details will become clearer as the various traffic studies progress. However, the township should expect some additional information on how the developer would respond if the bridge/road is built adjacent to this property.

## **VIII. Utility letters**

The application includes a letter from Environmental Services stating sanitary sewer availability. This site would be served by the existing Northstar Water Reclamation Facility which also serves the existing portions of Northstar. This plant has limited capacity based on existing approvals through the EPA. It is a zero-discharge

facility, with treated wastewater held on site and sprayed as irrigation on the Northstar Golf Course and other common property. The capacity has been established based on what was needed for the proposed densities and intensity of use for the existing areas of Northstar. Expansion into this additional 99 acres means that the existing allowable usage will have to be redistributed throughout the new overall acreage. The Sanitary Engineer has also provided conditions on which this service would be available. These include changes to the service area, changes in the subdivider's agreement, and the understanding that density and intensity will change if sewer service is expected in this additional area. Rezoning is at the developer's risk since availability is not guaranteed until these conditions are met.

#### **IV. Require Findings for PCD Approval**

The commission and trustees may approve an application if it complies with the standards of the Zoning Resolution, is in conformity with the Comprehensive Plan, promoted the health, safety and welfare of the area, meets the design features required, is in keeping with the land use character of the area, is compatible with surrounding uses, and if it promotes greater efficiency in utilities and innovation in planning and building.

***Staff Response:** This rezoning may eventually meet the standards of the Resolution and perform these other standards as noted. However, the plan lacks any detail beyond a conceptual layout of roads and large lots for future development. It represents an open-ended request for potential multi-family uses. Traffic generation is difficult to forecast as there is no Traffic Impact Analysis. There is no efficiency in utility provision, at least from the perspective of sanitary service, as the existing capacity allotted to Northstar will simply be redistributed through this additional acreage. Finally, the Comprehensive Plan does not recommend this area for additional Planned Commercial uses. It may be appropriate, eventually, to revisit the plan and expand non-residential uses into this acreage, but the lack of existing development on the Northstar site suggests that this rezoning is premature.*

#### **X. Staff Recommendations**

Staff recommends **Denial** of the application by Northstar Commercial Development LLC., for the rezoning of 99.29 acres from A-1 to PCD to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, based on the following:

1. *The proposed use is not in conformance with the adopted Comprehensive Plan;*
2. *The proposal lacks sufficient detail to determine if it is a reasonable request, including the conditions necessary to achieve sewer service;*
3. *The divergences are not appropriate for blanket application throughout the entire site.*

#### **Commission / Public Comments**

Attorney, Ms. Jill Tangeman with Vorys, Sater, Seymore and Pease was present along with Mr. Jeff Strung of EMH & T. She explained that they understand the application request is not consistent with the Comprehensive Plan. She explained that they have put in a significant amount of infrastructure over the last few years including the Wilson Road improvements and the sewer system. The partner developers, Weiler and Nationwide Realty, are being careful in the type of commercial they would like to bring to this area. The developers have committed in the text that there will be no access off of North Galena Road. There would be cross access easements to come through the existing Northstar commercial. In terms of the divergences, Ms. Tangeman stated that they carried forward the exact same development standards of the existing Northstar commercial. The developers are willing to work the Township to deal with the requested divergences on a case by case basis. She also noted that they made a commitment in the text to limit the multifamily use to 10% of the net developable acreage (for this plan they could use no more than 10 acres for MF development). Regarding sewer, she stated that her general understanding is that there is capacity. The original calculations did not take into account some of the land use restrictions and lot coverage limitations.

Mr. Clase asked about the plan for the area on North Galena Rd. near residential lots. Ms. Tangeman said that it will remain open space.

Mrs. Foust asked if there are any developments in the works as far as the existing planned zoned ground? Ms. Tangeman stated there is a potential for a fairly larger scale medical use being considered.

***Mr. Clase made a motion to recommend Denial, based on Staff Recommendations. Mr. Thurston seconded the motion. VOTE: Majority For Denial, 1 Opposed (Orange Twp.), 3 Abstained (Sanitary Engineer, Berkshire Twp., Chairman O'Brien). Motion carried.***

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**20-13 ZON      Crownover Farms, Ltd. – Berlin Twp. – 87.843 acres from FR-1 to R-4 & PRD**

**I. Request**

The applicant Dominion Homes is requesting a 87.843-acre rezoning from FR-1 to R-4 and PRD to allow a 106-lot single-family residential subdivision called Brookview Manor Community.

**II. Conditions**

**Location:** east side of Africa Road, north of Sherman Road

**Present Zoning:** Farm Residential (FR-1)

**Proposed Zoning:** R-4 with a PRD overlay

**Present Use(s):** vacant

**Proposed Use(s):** 106 lot single family residence subdivision

**Existing Density:** 1 du / 2 acres

**Proposed Density:** 1.21 du / acre

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and public sanitary sewer

**Critical Resources:** slopes greater than 20%, streams

**Soils:** BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

CaB Cardington Silt Loam 2-6% slope

CaC2 Cardington Silt Loam 6-12% slope

AmE Amanda Silt Loam 18-25% slope

AmF Amanda Silt Loam 25-50% slope

**III. Process**

This is a rezoning to a PRD overlay on an R-4 district. Berlin Township has three zoning districts which define the density and open space requirements. The PRD can also be used as an overlay on the FR-1 district. Each district sets the lot size, which in turn establishes the maximum density for a site. The PRD then allows flexibility in lot size and provides typical Development Plan requirements similar to other Planned Residential district language throughout the county. In the Berlin Township Zoning Code, the R-4 district requires a minimum lot size of 25,000 square feet. Using the Net Developable Acreage calculation, this equates to approximately 1.5 units per acre. The zoning resolution currently does not define what flexibility in lot size is allowed with the PRD/R-4 overlay, but a size of .33-acre (or 14,375 s.f.) has been discussed. Until this change has been made in the resolution, flexibility in lot size requires the granting of a divergence.

**IV. Proposal**

Crownover Farms is the site of a rezoning proposal in 2006 and was the subject of a Preliminary subdivision plan in 2004. Neither of these plans was pursued to completion. The current proposal, "Brookview Manor Community" is a request for 106 lots with a major entrance on Africa Road. This main road circulates through the

site, with a second access on Sherman Road. A connection is made to an existing stub in the Estates at Sherman Lakes (Acadia Court) and a connection to the north is made into Cliff View Drive in the Ravines of Alum Creek, a subdivision that is platted but unbuilt. A loop street, two cul-de-sacs, and a 3-lot CAD provide access for lots through the site.

Open space of 29.29 acres is included in the design. After factoring out 50% of utility right-of-way and 50% of 20% slopes that are in the open space, the total is 27.65 acres. The code requires 20% of the gross tract area in an R-4 district to be open space, which in this case would be 17.56. This is well below what is being provided. Staff believes the net calculation shown on the open space plan is unnecessary, as the code stipulates that only 50% of the overall open space can be wetlands, floodplains, 20% slopes, utilities and existing bodies of water.

Most of the open space is passive, but a tot lot (or small playground) is provided in the center of the site. The site plan also shows walking trails throughout the open space and the extension of the multi-use path along the Africa Road frontage.

## V. Comprehensive Plan

The 2011 Berlin Township Comprehensive Plan recommends that the area on the east side of the reservoir be developed with residential uses at a density of 1 unit per acre. At 106 lots, this proposal requests a density of 1.21 units per gross acre. While the proposal conforms as to use (single-family), it does not conform to the density recommendations. The application notes that the proposed density and lot sizes are based on adjacent development, with densities of 1.7-1.9 units per acre to the north and south. As previously noted, the development to the north is platted but unbuilt (Ravines of Alum Creek) and the property further south (Sherman Lakes, Sections 1 and 2) is developed and mostly built out. Both were subjects of a legal challenge between that developer and the township in 2004.

Also to the north is Ravines at Meadow Ridge, a proposed condominium development is zoned Planned Commercial, a designation which, at the time it was zoned, allowed for residential uses. This is currently inactive.

To the immediate southwest is The Estates at Sherman Lakes, a platted subdivision with 39 lots on 40.709 acres, 16 acres of which is open space. This is the vision of the township for this sub-area at the density that would match the vision in the plan.

## VI. Divergences

The applicant has asked for several divergences which are summarized here:

1. Divergence requested to reduce the side yard setback from 15 feet to 12.5 feet with a combined building separation of 25 feet.

**Staff comment:** *This request has been made on other developments. A 25-foot separation is typically desired. The township should consult with the Fire Chief regarding this request. This request appears to be reasonable, but a reduction in density could reduce or eliminate the need for this divergence. Staff recommends that each lot where this divergence is desired be delineated on the Development Plan.*

2. Divergence requested to reduce the minimum lot area from 25,000 square feet to a minimum of 13,500 square feet.

**Staff comment:** *As stated above, staff concurs with the need for flexibility in lot size. The applicant is requesting 13,500 square feet, or .30-acre lots and the recommended text from RPC to the Township for this district is 14,375 square feet, or .33-acre lots. The difference between the two sizes is negligible. However, staff recommends that the applicant delineate which lots are affected by this divergence and seek to adjust lots where possible so that a minimum number of lots are smaller than the size as determined by the Township.*

3. Divergence requested to not require a continuous 6 foot high planting, hedge, wall, fence or earth mound. Text references Development Plan which shows a buffer along the commercial and industrial land and commits to maintaining existing vegetation to achieve the desired result.

**Staff comment:** *This requirement is intended to provide additional buffering between residential and non-residential uses. In this case, the Planned Commercial zoning is currently intended for multi-family residential uses and the Industrially-zoned use currently includes two treelines and a stream between this site and the actual industrial use and building. It is preferable to retain the existing vegetation rather than to construct a new 6-foot buffer. This is a reasonable request, but the applicant should provide greater detail as to the commitment of buffering. All existing vegetation could be retained with a wider easement, especially since there is currently a powerline easement running along the backs of those properties.*

## **VII. Roads and Utilities**

As noted, the road network appears to be feasible and two connections to existing platted stubs are provided. However, at Sketch Plan, both the County Engineer's office and RPC staff noted that a connection is desirable to the Ravines at Meadow Ridge project to the north of this site. There are several reasons for this. First, this was required with the previous FR-1 Preliminary Plan. Secondly, the Cliff View Drive stub is not a true connection since Ravines of Alum Creek is not currently built and the status of future construction is unknown. Finally, the connection that is proposed between Ravines of Alum Creek and Ravines at Meadow Ridge is an "optional" connection through a buildable lot and impacts an existing ravine. It was essentially recorded in case there was no other connection available to Ravines at Meadow Ridge.

This can be further discussed through the platting process. Since the phasing of this project envisions these connections as part of Phase 2, which would be constructed in 2015. Because the land to the north is undeveloped, perhaps both connections could be "reserved" on the development plan and reviewed when Final Engineering is contemplated.

The Common Access Driveway appears to meet the standards of the Regional Planning Commission with regard to accessing and creating frontage for three lots. The Berlin Township Fire Department has expressed concern with the CAD location and possibly its length. Further discussion should take place between the Zoning Commission, applicant, and Fire Dept. to discuss those concerns as the RPC would give the Fire Department considerable judgment in determining the accessibility of the CAD.

## **VIII. Signage**

Signage detail is provided for the two entries. In both locations, the plan calls for a 1.5-foot low wall with a 5'8" column topped with 1'5" masonry cap, a 1'1" pole base and a 9' pole. This holds a hanging sign which totals approximately 18 square feet per side for a two-sided sign. The sign plan indicates that the height from the low wall to the top of the letters is 13 feet, 5 inches. However, the overall sign structure is 19 feet. The drawing indicates that the mast arm which holds the sign has a total horizontal length of 9 feet.

**Staff response:** *This sign structure appears to be excessively tall for a subdivision sign along a flat site. This is particularly true along Sherman Road. No signs within the township can be greater than fifteen feet from grade. Although the design is appropriate for a residential subdivision (at a smaller scale), the proposal may actually qualify as a pole sign, since it does not meet the typical standards of a monument sign.*

## **IX. Required Findings for Approval**

The Zoning Resolution Requires that the reviewing authorities determine whether a proposal is consistent with the Zoning Resolution, whether it conforms with the Comprehensive Plan, if it advances the general welfare of the Township and immediate vicinity, whether it meets the design features required, whether it is in keeping with the land use character, whether it is compatible with the district and whether the minimum open space is

provided.

**Staff response:** *Based on the comments made within this report, and the considerations for the divergences as listed in the Conditions below, this plan is generally in conformance with requirements above, except with regard to the Comprehensive Plan. The density would need to be decreased in order to relate to the Comprehensive Plan.*

#### **X. Staff Recommendations**

Staff recommends **Conditional Approval** of the application by Crownover Farms, Ltd., for the rezoning of 87.843 acres from FR-1 to R-4 & PRD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to the following:*

1. *Lowering the density to be more consistent with Estates at Sherman Lakes and the Comprehensive Plan, which is 1 unit per acre;*
2. *Providing access to the Ravines at Meadow Ridge property to the northeast;*
3. *Approval of the side-yard setback divergence, but only where necessary and only after amending the plan with the decrease in density;*
4. *Approval of the divergence request to reduce the lot size, but to 14,375 where such adjustments can be made;*
5. *Approval of the divergence to not require a 6 foot high planting along the PC and I zoning designations, as long as the maximum area of existing vegetation can be preserved;*
6. *Review and reduction in size of the entrance structures at both Africa Road and Sherman Road.*

#### **Commission / Public Comments**

Mr. Robert Meyer with Porter Wright was present to represent the applicant. He stated that the increase in density was necessary in order to create a quality layout with pathways and active open area. The sign detail would be worked out with the Township. He also stated that they would work out easements with the property owners to the north.

Mr. Rick Gemienhardt (881 Africa Rd., Galena, OH) stated that he has read the report and had a couple informal meetings with the applicant and is willing to continue working with them. He presented Mr. Sanders with a copy of the RPC meeting minutes from February 23, 2006 where the RPC recommended denial (case #11-06 ZON, Crownover Farms Ltd., 87.82 acres from FR-1 to R-2 with PRD overlay). Mr. Geminehardt feels the density requested is too high and does not meet the Comprehensive Plan. He requested the Commission to recommend denial of the request or if a conditional approval is desired then be more specific with the conditions (density).

Mr. Brian Daughtry (880 Africa Rd., Galena, OH) said that the 2010 Comprehensive Plan reiterates that this property would be at maximum developed at 70 units. He requested that the Commission deny the current request and follow the Comprehensive Plan.

Mr. Ron Sabatino, developer of the Estates at Sherman Lakes asked the Commission to approve this request with conditions. This land cannot be developed at 88 lots (needs more to be feasible). He explained that he owns land to the north of this project which is an approved and platted subdivision but he cannot build on yet due to the need for sanitary sewer through this site. He stated that over the past 8 years they have designed the sewer 3 times through the normal course of upgrades of the county engineer changes in the regulations. Mr. Sabatino requested that one condition of approval that the developer of this site be required to stub a road to his property to connect to the stub he was required to provide. His second condition of approval request would be that the sanitary sewer be designed and extended to the manhole that he has had platted for 10 years (up Africa Rd.).

Mr. Meyer explained he understands the need for connection and would work with the neighbors.

**Mr. Irvine made a motion for Conditional Approval of the rezoning request by Crownover Farms, Ltd.**

subject to staff recommendations with amendments including:

1. Lowering the density to be consistent with the Comprehensive Plan, which is 1 unit per net developable acre as determined by Delaware County Regional Planning staff (see NDA calculations by staff attached);
2. Providing access to the Ravines at Meadow Ridge property to the northeast;
3. Approval of the side-yard setback divergence, but only where necessary and only after amending the plan with the decrease in density;
4. Approval of the divergence request to reduce the lot size, but to 14,375 where such adjustments can be made;
5. Approval of the divergence to not require a 6 foot high planting along the PC and I zoning designations, as long as the maximum area of existing vegetation can be preserved;
6. Review and reduction in size of the entrance structures at both Africa Road and Sherman Road.

Mr. Clase seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Berlin Twp. and Chairman O'Brien). Motion carried.

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**21-13 ZON      Dominion Homes – Liberty Twp. – 114.5 acres from FR-1 to PR**

**I. Request**

The applicant, Marsha Rush et al, and developer Dominion Homes are requesting a 114.5-acre rezoning from FR-1 to PR to allow a 148-lot single family residential subdivision called Liberty Trace.

**II. Conditions**

**Location:** east side of Old Liberty Rd., north of Home Rd.

**Present Zoning:** Farm Residential (FR-1)

**Proposed Zoning:** Planned Residential (PR)

**Present Use(s):** vacant, 3 single family homes

**Proposed Use(s):** 148 lot single family residence subdivision

**Existing Density:** 1 du / acre

**Proposed Density:** 1.29 units/acre

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and public sanitary sewer

**Critical Resources:** stream, slopes greater than 20%, 100-year floodplain, 500-year floodplain, floodway

**Soils:**      GwB Glynwood Silt Loam 2-6% slope  
                 GwC2 Glynwood Silt Loam 6-12 % slope  
                 LsA Lobdell, Channery Substratum-Sloan  
                 LyE2 Lybrand Silt Loam 18-25% slope  
                 BoA Blount Silt Loam 0-2% slope  
                 PwA Pewamo Silty Clay Loam 0-1% slope

**III. Proposal**

In 2007, this site was proposed for a rezoning for 152 units of single-family and multi-family units, including the relocation of Liberty Road. This relocation was identified on the county's Thoroughfare Plan. The plan was tabled at the township level and ultimately not pursued. The County relocated the road several years ago.

This proposal, to be named Liberty Trace, includes single-family lots on either side of Liberty Road. The southwest side includes the development of 91 lots in a traditional layout. There is an access to Home Road and Liberty Road, with roads circulating through the site. A 2.1-acre open space is located in the center of the

site. There is also a 7.5-acre open space lot at the northwestern corner of Home and Liberty, which includes a large detention pond. Other small open space reserves are located through the site. Lots are a minimum of 85 feet in width.

To the northeast, 57 lots are located on 56 acres. This section includes two accesses to Liberty Road, with home sites located to avoid the floodplain, steep slopes, and significant woods that are on the site. Based on the environmental constraints of the site, several areas of roadway are “single-loaded,” conforming to several elements of conservation-style development. Over 28 acres of open space are proposed to be dedicated, with the largest area an undivided 20 acres through the center of the northern section. Staff notes that the open space next to T-9 and T-10 is awkward for maintenance purposes and may be incorporated into the lots instead.

#### **IV. Comprehensive Plan**

The 2006 Liberty Township Comprehensive Plan recommends this area be developed with residential uses at a density of 1.25 units per acre with sewer. At 148 lots, this proposal requests a density of 1.29 units per gross acre. By removing just the right-of-way in the NDA calculation, the developable acreage reduces to 97.325 ac., for a unit number of 121 units. Additionally, there is floodplain that should be calculated out as well. This may excessively drive down the density, so the appropriate density may be somewhere between the proposed number and the strict interpretation of the NDA calculation. While the proposal conforms as to use (single-family), it does not conform to the density recommendations.

#### **V. Divergences**

The applicant is requesting six divergences which are detailed in the application but summarized here:

1. Divergence from the side yard setback requirements for any lots that have a width greater than 90 feet at the build line to establish not less than 12.5 feet for each side yard setbacks per home (25 feet total) and 12.5 feet for the placement of other permitted non-structural landscape walls.  
**Staff comment:** *This request may not be worded accurately. Generally, divergences are requested when lots are smaller, not larger. This probably applies to lots with widths smaller than 90 feet at the build line. This request has been made on other developments and a 25-foot separation is typically desired. The township should consult with the Fire Chief regarding this request. This request appears to be reasonable but should be clarified in the text.*
2. Divergence to allow up to three temporary free-standing subdivision sales signs to be placed until 90% of the lots within the subdivision are sold.  
**Staff comment:** *This request seems reasonable, but this is also an open-ended request, unless it specifies the signs and locations within the development plan. Staff recommends that additional temporary construction signs be allowed at the different sub areas, but only to the same specifications that would be allowed at a single location.*
3. Divergence to construct up to two Model Homes/Sales Offices in each of Subareas A and B [to a total of four] to be operational so long as sales are ongoing within the community.  
**Staff comment:** *This is a reasonable request, as long as the applicant commits to a certain percentage of completion for the subdivision that will trigger closing the sales office.*
4. Divergence to permit entry way fencing, as set forth in the text, that exceeds 42 inches in height, but does not exceed 6 feet.  
**Staff comment:** *The proposal shows a fence height of approximately 5 feet, or 60 inches with other hardscape towers topping out at 5’ 9” and 7’ 9”. It is unclear the full extent of the location of this fence. This is probably reasonable, but the Zoning Commission should ensure that it appears on the Development Plan.*

5. Divergence requested to allow driveway placement within 50 feet of the intersection of any two public roads.  
**Staff comment:** *This issue could be resolved with small adjustments in the design and a reduction in the density. Staff does not recommend this divergence.*
6. To the extent a divergence is required for the sign column at northwest entrance to Subarea A at Liberty Road to allow sign face of not more than 3 square feet on a column located within 8 feet of the right of way due to street and site restrictions, such a divergence is so requested.  
**Staff comment:** *As long as all features are outside of the sight triangle, this appears to be reasonable.*

## **VI. Environmental**

As noted above, this is not a Conservation Subdivision, but includes many features of one. Some of these are for environmental reasons while some are aesthetic. These features include a 130-foot setback from the relocated portion of Liberty Road, a no-build zone 130 feet from the centerline of Home Road, large open space of 20 acres which will preserve existing streams and wooded areas, a 25-foot perimeter buffer along the north and east lines of Subarea A, a 50-foot landscape buffer along Old Liberty Road, passive open space of 7.5 acres at Home and Liberty Road.

In 2009, the OEPA established a permit process that regulates activity within certain distances of the various streams that flow to the Olentangy River. Setback distances are based on the type of stream (perennial, ephemeral, main stem). Although land can be disturbed within those areas, certain activities must be mitigated. The Regional Planning Commission recently completed a project to map these setback areas. The project also includes a manual on strategic ways to develop within the watershed in ways that minimize impact on the river.

This design appears to have a minimal direct impact on the setback buffers, with a crossing between lots T21 and T22 and another crossing at the northern-most entrance between lot T1 and Liberty Road. To protect the quality of the Olentangy and its tributaries, any lots that overlap these setbacks should have a protective easement across those areas.

## **VII. Roads and Circulation**

The road network appears to be feasible for the site. Access is limited, but each Subarea includes access at two points, with circulation throughout the site. An access is not needed to old Liberty Road. However, these issues will continue to be discussed as this development proceeds through the subdivision phase.

Sidewalks are proposed on both sides of streets in Subarea B (south) and along at least one side of streets in Subarea A. The single-side appears to only apply to the single-loaded portion of the road to the north. Staff concurs with this plan. Also, a wider multi-use path will be located along the south side of Liberty Road, which staff strongly supports.

## **VIII. Utilities**

Utility letters are enclosed. The Sanitary letter from the Environmental Services office states that sewer is available to the subject area. The letter states that although the site can be served, there is no sanitary mainline located on the parcel. The letter indicates that further study will be needed, to identify whether there is sufficient capacity for the development, and whether capacity improvement might be required.

## **IX. Criteria for Approval**

The Zoning Resolution requires that the reviewing authorities determine whether a proposal is consistent with the Zoning Resolution, whether it conforms with the Comprehensive Plan, and if it advances the general welfare of the Township and immediate vicinity.

**Staff response:** *Based on the comments made within this report, and the considerations for the divergences as listed in the*

*Conditions below, this plan is generally in conformance with the Comprehensive Plan, except as to density, and will potentially advance the general welfare of the immediate vicinity. Lowering the density will also reduce the need for divergences.*

**X. Staff Recommendations**

Staff recommends **Conditional Approval** of the application by Dominion Homes, for the rezoning of 114.5 acres from FR-1 to PR to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to the following:*

1. *Submission of a Net Developable Acreage calculation and reducing the lot count to a number closer to that recommended in the Comprehensive Plan;*
2. *Clarifying the divergence request for the side yard setback and the exact location of each request;*
3. *Approval of the divergence to allow up to three temporary free-standing subdivision sales signs to be placed as long as each location meets the usual standard for a single site;*
4. *Approval of the divergence to construct up to two Model Homes/Sales Offices in each of Subareas A and B [to a total of four] to be operational so long as sales are ongoing within the community;*
5. *Approval of the divergence to permit entry way fencing, as set forth in the text, that exceeds 42 inches in height, but does not exceed 6 feet;*
6. *Amending the plan to reduce the instances where a driveway needs to be placed within 50 feet of an intersection;*
7. *And clarification of and approval of a sign column at the northwest entrance to Subarea A as long as all features are outside of the sight triangle;*
8. *Additional buffering may be needed along “old” Liberty Road as it will continue to be a commercial/industrial area.*

**Commission / Public Comments**

Mr. Tom Hart representing Dominion Homes was present. He stated that he understands the Comprehensive Plan/density issue but they feel that this site has some uniqueness with a major bypass road to the site and is surrounded by land on three sides that is undevelopable. The intention is to protect the woods to the north and enhance the entire site.

Mr. O’Brien expressed his concerns that T-70 and T-69 lots are too close to the stop sign. The elimination of these lots would help with the density issue and safety issue.

***Mrs. Jenkins made a motion to recommend Conditional Approval, subject to staff recommendations including:***

1. ***Submission of a Net Developable Acreage calculation and reducing the lot count to a number closer to that recommended in the Comprehensive Plan;***
2. ***Clarifying the divergence request for the side yard setback and the exact location of each request;***
3. ***Approval of the divergence to allow up to three temporary free-standing subdivision sales signs to be placed as long as each location meets the usual standard for a single site;***
4. ***Approval of the divergence to construct up to two Model Homes/Sales Offices in each of Subareas A and B [to a total of four] to be operational so long as sales are ongoing within the community;***
5. ***Approval of the divergence to permit entry way fencing, as set forth in the text, that exceeds 42 inches in height, but does not exceed 6 feet;***
6. ***Amending the plan to reduce the instances where a driveway needs to be placed within 50 feet of an intersection;***
7. ***And clarification of and approval of a sign column at the northwest entrance to Subarea A as long as all features are outside of the sight triangle;***
8. ***Additional buffering may be needed along “old” Liberty Road as it will continue to be a commercial/industrial area.***

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

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#### IV. SUBDIVISION PROJECTS

##### Preliminary

11-03.3/4 Killdeer Meadows, Sections 3 & 4 – Berkshire Twp. - 49 lots / 19.16 acres

##### I. Conditions

**Applicant:** Homewood Corporation  
**Subdivision Type:** Single Family Residential  
**Location:** east side of S. 3 B's & K Rd., south of Cheshire Rd.  
**Current Land Use:** Vacant, former agricultural  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** Hockaden & Assoc.

##### II. Staff Comments

Killdeer Meadows received Preliminary approval in June of 2003. Section 1 was recorded in August of 2004 and Section 2 was recorded in December of 2004. The remaining portion expired after a lack of development activity. The developer seeks to renew the Preliminary approval and proceed with development. No conditions have changed in the surrounding area and a connection is provided to the south which will extend into Hidden Creek Estates. An Olentangy Elementary School is located on the existing portion of the subdivision.

*A technical review was judged to be unnecessary.*

##### III. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **Killdeer Meadows, Sections 3 & 4** to the DCRPC, *subject to updating the Flood Zone information on the Final Plat to 2009 data, including map number 39041C0260K.*

##### Commission / Public Comments

Mr. Kurt Zissler with Hockaden & Associates was present to represent the applicant.

*Mr. Clase made a motion for Conditional Preliminary Approval of Killdeer Meadows, Sections 3 & 4, subject to updating the Flood Zone information on the Final Plat to 2009 data, including map number 39041C0260K. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**Preliminary/Final**

**14-13                    Loch Lomond Hills – Liberty Twp. - 01 lots / 11.69 acres**

**I.                    Conditions**

- Applicant:** Loch Lomond Hills LLC
- Subdivision Type:** Condominium development
- Location:** south side of Manning Parkway, west of SR 315
- Current Land Use:** Vacant
- Zoned:** Planned Residential (PR)
- Utilities:** Del-Co water and public sanitary sewer
- School District:** Olentangy
- Engineer:** Pomeroy & Assoc.

**II.                    Staff Comments**

The Loch Lomond Farms development, approximately 257 acres overall, was originally rezoned in 1979 to Planned Residence District (PR) and included single family, multi-family and commercial/office uses. It is located on the west side of SR 315 and extends from the Franklin County Line to just south of Jewett Road. The 11.691 acres under consideration is at the south end of the development between the county line and Manning Parkway.

The design shows two access points from existing crossovers on Manning Parkway which is designed as a boulevard. All internal roads are private. One drive accesses eight units with a small loop (Border Drive). The other entrance accesses the remainder of the units with a large loop (Cromwell Loop) and small dead-end street. As a condominium, this proposal is exempt from the Subdivision Regulations except that the Liberty Township Zoning Resolution requires the filing of a plat for this type of zoning district. The plat shows a single lot with various easements.

*A technical review was judged to be unnecessary.*

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 *Preliminary and Final Approval* of **Loch Lomond Hills** to the DCRPC.

**Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Irvine made a motion for Preliminary and Final Approval of Loch Lomond Hills. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**CONSENT AGENDA**

**Final**

**02-10                    Redtail Estates – Concord Twp. - 05 lots / 18.90 acres**

**I.                    Conditions**

- Applicant:** Jacqueline Pickett
- Subdivision Type:** Single Family Residential, Common Access Driveway
- Location:** west side of Concord Road, approx. 600 feet south of Badenoch Drive
- Current Land Use:** Single-family home
- Zoned:** FR-1 (Farm Residential)
- Utilities:** Del-Co Water, on-site treatment
- School District:** Dublin
- Engineer:** Terrain Evolution

**II.                    Staff Comments**

Redtail Estates is a 5-lot Common Access Driveway subdivision located on Concord Road, just south of Eli Pinney (Dublin) Elementary School. It is surrounded to the north by platted Badenoch at Concord subdivision and to the west by Tartan Fields. There is an existing home on the western part of the site, which will remain on the fifth lot. The drive is being constructed according to the standards and the developer is choosing to utilize a cul-de-sac rather than the standard T-turnaround. There is a balance of \$200.00 due for this project.

**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 **Redtail Estates** to the DCRPC.

**Commission / Public Comments**

***Mrs. Foust made a motion for Final Approval of Redtail Estates. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**04-13                    Carriage Cove – Liberty Twp. - 03 lots / 08.18 acres**

**I.                    Conditions**

- Applicant:** Carriage Cove LLC
- Subdivision Type:** Single Family Residential, Common Access Driveway
- Location:** south side of Carriage Road, approx. 2,500 feet east of Liberty Road
- Current Land Use:** vacant, wooded
- Zoned:** FR-1 (Farm Residential)
- Utilities:** Del-Co Water, public sanitary sewer
- School District:** Olentangy
- Engineer:** RPDD LLC.

**II.                    Staff Comments**

Carriage Cove is a three-lot subdivision utilizing a Common Access Driveway to access Carriage Road. Lot

sizes are 5.080 acres, 1.527 acres, and 1.513 acres. The zoning is Farm Residential, where the minimum lot size is 1 acre. The site includes a 7.708 unplatted lot and a 0.471-acre lot which is a Reserve in the Westchester Subdivision Corrected plat, which was recorded on 11/11/1969. The 7.708-acre parcel is a residual from a much larger tract that included land to the west with frontage on Liberty Road.

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 **Carriage Cove** to the DCRPC.

**Commission / Public Comments**

*Mrs. Foust made a motion for Final Approval of Carriage Cove. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**V. EXTENSIONS** (*none*)

**VI. OTHER BUSINESS**

- Fiscal Authorization Form Approval –

*Mrs. Foust made a motion to authorize Ken O'Brien, Chairman and Dave Stites, Vice Chairman of the Executive Committee to sign payroll, vouchers and purchase orders as needed. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**VII. POLICY / EDUCATION DISCUSSION** (*none*)

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

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

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, September 26, 2013, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

# Crownover Farms

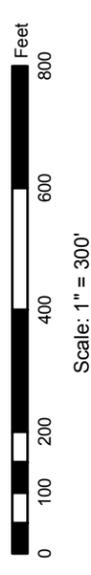
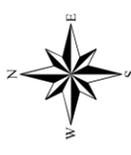
Berlin Township,  
Delaware County, Ohio

## Net Developable Acreage

NDA calculations are based on available GIS sources. Independent surveys and field analysis may yield different results.



- Study Area (87.843 Gross Acres)
- Road Centerline
- Existing Road Right of Way
- Property Lines
- Streams / Drainage Courses
- Wetland (National Wetland Inventory)
- Net Developable Land Calculation**
- Remaining Land - 72.498 acres
- Slope > 20% - 2.169 acres
- Wetland (NWI) - 0.000 acres
- Floodway - 0.000 acres
- 100-Year Floodplain - 0.000 acres
- 15% Gross Acreage for ROW - 13.176 acres  
(Existing ROW 1.089 acres Included)



Scale: 1" = 300'

# Dominion Homes

Liberty Township,  
Delaware County, Ohio

## Net Developable Acreage

NDA calculations are based on available GIS sources. Independent surveys and field analysis may yield different results.

-  Study Area (114.5 Gross Acres)
-  Road Centerline
-  Existing Road Right of Way
-  Property Lines
-  AEP Power Lines
-  AEP Power Lines Easement
-  Streams / Drainage Courses
-  Wetland (National Wetland Inventory)
- Net Developable Land Calculation**
-  Remaining Land - 85.630 acres
-  Wetland (NWI) - 0.100 acres
-  Floodway - 2.996 acres
-  100-Year Floodplain - 3.015 acres
-  Slope > 20% - 5.584 acres
- 15% Gross Acreage for ROW - 17.175 acres  
(Existing ROW 0.895 acres Included)



Scale: 1" = 300'

