



# Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## **\*MINUTES\***

**Thursday, September 25, 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 August 28, 2014 RPC Minutes
- Executive Committee Minutes of September 17, 2014
- Statement of Policy

### **II. VARIANCES**

28-04.V Derby Glen Farms – Liberty Twp. – requesting variance from Sec. 102.03 and 204.04

### **III. EXTENSIONS**

28-04 Derby Glen Farms – Liberty Twp. – requesting additional 1 year extension

### **IV. ZONING MAP/TEXT AMENDMENTS**

18-14 ZON Liberty Twp. Zoning Commission – text amendments – Planned Overlay District addition  
 19-14 ZON Real Property Design and Development LLC – Liberty Twp. – 81.4 acres from FR-1 to PR

### **V. SUBDIVISION PROJECTS**

#### **Preliminary**

		<b>Township</b>	<b>Lots/Acres</b>
14-14	Stablewood	Berlin	28 lots / 63.30 acres
20-14	Olentangy Falls East	Liberty	150 lots / 146.94 acres

#### **Preliminary/Final** (none)

#### **Final**

08-12.2.A	<b>T</b>	Sanctuary at the Lakes, Sec. 2, Pt. 1	Orange	35 lots / 22.79 acres
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**T=TABLED, W=WITHDRAWN**

### **VI. OTHER BUSINESS** (none)

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

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

**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, Fred Fowler, Gary Merrell, Ken O'Brien, Steve Burke, Tiffany Jenkins, Gary Gunderman, Tom Hopper, Joe Clase, Jon Trainer, Dave Stites, Matt Huffman, Tom Farahay, Robert Taylor, Bill Thurston, Teresa Watkins, and Mike Dattilo. *Alternates:* John Piccin and Larry Witt. *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the August 28, 2014 RPC Minutes**

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

▪ **September 17, 2014 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, Susan Kuba, Dave Stites, and Jeff George. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from August 20, 2014**

*Mr. Stites made a motion to Approve the minutes as presented for August 20, 2014. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. **Approval of Special Executive Committee minutes from August 28, 2014**

*Mrs. Kuba made a motion to Approve the minutes as presented for August 20, 2014. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

4. **New Business**

- Financial / Activity Reports for August 2014

• REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$4,510.00
Fees A (Site Review)	(4202)	\$300.00	\$4,500.00
Insp. Fees (Lot Line Transfer)	(4203)	\$200.00	\$1,700.00
Membership Fees	(4204)		\$268,280.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$3,017.64
Assoc. Membership	(4206)		
General Sales	(4220)		\$10.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$560.80	\$104,449.60
Charges for Serv. B (Final. Appl.)	(4231)	\$4,200.00	\$20,353.80
Charges for Serv. C (Ext. Fee)	(4232)		\$450.00
Charges for Serv. D (Table Fee)	(4233)	\$400.00	\$400.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,025.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$3,600.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$7,665.00
Soil & Water Fees	(4243)	\$250.00	\$5,025.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$207.64
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)		\$1,354.28
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		\$6,825.80	\$426,547.96

<b>Balance after receipts</b>	<b>\$705,623.34</b>
<b>Expenditures</b>	<b>- \$ 24,248.20</b>
<b>End of August balance (carry forward)</b>	<b>\$ 681,375.14</b>

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

- Site Review
  - 1.) Reid Estates – Concord Twp. – 2 lots / 10.7 acres
  
- September RPC Preliminary Agenda
  - 1.) Rezoning:
    - Liberty Twp. Zoning Commission – Planned Overlay District addition
    - Real Property Design and Development LLC – Liberty Twp. – 81.4 acres from FR-1 to PRD
  - 2.) Variance:
    - Derby Glen Farms – Liberty Twp. – requesting variance from Sec. 102.03 and 204.04
  - 3.) Extension
    - Derby Glen Farms – Liberty Twp. – requesting additional extension
  - 4.) Preliminary:
    - Stablewood – Berlin Twp. - 28 lots / 63.3 acres – The EC expressed concern with the future Roloson/Piatt Road extension as shown on the preliminary plan.
    - Olentangy Falls East – Liberty Twp. – 150 lots / 146.94 acres – The EC discussed concerns for access/connection to adjoining property
  - 5.) Preliminary/Final: *(none)*
  - 6.) Final:
    - Sanctuary at the Lakes, Section 2, Pt. 1 – Orange Twp. – 35 lots / 22.79 acres
  
- Director’s Report
  - 1.) Concord Twp. – delivered complete draft copies of the Comprehensive Plan
  - 2.) Oxford Twp. – began working on Zoning Code update
  
- 2015 Budget – Mr. Sanders asked the EC for guidance in preparing the budget for 2015. The EC suggested keeping dues the same as last two previous years including the credit and staff salary

increases between 2.5-3%.

5. **Old Business** (*none*)

6. **Other Business** (*none*)

7. **Personnel** (*none*)

8. **Adjourn**

*Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 10:40 a.m. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next regular Executive Committee meeting will be Wednesday, October 22, 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**

**28-04.V Derby Glen Farms – Liberty Twp. – requesting variance from Sec. 102.03 and 204.04**

**Applicant:** Homewood Corp.

**Consultant:** EMH & T

**I. Request**

Derby Glen Farms is a proposed 53 lot subdivision on the south side of Jewett Road approximately 700' east of Liberty Road. The 47.9 acre site is bounded by Jewett Road to the north, Calumet Farms subdivision to the east, C&O railroad tracks to the west, and the Delaware/Franklin County line to the south. The applicant is requesting a variance for an additional 1-year extension to the Preliminary Plan.

**II. Facts**

1. The Subdivision Regulations currently allow an approved Preliminary Plan to be valid for two years.
2. The Regulations allow an expiring Preliminary Plan to request extensions up to a total of one additional year.
3. Derby Glen Farms received overall Preliminary approval on December 16, 2004 and received a 1-year extension on November 17, 2005, along with an additional 1-year extension May 25, 2006.
4. Section 1 was recorded August 1, 2007, which retained the active status of the Preliminary until August, 2012.
5. The applicant received a Variance for a one-year extension on August 30, 2012 to September 26, 2013.
6. Section 2 was recorded March 5, 2013.
7. On September 26, 2013, the applicant received a second variance for another one year extension to September 2014.
8. The applicant seeks a third one-year extension via variance.
9. Relevant sections of the Subdivision Regulations:

**102.03 Expiration or Extension of Subdivision Plat Applications.** Failure to comply within stated time periods of these Regulations as provided in Section 204.04 shall result in the expiration of the application. Before expiration as provided in Section 204.04, the subdivider may submit a written request for an extension and proper extension fee, indicating the status of the project, stating why the time periods cannot be met, and specifying time length of extension being requested for each extension request, with the maximum total extensions not to exceed one year. Extensions may be considered by the DCRPC; their issuance is discretionary. The subdivider is solely responsible for knowledge of, and compliance with, applicable expiration dates. The requested extension shall be forwarded with a written Staff Report and Recommendation to the Commission for action. In granting an extension, the project may be required to comply with new regulations or standards in effect at the time of the extension.”

**204.04 Commission Action and Expiration.** Staff shall provide a Preliminary Plan report and recommendation to the Commission. Commission Preliminary Plan approval or conditional approval shall not constitute Final Plat approval, but shall provide an endorsement of the layout and intent of the proposal, and govern the preparation of the Final Plat. **The Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval.** However, the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded. A Preliminary Plan shall be void upon expiration of the approval period.”

### **III. Criteria for a Variance**

The burden is on the applicant to demonstrate in writing, each of the following:

1. The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.
2. The conditions, upon which this variance request is based, are unique to the property for which this variance is sought.
3. Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.
4. The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

**Applicant statement:** “To date Section 1 and Section 2 have been developed and Final Plat recorded. There are a few lots remaining in Section 2 and the construction engineering has already begun for the development of Section 3.”

“Due to the past economic conditions which did not allow for the build out of the development within the five year period, and issues resolving the off-site flood routing, Homewood respectfully requests a variance to section 102.03 to allow for an extension of one year.”

**Staff Comment:** Staff agrees that previous market conditions made it a challenge to meet the existing time limits in the Subdivision Regulations. The applicant is moving through the Final Engineering process which has resulted in some changes to the drainage plans. These changes have caused delays that were not in the

control of the developer. The zoning is in place through 2015.

**IV. Staff Recommendation**

Staff recommends **Approval** of the Variance from Sections 102.03 and 204.04, extension of Preliminary Plan approval for **Derby Glen Farms** to the RPC.

**Commission / Public Comments**

Mr. Jim Lipnos, Homewood Corp., 2700 E. Dublin Granville Rd., was sworn in as representative. Mr. Lipnos explained that they started the engineering on Phase 3 and ran into an offsite flood routing easement dispute with the property owner the easement is on. They have received a court injunction for survey work to be completed. The next step is going back to the judge to be given the ability to actually enter onto the easement to do the work. Final engineering would then be submitted to the County Engineer with platting in the spring.

**Mr. Merrell made a motion for Approval based on the Findings of Fact (1-9) listed in the staff report. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**III. EXTENSIONS**

**28-04 Derby Glen Farms – Liberty Twp. – requesting additional 1 year extension**

**Applicant:** Homewood Corp.

**Engineer:** EMH & T

**Preliminary approval:** 12/16/04

**Previous Extensions:** 11/17/05 to 06/2006, 05/25/06 to 12/30/06, 08/30/12 to 08/2013 *via variance*, 09/26/13 to 09/26/14 *via variance*

**I. Staff Comments**

The applicant is requesting a 1-year extension for the Derby Glen Farms.

**II. Staff Recommendation**

Staff recommends **Conditional Approval** of a 12-month Extension for the **Derby Glen Farms** to the RPC, *subject to approval of the variance request.*

**Commission / Public Comments**

Mr. Jim Lipnos, Homewood Corp. was present to represent the applicant.

**Mr. Clase made a motion for Approval of a 12-month extension for Derby Glen Farms. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**IV. ZONING MAP/TEXT AMENDMENTS**

## 18-14 ZON Liberty Twp. Zoning Commission – text amendments – Planned Overlay District addition

### I. Request

The Liberty Township Zoning Commission is proposing a new Article in its Zoning Resolution referred to as “POD23”. This Article would specifically apply to three parcels owned by Greif Inc., totaling 50.65 acres.

### II. Process

The proposal sets this district up in accordance with ORC 519.021(C), which allows a Planned Unit Development to be “floated” over a specific area. A future applicant would then submit to the Zoning Commission a Development Plan that meets the standards as outlined in the code. The standards of the POD23 would then apply to that defined area of land. The adoption of the zoning district is a Legislative act and the future approval of the Development Plan would be an Administrative act by the Zoning Commission. This is the process known as “floating a cloud” and has been used in some Delaware County township zoning resolutions for the Conservation Subdivision applications.

### III. Description

The reason behind this application is to allow the owner to have flexibility in a fast-changing business environment. Liberty Township is limited in its potential to attract non-residential uses with limited undeveloped land with highway access. According to the current owners, potential developers have turned away from this site, opting to locate in existing business parks where the rezoning and development timeframes are minimal. This approach will allow the initial rezoning to take place now, allowing for quicker development plan reviews in the future. The intent is to eventually create an integrated business park setting with an allowance for residential. The authors of the district feel they have inserted enough safeguards and standards within the text to ensure appropriate future development.

Permitted uses include a variety of office and business uses, including Printing Services, Specialty Food, Health and Personal Care, Data Processing, Finance, Real Estate Agents, Scientific and Technical Services, Health Care Services, Hotels and Motels, Food Services and Drinking Places, Dry Cleaning and Laundry Services, Public Administration, and Multi-Family Dwellings.

Materials, façade treatments, design elements, exterior lighting, signage, landscaping, and other details as typically required in the Planned Districts are required here.

Open space at a minimum of 20% is required. This is allowed to be set aside all at once for the overall site, or as smaller areas within developed areas. The code references Net Developable Acreage, which staff calculates at 34.5 acres after power lines, slopes, roads and wetlands are removed.

### IV. Issues

1. The text calls for a Hyatts Road Buffer Zone of 100 feet. Within this buffer zone, principle and accessory structures of six specific uses are prohibited (printing, hotels, food services, health and personal care, electronic repair, and person care services). **Staff Comment:** *100' is not an excessive setback, and there is no other reference to a setback. Staff isn't sure why the buffer is limited to only the specific uses as noted. Consider a secondary setback for other uses, particularly multi-family dwellings. Much of this set back includes a powerline easement anyway.*
2. Development Plan requirements include the phrase “sewer size slope.” This is a minor issue, but

this language is unusual and may be an incomplete thought or reference.

3. Development Plan also requires “engineering feasibility studies of any anticipated problems...” This may need to reference stormwater and roads instead of “anticipated problems.”
4. **Minimum application area** – most Planned Districts require a minimum area to be submitted per Development Plan application. This one does not appear to. **Staff Comment:** *Consider a minimum area per application to avoid a piece-meal approach to the overall development.*
5. **Design Standards** refers to a balance of open spaces, commercial areas and mixed uses. **Staff Comment:** *Staff concurs with this approach and notes that it will be critical that an overall development be provided rather than allowing small areas to be independently developed. See item below regarding tract coverage.*
6. **Tract Coverage** – This is typically noted as a percentage where the text states “ground coverage...shall be minimized...” **Staff Comment:** *Consider a percentage to ensure proper open space throughout.*
7. **Multi-Family Density** – the proposed code provides significant detail for the development of multi-family residential within the site. In addition to design standards related specifically to residential use, the following refers directly to density: “The total number of dwelling units located within the POD23 shall not exceed a maximum of three hundred (300) dwelling units. These...units shall be constructed at a minimum density of ten (10) dwelling units per net developable acre, but in no instance shall exceed twenty-five (25) dwelling units per net developable acre.” Using a rough calculation where one net acre equals .85 acres (1 acre – 15%), the following could conceivably apply:

All 300 units built at:	Minimum Density	Maximum Density
Density	10 units/NDA	25 units/NDA
Density per acre	8.5 units per acre	21.25 units per acre
Acreage used	300 units on 35.3 acres	300 units on 14.1 acres
Remaining land for non-residential use	15.35 acres	36.55 acres

The reason a minimum density is used is so that the entire tract cannot be covered with residential use. On the other hand, the maximum density limits the multi-family use from being too densely packed in one area. Staff isn’t sure this is the correct way to reference “net developable acre” since that calculation is typically used on an overall tract and not on an individual acre as reference in the code. Generally, though, this approach seems reasonable, assuming an applicant will want to reserve as much land for commercial and office as possible. However, it would be wise for the Zoning Commission to seek examples of these densities to see what they look like “on the ground.” Columbus provides some examples in the Polaris area:

- Antares Park - 224 units/15.5 acres = 14.5 units/acre. (behind Walgreen’s);
- 801 Polaris - 270 units/6.4 acres = 42.2 units/acre. (next to CVS);
- Residences at North Park Place - 208 units/13 acres = 16 units/acre. (next to Toys R Us).

While such a development might look out of place in this location, if multi-family is created in a mixed-use, walkable district that includes other non-residential uses, this could be appropriate. Again, some conceptual plans and an overall schematic design will be key.

8. **Building Height** - The maximum building height is four (4) stories in height. **Staff Comment:**



*This is typically expressed in feet rather than number of stories. Also, 12.08.E.2.a is titled “Multi-Family Dwellings” but refers to all structure in any permitted use.*

9. **Roads and Circulation** – the text references input by the county with regard to roads, circulation, and emergency access. It also references platting being a requirement, which will allow another opportunity for the county agencies to review the proposed development for appropriate access. **Staff Comment:** *Because the future Development Plan stage does not involve the County Engineer, Sanitary Engineer, or Regional Planning by other statute, it is important that the Zoning Commission seek input at that point. This could be via the RPC’s Site Review process. Staff is particularly concerned with achieving the road connection between the Cornerstone stub and Hyatts Road, ensuring that it is built to accommodate the proposed uses. If that can be incorporated into the adoption process, it would be beneficial.*

#### **V. Staff Recommendations**

Staff recommends **Conditional Approval** of the text amendments to the Liberty Township Zoning Resolution to the DCRPC, Liberty Twp. Zoning Commission, and Liberty Twp. Trustees, *subject to the issues discussed under Item IV above.*

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

Mr. Joe Smiley, representative for Greif, was present to answer questions from the Commission.

Mr. Clase asked if there were other lots recommend for commercial on the Comp Plan. Mr. Sanders stated this is the general area of potential development of commercial and office. Mr. O’Brien mentioned the recent rezoning of residential to the south of this area. Mr. Sanders confirmed that a single family project on tonight’s agenda was rezoned for residential but this general area was considered for non-residential. Mr. Clase stated that this seems more extreme than the current zoning. He feels typically with an overlay you would see something comparable and then to not be able to voice their concerns except for the text seems extreme. Mr. Sanders stated that where we have seen “float the cloud” it was more acceptable because it’s a similar density, more flexibility with smaller lots but more open space. It’s typically either the same density of slightly higher.

Mr. O’Brien asked what the density is contiguous to this property. Mr. Sanders stated approximately 1 unit per acre. Mr. O’Brien stated this proposal would be 21 times greater. Mr. Sanders said that the applicant doesn’t have to do multi-family. Mr. O’Brien agreed but stated that if the applicant didn’t have any variances or divergences it would have to be granted. Mr. Sanders said yes, no higher than the maximum density.

Mr. O’Brien questioned what the densest zoning in Delaware County not in a municipality. Mr. Sanders was not sure but stated there were some apartments along Sawmill but he did not know what that specific density is because the zoning was part of the larger Wedgewood Commerce Center and golf course. Mr. Farahay stated that Orange Twp. has about 8 units per acre in Lake Club apartments and Oak Creek apartments, which was done in the early ’90s and has since been revised to a maximum of 4 un./ac.

Mr. Smiley stated that they have been working on this project for about a year and a half. It was designed because of the access and proximity to US 23, the future hospital, proximity to Delaware City and the current office park. Office parks around the country offer a variety of services and the concept behind this is they would become competitive with areas such as New Albany, Dublin, etc. which offer the densities that have been discussed.

Mr. O’Brien asked what other areas of Liberty Township would accept 21.25 units per acre. Mr. Smiley explained that he could only share conversations as he has worked with the Zoning Commission. The reason for this area is the proximity to US 23 and that is the driving force behind this density. Mr. Hopper stated that

there are other areas in close proximity to US 23 but they are not at 21 units per acre. Mr. O'Brien asked that if this is the only place in Liberty Township that would be contemplating this how is it not spot zoning. Mr. Sanders stated that there is no clear definition of what spot zoning is especially when you start developing with urban services and platted subdivisions. There are always going to be unusual uses that don't easily transition from one to the other. Mr. Huffman stated that this plan has been in front of the Zoning Commission several times for their input. Mr. O'Brien asked if they have other areas of Liberty Township that this zoning district might be floated. Mr. Smiley said they consider this unique with its proximity to US 23, Columbus State Community college and the potential new hospital. Mr. O'Brien stated that for those reasons it would qualify for a BZA due to this uniqueness. Mr. Smiley stated this was the avenue the township wished to proceed.

Mr. Gunderman asked if there is any way to deal with the road connection more directly in this type process. He stated that he thinks the intent is that the County would want the road connected but isn't sure what the avenue to do that is. Mr. Sanders stated there is a reference that says that as part of the criteria for adoption for a development plan, have appropriate agencies been involved in the planning of the road network. This plan potentially makes it harder because we're not seeing a development plan upfront. He said there would be an exhibit describing this area adopted as part of the district, but he did not know if there could be another map that would say "here is the base network that we would be looking for." He does feel the road shown has always been intended to go down through this site. Mr. Gunderman said that it sounds like there are potentials where that system could get disrupted. There are enough things mentioned in the staff report that could potentially make it work out but it sounds like there are potential loop holes in that part of the administrative part of this process. Between the density, issues like the road and the fact that while it may not be quite as flexible if you use more conventional zoning processes, most of what he thinks is intended here by everyone could probably be achieved but might require a little more specific information than might seem convenient at the moment. When you put it all together it makes it hard for a favorable recommendation.

Mr. Sanders stated that the Township values Greif as a neighbor and says that they are committed to doing something that is of high quality and they have shown that in the other things that they have allowed in Greif Park to the north. Mr. O'Brien said the question then is if the Township would do it for anyone else. Mr. O'Brien agreed that Greif has been a wonderful partner for the area but we can't pick Greif over any other property owner that might request the same plan. Mr. Smiley said he believes that regardless of who owns the property of a proximity to US 23, a commercial corridor, and having an office park in place dictates appropriate cloud uses for this property. To make this a state of the art office park, these are the uses outlined that make it competitive for Delaware County comparatively to other cities to compete with.

Mr. Clase asked if the properties to the east (along Hyatts Rd.) have been considered for the cloud. The Township Zoning Commission thought this was an appropriate place to try the cloud and had no interest in expanding it but it could easily be requested that the entire park be put in the cloud. Mr. O'Brien said that in the past when a cloud has been floated it has included more than one property owner so that there is not one winner. Mr. Clase asked what the notification requirements were for an application like this – do the neighbors have to be notified similar to a map revision? Mr. Smiley said that they were notified.

Mr. O'Brien stated that sewer is contemplated at the capacity the comprehensive plan allows as maximum. He asked Mrs. Jenkins if this area was considered for 25 units per acre. She said it would have been designed per the comp plan at that time. Mr. Smiley stated that they have sewer and water capacity because Greif ran the lines and took credits in lieu of and there are major lines running through this to the point they can put major data centers up there without any problems whatsoever (30,000-40,000 gallons per day).

Mr. Sites stated that the Zoning Commission has obviously put a lot of time into this and presented it to Regional Planning and what he is missing is all the discussion that has taken place with the Zoning

Commission for them to come to this conclusion and submit it. He assumes that this would be what their intention are. Mr. Sanders confirmed that the application was submitted by the Zoning Commission with assistance from Attorney Don Brosius and other Township representatives.

***Mr. Gunderman made a motion to recommend Denial of the text amendments to the Liberty Township Zoning code based on issues raised by the Commission and those in the staff report. Mr. Clase seconded the motion. VOTE: Majority For, 0 Opposed. Motion carried.***

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**19-14 ZON      Real Property Design and Dvlpmt. LLC – Liberty Twp. – 81.4 acres from FR-1 to PR**

**I. Request**

The applicant, Real Property Design and Development LLC, on behalf of the owner, is requesting an 81.4-acre rezoning from FR-1 to PR for Liberty Bluff, a 68-lot single-family development.

**II. Conditions**

**Location:** 6180 Olentangy River Road

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

**Proposed Zoning:** Planned Residence District (PR)

**Present Use(s):** One single-family house with accessory buildings

**Proposed Use(s):** 68 single-family house lots

**Existing Density:** 1 du / acre

**Proposed Density:** .84 du / acres

**School District:** Olentangy Local School District

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

**Critical Resources:** streams, drainage course, slopes >20%

**Soils:** GwB Glynwood Silt Loam 2-6% slope

GwC2 Glynwood Silt Loam 6-12% slope

BoA Blount Silt Loam 0-2% slope

LyD2 Lybrand Silt Loam 12-18% slope

LyE2 Lybrand Silt Loam 18-25% slope

RoA Rossburg Silt Loam 0-2% slope

LoA Lobdell Silt Loam, Channery substratum 0-2% slope

**III. Proposal**

The applicant seeks a rezoning for the Kramer property, one of the last remaining areas of undeveloped acreage along this portion of S.R. 315. The Development Plan indicates a single entrance along one of the straighter portions of that road. The entrance road is generally located at the existing driveway, proceeding 420 feet into the site before reaching the first building site. The woods and open spaces along this highway frontage are preserved as a buffer. The change in elevation from the road to the first building site is approximately forty feet. A two-lot CAD is located off the end of the cul-de-sac.

Roads circulate through the site, allowing for development in the existing farmland while preserving treelines and topography around the property. A centralized 1.8-acre active open space is provided along the connector road in the center of the development. Passive open space of 13.48 acres along the north side of the development extends west. Also, a 5.63-acre passive open space is located south of the entrance road along 315 while 5.2 acres of open space and river are to be dedicated on the east side of 315. A smaller, 0.5-acre area of open space preserve a small area of trees that may be the site of the sinkhole. In all, 26.61 acres of open space is provided, or 33% of the

overall site.

Lots are generally large compared to other PR-zoned properties, with some smaller lots at 20,000 s.f. (.46 acres) and some larger lots at 36,000 s.f. (.82 acres). All lots have at least 100' at the building line, with most exceeding that at 120' in width.

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

The 2006 Liberty Township Comprehensive Plan recommends this area be developed with residential uses at a maximum density of 1.25 units per net developable acre with sewer above the 900' elevation and 1 unit per net developable acre below 900' elevation. This site crosses that boundary, with land both above 900' and below. The Development Plan indicates that existing and proposed right-of-way was factored out as well as 8 acres of no-build areas below 900'.

#### **V. Divergences**

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

1. Requested divergence from the Net Developable calculation which deducts a flat 15% for future roads where this proposal uses the actual right-of-way proposed.

**Staff comment:** *This request is valid for several reasons. First, many of the other township codes that use NDA give the developer a choice to either use 15% or the actual right-of-way as proposed. Second, having reviewed several proposals over the years since NDA began being used, the actual ROW planned is typically in the 10%-12% range. Using a flat 15% is also a disincentive to propose additional open space. For all these reasons, staff recommends approval of this divergence.*

2. Requested divergence from the requirement that no driveway be located within 100 feet of the intersection of two roads and reduce that requirement to 40 feet.

**Staff comment:** *This is commonly requested in subdivisions with smaller lot frontages. With a minimum lot width of 100 feet and many lots indicating more than that frontage amount, this spacing could like be maintained in all lots except #48. If the township wishes to retain this standard for single family residential uses, this would be a subdivision where it would work. Staff recommends approval for Lot #48.*

3. Requested divergence from the Street Tree Planting and Management Policy.

**Staff comment:** *Development Plan indicates street trees throughout. Applicant should note the specifics of the divergence to the Zoning Commission.*

4. Requested divergence for the minimum side-yard setback to be a minimum of 10 feet on the garage side and 15 feet on the non-garage side, but in no case less than 30 feet separation between principal structures on adjoining lots. Minimum side yard setback would be 25 feet. The code calls for 25-foot side yard setback for primary and 35-foot setback for accessory structures.

**Staff comment:** *This request meets the separation standard noted in the code. It is unlikely that a divergence is necessary, with Nelson Farms to the south maintaining 25-foot setbacks on both sides with lots of similar frontage. Based on the way the divergence is worded and the note that houses will maintain a 30-foot separation, this is reasonable.*

5. Requested divergence to allow the Homeowners' Association to be responsibility for maintenance and upkeep of all sections of the bike paths and leisure paths within the development regardless of location.

**Staff comment:** *This request is reasonable and will allow for more consistent maintenance of the system. This will likely need as easement on the Final Plat with maintenance authority provided to the HOA.*

6. Requested divergence to allow on-street parking during construction of homes. Development Plan commits to repairing any damage to the berms during construction.

*Staff comment: This request is reasonable, but the developer may not be able to commit the builders to repair the damage, particularly when the developer is no longer involved in the project.*

## **VI. Access, Circulation, and Pedestrian Facilities**

The road network appears to be feasible for the site. No site review has been performed, but the access point appears to have acceptable site distance.

Based on the topography along the southern boundary of this site, no road stub was provided from Nelson Farms into this property. Nelson Farms does provide a stub into property west of this site in a more rolling area. Likewise, the subdivision to the north, recorded in 1979, also did not provide a stub into this property. The stub that is being proposed from this site to the west, although quite a distance from the future Nelson Farms stub, is actually in the best location from a topographic standpoint. If this stub was placed any farther south, it would impact a ravine as it extended into the Davis property.

However, based on the likelihood that full interconnectivity will take some time to accomplish, the applicant is encouraged to work with the developer to the south to connect a pedestrian path between the two subdivisions. Del-Co has noted that a significant connection may be needed toward the western end of the project, preferably before Nelson Farms lots are in place and in an area where future access could be granted. The Del-Co connection and a pedestrian connection could be accomplished at the same location.

Staff cannot guarantee that the Common Access Driveway is justified until the plan goes through the Site Review and subdivision process. Lots appear to be large enough to accommodate the extension of the cul-de-sac to provide frontage for those lots without impacting the natural features of the site.

The Development Plan indicates a 5' wide asphalt path along the north side of the entry street, extending north and then along the north side of "Street C." A five-foot width is typical of standard sidewalks but bike paths are typically a minimum of 8 feet. Also, in accordance with the Subdivision Regulations, a more typical sidewalk may be required along one side of the streets that do not indicate a path. This will be discussed as part of the Subdivision process.

## **VII. Utilities**

Utility letters are enclosed. The Sanitary letter from the Environmental Services office states that sewer is available through an existing pipe that was provided when the first section of Nelson Farms was platted.

## **VIII. Environmental**

The Karst study has identified several areas where sinkholes and karst features were observed. The plan seems to avoid these areas but further study will be needed as part of the Subdivision process. Most likely, the plat will need language similar to that used in the Trail's End subdivision, which also included areas where karst features were observed.

## **IX. Staff Recommendations**

Staff recommends **Conditional Approval** of the 81.4 acre rezoning from FR-1 to PR to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to:*

1. *Recommended approval of divergence for Net Developable Acreage to use the actual right-of-way instead of 15%;*
2. *Recommended approval of divergence for driveway location for lot #48;*
3. *Recommending additional detail for street tree planting divergence;*
4. *Recommended divergence for side yard setback as specifically stated in the application;*
5. *Recommended approval of the trail responsibility to be the Homeowners' Association;*
6. *Recommending on-street parking be allowed during construction;*

7. *Recommending the pedestrian trail as shown to be increased to an eight-foot section rather than 5-feet and providing a standard sidewalk along one side of all other streets;*
8. *Recommending that the applicant work with the Nelson Farms developer to extend a pedestrian path between this subdivision and future section of Nelson Farms.*
9. *Recommend flexibility in the Development Plan in case the CAD is not used in the subdivision design.*

**Commission / Public Comments**

Mr. Gary Smith, D2 Planning and Design along with Mr. John Wicks, RPDD were present.

Mr. Taylor asked if the applicant has already received a permit from ODOT for access onto SR 315. Mr. Wicks stated that they have not approached ODOT for a permit but there is an existing access already. Mr. Taylor expressed his concern with additional traffic on SR 315 from a larger residential area.

*Mr. Clase made a motion to recommend Conditional Approval of the rezoning request by Real Property Design, subject to staff recommendations #1-9 with the addition of adding the flexibility within the Development plan related to the sink holes. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**V. SUBDIVISION PROJECTS**

**Preliminary**

**14-14 Stablewood – Berlin Twp. - 28 lots / 63.30 acres**

**I. Conditions**

- Applicant:** Trinity Home Builders
- Subdivision Type:** Single Family Residential
- Location:** north side of Berlin Station Rd., west of Dale Ford Rd.
- Current Land Use:** Agriculture
- Zoned:** Farm Residential District (FR-1)
- Utilities:** Del-Co water and on site sewer
- School District:** Olentangy
- Engineer:** EMH & T

**II. Staff Comments**

Stablewood is a 28-lot subdivision that utilizes on-site sewage treatment on each lot. It is located on Berlin Station Road, where it takes its main entrance. A small area of frontage extends to Dale Ford Road, which is not recommended for connection. The plan shows the entrance road traveling north and then west to the property line and a temporary T-turnaround. A second road provides frontage for four lots. This road also travels west to the property line.

During Site Review, as well as Preliminary Subdivision review, it was noted that the long range transportation plans for this area include a new road extending from the intersection of Piatt and Cheshire Roads, extending north then veering slightly east and along the eastern edge of the Olentangy Schools site, continuing across Berlin Station Road and along the western edge of this site and then going north to the Curve Road/Roloson Road intersection. This road was accommodated in the plans for the proposed Glenmead subdivision. The

Stablewood Development Plan indicates that an 80-foot right-of-way will be dedicated with this plat along the western edge of the site. The ROW extends approximately 1,100 feet into the site and then bends west into the adjacent site, which will be required to extend the road to its northern boundary.

When the road is built, the access to Berlin Station will be closed, unless it is needed as an emergency-only entrance. This will require a reference to the possible closure on the subdivision plat.

***A technical review was held on September 16, 2014, after which the applicant has addressed all of the required changes.***

### **III. Staff Recommendation**

Staff recommends *Preliminary Approval* of **Stablewood** to the DCRPC.

### **Commission / Public Comments**

Mr. Jim Lipnos with Homewood Corp. was present on behalf of Trinity Homes. He explained that they have been working with the Technical Review Committee in getting the issues with Piatt Road worked out.

Mr. O'Brien asked if the applicant is planning to build or bond the Roloson/Piatt Rd. connector. Mr. Lipnos explained that they would be donating the right-of-way for that road. Mr. O'Brien asked who would build it. Mr. Lipnos said Delaware County. Mr. O'Brien objected to that due to it not being in the County's budget. He asked if the County Engineer was planning to pay for that. Mr. Piccin stated he could not answer that. He also stated that he is not sure the exact location has ever been determined. Mr. O'Brien expressed concern with citizens buying into the project and having their road ultimately blocked off and have a major road run down the back of their property.

Mr. Clase asked if the road extension was discussed at Technical Review. Mr. Sanders stated that the first plan didn't reference it. There were discussions between the County Engineer and the applicant between Tech. Review and the plan tonight was the solution. Mr. Strung, EMH & T, stated that originally the request from Delaware County was a 40' dedication along the west property line for the potential extension of Piatt Road. Through discussions and trying to save a few of the houses the applicant offered to dedicate 80-feet for a portion of it. This was also due to the uncertainty of the ultimate location of the extension all the way to the north and to the south. Mr. O'Brien said that the entire property should have half of the entire road go all the way to the back, so where it is shown curved he feels they are compromising and not having to build the entire length of the property. Mr. Clase questioned the location of Preakness Place. Mr. Piccin explained that with the on-site septic systems, the layout was limited. Mr. Lipnos explained that a 28 lot subdivision would not support building an 80' ROW.

Mr. Clase acknowledged the discussions with the County Engineers and asked if staff would suggest a conditional approval. Mr. Sanders was not sure of the specific financial implications of requiring a bond.

Mr. Clase questioned a redesign of the road network if the applicant knew they would be responsible for creating that roadway. Mr. Strung stated that there is not much leeway with the layout of this project due to the septic systems and the requirements for those systems. He explained they are always willing to work with the Commission and have worked at length with the County Engineer's office and Tech Review Committee to get to this point.

Mr. Strung requested to table the applicant for up to 90 days to continue working on the ROW issue.

***Mr. Gunderman made a motion to Approve the 90 day table request for Stablewood. Mr. Clase***

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

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**20-14                    Olentangy Falls East – Liberty Twp. - 150 lots / 146.94 acres**

**I.                    Conditions**

**Applicant:** Rockford Homes  
**Subdivision Type:** Planned Residential  
**Location:** south side of Hyatts Rd., west of US 23  
**Current Land Use:** Vacant  
**Zoned:** Planned Residential (PR)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** Civil & Environmental Consultants

**II.                    Staff Comments**

Olentangy Falls East is a large, 150-lot subdivision on generally rolling land extending east from Olentangy Falls. It is accessed with a boulevard entrance to Hyatts Road via Benton Lane. Significant open space is provided along Hyatts Road as well as along ravines to the west. Open space is also located in the southeastern corner of the site, which is adjacent to Preservation Park's Shane Run park and preserve. Two existing road stubs are utilized. Cedar Brook Lane will be built with the first section and Crayfish Court will be included in Section 2. A road stub is provided for future extension to the south into a 98-acre parcel which also has frontage on Taggart Road.

Lots are slightly smaller than Olentangy Falls, though most lots are 120' x 200', or 24,000 s.f. (.55 acres). Most roads are curb and gutter, except where they transition to existing open ditch streets in Olentangy Falls. Sidewalks are provided throughout and a pedestrian path is provided along Hyatts Road for future connections.

*A technical review was held on September 16, 2014, after which the applicant has addressed all of the required changes.*

**III.                    Staff Recommendation**

Staff recommends *Conditional Preliminary Approval* of **Olentangy Falls East** to the DCRPC, subject to:

1. *All zoning, environmental, or other development text shall be amended with the Township and any other governing entity to expressly permit, and not restrict, the construction, use, operation, maintenance, repair, or replacement of all sanitary sewers, services, manholes, structures, and appurtenances.*

**Commission / Public Comments**

Mr. Jack Brickner, Director of Development for Planned Communities was present to represent Rockford Homes.

*Mrs. Jenkins made a motion for Conditional Preliminary Approval of Olentangy Falls East subject to staff recommendation. Mr. Hopper seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**Preliminary/Final** (none)

**Final**

**08-12.2.A T Sanctuary at the Lakes, Sec. 2, Pt. 1 – Orange Twp. - 35 lots / 22.79 acres**

The applicant has requested a 30-day tabling of the Sanctuary at the Lakes, Section 2, Part 1 Final Plat to resolve issues related to Water Quality Mitigation and environmental covenants.

**Staff Recommendation**

Staff recommends a *30-day Tabling* of **Sanctuary at the Lakes, Sec. 2, Pt. 1** to the DCRPC.

**Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Gunderman made a motion for a 30-day tabling of Sanctuary at the Lakes, Section 2, Part 1. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**V. OTHER BUSINESS** (none)

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

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

***Having no further business, Mrs. Jenkins made a motion to adjourn the meeting at 8:30 p.m. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

***The next meeting of the Delaware County Regional Planning Commission will be Thursday, October 30, 2014, 7:00 PM at the Delaware County Commissioner's, 101 North Sandusky St., Conference Room, Delaware, Ohio 43015.***

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Ken O'Brien, Chairman

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Stephanie Matlack, Executive Administrative Assistant