



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, November 17, 2016 at 6:30 PM

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

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of October 27, 2016 RPC Minutes
- Executive Committee Minutes of November 9, 2016
- Statement of Policy

II. VARIANCE / EXTENSION

- 17-13.V North Star, Section 3, Ph.'s A & B – Kingston Twp. – Sec. 204.04 and 102.03 variance
 18-13.V Olentangy Falls, Sections 4 & 5 – Liberty Twp. – Sec. 204.04 and 102.03 variance

III. ZONING MAP/TEXT AMENDMENTS

- 27-16 ZON Dennis Hamilton – Orange Twp. – 3.515 acres – PCD to PID
 28-16 ZON Ray & Linda Mayo – Berkshire Twp. – 5.631 acres from A-1 to FR-1
 29-16 ZON Homewood Corp. – Berlin Twp. – 141.38 acres from FR-1 to R-4 with PRD overlay
 30-16 ZON **W** M/I Homes – Berlin Twp. – 160.285 acres from FR-1 to R-3 with PRD
 31-16 ZON Metro Development – Berlin Twp. – 10.104 acres from FR-1 to R-3/PRD overlay
 19-16 ZON Metro Development – Berlin Twp. – 74.624 acres from FR-1 to R-2 with PRD overlay

IV. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
09-16	4910 Rutherford Road CAD	Concord	07 lots / 25.496 acres
18-16	Orange Point Outparcels	Orange	04 lots / 12.48 acres

Preliminary/Final (none)

Final

16-16	The Reserve at Duncan Run, Lot 540, Div. #1	Harlem	02 lots / 11.925 acres
23-16	Woodstone, Lot 1358 easement vacation	Orange	01 lots / 1.1014 acres

T=TABLED, W=WITHDRAWN

V. OTHER BUSINESS

- Consideration for Approval: Expenditures - SWCD \$5,700.00 and Health Dept. \$10,620.00
- Consideration for Approval: 2017 DCRPC Budget
- Consideration for Approval: 2017 DCRPC meeting schedule

VI. POLICY / EDUCATION DISCUSSION (none)

VII. RPC STAFF AND MEMBER NEWS (none)

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairman Stites called the meeting to order at 6:35 p.m.

▪ **Roll Call**

Representatives: Jeff George, Chet Heid, Fred Fowler, Barb Lewis, Steve Burke, Mike Frommer, Dave Stites, Tracey Mullenhour, Ed Reely, Bill Thurston, and Mike Dattilo. *Alternates:* Mike Jones, Farzan Ahmed, John Piccin, Susan Dorsch, and Michelle Boni. *Arrived after roll call:* Dan Quick (R) and Jim Nelson (R). *Staff:* Scott Sanders, Da-Wei Liou, Phil Bennetch and Stephanie Matlack.

▪ **Approval of the October 27, 2016 RPC Minutes**

Mr. George made a motion to Approve the minutes from October as presented. Mrs. Lewis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **November 9, 2016 Executive Committee Minutes**

1. **Call to order**

Chairman Stites called the meeting to order at 8:45 a.m. Present: Dave Stites, Gary Merrell, Susan Kuba, and Jeff George. Mike Frommer was absent. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from October 19, 2016**

Mr. George made a motion to Approve the minutes from the last meeting. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

- Financial / Activity Reports for October 2016

REGIONAL PLANNING RECEIPTS		OCTOBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$9,080.00
Fees A (Site Review)	(4202)	\$300.00	\$5,400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$3,900.00
Membership Fees	(4204)		\$221,608.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$5,956.53
Assoc. Membership	(4206)		
General Sales	(4220)		\$4.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$3,500.00	\$73,693.40
Charges for Serv. B (Final. Appl.)	(4231)	\$7,250.00	\$53,477.10
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$750.00
Charges for Serv. D (Table Fee)	(4233)		\$1,400.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,800.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$3,000.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$810.00	\$10,720.00
Soil & Water Fees	(4243)	\$525.00	\$5,825.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		

Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)		\$460.20
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$13,750.00	\$397,074.23

Balance after receipts	\$878,552.73
Expenditures	- \$ 30,294.87
End of October balance (carry forward)	\$848,257.86

Mr. George made a motion to Approve the financial reports as presented for audit. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Site Review
 - 1.) Northstar, Section 1, Phase B – Berkshire Twp. – 43 lots / 20.98 acres
- November RPC Preliminary Agenda
 - 1.) Rezoning:
 - Dennis Hamilton – Orange Twp. – 3.515 acres – PCD to PID
 - Ray & Linda Mayo – Berkshire Twp. – 5.631 acres from A-1 to FR-1
 - Homewood Corp. – Berlin Twp. – 141.38 acres from FR-1 to R-4 with PRD overlay
 - M/I Homes – Berlin Twp. – 160.285 acres from FR-1 to R-3 with PRD
 - Metro Development – Berlin Twp. – 10.104 acres from FR-1 to R-3/PRD overlay
 - Metro Development – Berlin Twp. – 74.624 acres from FR-1 to R-2 with PRD overaly
 - 2.) Preliminary:
 - 4910 Rutherford Road CAD – Concord Twp. - 07 lots / 25.496 acres
 - Orange Point Outparcels – Orange Twp. - 04 lots / 12.48 acres
 - 3.) Preliminary/Final: *(none)*
 - 4.) Final:
 - The Reserve at Duncan Run, Lot 540, Div. #1 – Harlem Twp. - 02 lots / 11.925 acres
 - Woodstone, Lot 1358 easement vacation - Orange Twp. - 01 lots / 1.1014 acres
 - 5.) Variance / Extension:
 - North Star, Section 3, Ph.’s A & B – Kingston Twp. – Sec. 204.04 and 102.03 variance
 - Olentangy Falls, Sections 4 & 5 – Liberty Twp. – Sec. 204.04 and 102.03 variance
- Director’s Report
 - 1.) Attended the MORPC Sustainability Summit on the 21st with Phil;
 - 2.) Attended Commissioner Session for Subdivision Regulations adoption on the 27th;
 - 3.) Presented at the Friends of the Lower Olentangy Watershed annual workshop at Stratford on the 28th;
 - 4.) Orange Township community visit – detailed meeting with administrator Lee Bodnar;
 - 5.) Attended initial Delaware County Trail Committee meeting October 28th, discussed data, future

- steps, stakeholder involvement;
- 6.) Participated in the county's Branding workshop on Nov. 4th;
 - 7.) Attended a Regional Data Advisory Committee communications subcommittee meeting at MORPC on Nov. 4th;
 - 8.) Continued Liberty Township Comp Plan – discussed roads and trails (again!). Good attendance and discussion – next meeting will have to be a catch-up session.
- GIS/Website
 - 1.) Discussed with MORPC staff issues with the new sidewalk layer;
 - 2.) Da-Wei is updating quarterly lot pipeline information grouped by township;
 - 3.) Also reconfigured the Building Permit data to include a table grouping permits by school district – I communicated with the larger districts, provided them a link, and received positive feedback;
 - 4.) Updated all application forms on the website, as well as the Subdivision Regulations;
 - 5.) Internal meeting regarding subdivision tracking and changes to our GIS process so that it can include County Engineer steps, other agencies.
 - 2017 Budget – Final review

Mr. Sanders stated that he did not receive any comments from Commission members and there were no changes since the RPC meeting.

Mr. Merrell made a motion to recommend Approval of the 2017 DCRPC Budget as presented. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Recommendation of Approval: SWCD \$5,700.00, Health Dept. \$10,620.00

Mr. George made a motion to recommend Approval to transfer fees collected on behalf of the SWCD of \$5,700 and Health Dept. of \$10,620. Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mrs. Kuba). Motion carried.

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

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 10:00 a.m. Mrs. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, December 7, 2016 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. **VARIANCE / EXTENSION**

17-13.V **North Star, Section 3, Ph.'s A & B – Kingston Twp. – Sec. 102.03 and 204.04 variance**

Applicant: Northstar Residential Development LLC.

Engineer: Terrain Evolution

Preliminary approval: 11/21/13

Extensions granted: 11/19/15 – 11/19/16

I. Request

Northstar Residential development LLC. is requesting a variance to sections 102.03 and 204.04 regarding the expiration and extension of the Preliminary Plan. The applicant is requesting a 1-year extension beyond the time limit allowed in the Subdivision Regulations.

The proposed subdivision is located on the south side of Wilson Rd., west of Carters Corner Rd.

II. Facts

1. The Subdivision Regulations require that a Final plat be submitted within 2 years of the Preliminary plan approval;
2. The project was given a 1-year extension November 2015 until November 2016;
3. The applicant seeks an additional one-year extension of the Preliminary approval to November 2017.

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.

Applicant's Response: *"Variance request will not be detrimental to the public health, safety and welfare and not injurious to other parties."*

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.

Applicant's Response: *"Variance request is unique to the above referenced project."*

- 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.

Applicant's Response: *"Not applicable."*

- 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's Response: *"Variance approval will not result in provisions of original application approval to be modified."*

IV. Staff recommendations

DCRPC staff recommends that based on the Finding of Fact listed above and generally on the timing of the acceptance of the sewer plant, the variance request from Sec. 102.03 & 204.04 for **Northstar Section 3, Phases A & B** be *Approved*.

DCRPC staff recommends *Conditional Approval* of a 1-year extension for **Northstar, Section 3, Phases A & B** to the DCRPC, *subject to a Variance being granted*.

Commission / Public Comments

No one was present to represent the applicant.

Mr. George made a motion for Approval of the Variance for Northstar, Section 3, Phases A & B based on finding of fact and the 1 year extension. Mr. Fowler seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Kingston Twp.). Motion carried.

18-13.V Olentangy Falls, Sections 4 & 5 – Liberty Twp. – Sec. 204.04 and 102.03 variance

Applicant: Olentangy Falls Ltd.
Contact: Jay McIntire, Encore Living
Engineer: CT Consultants
Preliminary approval: 11/21/13
Extensions granted: 11/19/15 – 11/19/16

I. Request

On behalf of Olentangy Falls Ltd., Mr. McIntire with Encore Living is requesting a variance to sections 102.03 and 204.04 regarding the expiration and extension of the Preliminary Plan. The applicant is requesting a 1-year extension beyond the time limit allowed in the Subdivision Regulations.

The proposed subdivision is located on the north side of Hyatts Rd., east of Chapman Rd.

II. Facts

1. The Subdivision Regulations require that a Final plat be submitted within 2 years of the Preliminary plan approval;
2. The project was given a 1-year extension November 2015 until November 2016;
3. The applicant seeks an additional one-year extension of the Preliminary approval to November 2017.

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's Response: *"We respectfully request a twelve month extension of time to file the Final plat(s) for the above mentioned Residential Lot Development. The physical development of the project is well under way. We anticipate submitting a Final Plat for consideration of at least Section 4 in the next 60 days." "The request is necessary as a result of the developer encountering unexpected subsurface rock and trapped water in the process of excavating for the installation. This greatly slowed down the development of the subject property."*

Staff comments: *Staff observes that road and drainage construction has occurred on the property. Neither the regulations nor the surrounding conditions have changed in a way that would impact the design of the project.*

IV. Staff recommendations

DCRPC staff recommends that based on the Finding of Fact listed above the variance request from Sec. 102.03 & 204.04 for **Olentangy Falls, Sections 4 & 5** be *Approved*.

DCRPC staff recommends *Conditional Approval* of a 1-year extension for **Olentangy Falls, Sections 4 & 5** to the DCRPC, *subject to a Variance being granted*.

Commission / Public Comments

Mr. Jay McIntire with Encore Living was present but had no comment.

Mr. George made a motion to Approve the Variance for Olentangy Falls, Sections 4 & 5 based on findings of fact and for a 1 year extension. Mr. Burke seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

27-16 ZON Dennis Hamilton – Orange Twp. – 3.515 acres – PCD to PID

I. Request

The applicant, Dennis Hamilton, is requesting a 3.515-acre rezoning from PCD to PID in order to maintain the current building under correct zoning and use the vacant area as open recreation events (soccer fields).

II. Conditions

Location: 7910 N. Central Drive, Lewis Center

Present Zoning: Planned Commercial District (PCD)

Proposed Zoning: Planned Industrial District (PID)

Present Use(s): One commercial building

Proposed Use(s): addition of soccer fields

School District: Olentangy Local School District

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: none

Soils: GwB Glynwood Silt Loam 2-6% slope

BoA Blount Silt Loam 0-2% slope

PwA Pewamo Silty Clay Loam 0-1% slope

III. Introduction

The applicant owns and maintains a 11,750 square foot building on 3.52 acres at 7910 North Central Drive in the Proprietors Commerce Park subdivision. The current site includes an open space area of approximately 1.7 acres. The original rezoning in 1976 indicated that the parcel was set aside as Open Space, with all existing vegetation and trees to be maintained. A permit was granted to build the commercial building and related improvements in 1993, which the township believes to have been granted in error.

In March of this year, Orange Township received a complaint that the open space had been cleared of vegetation and that the site was being used for recreational purposes. The Delaware County Auditor's information indicates that sometime between the aerial imagery released in 2013 and the aerial from 2015, the site was cleared.

The township consulted with the County Prosecutor's office, while the applicant/owner sought a Use Variance through the Board of Zoning Appeals to allow the current use to be legitimized. After review, the BZA felt that it was more appropriate for the applicant to seek a rezoning request instead. The change in designation to PID brings the other use into conformance.

The applicant has submitted a landscaping plan that indicates additional landscaping will be provided outside the right-of-way and within a 50-foot setback. The plan appears to provide 15 deciduous trees and 14 blue spruce evergreens, in addition to maintaining the remaining two evergreens at the intersection.

Staff comment: Although it is unfortunate that a number of mature trees, which were intended to be preserved, were cleared from this site, the applicant has committed to a new landscape plan. This issue, if not addressed, would be the only condition that staff would recommend. The Zoning Commission will need to determine whether the proposed landscaping is sufficient. The application appropriately references the landscape plan in the text.

IV. Comprehensive Plan

Orange Township's Comprehensive Plan acknowledges the existing commercial and industrial nature of this area. The DCRPC zoning information indicates this area is currently zoned Planned Industrial.

V. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Dennis Hamilton from PCD to PID to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 1.) *Clarifying the current zoning of the parcel;*
- 2.) *Consideration of additional landscaping, as needed.*

Commission / Public Comments

Mr. Dennis Hamilton was present to answer questions from the Commission.

Mrs. Lewis made a motion to recommend Conditional Approval of the rezoning request by Mr. Hamilton, subject to staff recommendations. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

28-16 ZON Ray & Linda Mayo – Berkshire Twp. – 5.631 acres from A-1 to FR-1

I. Request

The applicants, Ray & Linda Mayo, are requesting a 5.631-acre rezoning from A-1 to FR-1 in order to create two single family building lots.

II. Conditions

Location: 2711 Blayney Rd., Sunbury

Present Zoning: Agricultural (A-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Single family residence and several barns

Proposed Use(s): lot split

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 1.95 acres

School District: Big Walnut Local School District

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

Critical Resources: none

Soils: PwA Pewamo Silty Clay Loam 0-1% slope

CaB Cardington Silt Loam 2-6% slope

III. Introduction

This is a request for a rezoning to a “straight” district, so no development plan is required. However, a sketch is enclosed indicating the intent to create a 3.226-acre lot with the existing house and three outbuildings and a 2.405-acre lot with the northern barn. A new house could then be constructed on the northern lot.

The current parcel has approximately 518 feet of frontage, where the proposed zoning designation requires 200 feet. Splitting the lot as indicated will require side-yard setback variances which must be approved by the BZA before the township zoning office could sign off on them.

Staff recommends consultation with the Health District prior to beginning the Lot Split process. Division of the lot will require the typical ORC 711.131 (No Plat) process, where approvals will be required for both lots from the Health District, the Soil and Water Conservation District, the County Engineer, the Sanitary Engineer, the Berkshire Township Zoning Inspector, and finally the Regional Planning Commission.

IV. Comprehensive Plan

Berkshire Township's Comprehensive Plan acknowledges that 2-acre lots are less land consumptive than 5-acre lots.

V. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Ray & Linda Mayo from A-1 to FR-1 to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to consultation with the Health District to determine feasibility of on-lot systems.*

Commission / Public Comments

No one was present to represent the applicant.

Mr. Fowler made a motion to recommend Conditional Approval of the rezoning by Ray & Linda May, subject to staff recommendations. Mr. Dattilo seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

29-16 ZON Homewood Corp. – Berlin Twp. – 141.38 acres from FR-1 to R-4 with PRD overlay

I. Request

The applicant, Homewood Corp. is requesting a 141.38-acre rezoning from FR-1 to R-4 with PRD overlay for the development of Howard Farms. The applicant is requesting a single-step Preliminary and Final Development Plan consideration and approval.

II. Conditions

- Location:** 3204 Cheshire Rd., Delaware
- Present Zoning:** Farm Residential (FR-1)
- Proposed Zoning:** R-4 with PRD overlay
- Present Use(s):** Single family residence, former agricultural
- Proposed Use(s):** 175 single family housing development
- Existing Density:** 1 du / acre
- Proposed Density:** 1.5 du / net developable acre
- School District:** Olentangy Local School District
- Utilities Available:** Del-Co Water and public sanitary sewer
- Critical Resources:** wetland, streams/drainage courses, slope \geq 20%
- Soils:** PwA Pewamo Silty Clay Loam 0-1% slope
 - BoB Blount Silt Loam 2-4% slopes
 - BoA Blount Silt Loam 0-2% slopes
 - GwB Glynwood Silt Loam 2-6% slopes
 - SoA Sloan Silty Clay Loam, till substratum, 0-2% slopes
 - GwC2 Glynwood Silt Loam 6-12% slopes

III. Introduction

Homewood is seeking the rezoning based on the R-4 standards with a PRD overlay to create 175 single-family lots. The R-4 designation determines certain standards and the PRD overlay allows some flexibility in design as well as the 20% open space requirement. The application seeks 1.5 units per net developable acre, as noted in the Comprehensive Plan.

The Development Plan shows a single access on Cheshire Road approximately 2,200 feet east of Piatt Road and 500 feet west of the Berlin Township Hall. The entry road extends south, running adjacent to a 3.1-acre open space area that will feature a pergola, open grassy areas, walking paths and landscaping. A second area of open space at 1.3 acres, also serves as useable open space. There are several other passive areas of open space, both along Cheshire and throughout the site. A large, 25.7-acre area of passive open space is located in the southwestern corner of the site. Roughly half of this area is wooded and the other half is (or has been) in agricultural production.

A road connection is provided to the west, which coordinates with a zoning case which was reviewed by the RPC in September and is currently pending at the township. A second road stub is provided to the south, adjacent to the Paykoff property. This alignment also coordinates with a proposed road stub in a zoning case that was reviewed by the RPC in August and is also pending at the township.

IV. Comprehensive Plan

Berlin Township’s Comprehensive Plan recommends residential uses in this area at a density of 1.5 units per net developable acre. General goals in the plan also indicate the desire for ample open space, preservation of a rural “look” along existing roads, active recreation areas, and interconnectivity. The proposal appears to address the density and design requirements, as well as other goals for the township.

V. Issues

Development Standards: The Development Plan and related text appear to adhere to the standards for lot size and frontage. No specific divergences are requested, so it is assumed that none are anticipated.

Development Standards	
Designation	R-4
Density	1.5 NDA
Lot Size (w/PRD)	14,520 sf
Frontage	90'
Open Space required	20%

Traffic and access: Accesses may be appropriate, with a single access to Cheshire and two stubs to adjacent property.

Street network details: As noted in recent rezoning reviews, the extension of Piatt Road from Cheshire Road to Berlin Station Road will be a county project by resolution of the County Commissioners. Engineering and right-of-way acquisition is scheduled from 2016-2018, with construction August 2018 - August 2019. Although it does not directly impact this site, it will add to the overall infrastructure improvements of the area.

As part of that engineering and construction, a roundabout will be constructed at Piatt and Cheshire Roads. New intersections will need to provide for proper spacing from the roundabout and approaches. The entry road is adequately spaced from Piatt Road and there is no pending case currently for the land to the north. Any access there can be coordinated with this one, depending on timing.

A draft Memorandum of Understanding (MOU) has been forwarded to the County Engineer’s office, but the application does not include the acceptance of the MOU language. A traffic study indicating necessary improvements on existing roads and intersections, has not been completed.

Drainage: The site has adequate drainage, given the stream running across the southern end. Significant water

appears to be held on site in three proposed basins. The largest of these basins is located in the rear of twenty lots. Details should be provided indicating how the safety of this area will be maintained.

Signage: Proposal indicates a simple 3'1" x 3'9" sign hanging on a mast arm with an overall 8-foot tall sign post and foundation. Entry features include cross-buck and three-rail black fencing, establishing a consistent look for the township.

Open Space: As noted in the description, open space is provided throughout the site. The large area of open land to the southwest provides a unique opportunity to preserve a large area of land either passively or actively. The Development Plan indicates that the area will be untouched, it could provide an area of active recreation, either with or without adjacent property. The Development Plan indicates no access to the area. Staff recommends at minimum, a small strip for access between two lots at the end of the cul-de-sac and further discussion regarding using it as a park in the future. The Comprehensive Plan notes that the southwest corner of Cheshire and Piatt is recommended for a park, but that land was purchased in September, 2016 and will likely be proposed for development. Access could also be provided from the Paykoff property to the south.

Pedestrian access: The plan indicates a 10-foot path along Cheshire Road, 8-foot paths through open space areas, and typical 5-foot sidewalks throughout. Staff concurs with the wider path along Cheshire and notes that Cheshire and Piatt both form corridors where pedestrian and bike access is a priority.

Sanitary Treatment: A letter is included stating availability in the area. The conditions are typical for service letters in this general area – “downstream improvements to the Peachblow pump station and force main will be conducted by the County and construction sequencing might impact future phasing of the proposed development.” The plan indicates that a sanitary sewer line will need to extend through the property southeast of the site, with eventual connection to the existing line along South Old State Road.

VI. Divergences

Again, no specific divergences are requested.

VII. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Homewood Corp. from FR-1 to R-4 with PRD overlay to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

- 1.) *Consideration of improved access to the large open space area to the southwest as a more regional recreation area. And/or ensure that any zoning language related to that area doesn't preclude access from adjacent development, in accordance with recreational plans of the township.*

Commission / Public Comments

Mr. Jim Lipnos with Homewood Corp. was present. He stated that the side yard setback on the corner lots was initially requested at 20' but has since been amended to 40'. He also agreed to work with the township on the open space concern by staff.

Mr. George made a motion to recommend Conditional Approval of the rezoning by Homewood Corp. subject to staff recommendation. Ms. Boni seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

30-16 ZON M/I Homes – Berlin Twp. – 160.285 acres from FR-1 to R-3 with PRD overlay

This application was withdrawn by the Township on 11/17/16.

31-16 ZON Metro Development – Berlin Twp. – 10.104 acres from FR-1 to R-3/PRD overlay

I. Request

The applicant, Metro Development, on behalf of Tom and Julia Roll, is requesting a 10.104-acre rezoning from FR-1 to R-3 with PRD overlay to add 12 single family lots to the proposed Westfield Lakes subdivision.

II. Conditions

Location: 2747 Gregory Rd., Delaware

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: R-3 with PRD overlay

Present Use(s): vacant

Proposed Use(s): 12 single family lots

Existing Density: 1 du / acre

Proposed Density: 1.79 du / net developable acre

School District: Olentangy Local School District

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: none

Soils: PwA Pewamo Silty Clay Loam 0-1% slope

BoA Blount Silt Loam 0-2% slope

GwB Glynwood Silt Loam 2-6% slope

III. Introduction

In September, the RPC reviewed a project proposed to be called Westfield Lakes. This rezoning application was approved by the Berlin Township Zoning Commission in October. Within the past two months, the landowners to the north have requested that a portion of their property be rezoned as well, allowing interconnection with the approved plan to the south.

The approved portion of Westfield Crossing provides accesses to both Cheshire and Gregory, with roads circulating through the site. A stub was provided to this property. The current proposal shows the extension of that road into the site to a T intersection, with a road heading east, ending in a cul-de-sac. No access would be allowed to future Piatt Road at this location, so none is provided. A stub is shown to the west to the remaining portion of the applicants' property.

Open space of 20% is required, where the proposal indicates 53.25%, or 5.38 acres. A portion of the larger open space area to the east includes a retention pond as well and mounding and plantings.

IV. Comprehensive Plan

This is a rezoning to a PRD overlay on an R-3 district. The R-3 designation establishes lot size and frontage and also sets a maximum density. The PRD then allows flexibility in layout and provides other Development Plan and provides the open space requirement. The R-3 district requires a minimum lot size of 10,890 square feet (0.25 acres) and a maximum density of 1.85 units per Net Developable Acre.

Berlin Township's 2011 Comprehensive Plan indicates this area would be residential at a density of 1.85 units per

net developable acre. This proposal indicates 1.83 units per net developable acre. The plan also indicates the need for a bike path system along Piatt Road and open space throughout. The proposal appears to conform both to the density and the lot size requirements.

V. Issues

Development Standards: The Development Plan and related text appear to adhere to the standards for lot size and frontage. No specific divergences are requested.

Designation	R-3
Density	1.85 NDA
Lot Size (w/PRD)	10,890 sf
Frontage	80'
Open Space required	20%

Traffic and access: Access appears appropriate. As noted, no access to Piatt Road would be allowed and the proposal is providing a stub to the west. Traffic generation can be reviewed at the same time as the adjacent development.

A revised Traffic Study, updated to reflect the additional property, was being reviewed by the County Engineer's office as of a letter dated November 3, 2016. Conceptual layout appears to be feasible.

Drainage: Appears to be adequately managed. By adding this property, stormwater can be studied for a larger area instead of piece-meal.

Signage: No additional signage is necessary since this is an expansion of an approved project.

Pedestrian access: A 10-foot multi-use path is proposed along Piatt Road with an 8-foot path connecting the cul-de-sac to that larger path. Typical 5-foot sidewalks are provided throughout.

Sanitary Treatment: A letter is included from the Sanitary Engineer's office indicating that capacity is conditionally available and explaining access options. It also notes that the county will be conducting improvements to the Peachblow pump station and force main, which may impact sequencing and phasing.

Divergences: No divergences are being requested.

VI. Staff Recommendations

Staff recommends **Approval** of the rezoning request by Metro Development from FR-1 to R-3 with PRD overlay to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees.

Commission / Public Comments

Mr. Todd Faris with Faris Planning & Design was present to represent the applicant.

Mr. George made a motion to recommend Approval of the rezoning for Metro Development from FR-1 to R-3 with PRD overlay. Mr. Burke seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

19-16 ZON Metro Development – Berlin Twp. – 74.624 acres from FR-1 to R-2 with PRD overlay

I. Request

The applicants Metro Development on behalf of Barbara Schanck Trustee and Tom and Julia Roll, are requesting a 74.624-acre rezoning from FR-1 to R-2 with PRD overlay to develop Eaststone Crossing.

II. Conditions

Location: North side of Cheshire Rd., east of Piatt Rd.

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: R-2 with PRD overlay

Present Use(s): Vacant

Proposed Use(s): 79 single-family house lots (Eaststone Crossing)

Existing Density: 1 du / acre

Proposed Density: 1.245 du /acre

School District: Olentangy Local School District

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: wetland

Soils: BoA Blount Silt Loam 0-2% slope

PwA Pewamo Silty Clay Loam 0-1% slope

GwB Glynwood Silt Loam 2-6% slope

III. Introduction

This proposal was reviewed by the RPC in September, 2016 and later by the Berlin Township Zoning Commission with 57 lots on 54.183 acres. The project, to be called Eaststone Crossing, is located north of Cheshire Road and east of Gregory Road, with a single access on Cheshire and a second access on Piatt Road. After this project was reviewed, additional land became available, allowing for an improved internal layout and an appropriate access to the proposed Piatt Road. The new zoning would allow for 79 lots on 74.624 acres.

The plan shows the road entering the site along the western portion of the Cheshire Road frontage with other roads circulating throughout the L-shaped site. Two stubs are proposed to undeveloped adjacent property to the east. Open space of 20% is required, where the proposal indicates 41.27%, or 30.80 acres. Of that acreage, there is a large 13.27-acre open field at the southeast corner, a 1.72-acre square in the center of the site, and other areas around the periphery of the site, preserving an existing treeline, and providing pedestrian connections. Minimum lot area in the R-3/PRD designation is 10,890 s.f. where the proposed lots are a minimum of 15,000 s.f.

IV. Process and Comprehensive Plan

This is a rezoning to a PRD overlay on an R-2 district (the previous request used the R-3 standards). The zoning designation establishes a lot size and a maximum density for a proposal. The PRD overlay allows flexibility in layout and provides the open space requirements. The R-2 district requires a minimum lot size of 21,780 square feet, frontage of 100', and a maximum density of 1.25 units per Net Developable Acre.

Berlin Township's 2011 Comprehensive Plan recommends this area as residential at a density of 1.25 units per net developable acre. This plan proposes a density of 1.24 units per net developable acre. The plan also indicated the need for a bike path system along Piatt and Cheshire Roads, both of which are being provided. As far as use and density are concerned, this plan complies with the Comprehensive Plan.

V. Issues

Development Standards: As noted above, the Development Plan and related text generally adhere to the standards for density and frontage. The proposal has been amended with the additional property, updating the

layout and ensuring that all lots except one adhere to the 100-foot frontage requirement. That lot is requested to have 82 feet of frontage with an overall size of 25,900 square feet. Otherwise, the minimum lot size is 15,000 square feet. This is a divergence, which appears to be reasonable based on the requested density being in conformance with the Plan, and the fact that most lots include a rear open space strip which will better preserve the tree rows that surround the site.

Designation	R-2
Density	1.25 NDA
Lot Size (w/PRD)	21,780 sf
Frontage	100'
Open Space required	20%

Traffic and access: Staff supports the change in layout with access to Piatt Road.

Street network details: As noted in the September review, the extension of Piatt Road from Cheshire Road to Berlin Station Road will be a county project by resolution of the County Commissioners. Engineering and right-of-way acquisition is scheduled from 2016-2018, with construction August 2018 - August 2019.

As part of that engineering and construction, a roundabout will be constructed at Piatt and Cheshire Roads. New intersections will need to provide for proper spacing from the roundabout and approaches.

The Development Plan indicates two options for the connection to Cheshire. In October, the County Engineer’s staff had noted “if the Roll property comes into play, then the access onto Cheshire could be eliminated and the East Bound left turn lane would not be required.”

A revised Traffic Study, updated to reflect the additional property, was being reviewed by the County Engineer’s office as of a letter dated November 3, 2016. Conceptual layout appears to be feasible.

Staff Comment: Previously, the County Engineer’s office indicated that the current Cheshire Road access may be too close to the roundabout to allow for an east-bound left turn lane. Now that the Roll property is included in the application and design, staff concurs with the County Engineer and the concept that shows the southern end of Road A being built as a cul-de-sac. The extension of Piatt Road will impact the timing of this subdivision’s development.

Drainage: Now that the property has been expanded, the drainage plan appears to be an improvement with fewer individual ponds.

Signage and Landscaping: The plan indicates similar designs as previously submitted, but at the new location along Piatt Road.

Pedestrian access: New design shows additional trails, as well as the previous wider paths along Cheshire and Piatt Roads.

Divergences: As noted, based on the previous review by the Berlin Township Zoning Commission, the applicant has amended the application to reflect the applicable zoning district (R-2 instead of R-3) and is asking for specific divergences for lot size and frontage.

Lot size: 21,780 s.f. minimum is requested for reduction on all lots; no lot is smaller than 15,000 square feet and seven lots are larger than 18,000 s.f.

Frontage: One lot (#54) is requested for reduction from 100' to 82'-3", with 100' at the building line.

Side Yard: setback requested to be reduced to 12'-6" on all lots.

Rear Yard: setback requested to be reduced to 25' on all lots.

VI. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Metro Development for 74.624 acres from FR-1 to R-2 with PRD overlay to the DCRPC, Berlin Twp. Zoning Commission, and Berlin Twp.

Trustees, *subject to:*

- 1.) *Consideration of tree preservation language to be added to the open space dedication;*
- 2.) *Continuing to work with the County Engineer's office on the coordination of the Piatt Road extension, as the project's main access;*
- 3.) *Recommended approval of the divergences, as specifically requested.*

Commission / Public Comments

Mr. Todd Faris with Faris Planning & Design was present.

Mr. George made a motion to recommend Conditional Approval of the rezoning by Metro Development for 74.624 acres subject to staff recommendations 1-3. Mr. Fowler seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

09-16 4910 Rutherford Road CAD – Concord Twp. - 07 lots / 25.496 acres

I. Conditions

- Applicant:** Mark Inks
Subdivision Type: 7 lot Common Access Drive Subdivision
Location: north side of Rutherford Rd., east of Riverside Dr.
Current Land Use: two residential homes
Zoned: Farm Residential (FR-1)
Zoning Approval:
Utilities: Del-Co water and private on-lot treatment systems
School District: Olentangy
Engineer: Pomeroy & Assoc.

II. Staff Comments

4910 Rutherford Road CAD is a 7-lot residential subdivision with frontage on the north side of Rutherford Road between Riverside Drive and Steitz Road. Three of the lots have existing residences and the other four are proposed. An existing CAD enters the site from the south heading north and curving to the east ending at one of the existing houses. The subdivision involves redirecting the entrance to the CAD on Rutherford Road, adding passing lanes, and extending the CAD to the north with a "T" turnaround. The site includes two existing ponds – one on the northwest lot and one on the southernmost lot. This site was originally proposed as two separate CADs by two individual applicants. Staff encouraged the combination since we do not support side-by-side Common Access Driveways. The combined plan allows for improved access at Rutherford Road and more efficient infrastructure.

A technical review was held on November 8, 2016, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **4910 Rutherford Road CAD** to the DCRPC.

Commission / Public Comments

Mr. Dave McCoy with Pomeroy & Associates was present to represent the applicant.

Mr. George made a motion for Preliminary Approval of 4910 Rutherford Road CAD. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

18-16 **Orange Point Outparcels - Orange Twp. - 04 lots / 12.48 acres**

I. Conditions

- Applicant:** Orangepointe, LLC.
- Subdivision Type:** Planned Commercial and Office
- Location:** east side of US 23, north of Orange Point Dr.
- Current Land Use:** Vacant
- Zoned:** Planned Commercial and Office District (PCD)
- Zoning Approval:** November 21, 1990
- Utilities:** Del-Co water and central sanitary sewer
- School District:** Olentangy
- Engineer:** EMH & T

II. Staff Comments

Orange Point Outparcels is a 4-lot commercial subdivision with frontage on US-23 and Orange Point Drive. The site will initially include a 15,273 square-foot Point Blank Range & Gun Shop, 5 self-storage units totaling approx. 70,000 square feet, the associated parking, and a stormwater basin. Access for both services will be off Orange Point Drive.

The Auditor's data indicates that a strip of land located between the site and Superkick to the east is under separate (but related) ownership (Capitol Square Corp Chester J J-Solove R J). After significant discussion at the October, 2016 RPC meeting, the applicant has added the extension of Graphics Way to the subdivision plans. The applicant will continue to work with the County as to the timing of the roadway and its relationship to the future plat.

A technical review was held on September 20, 2016, after which the applicant has addressed all required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **Orange Point Outparcels** to the DCRPC.

Commission / Public Comments

Mr. Lou Visco with Casto was present to represent the applicant.

Mr. George made a motion for Preliminary Approval of Orange Point Outparcels. Mr. Heid seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final

16-16 The Reserve at Duncan Run, Lot 540, Div. #1 – Harlem Twp. - 02 lots / 11.925 acres

I. Conditions

Applicant: Dan Reckner

Subdivision Type: Single Family Residential

Location: West side of South County Line Road, south of Center Village Road

Current Land Use: Two single family homes

Zoned: Farm Residential (FR-1)

Zoning Approval: May 18, 2016

Utilities: well water and private on-lot treatment systems

School District: Johnstown-Monroe

Engineer: Scioto Land Surveying Service

II. Staff Comments

The Reserve at Duncan Run is a 4-lot Common Access Driveway subdivision that was built and platted on February 10, 2010. On May 31, 2007, prior to being approved, the RPC granted a variance to allow up to 6 lots on the driveway. When the site was developed, the northern lot, Lot 540, retained its A-1 zoning (5-acre minimum lot size) while the other areas were being developed under FR-1 zoning (2-acre minimum lot size). In May of this year, FR-1 zoning was approved through Harlem Township for the creation of the 3.5-acre eastern portion of the lot, leaving an 8.424-acre lot to the west.

As constructed, the existing CAD appears to be in reasonable shape and was built with a wider profile rather than utilizing passing areas. A new Maintenance Agreement will be required and recorded prior to the Director signing a future Final Plat.

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 **The Reserve at Duncan Run, Lot 540, Div. #1** to the DCRPC.

Commission / Public Comments

Mr. George made a motion for Final Approval of The Reserve at Duncan Run, Lot 540, Division # 1. Mrs. Lewis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

23-16 Woodstone, Lot 1358 easement vacation - Orange Twp. - 01 lots / 1.1014 acres

I. Conditions

Applicant: Jen & Kenny Aikman
Subdivision Type: Single Family Residential
Location: north end of Woodstone Drive, south of Lewis Center Rd.
Current Land Use: vacant
Zoned: Single Family Planned Residential (SFPRD)
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: Pomeroy & Assoc.

II. Staff Comments

The subject site was platted in 1989 as a buildable lot in the Woodstone Subdivision. The lot has access by a Common Access Driveway as part of the larger plat. The plat included a general “Utility Easement” that provided for the construction of a sanitary sewer line across the adjacent lot to the east, terminating with a manhole located within the 15-foot side-yard setback of the lot. Based on the supplied survey, the easement appears to extend approximately 20' beyond the location of the manhole.

The applicant seeks to vacate a small area, measured roughly at 12' x 4', at the western edge of the easement. The vacation will allow the construction of the proposed home, while maintaining an easement approximately 14' beyond the manhole.

The easement vacation is in accordance with Subdivision Regulations 205.06(B). This process was advertised in accordance with the Regulations and there were no comments from either the various county agencies or private utilities.

The applicant has presented to the RPC Office a survey of the easements to be vacated, a requirement for approval.

III. Staff Recommendation

Staff recommends *Final Approval* of **Woodstone, Lot 1358 easement vacation** to the DCRPC.

Commission / Public Comments

Mr. George made a motion for Final Approval of Woodstone, Lot 1358 easement vacation. Mrs. Lewis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

- Consideration for Approval: Expenditures - SWCD \$5,700.00 and Health Dept. \$10,620.00

Mr. Thurston made a motion to Approve the expenditures to SWCD for \$5,700.00 and the Health Dept. for \$10,620.00. Mr. Fowler seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Approval: 2017 DCRPC Budget

Mr. Sanders stated that he did not receive any comments about the proposed budget that was presented at the October meeting.

Mr. Piccin made a motion to Approve the 2017 Budget as presented. Mr. Heid seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Approval: 2017 DCRPC meeting schedule

Mrs. Dorsch made a motion to Approve the 2017 DCRPC meeting schedule as presented. Mr. Fowler 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. Burke made a motion to adjourn the meeting at 7:20 p.m. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, December 15, 2016, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Dave Stites, Chairman

Stephanie Matlack, Executive Administrative Assistant