

# Delaware County Regional Planning Commission

109 North Sandusky Street  
P.O. Box 8006, Delaware, Ohio 43015  
740-833-2260 www.dcrpc.org  
Scott B. Sanders, AICP Executive Director



## \*MINUTES\*

Thursday, September 27, 2018 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 August 30, 2018 RPC Minutes
- Executive Committee Minutes of September 19, 2018
- Statement of Policy

### II. CONSENT AGENDA

06-18	Hastilow	Berkshire / Trenton	03 lots / 24.899 acres
07-17.1	Heather Ridge, Section 1	Concord	34 lots / 18.099 acres
07-05.2.C.2	Nelson Farms, Sec.2, Ph. C, Pt. 2	Liberty	11 lots / 12.289 acres

### III. VARIANCES

27-18.V	John Hill Jr and Thistlegate 7 LLC - Kingston Twp. - Sec. 306.02 - 4 lot CAD
20-18.V T	Genoa Point Partners LLC - Genoa Twp. - Sec. 306.06 - reduced driveway easement
09-15.V	TBD Ventures LLC - Berlin Twp. - Sec. 102.03 & 204.04 - additional extension

### IV. ZONING MAP/TEXT AMENDMENTS

22-18 ZON	AAT Properties Ltd. - Berlin Twp. - 3 acres from FR-1 to PCD
23-18 ZON	Sunscapes Landscaping - Berkshire Twp. - 14.22 acres from A-1 to PCD
24-18 ZON	Jeff Gregg - Berkshire Twp. - 1.3136 acres - PMUD Development Plan
25-18 ZON	John Wicks, RPDD LLC - Berlin Twp. - 46.08 acres from FR-1 to TPUD
26-18 ZON	Pulte Homes - Liberty Twp. - 27.65 acres from FR-1 to PMFR

### V. SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
24-18	Whetstone Ridge	Liberty	09 lots / 18.87 acres
25-18	The Courtyards at Clear Creek	Orange	130 lots / 49.9 acres
12-16.2	Evans Farm, Section 2	Orange	126 lots / 38.82 acres
<u>Preliminary/Final</u>			
26-18	F-T The Shoppes at Liberty Crossing, Sec. 1, Lot 5150, Division #1	Liberty	02 lots / 1.395 acres

### Final (Consent)

T=TABLED, W=WITHDRAWN

**VI. EXTENSIONS**

19-16	Britonwoods Sections 1 & 2	Genoa	19 lots / 57.23 acres
09-15	Sycamore Trail	Berlin	18 lots / 21.29 acres

**VII. OTHER BUSINESS**

**VIII. POLICY / EDUCATION DISCUSSION**

**IX. RPC STAFF AND MEMBER NEWS**

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairman Stites called the meeting to order at 6:30 p.m.

▪ **Roll Call**

*Representatives:* Jeff George, Ric Irvine, Jeff Benton, Steve Burke, Tammy Noble, Tom Hopper, Joe Shafer, Dave Stites, Tracey Mullenhour, Hal Clase, Joe Proemm, Ed Snodgrass, Mike Dattilo and Doug Price. *Alternates:* Cheryl Friend, Bob Lamb, Doug Riedel, Bill Piper, Jeff Beard, and James Hatten. *Staff:* Scott Sanders, Phil Bennetch, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the August 30, 2018 RPC Minutes**

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

▪ **September 19, 2018 Executive Committee Minutes**

**1. Call to order**

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

**2. Approval of Executive Committee Minutes from August 22, 2018**

*Mr. George made a motion to Approve the minutes from the last meeting, seconded by Mrs. Kuba. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Merrell). Motion carried.*

**3. New Business**

- Financial / Activity Reports for August 2018

REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,050.00	\$8,505.00
Fees A (Site Review)	(4202)	\$600.00	\$4,799.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$2,100.00
Membership Fees	(4204)		\$231,805.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$890.00	\$890.00
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)	\$2.00	\$15.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$3,600.00	\$54,247.00
Charges for Serv. B (Final. Appl.)	(4231)	\$9,000.00	\$46,485.60
Charges for Serv. C (Ext. Fee)	(4232)		\$300.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$1,600.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$1,800.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$4,800.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$2,530.00	\$9,780.00
Soil & Water Fees	(4243)	\$825.00	\$5,025.00
Commissioner's fees	(4244)		\$0.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		
Other Reimbursements A			\$0.00
Other Misc. Revenue (GIS maps)	(4730)		\$0.00
Misc. Non-Revenue Receipts	(4733)	\$15.00	\$181.00
Sale of Fixed Assets	(4804)		\$0.00
<b>TOTAL RECEIPTS</b>		<b>\$20,712.00</b>	<b>\$372,332.60</b>

Balance after receipts	\$975,532.28
Expenditures	- \$ 45,721.74
End of August balance (carry forward)	\$929,810.54

*Mrs. Kuba made a motion to Approve the Financial report as presented subject to Audit. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- September Site Reviews
  - 1.) Tranel - Radnor Twp. - 3 lots / 6 acres
  - 2.) Northlake Preserve - Berkshire Twp. - 228 lots / 118.6 acres
  - 3.) Planet Oasis South - Berkshire Twp. - 6 lots / 244.95 acres
  - 4.) Slate Ridge - Orange Twp. - 5 lots / 231 acres
  
- September RPC Preliminary Agenda
  - 1.) Rezoning
    - AAT Properties Ltd. - Berlin Twp. - 3 acres from FR-1 to PCD
    - Sunscapes Landscaping - Berkshire Twp. - 14.22 acres from A-1 to PCD
    - Jeff Gregg - Berkshire Twp. - 1.3136 acres - PMUD Article 16
    - John Wicks, RPDD LLC - Berlin Twp. - 46.08 acres from FR-1 to TPUD
    - Pulte Homes - Liberty Twp. - 27.65 acres from FR-1 to PMFR
  
  - 2.) Variance / Extension
    - John Hill Jr and Thistlegate 7 LLC - Kingston Twp. - Sec. 306.02 - 4 lot CAD
    - Genoa Point Partners LLC - Genoa Twp. - Sec. 306.06 - reduced driveway easement
    - TBD Ventures LLC - Berlin Twp. - Sec. 102.03 & 204.04 - additional extension
  
  - 2.) Preliminary:
    - Whetstone Ridge - Liberty Twp. - 09 lots / 18.87 acres
    - The Courtyards at Clear Creek - Orange Twp. - 130 lots / 49.9 acres
    - Evans Farm, Section 2 - Orange Twp. - 126 lots / 38.82 acres
  
  - 5.) Final:
    - Hastilow - Berkshire / Trenton Twp.'s - 03 lots / 24.899 acres
    - Heather Ridge, Section 1 - Concord Twp. - 34 lots / 18.099 acres

- Nelson Farms, Sec.2, Ph. C, Pt. 2 – Liberty Twp. - 11 lots / 12.289 acres
- 6.) Extension
  - Britonwoods, Sections 1 & 2 – Genoa Twp. – 19 lots / 57.23 acres
  - Sycamore Trail – Berlin Twp. – 18 lots / 21.29 acres
- Director’s Report
  - 1.) **NACo Leadership Institute** – registered for the Leadership Institute through the National Association of Counties. 2018 program was full so next session starts in January;
  - 2.) **US Census 2020** – phone conference with Nancy Reger and Westerville planning – strategy is to host information on our website, send periodic e-mails to agencies and political subdivisions directing them to that information. Will meet with various public information officers for cities/county/health district/school districts to discuss messaging. Intent is NOT to plan a bunch of meetings and events, just raise awareness and provide information;
  - 3.) **The “Complete Count Committee”** that the Census would like us to set up will essentially be a group of those agencies and political divisions;
  - 4.) **Orange Township Comp Plan** – internal meeting with zoning to finalize draft – they hope to meet next week to complete (we helped review what students created as well as amend the subarea section and maps);
  - 5.) **Berlin Township Comp Plan** waiting for next meeting;
  - 6.) **Health District:** attended final meeting to prioritize focus areas for the Community Health Improvement Plan. This is a process that takes place every 5 years or so and engages community health partners, local hospital systems, and other agencies;
  - 7.) **Brown Township Comp Plan** fourth meeting – presented recommendations, included an interesting discussion on the recent purchase of several lots in Kilbourne village. This may lead to a special focus area in the plan;
  - 8.) **Liberty Township** – updated master zoning code file based on recent approved amendments, posted to website;
  - 9.) **Troy Township** – reformatted code, updated several sections based on requests, reordered sections within several Districts, submitted full copy back to Township for review;
  - 10.) **CRA Housing Council** – Stephanie and I met (briefly) with the CRA for the annual review;
  - 11.) **Trakit Software:** continuing to work with other agencies through several meetings with on-site representative, and without, to set up software; Phil and I trained on a software that compares various revisions of the same engineering document, lots of other features too;
  - 12.) **Harlem Township:** First complete draft of reformatted code submitted to township;
  - 13.) **Project Oasis:** as noted, performed sketch plan for general development areas, no detail;
  - 14.) **Population projections:** completed and sent to MORPC for their inclusion, will use in our budgeting.
- Consent agenda discussion – The Committee discussed moving the consent agenda to the beginning of the meeting as a courtesy to applicants and/or consultants. The Commission still has the opportunity to remove one of the consent items for further discussion.
- 2019 Budget – Preliminary discussion  
Mr. Frommer stated that there would be some adjustments to the Health Insurance premiums for

2019 and would have those figures in early October after Commissioners' approval. Medicare and Workers Comp would remain the same. Except for larger monitors for plan review, staff did not foresee any equipment expenditures for 2019 but would have an additional software maintenance fee to consider. The Committee agreed that continuing the 30 cent credit for 2019 was appropriate. The first draft would be presented to the Executive Committee prior to the October 17<sup>th</sup> meeting. The full Commission would vote on the budget at the November 29<sup>th</sup> RPC meeting.

4. Old Business (none)

5. Other Business (none)

6. Personnel

- Arafat Hassan – GIS/Planning Intern started September 10<sup>th</sup>

7. Adjourn

*Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 11:05 a.m. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, October 17, 2018 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 comment followed by questions from 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. CONSENT AGENDA

Finals

06-18 Hastilow - Berkshire / Trenton Twp.'s - 03 lots / 24.899 acres

I. Conditions

**Applicant:** Richard Hastilow

**Subdivision Type:** Single Family Residential, Common Access Driveway

**Location:** East side of SR 61, south of Stockwell Rd.

**Zoned:** Berkshire Twp. - Agricultural (A-1), Trenton Twp. Farm Residential (FR-1)

**Preliminary Approval:** 04/26/18

**Utilities:** Del-Co Water, private on-lot treatment systems

**School District:** Big Walnut

**Engineer:** Gandee Heydinger Group

**II. Staff Comments**

Hastilow is a Common Access Driveway subdivision to allow an existing flag lot to serve an existing house as well as two new house sites. The CAD comes off the east side of S.R. 61 in Berkshire Township and enters Trenton Township where the lots are located. The access and utility easement will utilize the existing driveway and will add a T-turnaround. Each lot will be larger than the 5-acre minimum per the zoning district and will utilize on-site waste treatment.

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 **Hastilow** subdivision to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Hastilow Subdivision. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

07-17.1 Heather Ridge, Section 1 – Concord Twp. - 34 lots / 18.099 acres

**I. Conditions**

**Applicant:** Homewood Corp.  
**Subdivision Type:** Single Family Residential  
**Location:** North side of Hyatts Rd., east of South Section Line Rd.  
**Zoned:** Planned Residential District (PRD)  
**Preliminary Approval:** 03/30/17 overall  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Olentangy  
**Engineer:** Advanced Civil Design

**II. Staff Comments**

Heather Ridge is a 75-lot single-family subdivision with frontage on Hyatts Road, from which it takes its main access. The subdivision will also be accessible via the proposed Clarkshaw Moors development from the north. Section 1 includes the main entrance off Hyatts, Heather Ridge Drive, which heads north intersecting with an east-west road with a cul-de-sac, and provides a second east-west stub to the north. The east-west road provides a connection to future Woodcrest Crossing to the east. Section 1 also includes 6.322 acres of open space, which includes an 8' wide asphalt path along Hyatts, a stormwater basin, and an internal pedestrian path.

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 **Heather Ridge, Section 1** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Heather Ridge, Section 1. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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07-05.2.C.2 Nelson Farms, Sec.2, Ph. C, Pt. 2 - Liberty Twp. - 11 lots / 12.289 acres

**I. Conditions**

**Applicant:** Nelson Farms Assoc. LLC  
**Subdivision Type:** Single Family Residential  
**Location:** West side of Olentangy River Rd., north of Shale Run Dr.  
**Zoned:** Planned Residential (PR)  
**Preliminary Approval:** 05/25/06 overall  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Olentangy  
**Engineer:** EMH & T

**II. Staff Comments**

Nelson Farms, Section 2, Phase C, Part 2 extends Forestview Lane north, connecting with east-west road Nelson Lane. These roads provide frontage for 11 new lots, which are (aside from the large lot) between 0.601 acres and 0.697 acres in size. Sec. 2, Phase C, Part 2 creates a large buildable lot on the east side of Longview Drive, which includes a powerline easement, significant drainage and conservation easements, and a no build zone. No open space is being platted in the internal areas of Nelson Farms, although a 5' wide asphalt path will continue along Longview Drive heading north, and along Nelson Lane heading west.

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 **Nelson Farms, Section 2, Phase C, Part 2** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Nelson Farms, Section 2, Phase C, Part 2. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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### III. VARIANCES

#### 27-18.V John Hill Jr and Thistlegate 7 LLC – Kingston Twp. – Sec. 306.02 – 4 lot CAD

**Applicant:** John W. Hill Jr., Trustee and Thistlegate 7 LLC

**Surveyor:** Scioto Land Surveying Service

#### I. Request

The applicant is requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations to allow a 4-lot Common Access Driveway subdivision on the south side of SR 521 approximately 1,450' east of I-71.

#### II. Facts

1. The applicant seeks to create a four-lot subdivision, utilizing a Common Access Driveway;
2. The development site would be approximately 22.5 acres and include land from two parcels, utilizing a 60' strip for access and frontage;
3. A CAD would enter the site and travel approximately 1200 feet to the south, providing frontage for the four lots;
4. The land is zoned AR-1;
5. Del-Co Water is available to the site with an existing 6" line running across the frontage of the site;
6. Relevant sections of the Subdivision Regulations:

**306.02 Number of Lots.** The CAD may serve and provide access for up to three (3) lots as shown on the CAD subdivision plat. Two (2) additional lots contiguous to the CAD at the point of access to the public or private road by the CAD and which would meet the current applicable zoning requirements as free-standing lots may, at the discretion of the Commission, be accessed by the CAD."

#### 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:** "The granting of the variance request will not be detrimental to the public health, safety and welfare and will not be injurious to other property. The proposed CAD subdivision would utilize one curb cut and access point on State Route 521 (which would require a permit from ODOT), which helps to minimize traffic congestion. CAD subdivisions should be supported to avoid situations involving multiple contiguous curb cuts. In addition, Applicants' proposed CAD subdivision provides for a low density residential development of one (1) unit per 5.6 acres. The Comprehensive Land Use Plan for Kingston Township ("Comprehensive Plan") recommends low densities in the Agricultural Heartland at less than one (1) unit per 1.95 acres. Applicants' proposal meets and far exceeds the desired and stated planning goals of Kingston Township."*

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

***Applicant's Response:** "Applicant's proposed CAD subdivision provides for four (4) lots ranging in size from 2.5*

acres to 12.7 acres. The area to be developed is a wooded area located well off the road, and is owned by two separate entities, each owner seeking to gain access to the building sites.”

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:** “If the variance is not granted, then our clients will be unable to effectively utilize the Property, without creating an additional frontage lot, using up some of the existing farm ground. This creates a hardship for the property owners. The proposed CAD subdivision not only meets the goals and objectives of the property owners, but conforms to the stated purposes, goals, and objectives of the Comprehensive Plan, see below.”

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:** “The Applicants’ proposed CAD subdivision necessitates a variance from the Subdivision Regulations, which allow for no more than three (3) lots on a CAD subdivision. Applicant is only requesting one (1) additional lot over the number of lots required. We believe that the Applicant’s proposed CAD subdivision configuration meets the stated overall purposes and goals of the Comprehensive Plan. Again, the proposed CAD subdivision provides for one (1) dwelling unit per 5.6 acres. Also, the overall objective of Kingston Township in its land planning is to preserve the rural character of Kingston Township, with a variety of housing choices. This is achieved through the promotion of low densities and retention of a primarily single family residential housing mix, both of which are satisfied by this proposal. Lastly, as previously stated, the proposed CAD subdivision, with its plan to use only one CAD for all four (4) lots, implements access management controls to limit access points and to minimize traffic congestion on State Route 521. The Kingston Township Comprehensive Plan calls for multiple road-frontage lot splits along State Route 521 to be discouraged. The only way our clients could get access to the four building sites would be to split an additional frontage lot on State Route 521, creating 3 new driveways instead of one. Overall, the Applicant’s proposal conforms to the Comprehensive Plan and meets the spirit and intent of the Subdivision Regulations and Zoning Resolution.”

**Staff Comments:** The proposal appears to utilize an area that is not currently farmed, preserving farmland on either side. The CAD would gently slope toward the house sites. The CAD would have minimal impact on the drainage of the area – each house lot would slope east toward the west branch of the Little Walnut Creek. Lot sizes (4.1 acres, 2.5 acres, 3.2 acres, and 12.7 acres) will not be out of character with the building lots in the surrounding area, which includes several flag lots and a recently-developed CAD to the east. If approved, all other CAD Subdivision standards would be required at the subdivision phase, including providing evidence that on-site waste systems can be approved.

#### **IV. Staff Recommendation**

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 306.02 by **John Hill Jr and Thistlegate 7 LLC** be *Approved*.

**Commission / Public Comments**

Mrs. Karen Coffman with Scioto Land Surveying was present but did not have any comments.

*Mr. Price made a motion for Approval of the Variance request by John Hill Jr and Thistlegate 7 LLC to allow a 4 lot Common Access Driveway subdivision, based on the Findings of Fact presented by staff. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Kingston Twp.). Motion carried.*

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20-18.V T Genoa Point Partners LLC – Genoa Twp. – Sec. 306.06 – reduced driveway easement

**Applicant:** Genoa Point Partners LLC

**Engineer:** Watcon Engineers

**I. Request**

Genoa Point Partners LLC., is requesting to Table the variance request for 90-days in order to provide more engineering detail.

**II. Staff recommendations**

DCRPC staff recommends **Approval** of the 90-day Tabling of the Variance request for **Genoa Place**.

**Commission / Public Comments**

*Mr. Hal Clase made a motion to Approve the 90-day Tabling of the Variance request for Genoa Place. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.*

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09-15.V TBD Ventures LLC – Berlin Twp. – Sec. 102.03 & 204.04 – additional extension for Sycamore Trail

**Applicant:** TBD Ventures LLC

**Engineer:** Terrain Evolution

**Preliminary approval:** 06/25/15

**Extensions granted:** 06/27/17-06/29/18

**I. Request**

TBD Ventures 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 to complete the platting of a subdivision (five years after the first plat is recorded) in the Sycamore Trail subdivision in Berlin Township.

The proposed subdivision is located on the west side of Africa Rd., north of McClellon Dr.

## II. Facts

1. The Subdivision Regulations provide a two-year approval period for a Preliminary Plan;
2. Sycamore Trail received Preliminary approval on June 25, 2015;
3. The project was given a 1-year extension June 2017 until June 2018; and
4. Engineering plans have been progressing through the County Engineer's office with approved plans received on January 5, 2018 and the cost estimate for improvements received on March 27, 2018.

## 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 variance to the Delaware County Subdivision Regulations 102.03 and 204.04, in order to obtain an extension for the Sycamore Trail Preliminary Subdivision Plan past the expiration date. The Preliminary Subdivision Plan associated with the referenced subdivision was originally approved by Delaware County Regional Planning Commission June 25, 2015, and then an extension was granted in June of 2017."

"Since the extension in June of 2017 was granted the ownership of the property has changed. As the new owners, the decision was made to request approval of and record the final plat once the construction of the project was substantially complete in order to forego the construction bonding requirement. The intent was to complete construction of the project and have the final plat approved prior to June 2018 but unfortunately various factors, including the weather, have delayed the construction longer than anticipated. However, the project is still within the 1-year approval date of the final engineering plans and the project is now anticipated to be completed before the end of the year (2018)."

"Granting a variance for the extension of the Preliminary Subdivision Plan Approval beyond the expiration date will not be detrimental to the public health, safety and welfare, and not injurious to other properties. Additionally, 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 the regulations, or the desirable development of the neighborhood and community."

**Staff comments:** The project has been making progress and is ready to begin construction. Development of the surrounding area has not changed.

#### **IV. Staff recommendations**

DCRPC staff recommends that due to the progress made on the project and based on the Findings of Fact, the Variance request from Sec. 102.03 & 204.04 for **Sycamore Trail** and a one-year Extension to June 2019 of the Preliminary be *Approved*.

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

Mr. Matt Gerken with Terrain Evolution was present but had no comments.

*Mr. Hal Clase made a motion for Approval of the Variance request for Sycamore Trail to allow an additional extension and for a 1 year extension from June 2018 to June 2019. Mr. George seconded the motion.*

**VOTE: Unanimously For, 0 Opposed. Motion carried.**

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

22-18 ZON      AAT Properties Ltd. – Berlin Twp. – 3 acres from FR-1 to PCD

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

The applicant, AAT Properties, is requesting a 3-acre rezoning from FR-1 to PCD for the development of a commercial / office center on two existing parcels.

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

**Location:** north side of Hyatts Rd., west of US 23

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

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

**Present Use(s):** Two single-family house lots

**Proposed Use(s):** Commercial and office center

**School District:** Olentangy Local School District

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

**Critical Resources:** 100 year floodplain, Slope  $\geq$ 20%

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

GwC2 Glynwood Silt Loam 6-12% slope

LyE2 Lybrand Silt Loam 18-25% slope

LsA Lobdell Channery Substratum-Sloan 0-2% slope

##### **III. Introduction**

The proposal is for the construction of a multi-tenant commercial building of 13,460 square feet (6,260 s.f. would be available for restaurant use with the remainder available for other retail uses.) A total of 80 parking spaces are proposed. A single entrance is provided at Hyatts Road. A drive circulates around the building, providing access to the parking. The floor plan shows a restaurant space on each end, each with potential patio

space. Eight 1,200 s.f. tenant spaces are located in the interior, with assumed flexibility as interior spaces are leased and finished.

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

Berlin Township's 2010 Comprehensive Plan indicates this area would be single-family residential at a density of 1.85 units per net developable acre, which is different from the proposal. However, the site has frontage directly on US 23, is impacted by commercial buildings to the north and under development to the west, making the continuation of residential uses improbable. If safe access can be provided, this is a reasonable use.

#### **V. Issues**

**Traffic and access:** A letter from the Delaware County Engineer's Office is in possession of RPC staff (a copy couldn't be located in the application). The letter notes that existing right of way runs along the old alignment of Hyatts Road, between these two parcels. This will need to be vacated. Also, cross-access should be provided to the development to the west, to allow access for customers that may need to travel between the two centers. Otherwise, other typical comments regarding adequate outlet and proper drainage maintenance, including managing drainage that may flow from offsite, is included in the letter and will be addressed as the site goes through the development process.

A Capital Improvement Project is scheduled to improve the Hyatts Road/US 23 intersection in the 2019/2020 period. With this improvement currently in design, the applicant should work with the County Engineer's office to ensure the proposal coordinates with the project.

A letter from the Berlin Township Fire Department is also included, but only notes that service is available.

**Building Design:** The architectural detail is fairly typical for an in-line commercial site. But the color palette is restrained and the building includes a stack-stone look along the foundation of the building and along four of the tenant spaces. Down-cast gooseneck lights illuminate the wall signs. The west side of the building would benefit from some additional architectural detail since it faces the side elevation of an approved future retreat-style office development.

**Signage:** Signage details are noted within the Divergence section.

**Lighting:** Proposed lighting plan indicates pole lights and wall-mounted lighting that include cut-off fixtures.

**Sanitary Treatment:** No letter is included, but staff is aware that a pump station is proposed just southwest of this project. This will provide sanitary access to sites across U.S. 23. When the site to the west was rezoned in 2017, it anticipated and allowed for location of the pump station, which is currently in design. This pump station may be in place sometime after Spring, 2019.

#### **VI. Divergences**

Five divergences are requested:

1. Divergence requested to reduce the required separation between Food and Drink Service from Residential from 300' to 250'.

**Staff Comment:** This may not be necessary as the residential use to the west is transitioning to non-residential use.

2. To reduce the requirement of a 6' high hedge, fence, or mound, to 3' along Hyatts and US 23.  
*Staff Comment:* A reduced mound should still screen headlights. Staff concurs.
3. A divergence is requested to allow the top of wall signs to be 17'4" instead of a maximum height of 15' to allow signs to be placed in the center of the building cap fascia.  
*Staff Comment:* This is reasonable and will look more balanced than the code suggests. However, the height of the fascia could probably be reduced instead so that the sign meets the code while being centered on that part of the structure.
4. A divergence is requested to allow a second monument sign at the access at Hyatts Road.  
*Staff Comment:* It's reasonable to request a second sign since the frontage on Hyatts is not visible from the frontage on US 23. At minimum, a directional sign should be allowed at Hyatts. The site plan indicates the location of the two signs, which are appropriate. However, the sign on Hyatts road is indicated at the maximum height of 14', which is excessively large given that most traffic will see the US 23 signage first.

The application includes a sign detail page showing the dimensions of each sign and indicates three signs, including an "off-premise" sign. Although this is included in the Article for Signage, off-premise signs do not apply here. The other on premise designs appear to conform to size.

However, the drawings indicate that each sign includes a Digital Message Center, suggesting "electronic changeable copy signs," which are prohibited in the code. Staff recommends the signs include the major uses with downward-lit or internally-lit panels and allow the wall signs to suffice for other tenants.

5. A divergence is requested for the reduction of the perimeter landscape buffer zone from 15' to 10' and the planting inside that buffer from a 6' hedge, fence or mound to a 3' hedge, fence or mound.  
*Staff Comment:* This request is reasonable since the boundaries are all adjacent to other commercial uses. The parcel to the north is zoned Industrial, but the eastern side of the development functions as commercial. As long as the mounding blocks headlights from impacted neighboring properties, this is appropriate.

## **VII. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by AAT Properties Ltd. from FR-1 to PCD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, subject to:

- 1.) Continue working with the County Engineer's office to coordinate improvements with the upcoming CIP project at Hyatts and US 23;
- 2.) Recommended approval of the reduction in mound height;
- 3.) Recommend continued work on the building design to minimize the need for the wall sign divergence;
- 4.) Recommend approval of the allowance for a second monument sign on Hyatts Road, but with a reduce height and size;
- 5.) Consider additional architectural detail on the west elevation given the adjacent office/commercial use; and
- 6.) Continued consultation with the Fire Department regarding access and maneuverability.

## **Commission / Public Comments**

Mr. John Oney, Architectural Alliance was present to represent the applicant.

Mr. Stites asked if adequate screening to the west is being planned or already in place. Mr. Oney stated there is a landscape plan for buffering along with some existing trees on the property.

Mr. Irvine asked if the improvements at Hyatts and US 23 be done prior to the building of this project. He noted the major traffic backups on Hyatts Rd. Mr. Riedel stated that the intersection is planned for 2019-2020 based on obtaining right-of-way and getting utilities relocated. Mr. Oney stated that they would be waiting until the sanitary is completed.

*Mr. Shafer made a motion for Conditional Approval of the rezoning request by AAT Properties Ltd., subject to staff recommendations 1-6. Mr. Lamb seconded the motion. VOTE: Majority For, 1 Opposed (Concord Twp.). Motion carried.*

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**23-18 ZON    Sunscapes Landscaping – Berkshire Twp. – 14.22 acres from A-1 to PCD**

**I. Request**

The applicant, Richard Cochran, is requesting a 14.22-acre rezoning from A-1 to PCD to allow the development of the Sunscapes Landscaping business.

**II. Conditions**

**Location:** north side of SR 37, east of Carter’s Corner Rd.

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

**Proposed Zoning:** Planned Commercial & Office (PCD)

**Present Use(s):** vacant

**Proposed Use(s):** landscaping business

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

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

**Critical Resources:** streams/drainage course

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

BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

CaB Cardington Silt Loam 2-6% slope

**III. Introduction**

The applicant proposes to develop the site for a 4,800 square foot warehouse and office facility surrounded by parking and exterior storage, with the potential to lease the rear of the site for agricultural use. Daytime activity would include storage of vehicles, equipment, and supplies supporting the business, as well as limited wholesale of landscaping materials. The Development Plan indicates a single shared access point in the southwest corner of the site off 36/37. The easement and related ODOT approval is being pursued as part of the proposed development to the west. Parking includes 30 spaces for visitors to the south of the office and 18 spaces for employees to the west.

The landscaping plan shows a tree every 40 feet along the west and north property lines, although the west side might not require trees if the Tractor Supply store is approved. The Plan also shows trees across the front of the

building, and a continuous 3' high scrub row in front of the parking area for screening. A retention pond is proposed between the right-of-way and the facility. The applicant may desire to construct a perimeter security fence around the back lot.

The PCD Permitted Uses utilizes the NAICS system, and includes #54 – Professional, Scientific, and Technical Services. Online directories list Sunscapes Landscaping as #541320 – Landscape Architectural Services, which is included within the larger #54 division.

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

Berkshire Township's 2017 Comprehensive Plan recommends Planned Office uses at this location, and recognizes that along the 36/37 corridor, additional non-residential uses are appropriate. It is likely that the land around this site will serve as a mix of commercial and industrial uses as development pressure increases in the area.

#### **V. Other Issues**

**Building Design:** The proposed building shows naturally colored steel roofing and siding, similar to the storage facilities directly south, but not comparable in architectural quality to the Tractor Supply store to the west. The 36/37 corridor will be a major commercial corridor that should display high quality design elements.

**Signage & Lighting:** The application proposes a monument sign and downward cast lighting that comply with the zoning resolution.

**Utilities:** A letter from Del-Co is included confirming service to the site. On-site treatment is shown on the plan, and OEPA and Delaware General Health will review and approve the septic after the system is designed and prior to Final Development Plan approval.

#### **VI. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Richard Cochran from A-1 to PCD to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to:*

- 1.) *Continuing discussions with the Township to improve the facility's architectural quality; and*
- 2.) *Consult with the County Engineer and ODOT access management plans to anticipate a backage road to the north. (Added during the meeting).*

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

Mr. Joe Clase, Plan 4 Land, was present to represent the applicant.

Mr. Hopper questioned the need for a backage road similar to what was requested for the adjacent TSC property heard during last month's meeting. Mr. Sanders agreed that a backage road should be added to the staff recommendation.

Mr. George asked if the applicant has received approval to share the access drive with TSC. Mr. Joe Clase stated that the agreement language has been written between the property owners but does not believe that ODOT has approved of the location yet.

Mr. Burke asked if the applicants have consulted with the Village of Sunbury for sanitary sewer service. Mr.

Joe Clase stated that there were some preliminary discussions about a lift station that could potentially serve the site. Both project applicants are in contract to purchase subject to rezoning.

*Mr. Price made a motion to recommend Conditional Approval of the rezoning request by Richard Cochran, based on staff recommendations 1 and 2. Mr. Hal Clase seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.*

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**24-18 ZON Jeff Gregg – Berkshire Twp. – 1.3136 acres – PMUD Development Plan**

**I. Request**

The applicant, Jeff Gregg, is requesting approval for the final development plan for the Shops at Fourwinds.

**II. Conditions**

**Location:** west side of Fourwinds Dr., north of US 36/SR 37

**Present Zoning:** Planned Mixed Use District

**Present Use(s):** Undeveloped

**Proposed Use(s):** Restaurant / retail

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

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

**Critical Resources:** none

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

BeB Bennington Silt Loam 2-4% slope

**III. Process**

This is a review of a Development Plan in accordance with the process of applying the PMUD to a specific area. As such, the typical process of rezoning is not required. Once the Development Plan is approved in accordance with the PMUD, the standards of the underlying district, in this case Planned Commercial and Office, will no longer apply.

**IV. Review**

The applicant is proposing a 5,171 square foot retail building for two tenants by combining two existing platted parcels. These parcels were created with the Berkshire Development Section 1 plat, recorded in June, 2000. One lot was developed as a Waffle House while these two parcels have remained undeveloped.

The site plan indicates a right-in only from Longhorn Drive at the northwest corner of the site and a full-access at the northeast corner of the site. Parking is proposed at 21 spaces surrounding the building. Possible patio space is planned, as well as a drive-through window.

**V. Divergences**

The PMUD overlay allows divergences. The applicant has requested the following be considered:

1. Drive-through window is requested at the side of the building with the ordering panel located to the rear but the code indicates the window should not be located between the right-of-way and the building.

**Staff Comment:** The regulations seem to be written to prevent drive-through's from being in the front of the building. This site has right-of-way on three sides and the window and ordering kiosk will not impact any residential uses. This is a reasonable request.

2. Divergence is requested to place street trees 50' outside the 36/37 ROW and 12' outside the Fourwinds Drive ROW to accommodate existing underground utilities and an existing stormwater basin where the code requires trees 3' outside the ROW.

**Staff Comment:** This is a reasonable request.

3. Parking bays are limited at no more than 12 spaces in a single bay where there are 25 spaces located south of the building.

**Staff Comment:** Staff isn't sure if this was a limitation for a single row or the "curb-to-curb" area. The intent is to minimize large swaths of parking. For this site, the parking as designed is reasonable and the divergence is reasonable. The row facing 36/37 includes a landscaping well to break up the row of parking.

4. Divergence is requesting to locate parking 6'-6" from the eastern property line and 9' from the northern property line where the code requires parking to be no closer than 10' from a side or rear lot line.

**Staff Comment:** The east property line is adjacent to an existing, developed commercial area. The west side of the adjacent building has limited windows and will not be impacted by the parking lot. The proposed east side-yard setback matches the existing building setback of the adjacent lot.

## VI. Conclusion

No action is required by the Commission as this is an Administrative Review by staff at the request of the Township. Staff recommends the Zoning Commission approve the request as noted within the report. The existing "Drainage and Utility Easement" will need to use the easement vacation process through the DCRPC since the drainage appears to be proposed to be altered and the southern row of parking spaces encroach into the easement. Combining the platted lots will not require re-platting through the RPC as long as Township Zoning can be satisfied.

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## 25-18 ZON John Wicks, RPDD LLC – Berlin Twp. – 46.08 acres from FR-1 to TPUD

### I. Request

The applicant, John Wicks, RPDD LLC is representing multiple home owners for the development of 46.08-acres for The Villas at Old Harbor. The development area includes portions of some existing parcels.

### II. Conditions

**Location:** East and west side of Old State Rd., north of Hollenback Rd.

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

**Proposed Zoning:** Transitional Planned Unit Development (TPUD)

**Present Use(s):** Boat/RV storage business, agriculture and residential lots

**Proposed Use(s):** Condo development with 140 patio homes with clubhouse, pool and recreational facilities

**Existing Density:** 1 du /acre

**Proposed Density:** 3.13 du/net acre  
**School District:** Olentangy Local School District  
**Utilities Available:** Del-Co Water and central sanitary sewer  
**Critical Resources:** ponds, wetland  
**Soils:** PwA Pewamo Silty Clay Loam 0-1% slope  
GwB Glynwood Silt Loam 2-6% slope  
BoA Blount Silt Loam 0-2% slope

### **III. Introduction**

This proposal seeks to create a community of single-family detached condos on either side of South Old State Road. The project consists of 140 patio homes – 50 in the East Villas and 90 in the West Villas. Internal roads will be gated and private. Streets will be curbed with a 4-foot sidewalk on one side. Additional 6' concrete or asphalt paths will be provided throughout the open space for additional pedestrian circulation.

For the West Villas, access is provided at South Old State Road and Hollenback Road. The East Villas section includes an aligned access at South Old State, as well as a second gated access at Anchor Drive in the Old Harbor Estates subdivision. A community center with pool and outdoor sports activity is located at the southern end of the west side. An existing building will be retained and is labeled as Resident Boat/RV Storage. The eastern section includes some community open space.

### **IV. Comprehensive Plan**

Berlin Township's Comprehensive Plan indicates that this area is recommended for residential uses at 1.85 dwelling units per net developable acre. At a net density of 3.13 units per acre (3.04 units per acre gross), the proposal is significantly above the recommended density. Such densities have been approved recently in the Township, but only related to the mixed-use nature of Evans Farm. This is a proposal for a standalone project of a higher density housing product. Approval should be based on the impact of the density and the justification of the density request.

### **Multi-Family details**

Previously, staff has noted the different impacts related to single-family versus multi-family.

**Traffic:** If developed as a single-family development at 1.85 units per acre, the recommended density would be 85 homes. This density would generate 813 trip ends per day. Detached condos at 140 units are calculated at 820 trip ends per day. (*traffic source: Institute of Transportation Engineers: single-family at 9.57 trips per day, multi-family at 5.86 trips per day*).

**School impact:** RPC staff performed a Multi-Family study in 2015 and found that multi-family units generate much less than one student per unit at any one time. Number can fluctuate based on unit type and age of the project, but the study resulted in an average of 0.15 students per multi-family unit. Single-family subdivisions developed with a typical quarter-acre lot size average 1 student per unit at any one time. Again, this number fluctuates, particularly with the age of the development. This project could generate 21 students while single-family at the same density could generate 85.

### **V. Issues**

**Access:** The two accesses to South Old State are aligned, which is appropriate. A formal traffic study is underway, but at minimum will probably require the widening of South Old State to accommodate a turn lane in each

direction, as was required at Old Harbor Drive to the north. This is acknowledged by the applicant. Some improvements will also likely be required along the frontage of Hollenback, which the traffic study will help determine. The zoning for Evans Farm shows an access to Hollenback which is located 700 feet west, which is an appropriate distance for offsetting intersections.

Staff recommends further discussion with the Berlin Fire Department for geometry and access – turnarounds may be needed at the end of the two dead-end drives.

**Bike/Pedestrian access:** The plan indicates walking paths throughout each development and a trail connecting the two. The applicant also commits to working toward gaining easements so that a Multi-Use Path can be connected outside the development, on the east side of South Old State and on the north side of Hollenback.

**Drainage:** A preliminary drainage plan is included in the submitted package.

**Signage:** A full signage plan will be deferred to the Final Development Plan phase. The applicant has noted that the sign will be similar to the existing sign at Old Harbor Drive.

**Open Space:** “Useable Open Space” is 19 acres, or roughly 41% of the site, exceeding the required 10%. Staff doesn’t doubt the calculation, but the application should show what is counted as open space. The plan also shows a perimeter setback of 30', setback of 130' from the centerline of S. Old State, and a setback of 100' from the centerline of Hollenback. Mounding is shown adjacent to Hollenback and on the east side of Old State.

**Sanitary Treatment:** Service letter is included noting that capacity is conditionally available. An 8" line currently exists parallel to Anchor Drive.

## **VI. Divergences**

Three divergences have been requested and they are summarized below.

1. Requested divergence of structure separation of 12 feet is requested where 25 is the requirement in the code.  
*Staff Comment:* The density is driving the reduction in building spacing. A reduction in the overall density would decrease the need for this divergence. However, the request is not as significant as some of the more recent requests for structure separation. Staff recommends that the developer work with the Township to reduce the density and reduce the need for this divergence. Regardless, the Fire Department should be consulted regarding the building spacing regulations in the Zoning Resolution. It should be clarified whether this includes overhangs and bump-outs.
2. Requested divergence to allow “high quality vinyl siding” where the code requires “brick, stucco, stucco-stone, stone, wood, or cementitious lap siding.”  
*Staff Comment:* Higher densities typically require additional attention to detail and materials. Modern vinyl siding may be appropriate on the sides of units that are adjacent to other units, but the specific type of vinyl siding should be approved and included in the text.
3. Divergence requested to allow internal sidewalks to be setback 3' from the curb where the code requires 5'.  
*Staff Comment:* For this private development, this appears to be a reasonable request. However, the sidewalk width seems to be minimal – staff recommends 5 feet if this divergence is allowed.

## **VII. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by John Wicks, RPDD LLC. from FR-1 to TPUD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

- 1.) *Additional discussion with the township as to the density. The housing product is reasonable, as it compares in appearance with single-family development. However, similar densities have included mixed-use and other commitments of public improvements to gain approval. This density should be reduced.*
- 2.) *Reduction of the density would allow greater flexibility in mounding and stormwater management in areas adjacent the current residential uses;*
- 3.) *Approval of the structure separation divergence request where needed, if minimized with a reduction of density;*
- 4.) *Approval of divergence for reduction of tree lawn, but recommend a 5' sidewalk;*
- 5.) *Provide additional detail for the renovation of the existing building for storage, whether outdoor storage is anticipated, and how such storage would be shielded from view; and*
- 6.) *Recommended allowance of vinyl siding as a finish material, but only after providing specific samples for review by the Zoning Commission.*

### **Commission / Public Comments**

Mr. John Wicks, RPDD LLC, was present to answer questions from the Commission. He stated they have met with the County Engineer and have engaged a traffic engineer to discuss what improvements would need to be made. Mr. Wicks questioned staff comment regarding reduction of the density. Mr. Sanders explained that the recommendation was based on the Comprehensive Plan with the realization that this product has a lower impact than the typical single family parceled out lots. He also stated that based on previous cases in Berlin Township that where they have allowed higher densities, it has been part of a mixed use district.

Ms. Noble questioned the size of the boat storage building. Mr. Wicks stated that is an existing boat storage facility that houses about 40 boats or RVs. He stated that the application requests to storage that same amount along with outdoor storage for approximately 20. This would be restricted to only those that live in this community. Landscape screening would be added. They have also sent letters to adjacent neighbors and have scheduled a community meeting for next week.

Mr. Riedel asked about pedestrian access from the east side to the west side (to the community building and pool). Mr. Wicks said the plan shows pedestrian access throughout the site via a 6' asphalt or concrete path. There will be crossings at the vehicular access as well. One comment from the Township during preliminary meetings was to get pedestrian access down at the 4-way stop. The plan shows a path along the north side of Hollenback Rd. and along the east side of S. Old State Rd. The only contingency is that they need to get either access easement from the property owner to the north east corner of Hollenback and S. Old State or they have to get permission from Delaware County to put the pedestrian path in the right-of-way.

***Mr. George made a motion for Conditional Approval of the rezoning request by John Wicks, based on staff recommendations 1-6. Ms. Noble seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**26-18 ZON Pulte Homes – Liberty Twp. – 27.65 acres from FR-1 to PMFR**

**I. Request**

The applicant, Pulte Homes, is requesting a 27.65-acre rezoning from FR-1 to PMFR for the development of Hyatts Crossing.

**II. Conditions**

**Location:** South side of Hyatts Rd., west of Sawmill Parkway

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

**Proposed Zoning:** Planned Multi-Family Residence (PMFR)

**Present Use(s):** Agricultural and outbuildings

**Proposed Use(s):** 104 single family detached condos

**Existing Density:** 1 du / acre

**Proposed Density:** 4.43 du /net developable acre

**School District:** Olentangy Local School District

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

**Critical Resources:** none

**Soils:** BoA Blount Silt Loam 0-2% slope

PwA Pewamo Silty Clay Loam 0-1% slope

**III. Introduction**

This site was previously proposed as a mixed-use project with commercial and is the residential portion of a larger project that included an area of commercial along Sawmill Parkway. The plan has been revised and submitted as all residential.

Pulte is proposing 104 units of its “Active Adult” product, which is marketed as Low Maintenance, Empty Nester, Ranch-Style homes at a minimum 1,450 square feet per unit.

The Development Plan indicates access from Hyatts Road utilizing a private drive and private internal streets. The private road will access Hyatts Road at a point west of the median that was constructed as part of the Sawmill Parkway roundabout. A second right-in/right-out access is shown on Sawmill Parkway. This road is labeled as Public and would be stubbed to the west for future development.

A small community gathering space with landscaping, sidewalks, and benches is located in the center. Sidewalks are located along at least one side of internal streets and along a portion of the external private street. Street trees are located in front of all units.

Open space of 9.81 acres is proposed and includes a buffer from Hyatts Road with a 4' high mound within a setback from Hyatts and Sawmill of 130', as well as a minimal 25' setback for buildings around the perimeter of the site.

**IV. Comprehensive Plan**

Liberty Township’s 2018 Comprehensive Plan places this site in Sub Area 6, noting that annexation was a possibility with development coming from the south. The northeast corner of the site was marked on the plan as a Utility use under FR-1 zoning, since it is a remnant of the larger Columbus and Southern Ohio Electric

property to the east. The overall density recommendation for this Subarea is 1.85 units per net developable acre, assuming traditional single-family subdivision development. With the impact of Sawmill Parkway, the proposed single-family condominium use may create a transitional buffer to potential future residential uses to the west of the site, although no plans have been submitted for that area.

### **Multi-Family details**

Previously, staff has noted the different impacts related to single-family versus multi-family.

**Traffic:** If developed as a single-family development, the recommended density would be 51 homes. This density would generate 488 trip ends per day. Detached condos at 104 units are calculated at 609 trip ends per day. Reducing the density to 84 would generate a similar number of trips per day and would allow the western buffer to be widened and include mounding. (*traffic source: Institute of Transportation Engineers: single-family at 9.57 trips per day, multi-family at 5.86 trips per day*).

**School impact:** RPC staff performed a Multi-Family study in 2015 and found that multi-family units generate much less than one student per unit at any one time. Number can fluctuate based on unit type and age of the project, but the study resulted in an average of 0.15 students per multi-family unit. Single-family subdivisions developed with a typical quarter-acre lot size average 1 student per unit at any one time. Again, this number fluctuates, particularly with the age of the development. This project could generate 15 students while single-family at the same density could generate 51.

### **V. Issues**

**Traffic and access:** The applicant notes that a draft MOU has been submitted to the Engineer's office and that design is based on guidance and direction from that office. County Engineer staff note that the necessity of a turn lane on Hyatts Road is probably not warranted. Internal geometry of the private roads should be reviewed by the Liberty Fire Department for appropriateness. A letter from the Fire Department was included in the previous application, but it only addressed an environmental assessment.

Access appears to be appropriate, and recent conversations with the County Engineer's office notes the public street requirement to the west. Full access to Sawmill Parkway will be permitted directly across from the existing point of access to the County's future maintenance facility. The County will create the turn lanes needed for this intersection with the developer contributing to the project instead of making improvements themselves. Staff understands the Township is concerned with the maintenance of the public street, but recommends that based on unknown future uses to the west, a public street at this location is a necessity.

**Drainage:** The site appears to flow to the southeast toward Sawmill Parkway. Drainage is handled utilizing two basins defined as 2-acres in size at the southeast corner of the site.

**Signage:** The main identification signs are located along the two entrances along the private street. A sample photo is included which indicates the use of a stone column and cross-buck fence. **Staff Comment:** *Development Plan should indicate dimensions for signage.*

**Lighting:** No separate lighting information is included, except on the model home signage exhibit. Staff recommends down-cast cut-off fixtures.

**Sanitary Treatment:** Typical service letter is included, which notes that capacity is available to both these sites. As of the date of the letter, downstream sanitary sewer is under construction and is planned to terminate at the southeast corner of the commercial site.

## **VI. Divergences**

Six divergences are requested:

1. Requested divergence from the setback requirements. Front setback of 30 feet is requested to be reduced to 27.5 feet with sidewalk or 23.5 feet without sidewalk as depicted on the plans.  
*Staff Comment:* Based on the size and shape of the site, this is reasonable as long as a car can still fit in the driveway between the sidewalk and the garage.
2. Requested divergence of structure separation of 10 feet is requested where 15 is the requirement in the code.  
*Staff Comment:* The density is driving the minimal rear setback as well as the reduction in building spacing. A reduction in the overall density would decrease the traffic as noted previously in the report as well as reducing the need for this divergence. Staff recommends that the developer work with the Township to reduce the density and reduce the need for this divergence. Regardless, the Fire Department should be consulted regarding the building spacing regulations in the Zoning Resolution.
3. Requested divergence for sales signage: Request is for 2 temporary, free-standing signs until 90% of the units are sold. One sign of 32 square feet will be located at the northern entrance as well as one of the same size closer to Hyatts Road.  
*Staff Comment:* Appears to be a reasonable request.
4. Requested divergence to allow directional signage in relation to the Model Home Plan and Details to allow signage of up to 4 square feet to allow buyers and visitors visibility to locate model homes.  
*Staff Comment:* Appears to be a reasonable request.
5. Requested divergence to allow a developer logo flag with a ground mounted light.  
*Staff Comment:* If lighting is specified and the allowance for the flag has a limited time-frame, the request appears to be reasonable.
6. Requested divergence to allow walkways to be adjacent to the paved street rather than utilizing a “tree lawn.”  
*Staff Comment:* For this private development, this appears to be a reasonable request. Usually, street cross sections require a wider sidewalk when located against the curb. Four feet appears to be a minimal width – staff recommends 5 feet if this divergence is allowed.

## **VII. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Pulte Homes from FR-1 to PMFR to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to:*

- 1.) Reduction of density based on traffic generation that is higher than anticipated for comparable single-family densities and minimal setbacks with adjacent uses;
- 2.) Recommend approval of the divergences, taking into consideration the comments within the report;
- 3.) Confirmation with the Fire Department that the private roads can accommodate proper emergency access; and

4.) Clarification of lighting plans.

**Commission / Public Comments**

Mr. Matt Callahan with Pulte Homes was present. He explained with this type of development the traffic would be much less than what was proposed with the residential and commercial. The development patterns in the Sawmill Road/Parkway corridor are similar or higher than this proposal.

Mr. Hal Clase asked if the concern about the Hyatts Rd. intersection (from the previous plan) has been addressed with this plan. Mr. Sanders stated that it has been moved slightly to the west. Mr. Callahan said the traffic study is in process but not completed. Their conversations with the County Engineer have been that it would be restricted to right-in / right-out for the short term. Final engineering would look at the exact distance from the round a bout and see if there is enough distance that with future improvements a full access could be obtained.

Mrs. Mullenhour recommended on the past application, even though they are targeting the empty nester/active adults, they put walking paths around the ponds as an added feature to the subdivision but she does not see that on the plan. She suggests consideration of adding the walking paths and agrees with Mr. Sanders' comments especially some type of buffer on the western border.

Mr. Burke asked why the southern turnaround is not a stub street. Mr. Callahan stated it is a private street and after discussions with the County Engineer determined the one public access was sufficient.

Mrs. Noble asked for clarification of no tree lawns between the sidewalks and the roads. Mr. Sanders confirmed that is what the applicant is requesting. Mrs. Noble stated that some separation should be warranted to keep pedestrian traffic and vehicular traffic separated. Mr. Sanders stated his preference for a tree lawn also. Mr. Irvine asked if there are sidewalks proposed on the dedicated road. Mr. Callahan said yes, the discussion is whether they would be on one side or both. The applicant is willing to work with the Township to determine.

Mr. Sanders said the Township recently began filling the trail gap in this area at least with gravel. Mrs. Mullenhour stated the walking trail would be connected along their property on both Sawmill Parkway and Hyatts Rd. Mr. Callahan confirmed that their proposal is to asphalt pave the path through their property.

***Mr. Shafer made a motion to recommend Conditional Approval of the rezoning by Pulte Homes, subject to staff recommendations 1-4 along with trails being provided around the storm water ponds. Mr. Lamb seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.***

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## V. SUBDIVISION PROJECTS

### Preliminary

24-18 Whetstone Ridge – Liberty Twp. - 09 lots / 18.87 acres

#### I. Conditions

**Applicant:** Joss Construction Group LLC

**Subdivision Type:** Single Family Residential subdivision

**Location:** West side of Olentangy River Rd., north of Woodland Hall Dr.

**Current Land Use:** Vacant

**Zoned:** Farm Residential (FR-1)

**Utilities:** Del-Co water and central sanitary sewer

**School District:** Olentangy

**Engineer:** Bid + Bull Engineering

#### II. Staff Comments

Whetstone Ridge is a 9-lot single-family subdivision with frontage on the west side of Olentangy River Road. A single public road enters the site heading west, curves south and ends in a cul-de-sac. A Common Access Driveway extends west off the road ending in a T-turnaround to provide access to 3 lots. According to the plan, the westernmost lot on the CAD is a custom lot whose finished grade and elevations are to be determined with the plot plan.

One 4.2-acre reserve is being created on the east side of Olentangy River Road, which includes the 100-year and 500-year floodplains.

*A technical review was held on September 18, 2018, after which the applicant has addressed all major changes.*

#### III. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **Whetstone Ridge** to the DCRPC, subject to:

- 1.) A zoning variance being approved for the northern pond not meeting minimum setback requirements;
- 2.) Conditional Use Permits being approved for the northern and southern ponds being part of residential lots; and
- 3.) The removal of the cul-de-sac island.

#### Commission / Public Comments

Mr. Andrew Gardner with Bird + Bull was present. He stated he has had conversations with Mrs. Mullenhour at Liberty Twp. and have no problem removing the island from the cul-de-sac bulb. With regards to the variances, he believes they can shift the ponds to meet the setback requirements.

*Mr. Price made a motion for Conditional Preliminary Approval of Whetstone Ridge, subject to staff recommendations 1-3. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.*

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25-18            **The Courtyards at Clear Creek – Orange Twp. - 130 lots / 49.9 acres**

**I.            Conditions**

**Applicant:** Epcon Communities  
**Subdivision Type:** Single Family Planned Residential  
**Location:** West side of Columbus Pike, south of Home Rd.  
**Current Land Use:** Vacant  
**Zoned:** Single Family Planned Residential District (SFPRD)  
**Zoning Approval:** 09/04/18  
**Utilities:** Del-Co water and central sanitary sewer  
**School District:** Olentangy  
**Engineer:** EMH & T

**II.            Staff Comments**

The Courtyards at Clear Creek is a 130-lot single-family subdivision with frontage on Home Road. The project includes the extension of Gooding Boulevard north from its end point at the Delaware County District Library to Home Road. Approximately 30.5 acres adjacent on the east side of Gooding Blvd and north side of Home Rd. are proposed for Planned Commercial. Two accesses are proposed off the west side of future Gooding Blvd. – one at the northern end and one at the southern end. Both entrances will include entry features, signage and deer sculptures. The northern entrance heads west ending in a cul-de-sac. This road provides access to the central grid section which connects to another east-west road with a cul-de-sac. The southern entrance road intersects with a loop street where the Club House and pool are located. The loop street crosses a stream heading south, then heads west ending in a cul-de-sac. An emergency access connects the southernmost cul-de-sac to the condo development to the south. Lots are typically 55' wide by 120' deep, 4' sidewalks are proposed throughout, and a 10' wide asphalt path is located on the west side of Gooding Blvd.

Three reserves are being created. One is a 15-acre parcel that largely includes the stream and ravine, which separates the northern section from the southern. This parcel includes four stormwater basins, as well as buffering for lots on the northern and southern ends. A second 1.3-acre parcel provides buffering and mounding along Gooding Blvd. The third is a small 0.1-acre internal open space.

*A technical review was held on September 18 2018, after which the applicant has addressed all of the required changes.*

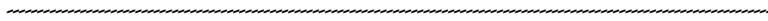
**III.            Staff Recommendation**

Staff recommends *Preliminary Approval* of **The Courtyards at Clear Creek** to the DCRPC.

**Commission / Public Comments**

Mr. Jason Coffee was present to represent Epcon Communities.

*Mr. Price made a motion for Preliminary Approval of The Courtyards at Clear Creek. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*



12-16.2      **Evans Farm, Section 2 - Orange Twp. - 126 lots / 38.82 acres**

**I.            Conditions**

**Applicant:** Evans Farm Land Development Co. LLC.  
**Subdivision Type:** Single Family Planned Residential  
**Location:** north side of Lewis Center Rd., west of Old State Road  
**Current Land Use:** Vacant  
**Zoned:** Single Family Planned Residential District (SFPRD)  
**Zoning Approval:** 03/21/16  
**Utilities:** Del-Co water and central sanitary sewer  
**School District:** Olentangy  
**Engineer:** Terrain Evolution

**II.          Staff Comments**

Evans Farm, Section 2 is the second subdivision of a 1,157.62-acre mixed-use project in Orange and Berlin Townships, and includes 126 single-family residential lots. This section mirrors Section 1, extending Piatt Road, Hickory Drive, Evans Farm Drive, Butternut Drive, and Maple Drive north, and continuing with a grid pattern with smaller lots to the west and larger lots to the east. Eighty-five of the lots will take access from private alleys, mostly on the western half. The smallest lots are typically 40' by 140' while the largest lots are 68' by 156'.

Five reserves are being created. To the west is a 1.3-acre open space parcel along the west side of Piatt Road that includes the continuation of the 10' wide asphalt path. Across Piatt is a 0.17-acre open space with walking paths. In the center of Evans Farm Drive is a 2.09-acre non-accessible open space parcel for the purpose of drainage. To the east, in the internal street network, is a 0.74-acre open space parcel accessible with sidewalks. The fifth 0.59-acre reserve is located on the northeast corner of the site, being the result of street curve adjustments, and being adjacent to ±41 acres of future open space.

*A technical review was held on September 18, 2018, after which the applicant has addressed all of the required changes.*

**III.        Staff Recommendation**

Staff recommends *Preliminary Approval* of **Evans Farms, Section 2** to the DCRPC.

**Commission / Public Comments**

Mr. Thom Ries, Terrain Evolution, was present to represent the applicant.

*Mr. Hal Clase made a motion for Preliminary Approval of Evans Farms, Section 2. Mr. Shafer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*

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**Preliminary/Final**

26-18 F=T     The Shoppes at Liberty Crossing, Sec. 1, Lot 5150, Division #1 – Liberty Twp. - 02 lots /  
1.395 acres

**I.            Conditions**

**Applicant:** BSM Powell LLC.

**Subdivision Type:** Commercial

**Location:** West side of Liberty Crossing, between Liberty Market Way and Attucks Dr.

**Zoned:** Planned Commercial (PC)

**Utilities:** Del-Co Water, central sanitary sewer

**School District:** Olentangy

**Engineer:** CESO Inc.

**II.            Staff Comments**

The Shoppes at Liberty Crossing, Sec. 1, Lot 5150, Div. #1 is a 2-lot commercial subdivision with frontage on Sawmill Parkway and Attucks Drive in Liberty Township. The Preliminary Plan includes 1.395 acres, but only the southern 1.066-acre lot is being developed as part of the project, which is an 8,144 sq. ft. Bank of America location. The second lot is already built on and is being created de facto. There is already public and private access to the location from Sawmill, Attucks, Liberty Crossing Drive, and Liberty Market Way. The site will add a bicycle rack and 33 parking spaces to the commercial center, two of which are ADA.

*A technical review was held on September 18, 2018, after which the applicant has addressed all of the required changes. The applicant has requested to Table the Final plat for 90 days in order to resolve platting issues.*

**III.            Staff Recommendation**

Staff recommends *Preliminary Approval* of **The Shoppes at Liberty Crossing, Sec. 1, Lot 5150, Div. #1** and *Approval of a 90 day-tabling* of the Final Plat in order to resolve platting issues to the DCRPC.

**Commission / Public Comments**

Mr. Jeff Miller with CESO, Inc. was present to represent the applicant.

*Mr. Hal Clase made a motion for Preliminary Approval of The Shoppes at Liberty Crossing, Section 1, Lot 5150, Division #1 and a 90 Day Tabling of the Final Plat. Mr. Lamb seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.*

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V. EXTENSIONS

19-16 Britonwoods Sections 1 & 2 – Genoa Twp. - 19 lots / 57.23 acres

**Applicant:** Steve Lenker, The Briton Group  
**Engineer:** Varo Engineering  
**Preliminary approval:** 09/29/16

I. Staff Comments

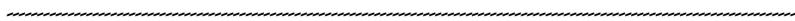
The applicant is requesting a 7 month extension for the Britonwoods, Sections 1 & 2. The applicant stated that the plat for Section 1 has been reviewed and is currently being circulated for signatures. They expect to submit for final approval of Section 1 for the October RPC agenda.

II. Staff Recommendation

Staff recommends *Approval* of a 7-month Extension for Britonwoods, Sections 1 & 2 to the RPC.

Commission / Public Comments

*Mr. Price made a motion to Approve the 7-month Extension for Britonwoods, Sections 1 & 2. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained Genoa Twp.). Motion carried.*



VI. OTHER BUSINESS (none)

VII. POLICY / EDUCATION DISCUSSION (none)

VIII. RPC STAFF AND MEMBER NEWS (none)

*Having no further business, Mr. Price made a motion to adjourn the meeting at 7:46 p.m. Mr. Hal Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be  
Thursday, October 25, 2018, 6:30 PM at the Hayes Services Building,  
140 N. Sandusky St., Room 235, Delaware, Ohio 43015.*

*(enter through the Union Street doors, take the elevators to the 2<sup>nd</sup> floor, left out of the elevators then right. Room 235 is straight ahead.)*