

# 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, February 28, 2019 at 6:30 PM  
Frank B. Willis Building, 2079 US 23 North, Conference Room,  
Delaware, Ohio 43015

### ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of January 31, 2019 RPC Minutes
- Executive Committee Minutes of February 20, 2019
- Statement of Policy

### CONSENT AGENDA

		Township	Lots/Acres
15-18	Wolfe CAD	Porter	02 lots / 08.654 acres

### VARIANCE / EXTENSION

06-19.V	Mark & Karen Semon - Genoa Twp. - requesting a 4-lot CAD variance
04-16.V	Rockford Homes - Liberty Twp. - requesting variance/additional extension of Harvest Curve
07-05.1-3.V	Rockford Homes - Liberty Twp. - requesting variance/additional extension of Nelson Farms

### ZONING MAP/TEXT AMENDMENTS

11-19 ZON	Donald & JoAnne Lane - Trenton Twp. - 8.045 acres from FR to RR
12-19 ZON	Kenneth & Angela Neverman - Berkshire Twp. - 9.05 acres from A-1 to FR-1
13-19 ZON	Kristofer Lee, Trustee - Berkshire Twp. - 6.35 acres from A-1 to FR-1
14-19 ZON	Richard & Susan Williams - Trenton Twp. - 8.0 acres from FR to RR

### SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
05-19	Lanetta Subdivision, Lot 1232, Div. #1	Genoa	02 lots / 04.81 acres
06-19	Sanctuary Woods CAD	Genoa	04 lots / 07.606 acres

### Preliminary/Final

07-19	Olentangy Crossings, Sec. 2, Lot 7523, Div. #4	Orange	02 lots / 02.610 acres
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T=TABLED, W=WITHDRAWN

### OTHER BUSINESS

Appointment of Nominating Committee for Executive Committee member election

### POLICY / EDUCATION DISCUSSION

### RPC STAFF AND MEMBER NEWS

Planner I position

**ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairman Stites called the meeting to order at 6:32 p.m.

▪ **Roll Call**

*Representatives:* Jeff George, Susan Kuba, Fred Fowler, Gary Merrell, Mike Frommer, Tom Hopper, Joe Shafer, Dave Stites, Michelle Boni, James Hatten, Ed Snodgrass, Josh Vidor, Bonnie Newland, Mike Dattilo, and Doug Price. *Alternates:* Helen Caraway, Dustin Kent, John Piccin, Bill Piper, and Charles Hurt. *Arrived after roll call:* Tammy Noble (R). *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the January 31, 2019 RPC Minutes**

*Mr. Vidor made a motion to Approve the minutes from the January meeting, seconded by Mr. Merrell, including a minor typo correction by Chairman Stites. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **February 20, 2019 Executive Committee Minutes**

1. **Call to order**

Chairman Stites called the meeting to order at 10:45 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 January 23, 2019**

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

3. **New Business**

- Financial / Activity Reports for January 2019

REGIONAL PLANNING RECEIPTS		JANUARY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,650.00	\$2,650.00
Fees A (Site Review)	(4202)	\$1,200.00	\$1,200.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$300.00
Membership Fees	(4204)	\$168,878.00	\$168,878.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$3,823.30	\$3,823.30
Charges for Serv. B (Final. Appl.)	(4231)	\$1,973.30	\$1,973.30
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$150.00
Charges for Serv. D (Table Fee)	(4233)	\$400.00	\$400.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$900.00	\$900.00

<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)	\$400.00	\$400.00
Soil & Water Fees	(4243)	\$1,275.00	\$1,275.00
Commissioner’s fees	(4244)		
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		
Other Reimbursements A		\$176.46	\$176.46
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$182,426.06</b>	<b>\$182,426.06</b>

Balance after receipts	\$1,094,230.86
Expenditures	<u>- \$ 32,810.33</u>
End of January balance (carry forward)	\$1,061,420.53

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

- Site Review Project
  - 1.) North Road Extension at Peachblow – Berlin Twp. - 03 lots / 69.5 acres
  - 2.) Neverman CAD – Berkshire Twp. - 04 lots / 09.05 acres
  - 3.) Armenian Estates CAD - Genoa Twp. - 05 lots / 21.34 acres
  - 4.) 3BK CAD – Genoa Twp. - 03 lots / 09.00 acres
  
- February RPC Preliminary Agenda
  - 1.) CONSENT AGENDA
 

	Township	Lots/Acres
• Wolfe CAD	Porter	02 lots / 08.654 acres
  
  - 2.) VARIANCE / EXTENSION
    - Mark & Karen Semon – Genoa Twp. – requesting a 4 lot CAD variance
    - Rockford Homes – Liberty Twp. – requesting variance/additional extension of Harvest Curve
    - Rockford Homes – Liberty Twp. – requesting variance/additional extension of Nelson Farms
  
  - 3.) ZONING MAP/TEXT AMENDMENTS
    - Donald & JoAnne Lane – Trenton Twp. – 8.045 acres from FR to RR
    - Kenneth & Angela Neverman – Berkshire Twp. – 9.05 acres from A-1 to FR-1
    - Kristofer Lee, Trustee – Berkshire Twp. – 6.35 acres from A-1 to FR-1
    - Richard & Susan Williams – Trenton Twp. – 8.0 acres from FR to RR

4.) SUBDIVISION PROJECTS

Preliminary

- |  | Township | Lots/Acres             |
|--|----------|------------------------|
| • Lanetta Subdivision, Lot 1232, Div. #1 | Genoa    | 02 lots / 04.81 acres  |
| • Sanctuary Woods CAD                    | Genoa    | 04 lots / 07.606 acres |

Preliminary/Final

- |  |        |                        |
|--|--------|------------------------|
| • Olentangy Crossings, Sec. 2, Lot 7523, Div. #4 | Orange | 02 lots / 02.610 acres |
|--|--------|------------------------|

- *At 11:15 a.m., Mr. Stites made a motion to go into Executive Session per ORC 121.22 (G) (1) for the consideration of employment of a public employee. Mr. Merrell seconded the motion.*

*Roll call vote: Mr. Merrell, Aye, Mr. Frommer, Aye, Mr. George, Aye, Mrs. Kuba, Aye, Mr. Stites, Aye. Motion carried.*

*At 11:45 a.m. Mr. Stites made a motion to return to regular session, seconded by Mr. Merrell.*

*Roll call vote: Mr. Merrell, Aye, Mr. Frommer, Aye, Mr. George, Aye, Mrs. Kuba, Aye, Mr. Stites, Aye. Motion carried.*

- Director's Report
  - 1.) Working on wall maps with community features for each jurisdiction;
  - 2.) I've been named to MORPC's Transportation Advisory Committee to the seat for Regional or County Planning Commissions;
  - 3.) 2020 Census preparation – Nancy Reger coming later today to discuss strategy;
  - 4.) Participated in the Ohio to Erie trail meeting hosted by the Health District to discuss the district's efforts to study the health impact of extending the trail;
  - 5.) Participated in MORPC's Northwest Collaboration meeting, hosted at Liberty Township;
  - 6.) Attended a meeting hosted by the Ohio EPA to discuss the VW settlement funds which can be used to place electric vehicle charging stations;
  - 7.) Attended an ESRI GIS Users Seminar where new products and features were presented;
  - 8.) Greenspace project was handed off to Friends of the Lower Olentangy/Franklin SWCD/Preservation Parks for further comment;
  - 9.) Agricultural Preservation easement applications for 2019 were reviewed at yesterday's Technical Review Committee;
  - 10.) Brown Township Comprehensive Plan was scheduled for Trustees, but tabled due to a lack of a full board;
  - 11.) Attended January monthly internal Development meeting;
  - 12.) Trakit – continuing to test the data and processes, Phil wrote some helpful processes before he left;
  - 13.) Continued NACo Leadership Institute virtual training – daily readings/videos, small-group conference calls and full-group webinar each week.

4. Old Business (none)

5. Other Business (none)

6. Personnel

- Planner I/GIS Operator position – posted on the American Planning Association website (APA)

7. Adjourn

*Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 12:10 p.m. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, March 20, 2019 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.

**CONSENT AGENDA**

15-18                    Wolfe CAD – Porter Twp. - 02 lots / 09.890 acres

**Conditions**

**Applicant:** Brent Wolfe

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

**Location:** North side of Beacom Rd., west of SR 61 North

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

**Preliminary Approval:** 07/26/18

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

**School District:** Big Walnut

**Engineer/Consultant:** Joe Clase, Plan 4 Land

**Staff Comments**

Wolfe CAD is a 2-lot Common Access Driveway subdivision on the north side of Beacom Road in Porter Township. The CAD and utility easement will utilize the existing driveway to serve an existing house and a new house site. The adjacent lot to the west will be allowed to continue to use the driveway by easement while not being required to be part of the subdivision plat, per the approved Variance from July 26, 2018. Lots are 6.916 acres and 2.903 acres (as surveyed) in size 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.

**Staff Recommendation**

Staff recommends *Final Approval* of the **Wolfe CAD** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of the Wolfe CAD. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Porter Twp.). Motion carried.*

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**VARIANCE / EXTENSION**

06-19.V            **Mark & Karen Semon – Genoa Twp. – requesting a 4 lot CAD variance**

**Applicant:** Mark & Karen Semon  
**Consultant:** Joe Clase, Plan 4 Land

**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 North side of Freeman Rd., west of Char-Mar Dr.

**Facts**

1. The applicant seeks to create a four-lot subdivision, utilizing a Common Access Driveway;
2. The development site is 7.606;
3. A CAD would enter the site and travel approximately 540 feet to the north, providing frontage for the four lots;
4. The land is zoned SR (20,000 square feet) and RR (2 acres);
5. Del-Co Water is available to the site with an existing 6" line running across the frontage of the site; and
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.”

**The applicant states:** *“The CAD will be privately owned and maintained, accessing no lots with legal frontage on Freeman Road and four (4) additional lots with frontage on the CAD. This subdivision will include the division of Delaware County Parcels #317-230-03-021-000 and #317-230-03-024-002.”*

*“The reason and justification for the variance request is:*

- 1) *The property is adequate in width and configuration to allow for four (4) lots uniformly configured;*
- 2) *The CAD would provide a safe and single access point on Freeman Road;*
- 3) *The owner could plat the fourth lot with frontage on Freeman Road, except:*
  - a. *The 50’ remaining after the CAD is removed would not be sufficient without a frontage variance from the township;*

- b. The CAD is best served in the middle of the 110.02 foot of road frontage providing for preservation of a large oak tree and enough area for drainage improvements; and
- c. Providing a 50' strip out to Freeman Road for the fourth lot would generate maintenance responsibilities that can be alleviated by the entire 110 foot of frontage, in front of the creek being maintained together."

### **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:* "This proposal provides for a single access point on Freeman Road with a driveway built to a safety standard far in excess of what common residential driveways are built to. The lots will be served by public water and sewer."

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

*Applicant's Response:* "Yes, the property is unique for the reasons stated herein. The location of the creek, causing need for a crossing and the 110 feet of frontage are the primary reasons for the request. The large oak tree that is located 25 feet off the east line and the neighboring house to the west are unique."

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:* "Either upgrading to a street or dropping a lot will make this project no longer economically feasible. There is a substantial cost to crossing the creek and the owner wants to provide for a higher quality of development than a simple lot split. The owner could seek a frontage variance, but feels that would create a difficult ownership issue in the future for the fourth lot to maintain a 50 strip out to Freeman Road."

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:* "This proposal is otherwise entirely compliant with the standards of the Genoa Township Zoning Resolution and other applicable regulations."

**Staff Comments:** Staff agrees with the applicant's responses. If the site had 120 feet of frontage and Genoa Township would consider the fourth lot being a flag lot, this variance from the Subdivision Regulations would not be necessary. The CAD could be created on a 60' strip and the remaining 60' of frontage would provide frontage for the fourth lot. For the purposes of the Subdivision Regulations, the difference between normal compliance with the regulations is a difference of only 10 feet.

**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 **Mark and Karen Semon** be *Approved*.

**Commission / Public Comments**

Mr. Joe Clase, Plan 4 Land was present to represent the applicant and sworn in by Chairman Stites. Mr. Clase stated that when starting the project they thought the frontage was 120'. He said they would be going through the rezoning process with the township prior to final platting.

*Mr. Price made a motion to Approve the Variance request by Mark and Karen Semon based on the Findings of Fact. Ms. Boni seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.*

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06-19                    Sanctuary Woods CAD – Genoa Twp. - 04 lots / 07.606 acres

**Conditions**

**Applicant:** Mark & Karen Semon  
**Subdivision Type:** single family, 4 lot CAD  
**Location:** North side of Freeman Rd., west of Char-Mar Dr.  
**Current Land Use:** Vacant  
**Zoned:** Suburban Residential (SR) and Rural Residential (RR)  
**Utilities:** Del-Co water and central sanitary sewer  
**School District:** Westerville  
**Contact:** Joe Clase, Plan 4 Land

**Staff Comments**

Sanctuary Woods is a Common Access Driveway subdivision proposed on two adjacent parcels with 110' of frontage on Freeman Road. The CAD extends approximately 540' into the site and ends with a T-turnaround. The CAD will cross one defined drainage area before turning and providing access to the four lots. Lot sizes are 3.42 acres (with 0.89 acres in the CAD), 2.13 acres, 1.04 acres, and 1.04 acres. Zoning maps show that there is split zoning in this area, with Suburban Residential zoning in an area approximately 520 feet from Freeman Road and Rural Residential north of that line. Because the Township cannot locate a legal description that defines exactly where the boundary exists between the zoning districts, the Township has asked the applicant to resolve the issue by rezoning the property. The applicant has expressed an intent to do so, and the Township is comfortable with allowing the Preliminary Plan to move forward.

*A technical review was held on February 14, 2019, after which the applicant has addressed all of the required changes, except the correction of the finished grade elevation on one lot.*

**Staff Recommendation**

Staff recommends *Conditional Preliminary Approval* of **Sanctuary Woods CAD** to the DCRPC, *subject to correction of the finished grade elevation on the southeastern lot.*



**Commission / Public Comments**

Mr. Joe Clase, Plan 4 Land was present. He stated that they would make the correction to the finished grade elevation on the preliminary plan.

*Mr. Price made a motion for Conditional Preliminary Approval of Sanctuary Woods CAD, subject to staff recommendation. Mr. Fowler seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.*

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04-16.V            Rockford Homes – Liberty Twp. – requesting variance/additional extension of Harvest Curve

**Applicant:** Rockford Homes Inc.

**Engineer:** EMH & T

**Preliminary approval:** 02/25/16

**Extensions granted:** 12/21/17 (to begin 2/18 for 1 year)

**Request**

Rockford Homes Inc. 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 Harvest Curve subdivision in Liberty Township.

The proposed subdivision is located on the west side of Steitz Rd., north of Home Road.

**Facts**

- 1) The Subdivision Regulations state that a Preliminary Plan shall expire if a complete Final plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval;
- 2) Harvest Curve received Preliminary approval on February 25, 2016; and
- 3) An extension was granted December 2017 for a 1-year extension (to begin February 2018) to February 2019.

**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:*** "Rockford Homes Inc., hereby request a variance from Sections 102.03 and 204.04 of the Delaware County Subdivision Regulations to allow additional time for the completion of the Harvest Curve development. The reason for this variance is due to the housing recession of the past 12 years and current market conditions."

"We are requesting additional time to allow for the construction of Harvest Curve. We have started final engineering of this section and anticipate development soon, depending on market conditions."

***Staff comments:*** Improvements along Steitz Road near the site and current activity in the area have impacted the development of the site. Surrounding conditions have not changed but the market has changed for certain sized lots.

#### **Staff recommendations**

DCRPC staff recommends that based on the Findings of Fact, the Variance request from Sec. 102.03 & 204.04 for **Harvest Curve** and Approval of a one-year Extension of the Preliminary.

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

Mr. Corey Theuerkauf, Rockford Homes was present and sworn in by Chairman Stites. He stated that the price range and area have been factors in the slow development. Prices range from \$120,000 - \$140,000 (per lot) in a 3-4 mile radius, there are about 116 available, which is approximately a 4 year lot inventory.

Mr. George said a recent BIA study stated the need for additional construction of homes and apartments and we are about 50% of what we really need. He asked if this was unique to that market area or is the issue the housing prices. Mr. Theuerkauf stated that the market for this price point of \$500,000 - \$600,000 homes is tight.

***Mr. George made a motion to Approve the Variance for Harvest Curve, based on the Findings of Fact and the 1 year extension of the Preliminary plan. Mr. Price seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**07-05.1-3.V Rockford Homes – Liberty Twp. – requesting variance/additional extension of Nelson Farms**

**Applicant:** Rockford Homes Inc.

**Engineer:** EMH & T

**Preliminary approval:** 05/25/06

**Extensions granted:** 10/25/12 (to begin 3/13 for 1 year), 03/27/14 for 1 year via variance, 02/26/15 for 1 year via variance, 05/25/17 for 1 year via variance, 04/26/18 for 1 year via variance

**Request**

Nelson Farms Assoc. 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 Nelson Farms subdivision in Liberty Township. Sections 3 remains unplatted to date.

The proposed subdivision is located on the west side of SR 315, north of Home Road.

**Facts**

1. The Subdivision Regulations require that a Subdivision be completely platted within five years of the first Section being recorded;
2. Nelson Farms, Sections 1-3 received Preliminary approval on March 25, 2006;
3. Section 1, Phase A was recorded March 2008, giving the remaining sections until March 2013 to be recorded.
4. The project was given a 1-year extension October 2012 to begin March 2013 until March 2014;
5. Section 2, Phase A was recorded January 13, 2014;
6. A variance was granted March 2014 for a 1 year extension to March 2015;
7. A second variance was granted March 2015 to allow for a 1 year extension to March 2016;
8. Section 2, Phase B was recorded September 16, 2015;
9. A third one-year extension for the remainder of the subdivision by variance was approved May 2017;
10. Section 2, Ph. C, Pt. 1A was recorded March 13, 2018;
11. A fourth one-year extension was granted April 2018 to expire May 2019;
12. Section 2, Ph. C, Pt. 1B was recorded July 26, 2018; and
13. Section 2, Ph. C, Pt. 2 was recorded October 17, 2018.

**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:*** “Rockford Homes Inc., hereby request a variance from Sections 102.03 and 204.04 of the Delaware County Subdivision Regulations to allow additional time for the completion of the Nelson Farms Section 3 parts 1 & 2 development. The reason for this variance is due to several factors; the housing recession of the past 12 years; the recent completion of previous phases within the development and the recent completion of the regional sewer trunk sewer extension within this section.”

“We are requesting additional time to allow for the construction of Nelson Farms, Section 3, Parts 1 & 2. We have started final engineering of this section and anticipate development soon, depending on market conditions.”

***Staff comments:*** This area has been the subject of engineering challenges in extending sanitary sewer through the site, although these improvements have now been completed. Zoning on the site has been extended by the township and development in the area has not changed.

**Staff recommendations**

DCRPC staff recommends that due to prior engineering challenges and regional sewer improvements and based on the Findings of Fact, the Variance request from Sec. 102.03 & 204.04 for **Nelson Farms, Sections 1-3** and a one-year Extension of the Preliminary be Approved. [If approved the extension would be from May 2019 to May 2020.]

**Commission / Public Comments**

Mr. Corey Theuerkauf, Rockford Homes was present and sworn in by Chairman Stites.

*Mr. George made a motion to Approve the Variance for Nelson Farms, Section 1-3, based on the Findings of Fact and the 1 year extension of the Preliminary plan May 2019 to May 2020). Mr. Price seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**ZONING MAP/TEXT AMENDMENTS**

11-19 ZON      Donald & JoAnne Lane – Trenton Twp. – 8.045 acres from FR to RR

**Request**

The applicants, Donald and JoAnne Lane, are requesting an 8.045-acre rezoning from FR to RR to allow the parcel to be split into residential lots.

**Conditions**

**Location:** 13910 Hartford Rd.

**Present Zoning:** Farm Residential (FR)  
**Proposed Zoning:** Rural Residential (RR)  
**Present Use(s):** One single-family house  
**Proposed Use(s):** Two single-family house lots  
**Existing Density:** 1 du / 5 acres  
**Proposed Density:** 1 du / 3 acres  
**School District:** Big Walnut  
**Utilities Available:** Del-Co Water and private on-lot treatment systems  
**Critical Resources:** wetland  
**Soils:** BeA Bennington Silt Loam 0-2% slope  
PwA Pewamo Silty Clay Loam 0-1% slope

### **Introduction**

This is a straight rezoning and does not require a development plan. According to the survey and Auditor data, the parcel has 312 feet of frontage on Hartford Road and 318 feet of frontage on Longshore Road, both of which meet the zoning resolution's 300' minimum. Both lots would require the minimum frontage, as Trenton Zoning does not provide for flag lots.

Further subdivision of this lot (unless combined with other land) would be accomplished through the No-Plat lot split process, allowing township and county agencies the opportunity to review and approve the proposed lots. Staff has generally supported rezoning requests from 5 acres to 3 as land is utilized in a more efficient manner. However, the digital soils map shows that most of the southern half of the lot appears to be made up of Pewamo soils, which will limit the onsite treatment system and house location.

Staff also recommends that the applicant consult with a soil scientist and the Health District to ensure proper design on the on-site system.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Donald and JoAnne Lane from FR to RR to the DCRPC, Trenton Twp. Zoning Commission and Trenton Twp. Trustees, *subject to:*

- 1.) *Consultation with a soil scientist and the Health District regarding placement of the on-site systems.*

### **Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Price made a motion to recommend Conditional Approval of the rezoning by Donald and JoAnne Lane, subject to staff recommendation. Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Trenton Twp.). Motion carried.***

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**12-19 ZON      Kenneth & Angela Neverman – Berkshire Twp. – 9.05 acres from A-1 to FR-1**

**Request**

The applicants, Kenneth and Angela Neverman, are requesting a 9.05-acre rezoning from A-1 to FR-1 for a proposed Common Access Driveway subdivision.

**Conditions**

**Location:** south side of Dustin Rd., between I-71 and Ryan Meadows Place

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

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

**Present Use(s):** vacant land

**Proposed Use(s):** Single-family house lots

**Existing Density:** 1 du / 5 acres

**Proposed Density:** 1 du / 1.95 acres

**School District:** Big Walnut

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

**Critical Resources:** none

**Soils:** CaB Cardington Silt Loam 2-6% slope

    BeB Bennington Silt Loam 2-4% slope

    PwA Pewamo Silty Clay Loam 0-1% slope

**Introduction**

This is a straight rezoning and does not require a development plan. However, the RPC office performed a Sketch Plan site review based on a layout for a four-lot Common Access Driveway. According to the survey and Auditor's information, the parcel has 325 feet of frontage on Dustin Road. Berkshire Township zoning requires 150 feet of frontage for minimum lots of 1.95 acres and 175 feet for lots between 2 and 3 acres. This would like generate only two lots without the use of a Common Access Driveway.

Staff has generally supported rezoning requests from 5 acres to 1.95 as land can be utilized in a more efficient manner. This appears to be a reasonable request, but other standards with regard to sight distance along Dustin Road, proper design and construction of the CAD, and appropriate stormwater management will all have to be reviewed and approved as part of the subdivision process. The Sketch review identified drainage flowing through the site.

**Comprehensive Plan**

Berkshire Township's 2017 Comprehensive Plan recommends this area for lots of 2-acres in size when sewer is not available. The applicant should take care to site homes and lots to minimize impact on the neighboring lots which are unlikely to subdivide.

**Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Kenneth and Angela Neverman from A-1 to FR-1 to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to*

- 1.) *Consultation with a soil scientist and the Health District regarding placement of the on-site systems.*

**Commission / Public Comments**

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

*Mr. Price made a motion to recommend Conditional Approval of the rezoning by Kenneth and Angela Neverman, based on staff recommendation. Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.*

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13-19 ZON      Kristofer Lee, Trustee – Berkshire Twp. – 6.35 acres from A-1 to FR-1

**Request**

The applicant, Kristofer Lee, Trustee, is requesting a 6.35-acre rezoning from A-1 to FR-1 to allow the lot to be split into residential lots.

**Conditions**

**Location:** north side of Cheshire Rd., east of 3 Bs & K Rd.

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

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

**Present Use(s):** Vacant, wooded

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

**Existing Density:** 1 du / 5 acres

**Proposed Density:** 1 du / 1.95 acres

**School District:** Olentangy

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

**Critical Resources:** none

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

    PwA Pewamo Silty Clay Loam 0-1% slope

**Introduction**

This is a straight rezoning and does not require a development plan. According to the survey and Auditor's information, the parcel has approximately 140 feet of frontage on Cheshire Road. Berkshire Township zoning requires 150 feet of frontage or width for minimum lots of 1.95 acres and 175 feet for lots between 2 and 3 acres. Two lots could be created with flag lots or potentially three with a Common Access Driveway.

Staff has generally supported rezoning requests from 5 acres to 1.95 as land can be utilized in a more efficient manner. This appears to be a reasonable request, but staff recommends against creating more than two lots, based on the predominance of Pewamo soil and poor drainage of the site. Staff also recommends the split utilize a share access point to reduce driveways on Cheshire Road.

**Comprehensive Plan**

Berkshire Township's 2017 Comprehensive Plan recommends this area for lots of 2-acres in size when sewer is not available. The proposal complies with the recommendation.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Kristofer Lee, Trustee from A-1 to FR-1 to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to:*

- 1.) *The applicant utilizing a shared access point when creating the split;*
- 2.) *Consultation with a soil scientist and the Health District regarding placement of the on-site systems.*

### **Commission / Public Comments**

Mr. Joe Clase with Plan 4 Land was present to represent the applicant. He stated that the shared access point is desirable by the owners that plan to create two lots.

*Mr. Price made a motion to recommend Conditional Approval of the rezoning by Kristofer Lee, Trustee, based on staff recommendations. Mr. Frommer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.*

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14-19 ZON      Richard and Susan Williams – Trenton Twp. – 8.0 acres from FR to RR

### **Request**

The applicants, Richard and Susan Williams, are requesting an 8.0-acre rezoning from FR to RR to allow the lot to be split into two residential lots.

### **Conditions**

**Location:** 250 Dent Road, Sunbury

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

**Proposed Zoning:** Rural Residential (RR)

**Present Use(s):** One single-family house, barn, accessory building

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

**Existing Density:** 1 du / 5 acres

**Proposed Density:** 1 du / 3 acres

**School District:** Big Walnut

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

**Critical Resources:** stream / drainage course

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

    BeB Bennington Silt Loam 2-4% slope

    SnA Sloan Silt Loam 0-2% slope

    CeB Centerburg Silt Loam 2-6% slope

### **Introduction**

This is a straight rezoning and does not require a development plan. However, the RPC office performed a Sketch Plan site review based on a layout for a two-lot Common Access Driveway. This parcel has 60 feet of frontage on Dent Road and was created prior to Trenton Township's zoning code amendments which no longer allows flag lots. However, rezoning would allow the utilization of a CAD to create two lots, if properly designed.

Staff has generally supported rezoning requests from 5 acres to 3 as land can be utilized in a more efficient



manner. This appears to be a reasonable request, but other standards with regard to sight distance along Dent Road, proper design and construction of the CAD, and appropriate stormwater management will all have to be reviewed and approved as part of the subdivision process. The Sketch review identified drainage flowing through the site.

### **Comprehensive Plan**

Trenton Township's 2004 Comprehensive Plan indicates this area would be appropriate for rezoning to a 3-acre lot size. Otherwise, a comparable density would be appropriate if services could be provided.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Richard and Susan Williams from FR to RR to the DCRPC, Trenton Twp. Zoning Commission and Trenton Twp. Trustees, *subject to:*

- 1.) *Consultation with a soil scientist and the Health District regarding placement of the on-site systems.*

### **Commission / Public Comments**

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

*Mr. George made a motion to recommend Conditional Approval of the rezoning by Richard and Sue Williams, based on staff recommendation. Mr. Vidor seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Trenton Twp.). Motion carried.*

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## SUBDIVISION PROJECTS

### **Preliminary**

05-19            Lanetta Subdivision, Lot 1232, Div. #1 – Genoa Twp. - 02 lots / 04.81 acres

### **Conditions**

**Applicant:** H. Thomas Hope

**Subdivision Type:** Single Family Residential

**Location:** North side of Lanetta Lane, east of Tussic St.

**Current Land Use:** house, accessory building

**Zoned:** Rural Residential

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

**School District:** Westerville

**Engineer:** Bird + Bull

### **Staff Comments**

This proposal is to take an existing 5-acre lot at the end of Lanetta Lane and divide the parcel into two lots. The existing home would be located on a 2.56-acre lot and the remaining 2.25 acre would provide a new building lot. The lot is part of a two-lot plat recorded in 1979 and must be replatted. The existing lot includes an easement which provides access to a parcel without frontage to the east of the site. This proposal makes no changes in the function of that easement (shown on the original plat) and maintenance agreement

(recorded in 1997), which is not a Common Access Driveway as defined in the Regulations.

*A technical review was held on February 14, 2019, after which the applicant has addressed all of the required changes.*

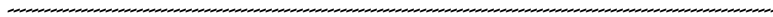
**Staff Recommendation**

Staff recommends *Preliminary Approval* of Lanetta Subdivision, Lot 1232, Division #1 to the DCRPC.

**Commission / Public Comments**

Mr. Jay Miller with Bird + Bull was present to represent the applicant.

*Mr. Frommer made a motion for Preliminary Approval of Lanetta Subdivision, Lot 1232, Division #1. Mrs. Kuba seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.*



**Preliminary/Final**

07-19                    Olentangy Crossings, Sec. 2, Lot 7523, Div. #4 – Orange Twp. - 02 lots / 02.610 acres

**Conditions**

- Applicant:** Continental Real Estate Companies
- Subdivision Type:** commercial
- Location:** East side of US 23, north of Lewis Center Rd.
- Current Land Use:** Vacant
- Zoned:** Planned Commercial and Office
- Zoning Approval:** 10/11/16
- Utilities:** Del-Co water and central sanitary sewer
- School District:** Olentangy
- Engineer:** Advanced Civil Design

**Staff Comments**

Olentangy Crossings, Sec. 2 was recorded in November of 2008 and created a large outlot between Pullman Drive and US 23 numbered Lot 7523. This lot was amended by platting Division #1 in December, 2009, to create the current Dairy Queen, in February, 2013 to create a lot for the Blue Sky Car Wash, and in September, 2016 to create a lot for an optometrist office/vision center. Last year, a Valvoline was built on the norther half of this site and the desire is now to divide the southern half for independent ownership.

The plan and plat indicate the Valvoline will be located on a 1.2128-acre site and the remainder will be 1.3963 acres. The site will have its own access but will also share cross-easement access at two locations with the site to the north.

*A technical review was held on February 14, 2019, after which the applicant has addressed all of the required changes.*

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

**Staff Recommendation**

Staff recommends *Preliminary and Final Approval of Olentangy Crossings, Section 2, Lot 7523, Div. #4* to the DCRPC.

**Commission / Public Comments**

Mr. John Phelps with Advanced Civil Design was present to represent the applicant.

Chairman Stites questioned by splitting this lot, does it impact the retention pond? Mr. Piccin stated that it would be on drainage maintenance.

*Mr. Frommer made a motion for Preliminary and Final Plat Approval of Olentangy Crossings, Section 2, Lot 7523, Div. #4. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*

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**OTHER BUSINESS**

Appointment of Nominating Committee for Executive Committee member election

Chairman Stites appointed Fred Fowler (740-833-2201), Doug Price (740-272-7768) and Mike Dattilo (740-272-7136) to the Nominating Committee. Anyone interested in serving on the Executive Committee should contact one of these individuals. The vote for the 4 members will take place by ballot at the March 28<sup>th</sup> RPC meeting.

**POLICY / EDUCATION DISCUSSION** (none)

**RPC STAFF AND MEMBER NEWS**

Phillip Bennetch, Planner I, has started a job with the City of Columbus on February 19. The open position has been listed on several planning-related websites.

*Having no further business, Mr. George made a motion to adjourn the meeting at 7:20 p.m. Seconded by Ms. Boni. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, March 28, 2019, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*