



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, August 29, 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 July 25, 2019 RPC Minutes
- Executive Committee Minutes of August 21, 2019
- Statement of Policy

CONSENT AGENDA

		Township	Lots/Acres
09-17.1.A	Howard Farms, Section 1, Phase A	Berlin	23 lots / 26.301 acres
09-17.1.B	Howard Farms, Section 1, Phase B	Berlin	28 lots / 13.425 acres

ZONING MAP/TEXT AMENDMENTS

37-19 ZON	Bryan and Michelle Barlitt – Trenton Twp. – 3.994 acres from FR-1 to RR		
38-19 ZON	David and Brenda Frecka – Liberty Twp. – 49.923 acres from PRD to FR-1		
39-19 ZON	Greif Packaging LLC & Greif Inc. – Liberty Twp. – 60.20 acres FR-1&POD23 to PRD		
40-19 ZON	Greif Packaging LLC – Liberty Twp. – 16.35 acres from FR-1 and POD23 to PMFR		
42-19 ZON	Berlin Twp Zoning Commission – Text amendments (foundation survey)		

SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
22-19	The Villas at Old Harbor East	Berlin	50 lots / 16.24 acres
20-19	Marckel CAD	Concord	03 lots / 04.979 acres
23-19	Evans Farm Marketplace	Orange	04 lots / 12.528 acres

Preliminary/Final

13-19	F=T Lewis Center Self Storage	Orange	01 lot / 13.528 acres
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T=TABLED, W=WITHDRAWN

POLICY / EDUCATION DISCUSSION

- RPC hosting discussion on the implications and design of Combined Mail Box Units in subdivisions.
- Community feature maps
- Meeting notice: Impact on zoning hosted by Economic Development Dept.

RPC STAFF AND MEMBER NEWS

- Jonathan Miller received his GISP certification

ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Jim Nelson, Jeff George, David Loveless, Susan Kuba, Ric Irvine, Fred Fowler, Gary Merrell, Steve Burke, Tom Hopper, Matt Kurz, Dave Stites, Charles Hurt, Hal Clase, Michelle Boni, James Hatten, Ed Snodgrass, Herb Ligocki, and Mike Dattilo. *Alternates:* Bob Lamb, Tiffany Jenkins, Bill Piper, Claudia Husak, Paul Benson and Richard Lehner. *Staff:* Scott Sanders, Jonathan Miller, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the July 25, 2019 RPC Minutes**

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

▪ **August 21, 2019 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from July 17, 2019**

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

3. **New Business**

- Financial / Activity Reports for July 2019

REGIONAL PLANNING RECEIPTS		JUNE	YTD TOTAL
General Fees (Lot Split)	(4201)		\$7,570.00
Fees A (Site Review)	(4202)	\$1,200.00	\$6,900.00
Insp. Fees (Lot Line Transfer)	(4203)	\$800.00	\$2,300.00
Membership Fees	(4204)		\$236,547.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,394.34	\$1,394.34
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$1.25
Charges for Serv. A (Prel. Appl.)	(4230)	\$2,500.00	\$34,092.90
Charges for Serv. B (Final. Appl.)	(4231)	\$5,000.00	\$23,217.90
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$750.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$2,000.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$1,300.00	\$3,100.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$3,000.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$2,460.00	\$12,270.00
Soil & Water Fees	(4243)	\$875.00	\$6,595.00
Commissioner's fees	(4244)		\$0.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			\$176.46
Other Misc. Revenue (GIS maps)	(4730)		\$0.00
Misc. Non-Revenue Receipts	(4733)		\$307.75
Sale of Fixed Assets	(4804)		\$0.00
TOTAL RECEIPTS		\$16,479.34	\$340,222.60

Balance after receipts		\$1,049,989.82
Expenditures	-	\$ 29,683.05
End of July balance (carry forward)		\$1,020,306.77

*Mr. George 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 Reviews

	Township	Lots/Acres
1.) Villas at Old Harbor West	Berlin	90 lots / 30 acres
2.) Jennings Sports Center at Evans Farm acres	Orange	01 lot / 49.959

- August RPC Preliminary Agenda

1.) CONSENT AGENDA	Township	Lots/Acres
• Howard Farms, Section 1, Phase A	Berlin	23 lots / 26.301 acres
• Howard Farms, Section 1, Phase B	Berlin	28 lots / 13.425 acres
2.) ZONING MAP/TEXT AMENDMENTS		
• Bryan and Michelle Barlitt – Trenton Twp. – 3.994 acres from FR-1 to RR		
• David and Brenda Frecka – Liberty Twp. – 49.923 acres from PRD to FR-1		
• Greif Packaging LLC and Greif Inc. – Liberty Twp. – 60.20 acres from FR and POD-23 to PRD		
• Greif Packaging LLC – Liberty Twp. – 16.35 acres from FR and POD-23 to PMFR		

3.) SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary

- | | | |
|---------------------------------|---------|------------------------|
| • The Villas at Old Harbor East | Berlin | 50 lots / 16.24 acres |
| • Marckel CAD | Concord | 03 lots / 04.979 acres |
| • Evans Farm Marketplace | Orange | 04 lots / 12.528 acres |

Preliminary/Final

- | | | |
|---|--------|-----------------|
| • Lewis Center Self Storage (<i>Final may be tabled</i>)
acres | Orange | 01 lot / 13.528 |
|---|--------|-----------------|
- Director’s Report
 - 1.) Attended a website refresher sponsored by the County;
 - 2.) Continuing to distribute Community Maps, collecting comments and updating data;
 - 3.) Berlin Township zoning overlay – worked on info sheets showing land value, land use, tax receipts of commercial sites in Berlin, Berkshire, and Orange. May be used in public hearing on September 4th. Also provided flowcharts comparing the usual PC process versus the overlay.
 - 4.) 2020 Census preparation – Hosted first meeting of the Complete Count Committee with reps from the following stakeholder groups. Talked about communication strategies for encouraging a high response rate. Also attended by Chad Stover and Nancy Reger. Aiming for representation at the Delaware County Fair, but will likely not have much activity until later winter, 2020.
 - Libraries – DCDL - (will need to always include Community Library as well)
 - Education – Olentangy Schools – (all districts, OWU, DACC, Cols-State)
 - Health – DGHD – (Partnership members and other agencies)
 - Non-Profits – United Way – (should also catch any faith-based groups)
 - Business – Delaware Chamber – (communicating with other chambers and business groups)
 - Older Adults – Sourcepoint
 - Governments – Although Delaware City and a rep from the DC Township Association will be “on the committee,” we will make direct communication with all jurisdictions whenever there is information to send out.
 - 5.) Working on Harlem and Kingston Comprehensive Plan background chapters and maps;
 - 6.) Trakit: attended a small user’s group meeting with updates on implementation of the project tracking software – testing in October??
 - 7.) Da-Wei has redesigned the Critical Resources layer that we utilize in analyzing sites and during RPC meetings.

4. Old Business (*none*)

5. Other Business (*none*)

6. Personnel

- Jonathan Miller received his GISP certification.

7. Adjourn

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 10:45 a.m. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

09-17.1.A **Howard Farms, Section 1, Phase A – Berlin Twp. - 23 lots / 26.301 acres**

Conditions

Applicant: Homewood Corp.
Subdivision Type: Single Family Residential
Location: South side of Cheshire Rd., west of Devonshire Rd.
Zoned: R-4/PRD
Preliminary Approval: 04/27/17
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: EMH & T

Staff Comments

Howard Farms is a 175-lot single-family subdivision with frontage on Cheshire Road, from which it takes its main access. The main road enters the site from the north heading south, intersecting twice with the main loop on the north side of the subdivision. There are two roads extending from the main boulevard in the center of the main loop to the edges, one to the east, and the other to the west. Three roads branch off the main loop heading south, two of which end in a cul-de-sac. Two more roads connect the two north-south roads on the east side of the site.

Nine reserve areas are being created, totaling approximately 53.7 acres of open space. On the north end of the site, along Cheshire Road, are two parcels totaling 5.4 acres. They both include a 10' wide asphalt path and mounding. At the center of the main loop on the northern end of the site is a 3.2-acre parcel including 8' wide asphalt paths. Wrapping around and between the two cul-de-sac's and north of an existing stream is a 17.3-acre parcel that includes three retention basins with fountains, an 8' wide asphalt

path, and three small wetlands. South of the stream there is a 25.8-acre parcel that is mostly woods. There is a 1.4-acre square parcel in the middle of the southeastern set of roads. There are small open space areas on the inside curves of the main loop.

The subject property is Section 1, Phase A of the overall Howard Farms development. Section 1, Phase A consists of 23 lots on 26.301 acres in the central green and neighboring lots.

Open Space exists on four of the lots and totals around 11.841 acres, mostly along Cheshire Road frontage and in the central green. The remaining 19 lots are all buildable and average around 0.38 acres, with the typical lot measuring 90 feet wide and 162 feet deep.

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 **Howard Farms, Section 1, Phase A** to the DCRPC.

Commission / Public Comments

Mr. Clase made a motion for Final Approval of Howard Farms, Section 1, Phase A. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-17.1.B Howard Farms, Section 1, Phase B – Berlin Twp. - 28 lots / 13.425 acres

Conditions

Applicant: Homewood Corp.
Subdivision Type: Single Family Residential
Location: South side of Cheshire Rd., west of Devonshire Rd.
Zoned: R-4/PRD
Preliminary Approval: 04/27/17
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: EMH & T

Staff Comments

Howard Farms is a 175-lot single-family subdivision with frontage on Cheshire Road, from which it takes its main access. The main road enters the site from the north heading south, intersecting twice with the main loop on the north side of the subdivision. There are two roads extending from the main boulevard in the center of the main loop to the edges, one to the east, and the other to the west. Three roads branch off the main loop heading south, two of which end in a cul-de-sac. Two more roads connect the two north-south roads on the east side of the site.

Nine reserve areas are being created, totaling approximately 53.7 acres of open space. On the north end of the site, along Cheshire Road, are two parcels totaling 5.4 acres. They both include a 10' wide asphalt

path and mounding. At the center of the main loop on the northern end of the site is a 3.2-acre parcel including 8' wide asphalt paths. Wrapping around and between the two cul-de-sac's and north of an existing stream is a 17.3-acre parcel that includes three retention basins with fountains, an 8' wide asphalt path, and three small wetlands. South of the stream there is a 25.8-acre parcel that is mostly woods. There is a 1.4-acre square parcel in the middle of the southeastern set of roads. There are small open space areas on the inside curves of the main loop.

The subject property of this request is Section 1, Phase B of the overall Howard Farms development. Section 1 Phase B consists of the northeastern section of the main loop formed by Annabel Way and Blantons Pass.

Open space totals around 2.194 acres on 2 lots, with the remaining 26 lots being buildable and averaging about 0.36. The typical lots measures 90 feet wide by 162 feet deep.

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 Howard Farms, Section 1, Phase B to the DCRPC.

Commission / Public Comments

Mr. Clase made a motion for Final Approval of Howard Farms, Section 1, Phase B. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

ZONING MAP/TEXT AMENDMENTS

37-19 ZON Bryan and Michelle Barlitt – Trenton Twp. – 3.994 acres from FR to RR

Request

The applicants, Bryan and Michelle Barlitt, are requesting a 3.994-acre rezoning from FR to RR to allow the lot to be reduced in size from the original 5.011 acre parcel by transferring 1.017 acres to an adjoining property.

Conditions

Location: 4111 North County Line Rd.

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Rural Residential (RR)

Present Use(s): One single-family house

Proposed Use(s): One single-family house lot on 3.994 acres

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: none

Soils: BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

Introduction

This application is a rezoning with the intent to split the property and transfer 1.017 acres to the neighboring property to the south. The 5.011 acre parcel has 260 feet of frontage onto North County Line Road (CR 51). About 658 feet back from the centerline of North County Line Road, the property widens and extends an additional 150 feet to the south for an additional depth of 295 feet.

The applicant is requesting a rezoning of the remaining section of their property to enable the property extension that is 150 feet wide and 295 feet deep to be transferred to the property to the south. The current zoning classification of Farm Residential (FR) requires a minimum 5-acre lot, which prevents the property transfer from occurring. The amount of frontage currently required for the property is 300 feet; 40 feet in excess of the property's existing frontage.

The proposed zoning classification of Rural Residential (RR) requires a 3-acre lot minimum with 250 feet of frontage; putting the property in compliance with both requirements with the lot split.

Comprehensive Plan

Trenton Township's 2004 Comprehensive Plan indicates this area would remain residential and retain the rural character. The proposed rezoning to obtain an adjacent property transfer does not impact the character, as the property transfer will not create an additional buildable lot. Furthermore, the rezoning would potentially improve the rural character by increasing the lot size of the property to the south, which is currently listed at 1.250 acres.

Issues

Neighboring Property's Compliance with Zoning: One issue surrounding the request is the zoning code compliance of the property to the south, which is currently zoned Rural Residential (RR) with 150 feet of frontage. The zoning classification requires a minimum lot size of 3 acres with 250 feet of frontage; both of which are not currently met by the property. The transfer of property would bring the lot into closer compliance with regard to lot size, but not frontage. The new acreage of the property after the transfer would be 2.267 acres, still short of the required 3 acres, with no change to the property's frontage. Variances from these two regulations will be needed to complete an adjacent property transfer.

Additionally, the 1.017-acre portion of the property being split is not a part of this rezoning request and would continue to be located in the FR district with a 5-acre minimum. This sets up mixed zoning on combined property, which may not be a legal situation.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Bryan and Michelle Barlitt from FR-1 to RR to the DCRPC, Trenton Twp. Zoning Commission and Trenton Twp. Trustees, *subject to:*

- 1.) Consultation with the County Prosecutor's office regarding the other conditions,

- 2.) The entire 5.011 acre property be rezoned to RR;
- 3.) A Variance being obtained for the property to the south for lot size and road frontage.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Clase made a motion to recommend Conditional Approval of the rezoning request by Bryan and Michelle Barlitt, subject to staff recommendations #1-3. Mr. Loveless seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Trenton Twp.). Motion carried.

38-19 ZON David and Brenda Frecka – Liberty Twp. – 49.923 acres from PR to FR-1

Request

The applicants, David and Brenda Frecka, are requesting a 49.923-acre rezoning from PR to FR-1 to allow up to three residences and open space.

Conditions

Location: West side of SR 315, south of Home Rd. and Harper Lane

Present Zoning: Planned Residential (PRD)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Vacant

Proposed Use(s): up to three single-family house lots and open space

Existing Density: 1.5 units / acre

Proposed Density: 1 du/acre (0.06 units/acre with three residential units)

School District: Olentangy

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: slope \geq 20%, streams/drainage course

Soils: GwB Glynwood Silt Loam 2-6% slope

GwC2 Glynwood Silt Loam 6-12% slope

LyE2 Lybrand Silt Loam 18-25% slope

GzC3 Glynwood Silty Clay Loam 6-12% severely eroded slope

Introduction

This application is a straight rezoning as a development plan was not submitted in conjunction with the request. As the applicant is requesting a down-zoning to the property (PR to FR-1), future reviews will be performed at the Township level. The applicant is requesting the rezoning to eventually build three single-family units. The subject property is approximately 50 acres with frontage on three road stubs leading to the property (Harper Lane, Pillion Way, and Red Emerald Way).

The property was rezoned as Planned Residential in 2014 under the unbuilt Allington Place subdivision. The property was eventually split in 2018 into three tracts, the middle of which – east of the subject parcel – was rezoned from Planned Residential to Farm Residential this year under application 03-19-ZON.

The current zoning, Planned Residential District (PR), has an overall maximum density of 1.5 units per acre and would require the applicant to submit a development plan to plat any proposed residences. The proposed zoning, Farm Residential (FR-1), is the lowest density zoning classification in Liberty Township. A rezoning to FR-1 would require a minimum lot size of 1 acre with variable frontage requirements (300 feet if a 5-acre lot is created), and flag lots are permitted.

The applicant, in a statement submitted with the application, indicated that the County Engineer has requested a 60-foot easement stretching from Harper Lane to Red Emerald Way. It's the applicant's intent to propose an alternative of connecting Harper Lane to Pillion Way instead, which will provide frontage for two of the three lots. The third lot, as stated by the applicant, would obtain access through the Red Emerald Way stub.

Comprehensive Plan

Liberty Township's 2018 Comprehensive Plan indicates this area would remain residential with maximum densities of 1 unit per acre, which aligns with the proposed density of the rezoning.

The Comprehensive Plan also promotes the preservation of natural resources. According to the submitted statement from the applicant, the three single-family unit lots – about 5 acres each – will be strategically located to avoid any impacts to ravines, streams, or wooded areas.

Issues

Traffic and access: By downzoning the property to a less intense residential use, the potential traffic exiting through the existing subdivision to the north, south, and subsequent traffic onto Olentangy River Road will be less than that of the alternative which would occur if 50+ homes were constructed.

The three road stubs leading to the property present a challenge. The engineer's office has recommended connecting the Red Emerald Way stub to Harper Lane, with Pillion Way already constructed as a cul-de-sac – with right-of-way extending to the property line. The applicant is proposing to connect Harper Lane to Pillion Way with an easement, which would leave Red Emerald Way a stub. If one of the proposed houses want to connect to a public roadway through Red Emerald Way, the stub should formally be converted to a cul-de-sac with the other two residences gaining access from the extension between Harper Lane and Pillion Way.

In separate conversations with RPC staff, the applicant intended to construct the unimproved portion of Harper Lane. Also, depending on the desired configuration of driveways, a portion of Common Access Driveway may need to be constructed and platted. These issues will be considered during the development of the lots.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by David & Brenda Frecka from PRD to FR-1 to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to:*

- 1.) *The submission of a Memorandum of Understanding with the DCEO that any residence connecting to Red Emerald Way will result in either Red Emerald Way connecting to Harper Lane, or a completed cul-de-sac of Red Emerald Way.*

Commission / Public Comments

Mr. Steve Martin, Attorney for the applicant, was present. He stated that subsequent to the application and further conversations with John Piccin (DCEO) they are working on easements that are relocatable; one from Harper Way to Red Emerald Way, one from Harper Lane to Pillion Way and also a discussion of granting an easement from Rissler to tie into the easement that runs from Harper Way to Pillion. The owners that are building a house on the eastern lot would like to have 3 lots for their 3 adult children.

Mr. Clase made a motion to recommend Conditional Approval of the rezoning request by David & Brenda Frecka, subject to staff recommendation. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

39-19 ZON Greif Packaging LLC and Greif Inc. – Liberty Twp. – 60.20 acres from FR-1 & POD-23 to PRD

Request

The applicants, Greif Packaging LLC and Greif Inc., are requesting a 60.20-acre rezoning from Farm Residence District (FR-1) and POD-23 to Planned Residence District (PRD) for the development of the single-family component of Hyatts Meadows.

Conditions

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

Present Zoning: Farm Residence (FR-1) with potential Planned Overlay District (POD-23)

Proposed Zoning: Planned Residence District (PRD)

Present Use(s): Agriculture and open fields

Proposed Use(s): 70 single family house lots, 55 single cluster family lots

Existing Density: 1 du/acre (FR-1) and 10 du/acre minimum (if POD-23 were approved)

Proposed Density: 2.68 du / acre

School District: Olentangy

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: ponds, wetland, streams/drainage courses

Soils: GwB Glynwood Silt Loam 2-6% Slope

 GwC2 Glynwood Silt Loam 6-12% Slope

 BoA Blount Silt Loam 0-2% Slope

 BoB Blount Silt Loam 2-4% Slope

 PwA Pewamo Silty Clay Loam 0-1% slope

Introduction

The applicant applied for a rezoning to PRD in 2018 under application 07-18 ZON. Although that case was withdrawn by the applicant at the township level, many of the same issues will be discussed in this report, including density, lot size and clustering, walkability, and others.

This rezoning case is one of two rezoning requests in conjunction with the submission of a development plan which contains both single- and multi-family units. The subject parcels are requested to be rezoned so

that they can be developed as single-family homes, while the second rezoning request (40-19 ZON) consists of multi-family units and is outlined in detail below.

The single-family component of the development consists of 125 homes. The majority (70) of those homes, range between 0.2 to 0.5 acres and are located on the western part of the development which borders the Olentangy Falls, Section 4 development through the extension of Alicia Kelton Drive. The remaining 55 homes are classified as “cluster homes” and located in the eastern part of the subject rezoning, and accessible through the extension of Alicia Kelton Drive and another connection to Hyatts Road about 2,300 feet west of State Route 23. These homes, are on lots at generally 0.15 and 0.25 acres. A connection is provided to the multi-family section to the north.

The current zoning classification, FR-1 and optional POD-23 on the east end, permit different uses. The FR-1 zoning permits single-family homes with a minimum lot size of 1 acre, while the eastern part of the subject request permits only multi-family residential uses (no single-family units) at densities between 10 and 25 units/acre, with a maximum of 300 units within the POD-23 designated area.

The proposed zoning classification refers to the Comprehensive Plan for minimum lot area requirements. The Comprehensive Plan, however, only dictates that the maximum density permitted in PRD zoned areas is 1.5 units per net developable area (NDA). As proposed (125 units over 46.7 developable acres), the plan is a request for a density of 2.68 units/NDA, requiring a divergence for density. By comparison, Olentangy Falls East (to the south) has a development density of 1.24 units/NDA. Olentangy Falls Section 4 & 5 (to the west) has a development density of around 1 du/NDA.

Comprehensive Plan

Liberty Township’s 2018 Comprehensive Plan indicates this area would contain multiple uses. The portions of the proposed development closer to State Route 23, the central and eastern portions, are recommended to be reserved for commercial uses to broaden the tax base, and high-density multi-family residential to support housing for the workforce of the growing economic base along State Route 23. The western part of the proposed development is proposed to be residential development at densities of 1.25 units/NDA where centralized sewer is available.

Issues

Traffic and access: The development as a whole has three connections, two of which capitalize on extending existing roadways. The third is the primary access, a connection to Hyatts, and does not (and is not able to) align with a roadway on the south side of Hyatts. Based on the traffic impact study, several improvements may need to be made to Hyatts Road including a right turn lane, and potential two-way, left-turn lane between the proposed access on Hyatts Road and Benton Lane (the entrance into Olentangy Falls East).

No letter is included from the County Engineer, although that department signed off on the traffic study. The internal road network may require some adjustment during the subdivision process. The main entrance from Hyatts may be improved by designing it as the through street to Cornerstone Drive to the north with Alicia Kelton forming an intersection and heading west.

Two undeveloped lots totaling 15.5 acres are under the ownership of Carol Champa and are located directly south of lots 100-109. Hyatts Road has recently been impacted by several new driveways. In an effort to reduce additional drives, any development of this property should utilize this road connection.

Drainage: Five ponds are either preserved or proposed in the plan. The engineer's office, however, has not provided comments regarding the pond locations or potential capacity. The location of the ponds infringe upon water impoundment setback regulations and may require a divergence for the locations.

This development is located within the Olentangy Watershed, requiring additional review and potential mitigation based on stream type and setbacks. These setbacks may impact several lots in the northeast corner of the site (i.e., lots 42, 43, and 54 through 57).

Open Space: The overall site (both zoning cases) provides 29.82 acres of open space, 20.16 acres of which is not a pond or electrical easement. The open space requirement is 20% or 15.31 acres. The applicant meets this requirement. Within the open space, the plan indicates a pool and clubhouse, as well as walking paths providing access through the open spaces. Other than the clubhouse/pool, there is no active recreation represented in the development plan.

Lot configuration: The lots with the smallest frontage are the first lots in the development as residents enter the site and will be the most impacted by overall traffic. The width of these lots will result in a driveway every 50 feet or so, creating numerous conflict points, similar to those experienced in portions of Scioto Reserve. Additionally, the southern-most lots have an awkward shape. With 53' of frontage and 230' of depth, the lots have a ratio of almost 5 to 1. Considering the significant electrical easement and potential buried transmission lines along the western border, the applicant should consider open space along the back of these and design them in a more typical shape.

Also, given the road layout recommendations above, driveways could either be combined or small CADs constructed which should provide frontage and access to several lots and reduce the overall number of driveway points along the road.

Divergences

Seven divergences are requested with the proposal:

1. **Density:** Applicant is requesting an increase in the permitted density for single-family residential units from 1.5 units/NDA. to 2.68 units/NDA. As previously noted, surrounding developments are 1 d.u./NDA. and 1.24 d.u./NDA. The Comprehensive Plan recommends a density of 1.25 du/NDA, while the portions of the proposal currently zoned POD-23 is permitted to have densities between 10-25 d.u./NDA for multi-family housing (no single-family housing permitted) as a supporting use to office and warehousing uses.

Staff Comment: The proposed 2.68 d.u./NDA is high compared to the surrounding area. The comprehensive plan indicates a recommended density of 1.25, less than half of the density that's being proposed. The applicant has proposed that the density is still less than what is permitted under the POD-23 zoning, and that since the development utilizes a Cluster Home style of development, higher densities should be permitted. However, the POD-23 zoning permits multi-family use specifically as a means to provide housing for employees that are necessary to grow the economic base in Liberty Township. Such housing types have a smaller traffic impact per unit and negligible school impact. Additionally, the comprehensive plan specifies that the Cluster Home style of development is not a means to obtain higher densities. The POD-23

density was also linked with a desire for a mix of uses, including non-residential uses. Staff is not in favor of increasing the allowable density to the level requested, although a compromise may be warranted.

2. Model Home Parking: Applicant is requesting to reduce the number of off-street parking spaces available for model homes from 6 to 2. The proposed model homes will have two spaces available in the driveway, with no other parking present.

Staff Comment: The applicant argues that additional spaces are not necessary because several model homes will be present throughout and six spaces will not be necessary since conflicts will be minimized. Staff is in favor of the request, as it will reduce excess parking spaces, additional pavement, and the possibility of unusual parking lot areas. The request will also help maintain a more residential feel throughout the development, benefitting the residents.

3. Driveways: Applicant is requesting to reduce the spacing requirement for driveways from public road intersections from 40 feet and a 300-foot unobstructed visibility to a presumed 0 feet as no new distances were specified. The basis for the request is rooted in the proposed layout which presents spacing issues for some of the lots.

Staff Comment: Staff is in favor of providing a divergence from some aspects of the driveway spacing requirements for certain lots. However, staff is not in favor of providing a blanket divergence from driveway spacing requirements for the entire property. Providing a blanket divergence from driveway spacing requirements eliminates the need to provide any appropriate spacing from intersections. The applicant should try and eliminate the need for a blanket divergence and request the divergence only on lots where compliance with the spacing requirements is not feasible.

4. Parking: Applicant is requesting to reduce the rear and side yard setback for parking from 10 feet to, presumably, 0 feet as no new setback was provided.

Staff Comment: The applicant argues that the setback cannot be met because of the cluster home nature of the development. As only 55 of the proposed 125 homes in this portion of the development are cluster lots homes with minimal frontages, Staff is not in favor of a blanket request to eliminate side and rear yard setbacks for parking/driveways. Applicant should propose, on a lot by lot basis, where a divergence from parking/driveway setbacks are necessary based on each lot's individual design and characteristics.

5. Structure Separation: Applicant is requesting to reduce the minimum structure separation from 15 feet for structures with masonry walls and 25 feet for structures with non-masonry walls to a sliding scale consisting of the following table. The resulting structure separation is the addition of the side yard setbacks of two contiguous lots in the following size categories, as well as the elimination of a requirement for masonry walls.

Lot Frontage	Side Yard Setbacks
Less than 62 Feet	5 Feet
62 Feet to 114 Feet	6 Feet
115 Feet or Larger	25 Feet

Staff Comment: The applicant argues that the setback is not necessary because of the cluster home nature of the development. Staff agrees that the proposed sliding scale setbacks are appropriate as the setbacks relate to the size and scale of the homes on the lots, and will subsequently help create a more cohesive development. Staff, however, is not in favor of the elimination of the masonry wall requirement. While the applicant has proposed to follow fire safety protocols concerning materials and structure separation, the issue of noise nuisance still remains. To help mitigate the effects of noise nuisance on properties that are in close proximity, the masonry requirement for structures located closer than 25 feet should remain in place.

6. **Water Impoundments:** Applicant is requesting to reduce the setback requirement for water impoundments from 25 feet to a road right-of-way, 55 feet to a road centerline, and 10 feet from an adjacent property to the distances illustrated in the submitted development plan.

Staff Comment: The applicant argues that the divergence is needed due to the existing locations of ponds to use as water impoundments. In an effort to maintain more natural open space areas, Staff is in favor of using the existing ponds for water impoundments, if and only if the water impoundments and associated storm water retention plan is approved by the Delaware County Engineer's Office.

7. **Sidewalks:** Applicant is requesting to reduce the setback for walkways in the development from 10 feet to 5 feet from the back of the curb. Applicant is proposing 5-foot wide sidewalks throughout the development, as well as interconnected multi-use paths.

Staff Comment: The applicant argues that the setback divergence is necessary because of the cluster home nature of the development. While less than half of the development is proposed to be cluster home style development, Staff is in favor of the divergence. Bringing the sidewalks slightly closer the curb, as well as the proposed inclusion of appropriate and numerous street trees, will provide a more tight-knit community feel and result in a more inviting environment outside of the proposed homes. Additionally, it will provide for uniformity in the distance of the sidewalk from the curb in all single-family home areas of the development.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Greif Packaging LLC and Greif Inc. from FR-1 and POD-23 to PRD to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, subject to:

- 1.) Consideration of providing open space along the rear of the lots near Hyatts Road to improve lot layout and protect the electric easement;
- 2.) Providing a future street connection to one of the Champa properties to the south;
- 3.) The following modifications to divergences 1, 3, 4, 5, and 6.
 - a. **Divergence 1:** The divergence from the minimum density be limited to 2.00 units per acre, providing a better transition between the developments to the west and south and the multi-family proposal to the north, as well as the commercial areas to the east. This would reduce the number of single-family units to 93.
 - b. **Divergence 3:** Applicant should specify which lots will need a divergence from intersection spacing, and which lots will need a divergence from sight obstruction spacing.
 - c. **Divergence 4:** The divergence from side and rear setbacks of 10 feet for parking and driveways be limited to side yards only, and only for the homes located in the cluster home style development.
 - d. **Divergence 5:** The structure separation divergence be approved according to the submitted sliding

scale, with the exception that masonry walls for structures located closer than 25 feet remain as a required component of the development to protect the welfare of the future residents of the development. An increase in lot width may reduce the need for this divergence.

- e. *Divergence 6*: The location and setbacks of the proposed water impoundments are recommended for approval if they meet the standards of the Delaware County Engineer's Office.

Commission / Public Comments

Mr. Gary Smith with G2 Planning & Design was present to represent the applicant. He stated they have been working with the neighbors and the Township for about 18 months on a design. Mr. Smith clarified the side yard setback table included in the staff report should read 6' for 62'-114' (not 12'). [Corrected in report.]

Ms. Husak asked where staff would see the density reduction take place. There is a huge difference in the comprehensive plan allowance and what this plan is requesting. Mr. Miller stated that the different of lots from 2.6 to 2 units per acre would reduce the number of units to 93 units. He suggests removing some of the units and increasing some of the lot widths, which would also help reduce any need for structure separation.

Ms. Husak asked if all the streets would be public. Mr. Miller confirmed they would, all except for the east/west street within the multi-family portion.

There was some discussion of the effect of traffic from Columbus State. Mr. Loveless stated that there was some effect on Chapman from Columbus State and a line was added down the narrow street.

Ms. Husak asked for clarification on the parking setback. Mr. Miller explained that parking/driveways are to be a minimum of 10' from the side and rear yard lot lines. Mr. Miller stated that staff recommends eliminating the rear yard part of the divergence request due to not being applicable and also limit it to the cluster homes.

Mrs. Kuba made a motion for Conditional Approval of the rezoning request by Greif Packaging LLC and Greif Inc. from FR-1 and POD-23 to PRD, subject to staff recommendations #1-3. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

40-19 ZON Greif Packaging LLC – Liberty Twp. – 16.35 acres from FR-1 and POD-23 to PMFR

Request

The applicant, Greif Packaging LLC, is requesting a 16.35-acre rezoning from FR-1 and POD-23 to PMFR for the development of the multi-family component of Hyatts Meadows.

Conditions

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

Present Zoning: Farm Residence (FR) and Planned Overlay District (POD-23)

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

Present Use(s): Agriculture and open fields

Proposed Use(s): 78 condominium townhomes

Existing Density: 1 du/acre (FR-1) and 10 du/acre minimum (POD-23 – Multi-Family only)

Proposed Density: 9.99 du / acre

School District: Olentangy

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: ponds, wetland, streams/drainage courses

Soils: GwB Glynwood Silt Loam 2-6% Slope

GwC2 Glynwood Silt Loam 6-12% Slope

BoA Blount Silt Loam 0-2% Slope

BoB Blount Silt Loam 2-4% Slope

PwA Pewamo Silty Clay Loam 0-1% slope

Introduction

This is the second of two rezoning requests associated with the Hyatts Meadows development. The subject request is for the multi-family component of the overall development and consists of 78 condominium townhomes. Cornerstone Drive is proposed to be extended through this section of the development, connecting to Alicia Kelton Drive in the single-family component. Clustered in blocks of 4 to 5 townhomes, all units will contain over 900 square feet.

The POD23 zoning overlay could permit high density multi-family uses ranging from a minimum of 10 units/NDA to 25 units/NDA, with a maximum of 300 units in the POD23 area. The POD23 cloud zoning overlay was created to, among other factors, “*provide[s] an opportunity for an appropriate mix of Open Space, office, retail, institutional, and multi-family residential uses not otherwise permitted within the standard zoning district classifications.*”

Concerning the use and densities of multi-family units located within the POD23 overlay, the Liberty Township Zoning Code states:

“A higher density residential use is permitted and included in this mix to provide the economic growth area with housing for individuals that will work at the companies and businesses that locate in and around the US 23 Corridor. To promote the goals of this economic growth area, the Township has determined that the POD23 shall provide potential increased density for residential developments which allow for the preservation of net developable acres within the POD23 for those uses that will promote economic growth within the Township and the surrounding area.”

The POD23 overlay, however, is a floating cloud zoning mechanism which is only in effect when put into practice by a property owner, otherwise the FR-1 zoning regulations remain in effect.

Comprehensive Plan

The Comprehensive Plan recognizes this area as a critical resource for growing tax revenues under recommendation 1, “*All lands that abut or gain access from US 23 are potential new professional office or commercial sites, provided strict access management standards are used with developer-built parallel access roads...*” Cornerstone Drive is such an access road, and is subsequently expected to be developed out more to accommodate office uses in the future. The Comprehensive Plan states, “*Grief Brother, a Fortune 500 Company and container manufacturer, has its headquarters at The Park at Greif office park, which is expected to continue to attract new office*

development.”

Residential uses are permitted in this area, however. The Comprehensive Plan indicates that multi-family uses are permitted in existing commercial areas (with no mention of rezoning) at 5 du/NDA, while single-family uses are permitted if areas are rezoned to PRD at 1.25 du/NDA.

Issues

Traffic and access: Access is provided through an extension of Cornerstone Drive, an access road that runs parallel to State Route 23. Cornerstone Drive is extended through the multi-family section of Hyatts Meadows and connects with Alicia Kelton Drive in the single-family residential section. None of the units (condominium townhomes) front along Cornerstone Drive. Instead, a private street is proposed to run perpendicular to Cornerstone Drive, with cul-de-sacs at either end to provide access to and from the 78 proposed units. While the access at face value seems like it wouldn't be a problem, Cornerstone Drive was initially built as an access road to provide access for office/warehousing uses. With vacant land to the north zoned for these uses, residents may have to use a predominantly office and commercial/industrial street for access to State Route 23.

Drainage: No drainage ponds or water impoundments are included in the subject property. The single-family residential section of the development has five ponds, with one located just south of the east side of the subject property, however, the property slopes away from that pond. Applicant will need to check with the Delaware County Engineer's Office that the retention ponds and storm water plan is adequate to handle the water runoff from the vast majority of the proposed development.

Open Space: Overall open space comments are noted in the previous review. Open space meets the requirements and this area, although impacted by the adjacent powerlines, will benefit from the large open space of the easement and woods beyond.

Building design: The proposed building type elevations indicate that each unit will include a first-floor garage and front door with two stories of residential space above. Some images indicate living space on the first floor instead of a garage, while the plan view indicates driveways in front of each unit. This should be clarified in the text. Staff does not support the design with first-floor garages as it is a building type out of character with the area. This area should be redesigned with a building type that is more transitional to the adjacent single-family development, providing a wider profile of each building and spreading them out while reducing the need for building separation divergences. The use of private streets should allow a more interesting layout than straightaways which will encourage higher speeds.

Divergences

Five divergences are requested with the proposal:

1. **Density:** Applicant is requesting an increase in the permitted density for multi-family residential units from 6.0 units/NDA to 9.99 units/NDA on the basis that is generally in accordance with the Comprehensive Plan, and is less than the POD23 alternative.

Staff Comment: The rationale presented by the applicant regarding the requested divergence does not align with the request. The POD23 alternative would permit up to 25 units/NDA, “residential developments

which allow for the preservation of net developable acres within the POD23 for those uses that will promote economic growth within the Township.” To obtain densities between 10 and 25 units/acre, commercial uses would need to be included as part of the development of POD23, or at the very least acreage reserved for such uses. The current plan does not include any economic growth uses. Should densities of that level be permitted, economic growth opportunities should be presented in accordance with the Zoning Code and Comprehensive Plan.

Applicant also argues that the Comprehensive Plan recommends consideration of higher densities (5 du/NDA) for empty-nester developments, such as this section of Hyatts Meadows. However, the townhomes are designed so that access to the living room and kitchen areas require the use of a stairway, and apparently an additional stairway to reach the bedrooms – qualities not desirable for empty-nester developments.

Although staff is recommending **Conditional Approval**, a recommendation for **Denial** was considered based on the lack of mixed use (commercial and office space) outlined in the Comprehensive Plan as critical to the US 23 Corridor area and included in the POD-23 overlay language. Higher densities may be appropriate per the Township’s Comprehensive Plan and Zoning Code, however, those densities are to be allowed in conjunction with economic growth and mixed use development (developments that include residential and commercial uses, not differing residential uses).

2. **Model Home Parking:** Applicant is requesting to reduce the number of off-street parking spaces available for model homes from 6 to 2. The proposed model homes will have two spaces available in the driveway, with on-street parking present on the private street.

Staff Comment: The applicant argues that additional spaces are not necessary because this is a smaller section of the development and the two spaces available in the driveway in addition to the on-street parking should be sufficient. Staff is in favor of the request, on-street parking should provide the available spaces necessary. Staff is in favor of the avoidance of excessive surface parking. The request could help maintain a more residential feel throughout the development, benefitting the residents.

3. **Driveways:** Applicant is requesting to reduce the spacing requirement for driveways from public road intersections from 40 feet and a 300-foot unobstructed visibility to a presumed 0 feet as no new distances were specified. The basis for the request is rooted in the proposed layout which presents spacing issues for some of the lots.

Staff Comment: Staff is in favor of providing a divergence from some aspects of the driveway spacing requirements for certain lots. Staff isn’t sure a divergence is required for multi-family driveways on a private street.

4. **Structure Separation:** Applicant is requesting to reduce the minimum structure separation from 15 feet for structures with masonry walls and 25 feet for structures with non-masonry walls to 20’ for all structures, with no requirement for masonry walls.

Staff Comment: The applicant argues that the separation is not necessary because of the nature of the development, and that the Township has permitted similar divergences. Staff agrees that the proposed 20-foot building separation is appropriate, and will help create a more cohesive development. Staff, however, is not

in favor of the elimination of the masonry wall requirement. While the applicant has proposed to follow fire safety protocols concerning materials and structure separation, the issue of noise remains. To help mitigate the effects of noise nuisance on properties that are in close proximity, the masonry requirement for structures located closer than 25 feet should remain in place.

5. Sidewalks: The Zoning Code requires walkways and landscaping which connect all dwelling areas and any open space areas. Those walkways are required to have a 10-foot separation from the paved street surface. Applicant is requesting to remove the requirement to include walkways and sidewalks connecting the dwelling units to the open space areas altogether.

Staff Comment: The applicant argues that the nature and size of the development negates the need for sidewalks. Staff is not in favor of eliminating sidewalks from the proposal. While the development may be more limited in scope, it is not the future residents' best interests to eliminate sidewalks. For the sake of health, safety, and well-being, pedestrians should have a dedicated path to travel on. Forcing residents to use the narrow private street as a means to reach the pathways creates a vehicular/pedestrian conflict. Staff is in favor of reducing the 10-foot required separation (tree-lawn) to match the tighter feel of the development, but the interior street should have a sidewalk on at least one side. Also, a trail connection should be provided from the western turnaround.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Greif Packaging LLC from FR-1 and POD-23 to PMFR to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to*:

- 1.) Redesigning the site by using a different housing type that does not present a row of garages to the street and/or wider profiles, while spreading the units out;
- 2.) Adding interest to the layout of the roadway to avoid high speeds;
- 3.) Including a sidewalk on at least one side of the street;
- 4.) Addition of a trail connection from the western turnaround.

Commission / Public Comments

Mr. Gary Smith, G2 Planning & Design was present to answer questions from the Commission.

Miss Boni asked if the abutting neighborhoods have sidewalks. Mr. Sanders stated that the development to the south has sidewalks but would need to verify if Olentangy Falls to the west have them. Miss Boni stated there should be a connection to the trails and is in favor of sidewalks in all developments. Ms. Husak agreed and also questioned the tree lawn area and was concerned with how little space was being provided for landscaping in front of the units. Ms. Husak asked if the amenities would serve all areas of the development. Mr. Miller stated there is a clubhouse/pool proposed and it would serve the entire development.

Mr. Snodgrass expressed his concern with lack of off street parking. Ms. Husak concurred with the need for off street parking.

Mr. Loveless asked if the fire department has approved the turn arounds with the islands in the middle. Mr. Miller stated that he was not aware of a letter from the fire department being submitted yet. Mr. Sanders said that there were some engineering issues that need to be worked on before County Engineer standards

could be met. This is still preliminary and further conversations with the County Engineer are needed.

Mr. George stated that it appears this plan needs more work.

Mr. Lamb made a motion to recommend Conditional Approval of the rezoning request by Greif Packaging LLC from FR-1 and POD-23 to PMFR. Mr. Loveless seconded the motion. VOTE: Unanimously For, 1 Opposed (Dublin). Motion carried.

42-19 ZON Berlin Twp. Zoning Commission – text amendments – Foundation survey

Request

The Berlin Township Zoning Commission initiated a process at its August 19, 2019 meeting to add language to Article 24 (General Development Standards). The code currently includes language regarding a Surveyor's Foundation Certificate being required after the foundation is constructed. The Zoning Commission would like to see similar language from 29.11 copied and placed in 24.17, amending it to reference the proposed foundation instead of the completed foundation. Below is staff's recommended language:

SECTION 24.17: ~~PRE-CONSTRUCTION~~ FOUNDATION CERTIFICATE

The purpose of the **Pre-Construction** Foundation Certificate is to document that the structure is **proposed to be** constructed within the setback limits ~~early, to allow for a correction of location errors.~~ **Prior to construction,** ~~Upon completion of the foundation, a Surveyor's~~ **a Pre-Construction** Foundation Certificate shall be submitted to the Berlin Township Zoning Office. Upon approval of the **Pre-Construction** ~~Surveyor's~~ Foundation Certificate, **the builder may proceed with construction of the foundation.** ~~Berlin Township will approve further construction. These two steps MUST be completed before proceeding with construction beyond of the foundation.~~

- A.) The ~~Surveyor's~~ Foundation Certificate must include:
- 1.) ~~Existing~~ **Proposed** location of foundation and structure envelope with reference to all property lines, setbacks, building lines and easements. Structure envelopes to include location of all eaves, cantilevers, decks, fireplaces and other protrusions.
 - 2.) Length and width of drive is required to determine the amount of available off-street parking.
 - 3.) This information should be submitted on a survey similar to the plot plan so that comparisons can be made.
 - 4.) The document should be identified as a Surveyor's Foundation Certificate, stamped, and signed (original, not copied) by the Ohio Registered Professional Surveyor responsible for the field work.
- B.) The burden is clearly on the builder to ensure the ~~house~~ **foundation** is properly located on the

lot; therefore, the approval of the Surveyor's Foundation Certificate is required before proceeding with construction ~~beyond~~ of the foundation or the completion of any further inspections or certificates.

C.) See Section 29.11 for Foundation Certificate requirements after construction of the foundation.

Staff Recommendations

Staff recommends **Conditional Approval** of the text amendments to the Berlin Twp. Zoning Resolution the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to*:

- 1.) Incorporating the draft above into the amendment;
- 2.) Checking the language with the County Prosecutor's office.

Commission / Public Comments

Mr. Loveless explained that there has been an issue where the Township received a set a drawings and then the design was changed without sending new drawings for approval and it required the owner to apply for a variance. They are asking to verify the foundation prior to pouring the walls.

There was some discussion as to the timeliness of a zoning inspection in order to not delay the pouring of a foundation. Several individuals felt that this procedure would cause delays in getting the work done and thought the responsibility should be on the builder/owner to get a revision approved if a change is made.

Mr. Fowler asked if the intent of the Township was to have it staked by a surveyor for digging, then after excavation staked and verified, and then third after the foundation is up. He stated that is cumbersome and could be time consuming. He suggested getting the actual pin survey prior to excavation that would be adequate.

Mr. Snodgrass suggested requiring a certified foundation location from the surveyor as it is going through framing which is something banks require on mortgages anyway.

Mr. Fowler asked if the Township is currently requiring an as-built survey at foundation. Mr. Loveless said yes. Mr. Fowler suggested tightening up the window of time that it has to be submitted so they can react more quickly.

Mrs. Kuba made a motion to recommend Conditional Approval of the zoning text amendments, subject to staff recommendation. Mr. Lamb seconded the motion. VOTE: 3 For Approval, Majority Opposed. Motion was not Approved.

SUBDIVISION PROJECTS

Preliminary

22-19 The Villas at Old Harbor East – Berlin Twp. - 50 (condo) lots / 16.24 acres

Conditions

Applicant: Romanelli & Hughes

Subdivision Type: Single family condominium development

Location: East side of S. Old State Rd., north of Hollenback Rd.

Current Land Use: Vacant, boat storage

Zoned: Transitional Planned Unit Development (TPUD)

Zoning Approval: 03/11/19

Utilities: Del-Co water and central sanitary sewer

School District: Olentangy

Engineer: Advanced Civil Design

Staff Comments

This is the preliminary plan for The Villas at Old Harbor East. The proposed development consists of 50 lots for single-family detached condominiums on 16.24 gross acres, located north of Hollenback Road and East of South Old State Road in Berlin Township. The development does not include phasing, and the fee-simple lots will be turned over to the condominium association as they are sold off.

The main entrance to The Villas at Old Harbor East is through a private street, Starboard Lane, which is accessed through South Old State Road about 650 feet north of Hollenback Road. There's also a secondary access available through Anchor Drive of Old Harbor Estates, Section 2. Starboard Lane curves southeast and then east before turning into Captain's Circle, which encloses an inner square of the development and intersects with Anchor Drive on the east side of the development.

Open Spaces in the development consists of Reserve A, a 3.59 acre community area with two ponds and a pathway north of Starboard Lane and west of Captain's Circle. Reserve B contains a detention basin and buffers the condominium lots from the single-family homes to the south, while Reserve C is a 0.51 acre open space in the central square which has a path running east and west through the center.

Typical lots contain condos which occupy nearly the full footprint and range in size from around 5,500 square feet to 7,000 square feet. Seven visitor parking areas are included, each with space for three to four vehicles. The development also includes a sidewalk around the perimeter of Captain's Circle, as well as on the south side of Starboard Lane.

A technical review was held on August 20, 2019, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of The Villas at Old Harbor East to the DCRPC.

Commission / Public Comments

Mr. Jeff Guggenbiller with Advanced Civil Design was present to represent the applicant.

Miss Boni made a motion for Preliminary Approval of The Villas at Old Harbor East. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.

20-19 Marckel CAD – Concord Twp. - 03 lots / 04.979 acres

Conditions

Applicant: Eric Marckel

Subdivision Type: Single Family Residential, Common Access Driveway

Location: east end of Brust Rd., east of SR 257

Current Land Use: Vacant

Zoned: Farm Residential (FR-1)

Utilities: Del-Co water and private on-lot treatment systems and central sanitary sewer (northern lot)

School District: Buckeye Valley

Consultant: Plan 4 Land

Staff Comments

This application is for a CAD Subdivision. The subject parcel is proposed to be split into three parcels, with each new lot having access from the proposed CAD. The property, located at the eastern stub of Brust Drive, is an existing lot of 4.979 acres, and was purchased by the applicant in 2007.

The 4.979 acre parcel consists of three lots of 1.958 acres, 1.5 acres, and a 1.612 acre lot which contains the 0.09 acre CAD and associated easement. The CAD itself is located at the eastern terminus of Brust Drive and the three lots all have driveways which split off from the CAD at this location.

The site itself has many critical resources on the property including streams, wooded areas, and slopes exceeding 20%. The layout of the CAD subdivision addresses these well by limiting the number of stream crossings, using appropriately sized culverts where necessary, minimizing the amount of tree removal, and avoiding encroachment into excessive slope areas.

A technical review was held on August 20, 2019, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of Marckel CAD to the DCRPC.

Commission / Public Comments

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

Mr. Hal Clase made a motion for Preliminary Approval of Marckel CAD, seconded by Mr. Merrell. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

23-19 Evans Farm Marketplace – Orange Twp. - 04 lots / 12.528 acres

Conditions

Applicant: Zenios Michael Zenios
Subdivision Type: Planned Commercial
Location: North side of Lewis Center Rd., west of Old State Rd.
Current Land Use: Vacant
Zoned: Planned Commercial District (PCD)
Zoning Approval: 03/21/16
Utilities: Del-Co water and central sanitary sewer
School District: Olentangy
Engineer: Terrain Evolution

Staff Comments

This is the preliminary plan for a portion of the southern-most commercial component (Section 5 of Evans Farm). This commercial section will consist of this application and the rest of the west side of Evans Farm Drive per the initial approved preliminary plan. Section 5, scheduled to be completed in three phases, consists of apartments, Townhomes, two live/work spaces, and 3 commercial structures.

Section 5 has many access points; the main access point through Evans Farm Drive is a full intersection about 350 feet north of Lewis Center Road. A right-in only access is also available from Evans Farm Drive, about 75 feet north of Lewis Center Road, with a back entrance available from Red Oak Street about 175 feet east of Evans Farm Drive. From Lewis Center Drive, a right-in/right-out entrance is also included about 250 feet east of Evans Farm Drive.

Phase A of the development is the northern section of the proposal and includes 29 townhomes (3 rows of 7 townhomes and 2 rows of 4 townhomes), with each row of townhomes having a row of garage spaces. The townhomes are divided between the east and west sides of Evans Farm Drive with 18 townhomes on the east side of Evans Farm Drive and 11 townhomes on the west side. The townhomes nearest to Evans Farm Drive also include a live/work space on the south end of the townhomes. Phase A includes the full intersection access, and access from Red Oak Street. The part of Phase A located on the west side of Evans Farm Drive will include connections to the future sections of Evans Farm on the west side of Evans Farm Drive.

Phase B consists of two commercial structures fronting Evans Farm Drive and an abundance of parking. The commercial structures will each be around 6,144 square feet, with a 36-foot space between them for access from parking areas to other portion of Evans Farm.

Phase C includes one future commercial building measuring around 15,600 square feet and facing away from Lewis Center Road.

The plat will show four lots – two for townhouse development on either side of Evans Farm Drive, one lot for the commercial buildings facing Evans Farm Drive, and one for the commercial area facing Lewis

Center Road.

Parking in all phases of the development are located on the interior of the development and out of the line-of-sight of pedestrians on public roadways. Sidewalks and walkways are proposed throughout the development, include a 5-foot walkway connecting the neighboring development, Meadows at Lewis Center, to the community. The multi-use path will also be extended from the Meadows at Lewis Center, but will be completed during the Lewis Center Widening; the path will be bonded during this phase, however, to guarantee completion.

A technical review was held on August 20, 2019, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Evans Farm Marketplace** to the DCRPC.

Commission / Public Comments

Mr. Bob Kuederle with Evans Farm along with Dave Thomas and Justin Wollenberg with Terrain Evolution were present to answer any questions. He pointed out that the parking shown on the eastern side of this development will also serve the commercial on the western side of the overall development.

Mr. George questioned the access to the western commercial area. Mr. Kuederle stated that there will be 4 crosswalks provided and some parking on the west side.

Mr. Irvine asked about the landscaping would be provided on the north of the town houses along the south side of Red Oak? Mr. Kuederle stated that there will be steps down from each unit and designed to fit into this area.

Mrs. Kuba asked what kind of screening or landscaping would be to the east of the parking lot. Mr. Kuederle stated that there is currently a mound with trees on top.

Mr. Merrell made a motion for Preliminary Approval of Evans Farm Marketplace. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 3 Abstained (Orange and Porter Townships, and Bob Lamb). Motion carried.

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**Preliminary/Final**

13-19 F=T Lewis Center Self Storage – Orange Twp. - 01 lot / 13.528 acres

**Conditions**

**Applicant:** P. Todd Ireland

**Subdivision Type:** Commercial

**Location:** West side of Green Meadows Dr., south of Orangepoint Dr.

**Zoned:** Industrial

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

**School District:** Olentangy

**Engineer:** Weihe Engineers

**Staff Comments**

The submitted request is for preliminary plan and final plat approval for the Lewis Center Self Storage development. Located on the west side of Green Meadows Drive between Orangepoint Drive and Orange Road, the development includes 123 commercial self-storage units in 17 structures on 13.528 acres. The site will be enclosed with the boundary formed by the structures themselves and privacy fencing.

The submitted plan does not include any internal street, and is oriented towards Green Meadows Drive with parking located in the front. All applicable setbacks are adhered to, and the site will be served by Del-co water and sewer service. Storm Water is managed through a retention pond in the southwest corner of the property, and no critical resources are located on the property.

**Staff Recommendation**

Staff recommends *Preliminary Approval* of **Lewis Center Self Storage** to the DCRPC.

Applicant has also requested a 90-day tabling of the final plat to finalize engineering approval.

Staff recommends *Approval* of the request for a 90-day tabling of **Lewis Center Self Storage** to the DCRPC.

**Commission / Public Comments**

No one was present to represent the applicant.

*Mr. George made a motion for Preliminary Approval of Lewis Center Self Storage. Mr. Clase seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*

*Mr. Merrell made a motion to Approve the 90-day Table request for the final plat of Lewis Center Self Storage. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## POLICY / EDUCATION DISCUSSION

- Staff is hosting a meeting to discuss the implications and design of Combined Mail Box Units in subdivisions. Notice went to Zoning Inspectors. Meeting is next Thursday (9/5), 8:30 a.m. at the RPC offices. Several jurisdictions spoke of information they have received from the post masters regarding this issue.
- Mr. Sanders handed out some Township/Village maps that include community features; schools, parks, etc. He asked that the zoning officers take a look and make any corrections if needed.
- Mr. Bob Lamb, Economic Development Director stated the Delaware County Commissioners, Economic Development and Delaware County Township Association is hosting a discussion focusing on zoning and the impact on growth. The meeting will be held Saturday, October 12<sup>th</sup> from 10am-12pm at the Nationwide Hotel and Conference Center, 100 Green Meadows Dr. South, Lewis Center. RSVP by October 1<sup>st</sup>.

## RPC STAFF AND MEMBER NEWS

- Jonathan Miller received his GISP certification

*Having no further business, Mr. Clase made a motion to adjourn the meeting at 7:55 p.m. Seconded by Mr. Loveless. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, September 26, 2019, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

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Dave Stites, Chairman

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Stephanie Matlack, Executive Administrative Assistant