



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, December 19, 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 November 19, 2019 RPC Minutes
- Executive Committee Minutes of December 11, 2019
- Statement of Policy

CONSENT AGENDA

		Township	Lots/Acres
29-18.1	Northstar Goldwell Neighborhood, Section 1	Berkshire	50 lots / 25.881 acres
10-18.4	Vinmar Village, Section 4	Genoa	41 lots / 43.096 acres
27-18	Kingston Ravines	Kingston	04 lots / 23.078 acres
01-14.9	North Farms, Section 9	Orange	23 lots / 13.616 acres

ZONING MAP/TEXT AMENDMENTS

54-19 ZON	Nathan & Andrew Hoffman - Troy Twp. - 1.7 acres from FR-1 to PCD
55-19 ZON	Gert & Anne Mueller - Berkshire Twp. - 5.249 acres from A-1 to PRCD
56-19 ZON	Berkshire Twp. Zoning Commission - zoning resolution text amendments
57-19 ZON	Nova Lands, LLC - Orange Twp. - 6.344 acres from PCD,NCD to PCD

SUBDIVISION PROJECTS

		Township	Lots/Acres
Preliminary			
33-19	T Longhill Farms at Berlin	Berlin	482 lots / 278.81 acres
34-19	Ross Estates	Berlin	71 lots / 42.71 acres
19-19	The Conservation Club CAD (fka: Bohannon CAD)	Brown	06 lots / 41.99 acres
29-19	Bacastow CAD	Brown	05 lots / 74.08 acres
24-16	Woodcrest Crossing (+60 condos)	Liberty	240 lots / 170.70 acres

T=Table

Final

35-19	Hemsoth CAD <i>easement vacation</i>	Concord
36-19	The Woods of Dornoch, Sec. 5 <i>easement vacation</i>	Delaware

OTHER BUSINESS

- Consideration for Approval: Transfer of fees (SWCD \$10,500.00, Health Dist. \$16,320.00)
- Consideration for Approval: retaining Brosius, Johnson & Griggs LLC for legal services

POLICY / EDUCATION DISCUSSION

- MORPC - Maria Schaper, Metropolitan Transportation Plan

RPC STAFF AND MEMBER NEWS

- Executive Committee vacant seat election
- Recognition of service: Tom Hopper, Galena

ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Jim Nelson, David Weade, David Loveless, Susan Kuba, Ric Irvine, Fred Fowler, Steve Burke, Tom Hopper, Dave Stites, Charles Hurt, Michelle Boni, Jim Hatten, Ed Snodgrass, Mike Dattilo, and Doug Price. *Alternates:* Zachary Dowley, Tiffany Maag, John Piccin, Bill Piper, Paul Benson, and Allen Rothermel. *Arrived after roll call:* Gary Merrell. *Staff:* Scott Sanders, Jonathan Miller, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the November 19, 2019 RPC Minutes**

Mrs. Kuba made a motion to Approve the minutes from November. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **December 11, 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, Mike Frommer and Susan Kuba. Staff: Scott Sanders and Stephanie Matlack

2. **Approval of Executive Committee Minutes from November 13, 2019**

Mr. Merrell made a motion to Approve the minutes as presented. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

- Financial / Activity Reports for November 2019

REGIONAL PLANNING RECEIPTS		NOVEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$12,285.00
Fees A (Site Review)	(4202)		\$9,600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$500.00	\$3,200.00
Membership Fees	(4204)		\$236,547.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$1,394.34
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$3.25
Charges for Serv. A (Prel. Appl.)	(4230)	\$84,679.00	\$212,936.40
Charges for Serv. B (Final. Appl.)	(4231)	\$10,500.00	\$66,071.60
Charges for Serv. C (Ext. Fee)	(4232)		\$750.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$2,600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$4,000.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$5,400.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$1,620.00	\$16,320.00
Soil & Water Fees	(4243)	\$850.00	\$10,500.00
Commissioner's fees	(4244)		\$0.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$176.46
Other Reimbursements A	(4721)		\$0.00
Other Misc. Revenue (GIS maps)	(4730)	\$25.00	\$383.75
Misc. Non-Revenue Receipts	(4733)		\$0.00
Sale of Fixed Assets	(4804)	\$205.00	\$0.00
TOTAL RECEIPTS		\$99,179.00	\$582,167.80

Balance after receipts	\$1,149,143.69
Expenditures	- \$ 33,135.56
End of November balance (carry forward)	\$1,116,008.13

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

- December RPC Preliminary Agenda

1.) CONSENT AGENDA	Township	Lots/Acres
<ul style="list-style-type: none"> Northstar Goldwell Neighborhood, Sec. 1 Vinmar Village, Section 4 Kingston Ravines North Farms, Section 9 	Berkshire Genoa Kingston Orange	50 lots / 25.88 acres 41 lots / 43.096 acres 04 lots / 23.078 acres 23 lots / 13.616 acres

2.) ZONING MAP/TEXT AMENDMENTS

- Andrew and Nathan Hoffman - Troy Twp. - 1.7 acres from FR-1 to PCD
- Gert & Anne Mueller - Berkshire Twp. - 5.249 acres from A-1 to PRCD
- Berkshire Twp. Zoning Commission - zoning text amendments
- Nova Lands LLC - Orange Twp. - 6.433 acres from PC and C-2 to PC

3.) SUBDIVISION PROJECTS

<u>Preliminary</u>	Township	Lots/Acres
<ul style="list-style-type: none"> Longhill Farms at Berlin Ross Estates The Conservation Club CAD (fka: Bohannan CAD) Bacastow CAD Woodcrest Crossing (+60 condos) 	Berlin Berlin Brown Brown Liberty	482 lots / 278.81 acres 71 lots / 42.71 acres 06 lots / 41.99 acres 05 lots / 74.08 acres 240 lots / 170.70 acres

Final

- Hemsoth CAD *easement vacation* Concord
- The Woods of Dornoch, Sec. 5 *easement vacation* Delaware

- Director's Report

- 1) **1570 Preliminary lots** – most in one year since 2005. Just last two month are the most since 2014, not counting the Woodcrest revisions.
- 2.) **491 Final lots** – strong, but fewer than last two years.
- 3.) **860 acres rezone review** – less than the last four years.
- 4.) **Building permits** – have not entered Nov or Dec, average of 63 per month in Twp.'s is pretty typical.

Activity/Project (activity in the last month).

- 1.) **2020 Census** – Prepping information for distribution in early 2020 – Federal office still hasn't provided marketing material
- 2.) **Prosecutor Training** – Participated in panel;
- 3.) **CCAO** – Participated in County Planning Directors meeting at CCAO on the 6th.
- 4.) **MORPC's Transportation Advisory Committee** – attended meeting on 12/4 – MORPC scheduled to attend December meeting to present information on the Metropolitan Transportation Plan;
- 5.) **Trakit** – Each staff participated in basic training, as a group participated in RPC-specific process;
- 6.) **Harlem Comp Plan** – Jonathan attended first meeting;
- 7.) **Kingston Comp Plan** – continue working on background chapters – will begin meetings in January;
- 8.) **Intern** – completed work on Economic Development-related features;
- 9.) **DACC remodel** – finalizing layouts and space requirements.

GIS 2019 activity:

Ongoing activity:

- 1.) *DCRPC GIS data creation and updating*
- 2.) *Development Review tracking web map*
- 3.) *Web Map updates*
- 4.) *DCRPC website updates*
- 5.) *Community maps for each jurisdiction, plus updating community features*
- 6.) *Economic Development features (TIFs, NCAs, JEDDs, etc.)*
- 7.) *Minor trail data updates*

Annual projects

- 1.) *Demographic Information updating*
- 2.) *Development Trend (and Pipeline) information updating*
- 3.) *All townships' zoning map update*
- 4.) *Population projections*

- Consideration for recommendation of Approval: Transfer of fees (SWCD \$10,500.00, Health Dist. \$16,320.00)

Chairman Stites made a motion to recommend Approval of the Transfer of fees collected on their behalf to SWCD \$10,500.00 and Health District \$16,320.00. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed, 1 Abstained (Mrs. Kuba). Motion carried.

- Consideration for recommendation of Approval: retaining Brosius, Johnson & Griggs LLC for legal services

Mrs. Matlack stated that the rates for 2020 would remain the same as in 2019.

Mr. Merrell made a motion to recommend Approval of retaining Brosius, Johnson & Griggs LLC for legal services for 2020. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 10:35 a.m. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, January 22, 2020 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

29-18.1 Northstar Goldwell Neighborhood, Section 1 – Berkshire Twp. - 50 lots / 25.881 acres

Conditions

Applicant: Northstar Residential Development, LLC.
Subdivision Type: Single Family Residential
Location: North side of Wilson Rd., east of N. Galena Rd.
Zoned: Planned Mixed Use District (PMUD)
Preliminary Approval: 11/29/18
Utilities: Del-Co Water, central sanitary sewer
School District: Big Walnut
Engineer: Terrain Evolution

Staff Comments

Northstar – Goldwell Neighborhood is a 121-lot single-family subdivision with frontage on Wilson and North Galena Roads. Its main access is via Wilson Road, with one entrance near N. Galena and a second entrance through a future Northstar subdivision off Wilson Road. Lots are generally 51'-54' wide by 135'-156' deep, and sidewalks are provided throughout. The existing 8' wide asphalt path along Wilson Road will be extended south of the new Goldwell Drive to N. Galena Road.

Reserve areas total 10.778 acres and include a buffer strip wrapping the site along Wilson and Galena Roads.

Section 1, the subject of the final plat request consists of the main road, Goldwell Drive, up to the lots which front along the Devon Ridge Court cul-de-sac. The opposing cul-de-sacs, Greenburst Court and Landrace Place, are also included. The final plat request includes 50 buildable lots with the two reserves functioning as a buffer from Wilson Road and North Galena Road.

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 Northstar Goldwell Neighborhood, Section 1 to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Northstar Goldwell Neighborhood, Section 1. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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10-18.4 Vinmar Village, Section 4 - Genoa Twp. - 41 lots / 43.096 acres

**Conditions**

**Applicant:** Romanelli & Hughes  
**Subdivision Type:** Planned Residential  
**Location:** West side of Old 3C, south of Lewis Center  
**Zoned:** Planned Residential  
**Preliminary Approval:** 04/26/18  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Big Walnut  
**Engineer:** Advanced Civil Design

**Staff Comments**

Vinmar Village, Section 4 is a single-family subdivision containing 41 buildable lots and 3 reserve areas. The average lot size is about 0.47 acres with the lots measuring 95 feet wide by 160 to 215 feet deep. Section 4 is accessed through an extension of Olivero Drive from Vinmar Village, Section 1. Olivero Drive connects to Genova Court which curves northwest where it stubs into future Section 5, and southwest where it terminates in a cul-de-sac. An additional stub is provided to the property to the north.

Three Open Space areas are created to buffer residences from South Old 3C Highway to the east and the properties in Section 1 to the south. Reserve B also provides a centralized green space behind the rear properties that front on the curved Genova Drive.

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 Vinmar Village, Section 4 to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Vinmar Village, Section 4. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

27-18 Kingston Ravines – Kingston Twp. - 04 lots / 23.078 acres

**Conditions**

**Applicant:** John Hill Jr. Trustees and Thistlegate 7 LLC  
**Subdivision Type:** Single Family Residential, Common Access Driveway  
**Location:** South side of SR 521, west of Carter's Corner Rd.  
**Zoned:** FR-1 (Farm Residential)  
**Preliminary Approval:** 07/25/19  
**Utilities:** Del-Co Water, private on-lot treatment systems

**School District:** Buckeye Valley

**Consultant:** Scioto Land Surveying Service

### **Staff Comments**

Kingston Ravines is located in Kingston Township, on the south side of State Route 521 east of Interstate 71. The subdivision proposes to split 23.078 acres of two parcels into four lots, which will be served by a Common Access Driveway.

The submitted plan shows the CAD extending south from SR 521 in a mostly southern direction with the four lots located on the east side of the CAD. The proposal exceeds the maximum number of allowable lots without frontage on the road, but received a variance to increase that number from three to four at the DCRPC's September 27, 2018 meeting, under Application #27-18.V.

The lots, from north to south, are 4.606, 2.608, 2.777, and 13.045 acres respectively. The CAD and associated easement, occupying 1.813 acres, is situated entirely within the 13-acre property. The CAD itself, approximately 1,300 feet long, is designed with four passing areas, and has received approval from the Porter-Kingston Fire District.

The lots will be served by Del-Co water and on-site treatment systems. Critical resources on the property include several drainage courses which serve the adjacent West Branch of the Little Walnut Creek; all of which have been designed around and preserved accordingly. Drainage easements will be provided as required by the County Engineer's office. No part of the property is within the 100-yr floodplain.

After RPC approval, staff will determine that a maintenance agreement has been recorded and will confirm that the applicant's engineer has sent a CAD construction completion letter.

**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 **Kingston Ravines** to the DCRPC.

### **Commission / Public Comments**

**Mr. Price made a motion for Final Approval of Kingston Ravines. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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01-14-9      North Farms, Section 9 – Orange Twp. - 23 lots / 13.616 acres

### **Conditions**

**Applicant:** Rockford Homes

**Subdivision Type:** Single Family Residential

**Location:** East side of North Rd., south of Shanahan Rd.



**Zoned:** Single Family Planned Residential (SFPRD)

**Preliminary Approval:** 01/30/14 (overall)

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

**School District:** Olentangy

**Engineer:** EMH & T

### Staff Comments

The overall development is divided into ten sections. North Farms, Section 9 is a single-family subdivision containing 23 buildable lots and 3 open spaces. The buildable lots average about 0.27 acres, with a typical lot size of 75 feet wide by 135 feet deep. Section 9 is accessed through North Road by an extension of Swanton Street in Section 1. A road stub extending from the terminus of Swanton Street is provided for future development to the north, and that roadway continues south, curves east and terminates in a cul-de-sac.

Three Open Space areas are created to buffer residences from North Road to the west and the railroad tracks to the east. No multi-use paths are being constructed in this section.

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 North Farms, Section 9 to the DCRPC.

### Commission / Public Comments

*Mr. Price made a motion for Final Approval of North Farms, Section 9. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## ZONING MAP/TEXT AMENDMENTS

54-19 ZON Nathan & Andrew Hoffman – Troy Twp. – 1.7 acres from FR-1 to PCD

### Request

The applicants, Nathan and Andrew Hoffman, are requesting a 1.7-acre rezoning from FR-1 to PCD to allow a landscape and lawn fertilization business.

### Conditions

**Location:** east side of US 23

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

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

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

**Proposed Use(s):** Lawn care service business

**School District:** Delaware

**Utilities Available:** City of Delaware water and private on-lot treatment systems

**Critical Resources:** none

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

### **Introduction**

This is a rezoning request in conjunction with a development plan. The subject property, proposed to be rezoned from Farm Residential (FR-1) to Planned Commercial (PCD), is located in the northeast corner of the T-intersection of US Route 23 North and Coover Road. While the proposal is to rezone the 1.7 acres with an existing home and barn, the applicants also own a 0.62-acre strip to the north with frontage to US 23, as well as a large 15.058-acre parcel to the east, extending to the Olentangy River. The rezoning is requested to utilize the property as a landscaping business.

The proposal includes utilization of the existing pole structure for storage of equipment, in addition to four storage structures to be built. The existing home on the property is proposed to be eventually converted into an office, with the property screened on all sides by either fencing, or mounding and trees. The application has minimal detail and includes a few exhibits. One indicates what a 5-acre parcel might look like by combining part of the acreage to the east. An exhibit which appears to show the intent includes additional land beyond the 1.7-acre proposal.

### **Comprehensive Plan**

Troy Township's 2002 Comprehensive Plan indicates this area would be both residential and commercial uses. The area south of Coover Road was indicated as a future location for planned commercial properties, with the area north of that low-density residential. The low-density residential is mostly a response to existing homes and proximity to the railroad and 100-year floodplain. The subject parcel is immediately adjacent to the proposed commercial areas.

### **Issues**

**Traffic and access:** The proposal includes utilization of the existing driveway, which accesses US Route 23 North at the intersection of Coover Road, without any additional improvements. An unimproved driveway accessed at a T-intersection is not advisable. With the change of use, ODOT may require the driveway and intersection be improved to incorporate the driveway into the signal phasing. Or, ODOT may prefer the applicant share the driveway to the north at the Lacich property, but only if access can be granted with the current landowner and the adjacent owners who currently share the access point (this is not a platted Common Access Driveway).

**Zoning Compliance:** The rezoning proposal does not explicitly delineate how much, or what parts of the property are to be used for the proposed business. The specific rezoning request refers to the 1.7 acre parcel containing an existing residential structure (to be used as an office), and pole structure. However, the submitted application indicates that the lawn care business will be located on five acres. The full area of the property needs to be clearly delineated so that any rezoning is appropriately applied.

**Surface Treatments:** The driveway and parking areas are proposed to be gravel, however, there are residential properties to the south and the north of the subject property. Gravel driveway and parking areas

will be prone to the creation of dust nuisances.

**Open Space/Lot Coverage:** The applicant indicates that the property is currently 94% open space (6% covered by structures). However, the proposal does not include what the final open space would be if developed according to the proposal including the “storage rooms” and gravel parking lot/driveways (all impervious surfaces). With a majority of the property developed according to the submitted site plan, the proposal may not meet open space or lot coverage requirements.

**Building Design:** No renderings have been submitted for the proposed “storage rooms” on the property with which to assess the orientation and design.

### Divergences

No divergences are requested, however, the following three divergences will be needed to follow through with the proposal:

1. Reduce the side and rear yard setbacks from 100 feet on the north property line.  
*Staff Comment:* The PCD requires a side yard setback of 100 feet on commercial properties when abutting residentially-zoned properties. The existing home, to be used as an office, is located 47 feet from the north property line. Additionally, the submitted site plan illustrates “storage rooms” that appear to be located closer than the existing structure, but contain no defined distance from the north property line. Additionally, the existing pole structure is 18 feet from the southern property line which abuts a residential property. The existing pole structure is located 122 feet from the rear property line, however the illustrated “storage rooms” are proposed to be within this area and may encroach into the setback area. Staff is not opposed to providing a divergence from this requirement, but more information and specific measurements must be supplied.
2. Reduce the setback for driveway and parking areas from 25 feet to 15 feet of a residential lot line.  
*Staff Comment:* The existing and proposed driveway for use is located 15 feet from the residential property to the south. Staff is not in support of this divergence for a gravel driveway. Staff could be in support, provided the driveway and parking areas are paved with intersection improvements to maintain the current location.
3. Elimination of the requirement to submit a landscape plan prepared by a licensed landscape architect.  
*Staff Comment:* The submitted proposal does not include a landscape plan. The applicant has indicated that the existing foliage will be cleaned up and maintained. The northern property line and a portion of the properties frontage will feature 4 to 5-foot mounds with pine trees while the southern property line will have a privacy fence for screening. Given the scope of the proposal, staff is in favor of not requiring a licensed landscape architect perform the landscape plan, provided that a landscape plan is submitted with the preliminary plan showing compliance with Article XXIII of the Troy Township Zoning Resolution.

### Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Nathan and Andrew Hoffman from FR-1 to PCD to the DCRPC, Troy Twp. Zoning Commission and Troy Twp. Trustees, subject to:

- 1.) Clarification of the request – if the Development Plan with storage rooms is the intent, additional land must

- be added to the request;
- 2.) Divergences from any setback regulations may be appropriate, if more detail is provided to the Township, including the exact locations and renderings of the illustrated “storage rooms;”
  - 3.) The applicant provide evidence that ODOT will approve an access with the proposed change of use and continue to work with County Engineer’s Office regarding the location and design of the drive; and
  - 4.) The submission of a landscape plan showing compliance with Article XXIII of the Troy Township Zoning Resolution during the Preliminary Plan phase.

**Commission / Public Comments**

The applicants, Nathan and Andrew Hoffman were both present to answer questions from the Commission.

*Mrs. Kuba made a motion to recommend Conditional Approval, subject to staff recommendations, for the Hoffman rezoning request. Mr. Dowley seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Troy Twp.). Motion carried.*

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**55-19 ZON    Gert & Anne Mueller – Berkshire Twp. – 5.249 acres from A-1 to PRCD**

**Request**

The applicants, Gert and Anne Mueller, are requesting a 5.249-acre rezoning from A-1 to PRCD to allow an indoor / outdoor commercial archery range with retail sales.

**Conditions**

**Location:** 326 Carter’s Corner Rd., north of SR 37

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

**Proposed Zoning:** Planned Recreational District (PRCD)

**Present Use(s):** Vacant, Former agricultural

**Proposed Use(s):** Sunbury Archery Facility

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

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

**Critical Resources:** none

**Soils:** BeB Bennington Silt Loam 2-4% slope

CaB Cardington Silt Loam 2-6% slope

**Introduction**

This is a rezoning request in conjunction with a development plan. The subject property, proposed to be rezoned from Agricultural Residential (A-1) to Planned Recreational (PRCD), is located on the east side of Carter’s Corner about 660 feet north of State Route 37. The rezoning is requested to utilize the property as a commercial indoor/outdoor archery range.

The proposal includes the construction of a 14,400 square foot (80' by 180') structure which will house both the indoor archery range and retail sales operation. The rear of the property will be used for the outdoor

range, with a backstop earth mound just before the rear property line. The front of the property will have a retention pond and provide parking.

### **Comprehensive Plan**

Berkshire Township's 2017 Comprehensive Plan indicates this area is recommended to be Planned Office. The properties to the south and east are zoned Planned Commercial and Office. The subject parcel of the request is at the north end of the recommended Planned Office area, before transitioning to an area recommended for residential uses at 2 units/NDA densities (with access to sewer). It should be noted that no areas in Berkshire Township are recommended for Planned Recreational.

### **Issues**

**Access:** A Traffic Impact Analysis is included, and staff has verbal confirmation that the access point is appropriate, given the existing accesses to the church to the west. A backage road has been discussed as part of other activity in the area and is reflected in the ODOT's 36/37 Access Management Plan, but this does not block such a backage road either to the north or to the south. As noted within the report, an access easement to the south would allow combined access to occur in the future, based on appropriate uses.

**Safety:** The height of the backstop mound for the outdoor range was not delineated on the submitted plans. Additional measures should be employed to prevent stray arrows from leaving the property.

**Screening from potential residential properties:** This would be the northernmost zoning in an area designated to be Office or Commercial, although the Comprehensive Plan designated non-residential continuing to the north. Improved screening should be provided on the northern property line since the ultimate use is not known at this time.

**Waste Treatment:** based on the size of this proposal, waste can be treated using an on-site system until such time as sanitary sewer service is available. A soil report is included in the application indicating that on-site treatment is feasible and treatment fields have been sited.

### **Divergences**

One divergence is requested:

1. Applicant is requesting a reduction of the side yard setback from the southern property line from 38 feet to 25 feet.

**Staff Comment:** *In order to create a more unified commercial area, staff is in favor of this divergence, provided that a stub is constructed to the property to the south to allow for a cross access point between the two properties.*

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Gert and Anne Mueller from A-1 to PRCD to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to:*

- 1.) *The inclusion of a drive stub to the property to the south from the parking lot.*

**Commission / Public Comments**

Mr. Joe Clase with Plan 4 Land was present along with the property owner and business owner. He stated that they would consider the staff recommendation and work with the township on location.

Chairman Stites asked for clarification on the back stop of the outdoor range. Mr. Mueller stated that it is planned to be 10-12' but would work with the Township on specific materials.

***Mr. Price made a motion for Conditional Approval of the rezoning by Gert & Anne Mueller subject to staff recommendation. Mr. Loveless seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.***

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**56-19 ZON Berkshire Twp. Zoning Commission – zoning resolution text amendments**

**Request**

Berkshire Township has requested that the RPC review proposed zoning resolution amendments to Articles 16, 17, 22, and 23 – Planned Mixed Use District, 36/37 Planned Mixed Use District, Sign and Billboard Regulations, and Landscaping, respectively.

Changes within Article 16 – Planned Mixed Use District include the inclusion of language requiring the submission of a traffic impact analysis, submission of a post office box/kiosk plan for mail delivery, including the A-1 District and Accessory Uses to the perimeter area buffer requirements, the elimination of vinyl siding as an exterior treatment substitution, and increasing the trimming requirements of street trees from 6 feet to 8 feet above sidewalks and 14 feet above roadways.

***Staff Comments:*** Staff is generally in favor of the recommended amendments. Consideration should be given to inclusion of applying accessory structures to the perimeter area buffer when abutting an alternatively zoned district. Enforcing a 50-foot setback to accessory structures may aid in the creation of effective “dead zones” on properties. The absence of any feature in the buffer may result in creating visual voids, as well as forcing open space to exist primarily on the perimeter instead of in a more useful central location.

Staff also recommends including the requirement for a post office box/kiosk plan to Article 11 – Planned Residential District to mitigate any issues regarding the location of cluster mailbox units.

Changes in Article 17 include increasing the required number of submitted copies from 8 to 10, including language requiring the submission of a traffic impact analysis, the addition of the A-1 District and Accessory Uses to the perimeter buffer area, the elimination of vinyl siding as an exterior treatment substitution, an increase in the trimming requirements of street trees from 6 feet to 8 feet above sidewalks and 14 feet above roadways, and changing the required fee-in-lieu for noncompliance with open space requirements from \$10,000 per acre to \$30,000 per acre.

***Staff Comments:*** Staff is generally in favor of these proposed amendments as well. The proposed changes regarding the traffic impact analysis, perimeter buffer area, vinyl siding, and street trees are identical to the

proposed changes in Article 16. Staff comments for these changes in Article 16 also apply to the equivalent changes in Article 17.

Regarding the proposed increase in the fee-in-lieu for open space requirements, staff recommends utilizing a financial consultant to determine if the increased amount of \$30,000 is proportional to the acquisition and/or maintenance of open space areas to ensure the validity of the increase.

Changes in Article 22 involve the conditions with which signs are permitted for drive-thru signs and real estate signs. The drive-thru signage amendments include the replacement of the current four conditions with four new conditions that provide much more detailed requirement. Drive-thru signage will be restricted to one drive-thru menu board, one drive-thru preview-menu board, and one walk-up menu board for each drive-thru lane or walk-up window, respectively. Drive-thru menu boards cannot exceed 32 square feet, drive-thru preview menu boards cannot exceed 20 square feet, and walk-up menu boards cannot exceed 16 square feet. None of the aforementioned sign types can advertise services, or have an intention of being seen from the roadways.

The proposed real estate sign amendments include a new subsection devoted to and regulates the signage by limiting permitted real estate signs to one temporary sign per parcel 10 acres or greater in size, not to exceed 32 square feet per side, and no taller than 8 feet. These signs must be set back 20 feet from the right of way, located on the subject property for sale, and permitted for a maximum of 24 months.

**Staff Comments:** Staff is in favor of these recommended amendments.

Changes in Article 23 involve the inclusion of the same tree-trimming amendments, as outlined for Articles 16 and 17. This amendment will apply that requirement to all remaining zoning classes.

**Staff Comments:** Staff is in favor of this recommended amendment.

### **Staff Recommendations**

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

- 1.) Consideration to the inclusion of the post office box/kiosk language to Article 16 – Planned Residential District to account for cluster mailboxes in subdivision projects, and
- 2.) Consultation with a financial consultant to ensure the proportionality between the proposed increase in the fee-in-lieu for open space requirements.

### **Commission / Public Comments**

Mr. Weade asked for clarification of a financial consultant in the recommendation. Mr. Sanders stated that someone who has knowledge in the cost of maintaining or acquiring open space and whether it's worth that amount to charge the fee instead of just require that acreage. Mr. Weade said the proposed rates were from a real estate appraiser.

Miss Boni asked if the mail kiosk recommendation was that the plans be submitted with the development plan? Mr. Sanders stated that it is an ongoing discussion. Zoning commissions usually ask to see the plan

early on so that if it is calculated in the open space, or not, as is required by the township's zoning code.

***Mr. Price made a motion for conditional Approval of the Berkshire Twp. Zoning amendments, subject to staff recommendations. Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.***

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**57-19 ZON Nova Lands, LLC – Orange Twp. – 6.344 acres from PC and C-2 to PCD**

**Request**

The applicant, Nova Lands, LLC, is requesting a 6.344-acre rezoning from PC and C-2 to PC to allow an outdoor living retail space.

**Conditions**

**Location:** east side of US 23, south of Lewis Center Rd.

**Present Zoning:** Planned Commercial (PC) and Neighborhood Commercial (C-2)

**Proposed Zoning:** Planned Commercial (PC)

**Present Use(s): Proposed Use(s):** single family structure, commercial retail building

**School District:** Olentangy

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

**Critical Resources:** none

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

GwB Glynwood Silt Loam 2-6% slope

**Introduction**

This is a rezoning request in conjunction with a development plan. The subject property (three parcels) is proposed to be rezoned from Planned Commercial (PC) and Neighborhood Commercial (C-2) to a unified Planned Commercial district. (The application refers to the C-2 zoning district as the “NCD” district.)

The site is located on the east side of US Route 23 about 1,200 feet north of Home Road. The rezoning is requested to develop the property as an “outdoor living retail center,” a retail operation specializing in outdoor/yard structures/amenities by displaying examples of the products in a real-world setting.

The proposal includes the remodeling/renovation of the two existing structures. Related exhibits show other improvements and structures.

**Comprehensive Plan**

Orange Township's 2018 Comprehensive Plan indicates this area would continue to be used for commercial purposes. This area, described as part of Subarea 13, is also recommended to orient parking towards the rear of properties, and rehabilitate/reuse existing structures where feasible.



## Issues

**Detail:** Planned Districts require a higher level of detail than provided with this application. The illustrations are helpful but the plans don't specifically indicate improvements on or changes to the site.

**Parking:** The Comprehensive Plan recommends orienting parking towards the rear of the property, or limiting parking to a singular aisle in the front. Some parking is located on the property, however, no improved site plan describing a new parking layout was submitted. If parking needs to be expanded to any degree, the parking configuration should be completely reoriented to the side or rear of the property.

**Sanitary Treatment:** The application indicates that sewer service is available. According to Delaware County Auditor maps, the nearest sanitary line is approximately 800 feet from the existing structures, or 550 feet from the property line. While the site currently utilizes an on-site treatment system which has been verified by the Health Department to be acceptable, connection to sanitary sewer lines should occur if/when lines are available at a distance to be determined by Delaware County Regional Sewer District.

## Divergences

One divergence is requested:

1. Elimination of the requirement that “*all common parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement.*” (Section 21.01(b))

*Staff Comment:* The applicant is requesting the divergence due to the existing condition of the driveway, however, an existing condition doesn't predicate permitting a divergence. Due to the nature of the proposed business, staff is in favor of permitting the divergence for the parking areas (aisle and stalls) only. The existing driveway is approximately 100 feet long, enough distance for vehicles to move at a faster pace than parking areas, resulting in a greater dust nuisance for the residential properties to the east (downwind).

## Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Nova Lands LLC from PC and C-2 to PC to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 1.) *Approval of the requested divergence for the parking aisle and stalls only, with the approach and driveway throat lengths to be paved according to Section 21.01(b).*

## Commission / Public Comments

Mr. Andrew Wecker, attorney for the applicant was present. He stated they are hoping to get the business up and running late first quarter, early 2<sup>nd</sup> quarter 2020. He also thanked Orange Twp. for working with them and assisting in getting the process of rezoning started.

Mrs. Kuba asked if the development plan addresses the semi-permanent structures. Mr. Wecker said that the barns would be on skids and not be permanent. JD Structures has found that the more they move things the more sales they tend to get.

Mr. Loveless suggested that a flow pattern be shown due to the heavy materials to be sold on site. Mr.

Wecker stated that they would work with the Township on that issue.

Miss Boni added that these properties are three different zonings right now. They are working to combine the parcels and rezone to one district.

*Mr. Price made a motion for Conditional Approval of the rezoning request by Nova Lands LLC, subject to staff recommendations. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*

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## SUBDIVISION PROJECTS

### Preliminary

33-19 T Longhill Farms at Berlin – Berlin Twp. - 482 lots / 278.81 acres

### Conditions

**Applicant:** Longhill Ltd. Partnership

**Engineer:** Kimley-Horn

### Staff Comments

Applicant is requesting a 90-day tabling of Longhill Farms at Berlin Preliminary Plan.

### Staff Recommendation

Staff recommends *Approval* of the request for a 90-day tabling of **Longhill Farms at Berlin** to the DCRPC.

### Commission / Public Comments

*Mr. Dowley made a motion to Approve the 90-day Table request for Longhill Farms at Berlin. Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.*

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34-19 Ross Estates – Berlin Twp. - 71 lots / 42.71 acres

### Conditions

**Applicant:** Evans Farm Land Development

**Subdivision Type:** Planned Residential Community

**Location:** South of Peachblow Rd., west of Piatt Rd.

**Current Land Use:** Vacant, former agricultural with barn and house

**Zoned:** Planned Residential District (PRD)

**Zoning Approval:** Pending, Berlin Township Trustee Vote on December 23, 2019

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

**School District:** Olentangy  
**Engineer:** Terrain Evolution

**Staff Comments**

Ross Estates, a 71-lot single-family subdivision, is located at the southwest corner of Piatt Road and Peachblow Road. The 71 single-family lots are built on 42 acres, equaling approximately 3.48 units/acre according to Delaware County engineer standards with an average lot size of 0.28 acres, measuring 80 feet by 140 feet. Open Space is calculated at just over 13 acres and serve only to buffer the property from roadways and are used primarily for stormwater retention. Sidewalks are provided on both sides of the street, with a multi-use path along Piatt and walking paths around the retention basins.

Access is obtained through Cedar Crest Street from Piatt Road; Cedar Crest is extended from Oldefield Estates on the opposite side of Piatt Road. Cedar Crest Street loops around the entire property, changing names to Ross Lane at Woodland Drive which bisects the loop. An additional cul-de-sac is also included.

The proposal includes construction in four phases starting at the intersection of Cedar Crest Street and Piatt Road, platting in a clockwise rotation.

There are no major critical resources on the property.

*A technical review was held on December 10, 2019, after which the applicant has addressed all of the required changes with the exception of the inclusion of mounding on the west side of the property. Mounding was deferred to final engineering.*

**Staff Recommendation**

Staff recommends *Conditional Preliminary Approval* of **Ross Estates** to the DCRPC, *subject to the following conditions:*

- 1) *Approval of the submitted rezoning request by the Berlin Township Trustees (on file). Changes made at the Trustee level may result in the need for a Revised Preliminary Plan.*

**Commission / Public Comments**

Mr. Bob Kuederle with Evans Farm Land Development was present.

*Mr. Price made a motion for Preliminary Approval of Ross Estates, seconded by Mr. Dowley. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.*

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19-19            **The Conservation Club CAD** (fka: Bohannon CAD) – Brown Twp. - 06 lots / 41.99 acres

**Conditions**

**Applicant:** Damboy Investments LLC  
**Subdivision Type:** Common Access Driveway Subdivision  
**Location:** East side of Beard Rd.  
**Current Land Use:** recreational area  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water and private on-lot treatment systems  
**School District:** Buckeye Valley  
**Consultant:** Plan 4 Land

**Staff Comments**

The Conservation Club CAD is a 6-lot CAD located on the east side of Beard Road about 3,300 feet north of Kilbourne Road. While CADs are limited to 5 lots if two of the lots have frontage along a public roadway, The Conservation Club CAD received a variance to permit an additional buildable lot through RPC Variance #19-19.V at the July 25<sup>th</sup> RPC meeting based on several lots having road frontage on Beard Road.

The CAD is accessed from Beard Road and extends east and curves north where it terminates at the end of the property. The applicant has also included a 17.5 acre open space, no-build area to preserve wetland areas. All lots comply with minimum lot size and frontage requirements, ranging in size from 2.94 to 5.41 acres with frontages falling within their respective size categories.

The lots will be served by Del-Co water and on-site treatment systems.

Critical resources on the property are widely preserved through the no-build areas and utilization of the existing shelters for use by the residents.

*A technical review was held on December 10, 2019, after which the applicant has addressed all of the required changes.*

**Staff Recommendation**

Staff recommends *Preliminary Approval* of **The Conservation Club CAD** to the DCRPC.

**Commission / Public Comments**

Mr. Joe Clase with Plan 4 Land along with Bill Bohannon were present to answer questions from the Commission.

*Mr. Merrell made a motion for Preliminary Approval of The Conservation Club CAD. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Brown Twp.). Motion carried.*

=====

29-19 Bacastow CAD - Brown Twp. - 05 lots / 74.08 acres

**Conditions**

**Applicant:** Sharon Bacastow

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

**Location:** South side of SR 521, east of Kilbourne Rd.

**Current Land Use:** Vacant, former agricultural with barn and house

**Zoned:** Farm Residence District (FR-1)

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

**School District:** Buckeye Valley

**Consultant:** Plan 4 Land

**Staff Comments**

The Bacastow CAD is a 4-lot CAD located on the south side of State Route (SR) 521, about 200 feet east of Kilbourne Road. CADs are limited to 5 lots if two of the lots have frontage along a public roadway. The Bacastow CAD fulfills this requirement with one of the four lots having adequate frontage along SR 521.

The CAD utilizes an existing private drive, and is accessed from SR 521 and extends south where it terminates at the final lot. All lots comply with minimum lot size and frontage requirements, ranging in size from 8.53 to 32.76 acres.

The lots will be served by Del-Co water and on-site treatment systems.

Critical resources on the property include two pond areas, several wooded areas, and drainage courses. The critical resources are widely preserved, as the only impact is where the existing driveway crosses the drainage courses.

*Note: The Bacastow CAD originally consisted of five lots. The fifth lot was unable to fulfill frontage requirements through the CAD and was subsequently removed from the application to maintain compliance with Brown Township Zoning Requirements.*

*A technical review was held on November 12, 2019, after which the applicant has addressed all of the required changes.*

**Staff Recommendation**

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

**Commission / Public Comments**

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

*Mr. Price made a motion for Preliminary Approval of Bacastow CAD, seconded by Mr. Dowley. VOTE: Majority For, 0 Opposed, 1 Abstained (Brown Twp.). Motion carried.*

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24-16 Woodcrest Crossing (+60 condos) Revised – Liberty Twp. - 240 lots / 170.70 acres

**Conditions**

**Applicant:** M/I Homes

**Subdivision Type:** Planned Residential including SF and condominiums

**Location:** North side of Hyatts Rd., south of Clark Shaw

**Current Land Use:** Vacant, former agricultural with barn and house

**Zoned:** Planned Residential

**Zoning Approval:** 09/18/19

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

**School District:** Olentangy

**Engineer:** EMH & T

**Staff Comments**

Woodcrest Crossing was originally approved on December 15, 2016 as a subdivision with 190 single-family lots and 60 condominium units (250 total units). The revised plan shows 300 units.

It is located at the northwest corner of Steitz Road and Hyatts Road. Single-family lots account for 240 of the units, with the remaining 60 units allocated to condominium units in the northeast portion of the property. The single-family lots average about 3.6 units per acre according to Delaware County Engineer standards with typical lots averaging 0.17 acres and ranging between 55 and 60 feet wide and 130 feet deep.

Open Space is calculated at 98.8 acres and is dispersed throughout the development. The open spaces serve to buffer the development from the roadways, as well as provide interior space for pedestrians including a pool, playground, and recreational space. Retention ponds with fountains and walking trails occupy parts of the open space as well. Sidewalks are included on both sides of the street, and a multi-use path is included along Clark-Shaw Road, Future Steitz Road (under construction), and Hyatts Road.

Access is obtained through multiple points. Two access points are available from Clarkshaw Moors Section 5 to the west, one access point is available from Clark Shaw Road, and two access points are planned from future Steitz Road. Additionally, a road stub is provided for future access to a property to the west. Internal navigation consists of the aforementioned access points interlinking throughout the development with one cul-de-sac planned on the north side of the development. The sixty condominiums are accessed through a private drive off of the northernmost access point from future Steitz Road where an emergency access to the condominiums is also provided.

The proposal includes construction in seven sections with Section 1 containing two phases, starting with condominiums and open space and going in a counterclockwise direction.

There is one large wetland near the center of the proposal surrounded by wooded areas. The wetland will remain undisturbed in open space, and the majority of the wooded areas will remain preserved.

*A technical review was held on December 10, 2019, after which the applicant has addressed all of the*

*required changes.*

### **Staff Recommendation**

Staff recommends *Preliminary Approval* of **Woodcrest Crossing** to the DCRPC.

### **Commission / Public Comments**

Mr. Scott Schaffer with EMH & T was present to answer any questions.

*Mrs. Kuba made a motion for Preliminary Approval of Woodcrest Crossing. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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### **Final**

35-19            **Hemsoth CAD *easement vacation* – Concord Twp.**

### **Conditions**

**Applicant:** Gregory Hemsoth

**Location:** North side of Bean-Oller Rd., west of S. Section Line Rd.

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

**Preliminary Approval:** 05/30/19

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

**School District:** Buckeye Valley

**Consultant:** Scioto Land Surveying

### **Introduction**

Section 205.06 of the Subdivision Regulations allows for the vacation of easements created through platting which provide access beyond County agencies, such as to general utilities. The process requires notice and a meeting/decision of the Commission. Additionally, applications are discussed during the monthly Technical Review Committee meeting.

### **Staff Comments**

The applicant is proposing to vacate a ten-foot tile easement that runs through the middle of the property in order to construct a single family home in a more centered location within the lot. In lieu of the proposed vacated tile easement, a replacement drainage easement is proposed which routes around the desired location for a home.

The proposed alternative drainage easement, however, is located on the site of the replacement septic, if needed. The applicant should consider either finding a new routing for the replacement easement, or relocate the replacement septic location.

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

### **Staff Recommendation**

Staff recommends *Conditional Final Approval* of the **Hemsoth CAD easement vacation** to the DCRPC, subject to the following conditions:

1. Continue to work with the Health department on an alternative routing for the new drainage easement, or an alternative location for the replacement septic; and
2. Evidence must be submitted to the RPC staff that the replacement easement has been recorded before staff will record the vacation documentation to the Recorder.

### **Commission / Public Comments**

Mrs. Karen Coffman with Scioto Land Surveying was present to represent the applicant. She stated that the tile has already been moved and marked so they can create the new easement. Chaz Kaiser with CBK Structures installed the tile and will also be installing the septic system. He will work with the Health Dept. on the primary and secondary fields.

*Mr. Price made a motion for Conditional Final Approval of the Hemsoth CAD easement vacation, subject to staff recommendations. Mr. Piccin seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.*

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36-19            **The Woods of Dornoch, Sec. 5 easement vacation – Delaware Twp.**

### **Conditions**

**Applicant:** Rockford Homes  
**Subdivision Type:** Single Family Residential  
**Location:** West side of Braumiller Rd., north of Covered Bridge Dr.  
**Zoned:** Planned Residential (PRD)  
**Preliminary Approval:** 02/25/16  
**Utilities:** Del-Co Water, private on-lot treatment systems  
**School District:** Delaware  
**Engineer:** Advanced Civil Design

### **Introduction**

Section 205.06 of the Subdivision Regulations allows for the vacation of easements created through platting which provide access beyond County agencies, such as to general utilities. The process requires notice and a meeting/decision of the Commission. Additionally, applications are discussed during the monthly Technical Review Committee meeting.

### **Staff Comments**

The applicant is proposing to vacate a 15-foot conservation easement which extends through four lots on Maketewah Drive in Section 5 of The Woods of Dornoch. The conservation easement was initially created to assist in water quality by providing a no-build space. The applicant has proposed to establish an equivalent conservation easement in an alternative location in order to vacate this section, thereby



creating additional useable space for the four lots. The Delaware Soil and Water Conservation District holds the easement, and submitted a statement of support:

*“The area being requested to vacate is a conservation easement held by the Soil and Water Conservation District. The area to be vacated is located on four privately held lots along Maketewah Drive. In an effort to allow the owners of these four lots more usable space on their properties, the SWCD has worked with Rockford Homes and Ohio EPA to trade the area of proposed vacation on these lots for a similar area on an adjacent parcel owned by the Dornoch Homeowners Association. This additional area will be handled separately through our normal internal conservation easement process. As the holder of the deed of conservation easement for this area, we have no concerns about this vacation request and new deed proceeding independent of each other. As such, we would recommend approval of the vacation request.”*

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

#### **Staff Recommendation**

Staff recommends *Conditional Final Approval* of **The Woods of Dornoch, Section 5 easement vacation** to the DCRPC, subject to:

1. Evidence must be submitted to the RPC staff that the replacement easement has been recorded before staff will record the vacation documentation to the Recorder.

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

Mr. Jeff Guggenbiller with Advanced Civil Design stated that the easement to be replaced will be located in the Reserve “B”.

*Mr. Price made a motion for Conditional Final Approval of The Woods of Dornoch, Section 5 easement vacation. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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#### **OTHER BUSINESS**

- Consideration for Approval: Transfer of fees (SWCD \$10,500.00, Health Dist. \$16,320.00)

*Mr. Dowley made a motion to Approve the Transfer of fees for SWCD \$10,500.00 and Health District \$16,320.00. Mr. Fowler seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Brown Twp.). Motion carried.*

- Consideration for Approval: retaining Brosius, Johnson & Griggs LLC for legal services

*Mr. Merrell made a motion to Approve retaining Brosius, Johnson & Griggs LLC for legal services for 2020. Mr. Dowley seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

## POLICY / EDUCATION DISCUSSION

- MORPC – Maria Schaper, Metropolitan Transportation Plan

The presentation can be found on the DCRPC website at:

[https://regionalplanning.co.delaware.oh.us/wp-content/uploads/sites/17/2019/12/20191219\\_MTP\\_DCRPC.pdf](https://regionalplanning.co.delaware.oh.us/wp-content/uploads/sites/17/2019/12/20191219_MTP_DCRPC.pdf)

## RPC STAFF AND MEMBER NEWS

- Executive Committee vacant seat election

The Nominating Committee received 2 names for consideration to fill the vacant seat of Jeff George; Michele Boni (Orange Twp.) and Dustin Kent (Health Dist.). Chairman Stites asked if there were any other persons of interest. Hearing none, Chairman Stites closed the nominations. Ballots were distributed to the Commission for vote. Ballots were collected and counted by Stephanie Matlack and Jonathan Miller. Michele Boni received the majority vote and was elected to serve on the Executive Committee for the remainder of Mr. George's term which ends in March 2020.

- Recognition of service: Tom Hopper, Galena

Chairman Stites presented Tom Hopper, Representative for Galena, with a certificate of recognition for his 24 years of serving on the DCRPC.

*Having no further business, Mr. Price made a motion to Adjourn the meeting at 8:45 p.m. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, January 30, 2020, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*