

# 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, July 30, 2020 at 6:30 PM  
Via Zoom Meeting

### ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of June 25, 2020 RPC Minutes
- Executive Committee Minutes of July 22, 2020
- Statement of Policy

### CONSENT AGENDA (Final Plats)

		<b>Township</b>	<b>Lots/Acres</b>
08-19	Oxford Woods	Brown	13 lots / 36.458 acres
20-18	Genoa Place CAD	Genoa	04 lots / 02.937 acres
24-16.1.A	Woodcrest Crossing, Sec. 1, Ph. A	Liberty	01 lot / 23.118 acres
23-19	Evans Farm Marketplace	Orange	06 lots / 12.529 acres
28-18 T	Grand Pointe at North Orange	Orange	35 lots / 21.36 acres

### VARIANCES/EXTENSIONS

10-20.V	Webster Building Co. - Trenton Twp. - Stirling Lakes CAD - requesting 8 lot CAD		
01-05.V	Homewood Corp. - Berkshire Twp. - Cheshire Woods - additional 2 year extension		
04-18	Josh Morgan Construction - Orange Twp. - The Enclave at Abbey Knoll - 1 year extension		

### ZONING MAP/TEXT AMENDMENTS

17-20 ZON	Timothy & Bobbette Carlisle - Harlem Twp. - 2.999 acres from AR-1 to FR-1		
18-20 ZON	Marina Arejola - Harlem Twp. - 7.257 acres from AR-1 to FR-1		

### SUBDIVISION PROJECTS

		<b>Township</b>	<b>Lots/Acres</b>
<u>Preliminary</u>			
09-20	Coolmore Estates, Lot 4653, Div #1	Concord	02 lots / 05.271 acres
<u>Preliminary/Final</u>			
10-20	WD Meijer 143, Section 2, Lot 3551, Div. #1	Orange	02 lots / 02.70 acres

### OTHER BUSINESS *(none)*

POLICY / EDUCATION DISCUSSION *(none)*

RPC STAFF AND MEMBER NEWS *(none)*

**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, Ric Irvine, Duane Matlack, Gary Merrell, Tammy Noble, Joe Shafer, Matt Kurz, Dave Stites, Charles Hurt, Ed Reely, Michelle Boni, James Hatten, Ed Snodgrass, Dan Boysel, Herb Ligocki, Josh Vidor, Bonnie Newland, and Doug Price.  
*Alternates:* Dustin Kent and Mike Love. *Staff:* Scott Sanders, Jonathan Miller and Stephanie Matlack.
- **Approval of the June 25, 2020 RPC Minutes**  
*Mr. Vidor made a motion to Approve the minutes from the June 25<sup>th</sup> RPC meeting, seconded by Ms. Noble. VOTE: Unanimously For, 0 Opposed. Motion carried.*
- **July 22, 2020 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 Mike Frommer. Michele Boni was absent. Staff: Scott Sanders and Stephanie Matlack.

**2. Approval of Executive Committee Minutes from June 17, 2020**

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

**3. New Business**

- Financial / Activity Reports for June

REGIONAL PLANNING RECEIPTS		JUNE	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,435.00	\$7,585.00
Fees A (Site Review)	(4202)	\$600.00	\$3,900.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$2,200.00
Membership Fees	(4204)		\$243,247.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$463.14
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$0.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$400.00	\$11,875.00
Charges for Serv. B (Final. Appl.)	(4231)	\$900.00	\$34,257.70
Charges for Serv. C (Ext. Fee)	(4232)		\$750.00
Charges for Serv. D (Table Fee)	(4233)		\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$1,800.00
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)	\$100.00	\$1,680.00
Soil & Water Fees	(4243)	\$250.00	\$2,675.00
Commissioner's fees	(4244)		\$0.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$0.00
Other Reimbursements A	(4721)		\$0.00
Other Misc. Revenue (GIS maps)	(4730)		\$109.00
Misc. Non-Revenue Receipts	(4733)		\$0.00
Sale of Fixed Assets	(4804)		\$0.00
<b>TOTAL RECEIPTS</b>		\$4,085.00	\$311,941.84

Balance after receipts		\$1,183,045.75
Expenditures	-	\$ 31,753.10
End of June balance (carry forward)		\$1,151,292.65

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

• July RPC Preliminary Agenda

1.) SKETCH PLANS

	<u>Township</u>	<u>Lots / Acres</u>
• Harlem Estates	Harlem	12 lots / 30.54 acres
• Stirling Lakes CAD	Trenton	08 lots / 58.213 acres

2.) CONSENT AGENDA

• Oxford Woods	Brown	13 lots / 36.458 acres
• Genoa Place CAD	Genoa	04 lots / 02.937 acres
• Woodcrest Crossing, Sec. 1, Ph. A	Liberty	01 lot / 23.118 acres
• Evans Farm Marketplace	Orange	06 lots / 12.529 acres
• Grand Pointe at North Orange (T)	Orange	35 lots / 21.36 acres

3.) VARIANCES / EXTENSIONS

- Webster Building Co. – Trenton Twp. – Stirling Lakes CAD – requesting 8 lot CAD
- Homewood Corp. – Berkshire Twp. – Cheshire Woods – requesting additional 2 year extension
- Josh Morgan Construction – Orange Twp. – The Enclave at Abbey Knoll – requesting 1 year extension

4.) ZONING MAP/TEXT AMENDMENTS

- Timothy & Bobbette Carlisle – Harlem Twp. – 2.999 acres from AR-1 to FR-1
- Marina Arejola – Harlem Twp. – 7.257 acres from AR-1 to FR-1

5.) SUBDIVISION PROJECTS

Preliminary

	<u>Township</u>	<u>Lots/Acres</u>
• Coolmore Estates, Lot 4653, Div #1	Concord	02 lots / 05.271 acres

Preliminary / Final

- Meijer 143, Sec. 2, Lot 3551, Div #1(WD)
- |        |                       |
|--------|-----------------------|
| Orange | 02 lots / 02.70 acres |
|--------|-----------------------|

- Discussion of reimbursement: Da-Wei Liou, \$2,100.00 – Introduction to Web Development using ArcGIS API for JavaScript

*Chairman Stites made a motion to reimburse Da-Wei Liou \$2,100.00 for the ESRI Introduction to Web Development Using ArcGIS API for JavaScript course. Mrs. Kuba seconded the motion. VOTE: Majority For, 1 Opposed. Motion carried.*

- Discussion regarding funding request from the Delaware County Finance Authority

The Committee agreed to deny the recent request from the Delaware County Finance Authority as the project is substantially complete. The Committee agreed that the RPC should support initiatives for growth management and continue to provide assistance to Commission members through studies and mapping. Financial assistance could be requested by member communities for consideration in the future.

- Director's Report
  - 1.) **Audit** is complete with no Findings. One recommendation that our existing Public Records Policy be placed in our Employee materials;
  - 2.) **Office** – office is still by appointment;
  - 3.) **2020 Census** – Delaware County is still doing well at 76% self-response – highest tracts are in the center of Genoa Township at 88.9% and lowest is Oxford/Brown at 68% (still good). Lowest is Columbus annexed area (Polaris) at 50%;
  - 4.) **GIS/Website initiatives:**
    - **Development Activity map** incorporates Community Analyst and our development pipeline statistics for each township;
  - 5.) **Harlem Comp Plan** – Jonathan continues to work on Recommendations/Vision;
  - 6.) **Participated in virtual meetings:**
    - **ODOT Public Meeting** on 7/16 – plans for Jewett Road and S.R. 315;
    - **Follow-up** on 6/22 - 23 Corridor Overlay with Township Zoning, etc. – helped with acreage calculations;
    - **County Planning Directors** virtual meeting on 7/13; and
    - **Various COVID-19**-related meetings by the County, Health District, and other sources

4. **Old Business** (*none*)

5. **Other Business** (*none*)

6. **Adjourn**

*Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 10:25 a.m. Mr.*

*Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- **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 (Final Plats)

08-19                    Oxford Woods – Brown Twp. - 13 lots / 36.458 acres

### Conditions

**Applicant:** Principle Real Estate Development

**Subdivision Type:** Single Family Residential

**Location:** West side of N. Three B's & K Rd., south of SR 521

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

**Preliminary Approval:** 3/28/19

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

**School District:** Buckeye Valley

**Engineer:** CEC

### Staff Comments

Oxford Woods is a subdivision of 13 lots, all of which are at least 2 acres in size. A single street enters the site, ending in a cul-de-sac. Each lot will be served with an on-site waste treatment system. Lots on the north side of the road are 2 acres while the lots on the south are larger, accommodating the significant ravine and stream which passes through the property. Conservation easements will be placed across the southern ravine, as well as the on the smaller ravine that is located in the center of the site.

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 Oxford Woods to the DCRPC.

### Commission / Public Comments

*Mr. Price made a motion for Final Approval of Oxford Woods. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

---

20-18                    Genoa Place CAD – Genoa Twp. - 04 lots / 02.937 acres

**Conditions**

**Applicant:** Brookewood Construction  
**Subdivision Type:** Single Family Residential, Common Access Driveway  
**Location:** West side of Worthington Rd., south of Highland Lakes Dr.  
**Zoned:** Farm Residential (FR-1)  
**Preliminary Approval:** 11/29/18  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Westerville City  
**Engineer:** Watcon

**Staff Comments**

Genoa Place is a 4-lot Common Access Driveway subdivision with frontage on the west side of Worthington Road. The CAD and utility easement will utilize the existing driveway and extend it westward to a T-turnaround. The existing house will remain. The lots are 0.97 acres, 0.66 acres, 0.70 acres, and 0.84 acres in size and will utilize central sanitary sewer. A variance to allow the CAD easement width to be reduced from 60' to 50' was approved on October 25, 2018.

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 Genoa Place CAD to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Genoa Place CAD. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

-----

24-16.1.A Woodcrest Crossing, Sec. 1, Ph. A - Liberty Twp. - 01 lot / 23.118 acres

**Conditions**

**Applicant:** M/I Homes  
**Subdivision Type:** Planned Residential  
**Location:** South side of Clark Shaw Rd., west of Sawmill Parkway  
**Zoned:** Planned Residential (PR)  
**Preliminary Approval:** 12/19/19  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Olentangy  
**Engineer:** EMH& T

**Staff Comments**

Woodcrest Crossing was originally approved on December 15, 2016 as a subdivision with 240 single-family lots and 60 condominium units (300 total units).

It is located at the northwest corner of Steitz Road and Hyatts Road. 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. 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.

This plat is for Section 1, Phase A of the development only. This section includes the northernmost entrance from future Steitz Road, Bluejay Ridge Drive, as well as platting the land for the 60 condominium units. No delineated open space is included in this plat.

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 Woodcrest Crossing, Section 1, Phase A to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Woodcrest Crossing, Section 1, Phase A. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

-----

23-19                    Evans Farm Marketplace – Orange Twp. - 06 lots / 12.529 acres

**Conditions**

**Applicant:** BZ Evans LLC.  
**Subdivision Type:** Planned Commercial  
**Location:** North side of Lewis Center Rd., west of Evans Farm Dr.  
**Zoned:** Planned Commercial District (PCD)  
**Preliminary Approval:** 08/29/19  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Olentangy  
**Engineer:** Terrain Evolution

**Staff Comments**

This plat represents Evans Farm Marketplace and plats out the lots for the commercial, townhouse, and parking areas on the east side of the main entrance of the development along Evans Farm Drive. Internal improvements will be privately maintained.

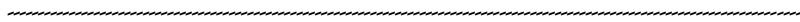
The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

**Staff Recommendation**

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

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Evans Farm Marketplace. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*



28-18    T                    Grand Pointe at North Orange – Orange Twp. - 35 lots / 21.36 acres

**Conditions**

**Applicant:** Grand Communities  
**Engineer:** CT Consultants

**Staff Comments**

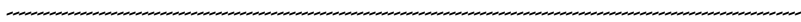
The applicant is requesting a 90-day tabling.

**Staff Recommendation**

Staff recommends *Approval of a 90-day Tabling* of Grand Pointe at North Orange to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Approval of a 90-day Tabling of Grand Pointe at North Orange. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*



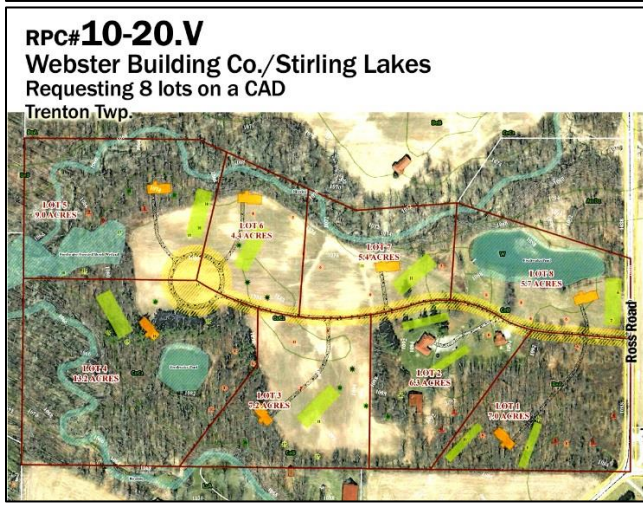
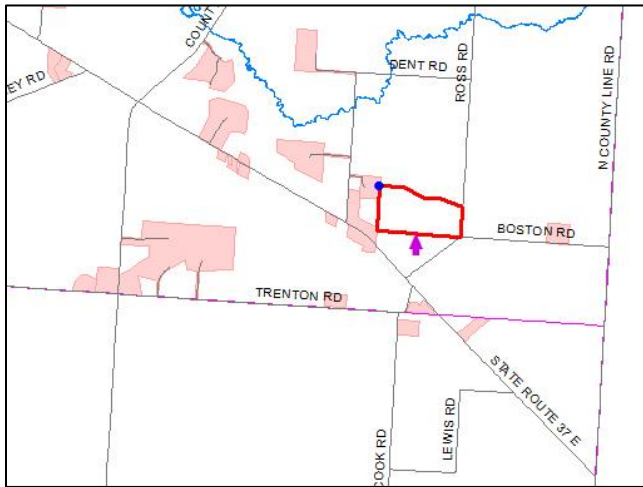


VARIANCES / EXTENSIONS

10-20.V Webster Building Co. – Trenton Twp. – Stirling Lakes CAD - requesting 8 lot CAD

**Applicant:** Webster Building Company Inc.

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



**I. Request**

The applicant is requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations for Stirling Lakes CAD to permit up to eight lots on a Common Access Driveway.

The proposed CAD is on the west side of Ross Road, north of Boston Rd.

**II. Facts**

1. The applicant seeks to create an eight-lot subdivision, utilizing a Common Access Driveway;
2. The site is approximately 58 acres with 820' of frontage;
3. A CAD would enter the site and travel west, providing frontage for eight lots;
4. The land is zoned RR (Rural Residential), with a minimum 3-acre lot size;
5. Del-Co Water is available to the site with an existing 12" line running across the frontage of the site;

6. Relevant section of the Subdivision Regulations:

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

**Applicant statement:** “The CAD will be privately owned and maintained accessing two (2) lots with legal frontage on Ross Road and six (6) additional lots with frontage on the CAD. This subdivision will include the division of Delaware County Parcel #416-440-02-008-001 into eight (8) total lots.

The site is best served by a Common Access Driveway because:

- 1) Surrounding topography limits the ability to seek road connections to surrounding lands;
- 2) The owner can do at least three (3) lot splits on this property with individual frontage;
- 3) The CAD would provide a safe and single access point on Ross Road;
- 4) The property is adequate in width and configuration to allow for eight (8) uniformly configured;
- 5) The perimeter lot line is wooded and provides a nice backyard buffer;
- 6) Lot geometry makes it unfeasible to build a public or private street without unnecessary expense;
- 7) There was a development approved in 2007 with more lots, but the change in septic rules in the cost of the road development proved to be cost prohibitive in yielding a reasonable return;
- 8) There are no current or foreseeable plans to develop adjoining properties;
- 9) Developing a public road on any of the adjoining properties will be cost prohibitive as well;
- 10) There is no existing street system to continue;
- 11) Developing a street system with adjoining properties in the future would likely result in the same number of access points on Ross Road;
- 12) The use of a CAD subdivision will be in accordance with the objectives of all adopted plans for the area;
- 13) The CAD subdivision will be served adequately by public water and provide for hydrant improvements, while lot splits will not; and
- 14) The use of a CAD subdivision will better serve to secure and provide for adequate and convenient open spaces for traffic, utilities, access, recreation, light and air, and for the avoidance of population congestion.”

**III. Criteria For Variance**

- 1.) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property;

**Applicant’s response:** “This proposal provides for a single access point on Ross Road with improvements to the existing driveway built to a safety standard far in excess of what common residential driveways are built to. Platting an eight (8) lot CAD versus a five lot CAD with one or more no plat approval (NPA) lot splits will permit for a more thorough review by county and township officials, including the fire department. If the owner proceeded with a five (5) lot CAD and one or more NPA lot splits, they would still be able to get at least one additional lot on Ross Road. With five (5) lots on a CAD improvement of the driveway beyond the minimum standard, would not be feasible. The owner is committing to a 14-foot wide paved drive similar to Willow Creek CAD which they previously developed. Platting a large residual lot with the extra frontage may result in a future request for a second CAD.”

**Staff Comments:** The subject proposal is not directly detrimental to the public health, safety and welfare, and it does not appear to be injurious to other property. However, constructing a CAD in lieu of a private or public road subdivision with provisions for connections restricts the Township and Counties ability to facilitate connections to alleviate traffic congestion on the existing roadways.

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

**Applicant’s response:** *“Platting additional road right-of-way and meeting necessary engineering standards for a public street in this project would reduce lot sizes, remove unnecessary trees, require substantial regrading and limit suitable sites for on-site systems. Central sewer is not available in the foreseeable future.”*

**Staff Comments:** The aforementioned conditions are not adequate in terms of fulfilling criteria for a variance. A minor reduction in lot sizes would not force any lot under minimum requirements, no extra trees will need to be removed as the vast majority of trees are on the property’s periphery and a CAD requires a clear zone anyway. Suitable septic sites that were identified during sketch review are not located anywhere near the proposed 60-foot CAD easement and should, therefore, not be impacted if a road were constructed instead.

- 3.) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations were carried out; and

**Applicant’s response:** *“This site contains numerous critical resources including wetland and ponds that are worth preserving. It is not likely that lot sizes generally over 5 acres will be maintained without pressures for future lot splits. It is worth planning this development for capacity versus limiting development potential or promoting a public street that may result in more buildable lots than are right for this site. While it does not observe conservation standards specifically, we feel the proposal allows for ultimate preservation of open space. In exchange for granting the variance the owner would be open to a conservation easement over substantial portions of each lot.”*

**Staff Comments:** The property has already been identified as a site where a conservation-style subdivision would be preferred. Staff believes that a CAD is being proposed in order to avoid accommodating a street that may require a connection to the property to the north. Staff does not feel that requiring a conservation-style subdivision, as previously proposed, constitutes a “particular hardship” in this case, but rather an inconvenience.

- 4.) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

**Applicant’s response:** *“This proposal is otherwise entirely compliant with the standards of the Trenton Township Zoning Resolution with every lot having at least 250 feet of frontage on the CAD and other applicable regulations.”*

**Staff Comments:** The proposal is otherwise compliant. However, staff feels the natural resources would be better preserved with a conservation-style subdivision as initially identified for the property.

**Overall Staff Comments:** The number of permitted lots on a CAD is three lots, plus an additional two with roadway frontage. The variance request to increase the number of lots from five to eight is a substantial increase for a private drive. Common Access Driveway subdivisions are intended for a minimal number of lots, since agreement to maintain the CAD becomes a challenge over time. If the argument for the increase in the number of lots is to preserve the natural resources of the property, a conservation-style subdivision would achieve the same goals without the need for a variance.

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

DCRPC staff recommends *Denial* of the variance request by Webster Building Co. Inc. from Sec. 306.02 for **Stirling Lakes CAD** for 8 lots on a CAD based on the Findings of Fact. Based upon other recent developments, staff could be agreeable to 6 lots on this CAD, as long as two of those lots utilize the existing frontage.

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

Mr. Joe Clase, Plan 4 Land and Mr. Jody Parks, Webster Building Co., Inc. were both sworn in. Mr. Clase stated that the lots would range from 5-10 acres and that the developer has committed to paving the driveway. Mr. Parks explained that this development would be similar to a project he did on Harlem Road (Willow Creek Subd.). That development was an 8 lot CAD and has been maintained well with no issues. The applicant stated that he was willing to give some land (to the County) in the south-east corner of the parcel to straighten Ross Road and grant conservation easements.

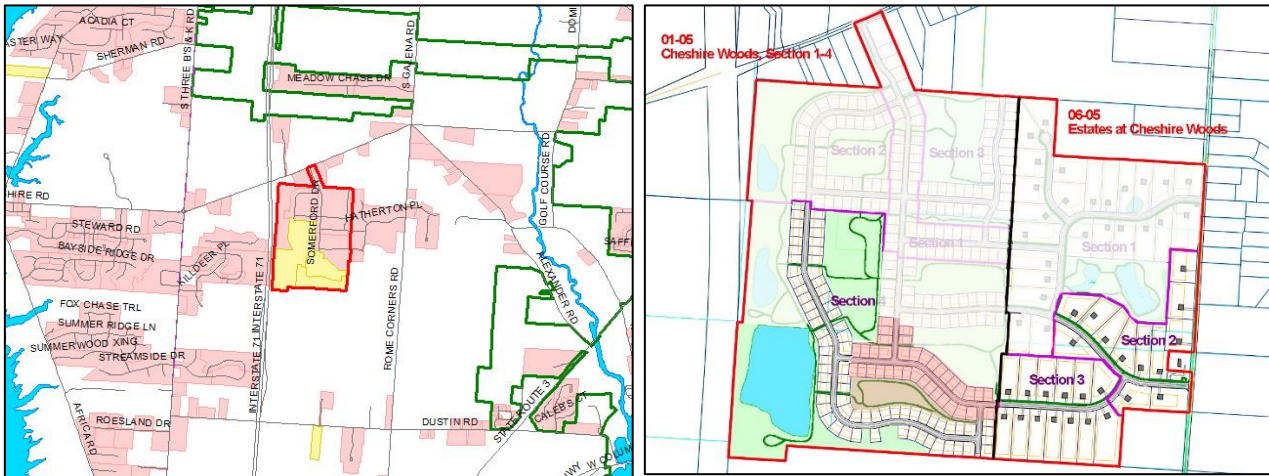
Chairman Stites asked if the applicant considered a public road as this request is beyond what the CAD standards were meant for. Mr. Parks stated that the cost for a private drive (built to public standards) was too costly. Mr. Clase stated the cost for a LVLD (low volume/low density) road was similar in cost of a public road.

***Mr. Shafer made a motion to Deny the Variance request to allow 8 Lots on Stirling Lakes CAD based on the Findings of Fact. Mr. Loveless seconded the motion. Roll Call Vote: 15 For Denial, 6 Opposed. Motion carried.***

***Mr. Vidor made a motion to Deny a Variance request to allow 7 Lots on Stirling Lakes CAD based on the Findings of Fact. Mr. Shafer seconded the motion. Roll Call Vote: 11 for Denial, 10 Opposed. Motion carried.***

---

01-05.V      **Homewood Corp. - Berkshire Twp. - Cheshire Woods – additional 2 year extension**



**Request**

Homewood Corp. and Trinity Home Builders are requesting a variance to allow an additional 2-year extension of the Preliminary Plan for the Cheshire Woods subdivision in Berkshire Township.

The proposed subdivision is located on the south side of Cheshire Road, about 2,000 feet east of I-71.

**Facts**

- 1) The Subdivision Regulations state that “the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded.”
- 2) Cheshire Woods, Sections 1-4 received Preliminary approval on January 27, 2005, and received a six-month extension in January, 2006 to expire July, 2006;
- 3) Cheshire Woods, Section 1 was recorded June, 2006, which held the Preliminary approval until June 2011;
- 4) The applicant received a Variance and two-year extension of the remaining lots in June 2011 to June 2013;
- 5) One-year extensions (by Variance) were granted in June 2013, June 2014, and June 2015 to expire June 25, 2016;
- 6) A Final Plat for Section 3, Phase A was recorded in July, 2015;
- 7) A Final Plat for Section 2 was recorded in May, 2016;
- 8) One-year extensions (by Variance) were granted in June, 2016, 2017, 2018 and 2019;
- 9) A Final Plat for Section 3, Phase B was approved by the RPC 05/28/20;
- 10) A draft Final Plat for Section 4, Phase A was completed 07/14/20;
- 11) The applicant is requesting a ninth extension via Variance for 2 years.

**Criteria For a Variance**

The burden is on the applicant to demonstrate in writing, each of the following:

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.
- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

***Applicant's Response:*** "To date, Sections 1, 2 and 3A have been developed and Final Plats recorded. In addition, Section 3, Phase B is currently under development and Section 4, Phase A is submitted for engineering approval. The last remaining Sections are 3C and 4B. These last two future sections account for 40 lots and considerable open space. All of the remaining sections have been engineered and there is no reason to believe that the development will not ultimately be built according to plan.

While the development started in 2006 with three builders, by 2008, Homewood/Trinity was the only builder to ride out the recession and remain in Cheshire Woods. During this time, Homewood opted to maintain property values and appraisals to protect both the existing homeowners and our long term future value of the development. Whereas other builders were holding fire sales, we weathered the storm, all in protecting the future value. Homewood has invested a million dollars into a Clubhouse in 2017 and proudly hosted the Parade of Homes that same year. While we may not progress through the subdivision as quickly as everyone would like, Cheshire Woods is a very successful development that the residents are proud to live and I think that they would agree that they would prefer to move slowly through the development to preserve property values. As mentioned above, we plan on paving Section 3B this summer and have submitted the next Section for approval. This demonstrates our intention to continue on the development to completion. Due to these reasons, Homewood respectfully requests a variance to section 102.03 to allow for an extension of two years.

The granting of this variance would not be detrimental to the public health, safety and welfare to other parties. The conditions of which this variance is sought are unique to this property due to the scope and size of the overall project. A considerable hardship would occur to not only the owner of the property, but to the 161 existing homeowners who have purchased within the subdivision should the Preliminary Plan expire. The Preliminary Plan will continue to be followed and no other variances are being sought to vary any other provision of the original approval."

***Staff comments:*** With the recent plat submittals, staff feels that, while slow, progress is at least being made. While staff does not agree that any particular hardship would occur if the variance was not granted, it is in the best interest of the residents to persist forward as this office has not received, to-date, any complaints about the delays. It is staffs opinion, however, that the applicant needs regular timelines to maintain any amount of progress, and a two-year extension would only extend the potential progress of one year to two years. Therefore staff would support a one-year extension.

This extension is supported on the presumption that progress will be made on the project. If no other section is platted and recorded between this time and when the requested extension expires, any subsequent request will be denied.

**Staff Recommendation**

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 102.03 & 204.04 and a one-year extension for **Cheshire Woods, Sections 3C – 4** be *Approved*.

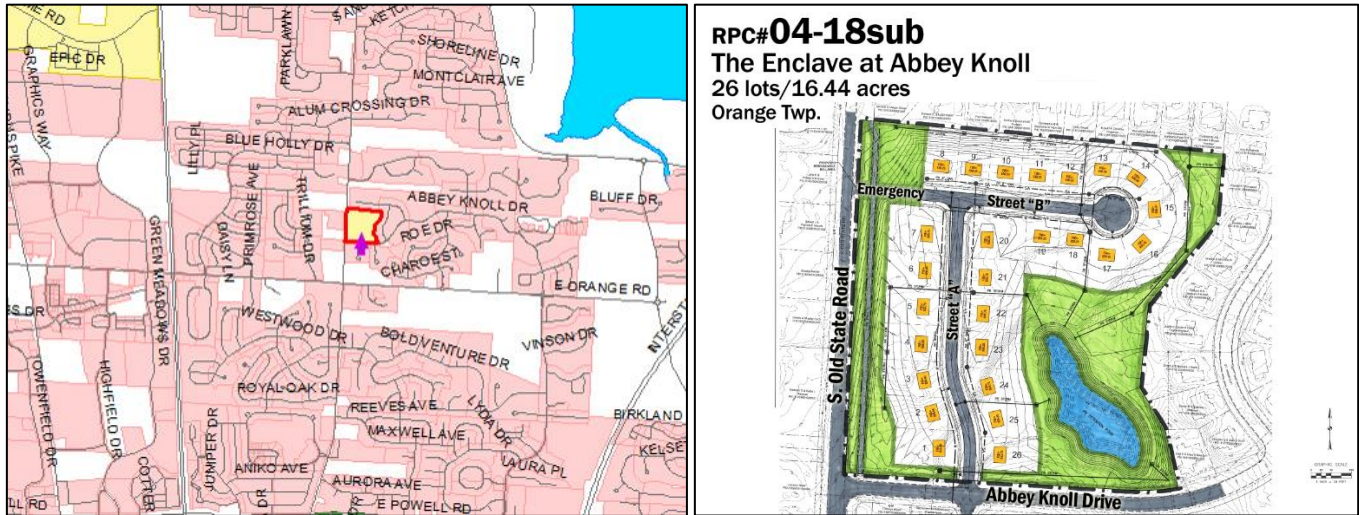
**Commission / Public Comments**

*Mr. Price made a motion for Approval of the Variance for Cheshire Woods, Sections 3C – 4, based on the Findings of Fact and a 1 year Extension. Mr. Loveless seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.*

---

04-18 Josh Morgan Construction – Orange Twp. – The Enclave at Abbey Knoll – 1 year extension

Applicant: Josh Morgan  
Consultant: Mannik Smith Group



**Request**

The applicant is requesting a one year extension in order to work out final platting issues. Preliminary approval was given February 2018. If a one year extension is granted, staff recommends it be effective from February 2020 to February 2021.

**Staff Recommendation**

Staff recommends *Approval of a 1-year Extension of The Enclave at Abbey Knoll* to expire February 2021 to the DCRPC.

**Commission / Public Comments**

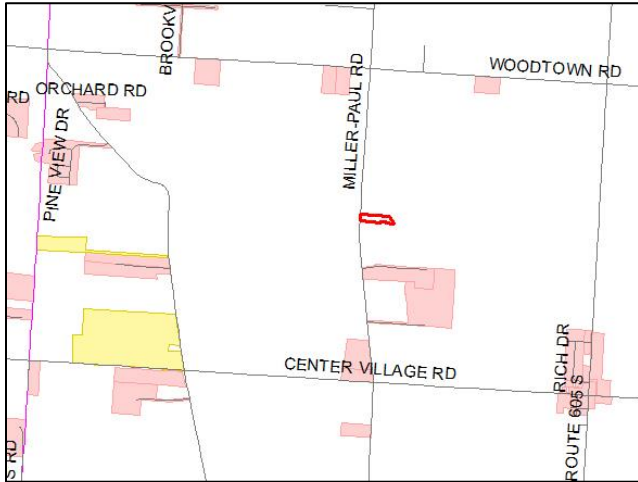
*Mr. Merrell made a motion to Approve the 1 year Extension of The Enclave at Abbey Knoll. Mr. Price seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*

---



## ZONING MAP/TEXT AMENDMENTS

17-20 ZON Timothy & Bobbette Carlisle – Harlem Twp. – 2.999 acres from AR-1 to FR-1



### Request

The applicants, Timothy and Bobbette Carlisle, are requesting a 2.999-acre rezoning from AR-1 to FR-1 to split out a lot for residential purpose.

### Conditions

**Location:** east side of Miller-Paul Rd., north of Center Village Rd.

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

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

**Present Use(s):** Vacant

**Proposed Use(s):** single-family house lot

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

**Proposed Density:** 1 du / 2 acres

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

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

**Critical Resources:** streams, drainage course

**Soils:** BeA, CeB, PwA

**Introduction**

This is a straight rezoning to facilitate a lot split to ostensibly construct a single-family home. The 39-acre flag lot is located on the east side of Miller-Paul Road and has a little over 450 feet of frontage. The current zoning classification of Agricultural Residential (AR-1) requires a minimum lot size of five acres and 300 feet of frontage, while the proposed zoning classification of Farm Residential (FR-1), requires a minimum lot size of two acres with the required frontage varying depending on the lot size, which for a 2.99-acre parcel would be 175 feet. The proposed split as surveyed and submitted fulfills both of these criteria.

**Comprehensive Plan**

Harlem Township’s 2007 Comprehensive Plan indicates this area, Subarea D, would continue to be residential with a minimum lot size of 2 acres for properties rezoned to FR-1. The subject request is in agreement with the recommendations.

**Issues**

**Natural Resources:** The only natural resource on the proposed acreage to be split are wooded areas, which staff would recommend preserving to the greatest extent possible.

**Staff Recommendations**

Staff recommends **Approval** of the rezoning request by Timothy and Bobbette Carlisle from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees.

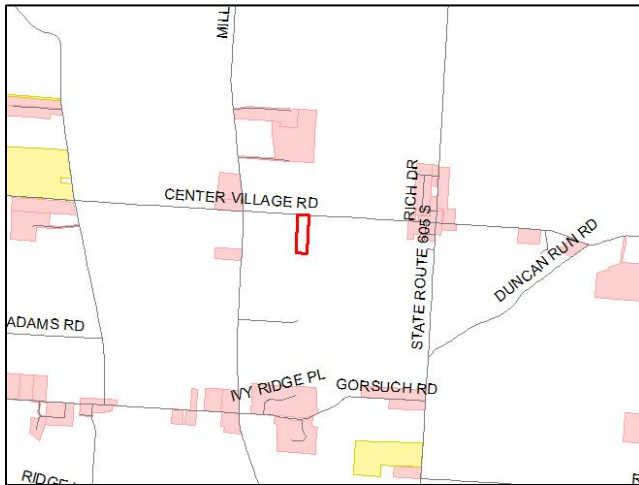
**Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Weade made a motion to recommend Approval of the rezoning request by Timothy and Bobbette Carlisle. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

---

18-20 ZON Marina Arejola – Harlem Twp. – 7.257 acres from AR-1 to FR-1



**Request**

The applicant, Marina Arejola, is requesting a 7.257-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

**Conditions**

**Location:** south side of Center Village Rd., east of Miller Paul Rd.

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

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

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

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

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

**Proposed Density:** 1 du / 2 acres

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

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

**Critical Resources:** streams/drainage course

**Soils:** BeA, PwA

### **Introduction**

This is also a straight rezoning to facilitate a lot split to construct a single-family home. The 7.257-acre lot is located on the south side of Center Village Road and has a little over 308 feet of frontage. The current zoning classification of Agricultural Residential (AR-1) requires a minimum lot size of five acres and 300 feet of frontage, while the proposed zoning classification of Farm Residential (FR-1), requires a minimum lot size of two acres with the required frontage varying depending on the lot size. The proposed split would result in a 2.5-acre parcel with 248 feet (175 feet required), and a 4.753-acre flag lot. The flag lot would have the necessary 60 feet of frontage and obtain 308 feet (250 feet required) 50 feet in advance of the property line. The proposed split as surveyed and submitted fulfills the zoning criteria.

### **Comprehensive Plan**

Harlem Township's 2007 Comprehensive Plan indicates this area, Subarea B, would be primarily residential with 2-acre lots for properties rezoned to Farm Residential. The subject request is in agreement with the recommendations.

### **Issues**

**Deed Restrictions:** The application package includes a set of existing deed restrictions which claim to apply to the property and run with the land for a period of 50 years from the date creation (2012). Section 1, Land Use of the protective covenants and restrictions states:

*"All property subject to these restrictions shall be used solely for residential purposes except as otherwise provided herein until there is a building constructed on such premises, the premises may continue to be utilized for agricultural purposes. **No buildings shall be erected, placed, altered or permitted to remain on the lot other than one (1) single family dwelling per lot not exceed two and half stories in height and an attached private garage for no less than two (2) motor vehicles which may include guest living space and area for storage.** No garage attached to the primary residence shall be accessed from the front. Workshops, sheds and detached garages are permitted."*

**Building Orientation:** The subject request also included plans for the proposed residential structure. The drawings indicate the attached garage will be accessed by the front, which is in opposition to the deed restrictions as well.

Deed restrictions are private agreements between landowners. The RPC review limits recommendations to issues of zoning and planning issues but seeks to alert the applicant to this issue.

### **Staff Recommendations**

Staff recommends **Approval** of the rezoning request by Marina Arejola from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees.

### **Commission / Public Comments**

No one was present to represent the applicant.

*Mr. Price made a motion to recommend Approval of the rezoning request by Marina Arejola. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

---

## SUBDIVISION PROJECTS

### Preliminary

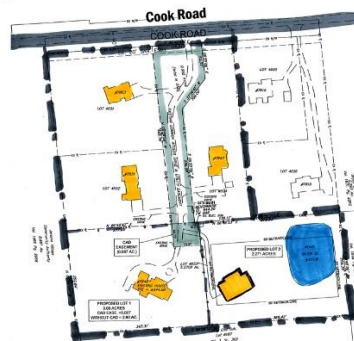
09-20 Coolmore Estates, Lot 4653, Div #1 – Concord Twp. - 02 lots / 05.271 acres



**RPC#09-20**  
Coolmore Estates, Lot 4653, Div. #1  
2 lot/5.271 acres  
Concord Twp.



**RPC#09-20**  
Coolmore Estates, Lot 4653, Div. #1  
2 lot/5.271 acres  
Concord Twp.



### Conditions

- Applicant:** Robert & Marilu Sochor
- Subdivision Type:** Single Family CAD Subdivision
- Location:** south side of Cook Rd., west of Eversole Run
- Current Land Use:** single family home
- Zoned:** Farm Residential (FR-1)
- Utilities:** Del-Co water and private on-lot treatment systems
- School District:** Dublin
- Consultant:** Courtney Wade, A to Zoning

### Staff Comments

This application is for a replat of a CAD Subdivision which will add another lot. The existing CAD serves four properties, with two of those also having road frontage. The CAD is located on the south side of Cook Road just east of the Union County/Delaware County line. The submitted plan will replat Lot 4653 as two lots, providing a T-turnaround at the split of the two

driveways. The new lot will have water service, and contain an on-site treatment system as wastewater lines are not currently available on the property.

There is an issue with the lot and house number sequencing. The house numbers, odd on the south side of Cook Road, and increasing from east to west, do not allow for an additional house number without other lots house numbers changing.

*A technical review was held on July 21, 2020, after which the applicant has addressed all of the required changes.*

### **Staff Recommendation**

Staff recommends Conditional Preliminary Approval of Coolmore Estates, Lot 4653, Div #1 to the DCRPC, subject to:

- 1) Obtaining a valid house number (address) for the proposed lot prior to Final Plat approval.

### **Commission / Public Comments**

Ms. Courtney Wade, A to Zoning, was present to represent the applicant.

*Mr. Vidor made a motion for Conditional Preliminary Approval of Coolmore Estates, Lot 4653, Div #1, subject to staff recommendation. Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.*

---

### **Preliminary/Final**

10-20 WD Meijer 143, Section 2, Lot 3551, Div. #1 – Orange Twp. - 02 lots / 02.70 acres

*\*\*This application was withdrawn by the applicant. \*\**

---

OTHER BUSINESS (none)

POLICY / EDUCATION DISCUSSION (none)

RPC STAFF AND MEMBER NEWS (none)

*Having no further business, Mr. Price made a motion to adjourn the meeting at 7:40 p.m. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 27, 2020, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*