

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 17, 2020 at 6:30 PM
Zoom Meeting

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of November 19, 2020 RPC Minutes
- Executive Committee Minutes of December 9, 2020
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
29-19	Bacastow	Brown	4 lots / 67.221 acres
12-16.2.B	Evans Farm, Section 2, Phase B	Orange	24 lots / 10.124 acres
12-16.2.C	Evans Farm, Section 2, Phase C	Orange	18 lots / 5.919 acres
25-18.2	The Courtyards at Clear Creek, Sec. 2	Orange	48 lots / 17.995 acres
07-20	The Cove at Evans Farm	Orange	1 lot / 21.768 acres

VARIANCES / EXTENSIONS

23-20.V	Timothy & Bobbette Carlisle - Miller's Brook - Harlem Twp. - requesting 5 lot CAD
20-14	Rockford Homes - Olentangy Falls East - Liberty Twp. - requesting 2 year extension
04-16.V	Rockford Homes - Harvest Curve - Liberty Twp. - requesting additional extension

ZONING MAP/TEXT AMENDMENTS

27-20 ZON	Troy Township Zoning Commission - Text amendments
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SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
24-20	7300 Concord Road CAD	Concord	4 lots / 9.25 acres

ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: David Weade, David Loveless, Susa Kuba, Ric Irvine, Duane Matlack, Barb Lewis, Mike Frommer, Tammy Noble, Joe Shafer, Matt Kurz, Dave Stites, Tracey Mullenhour, Michelle Boni, James Hatten, Ed Snodgrass, Herb Ligocki, Bonnie Newland, Mike Dattilo, and Doug Price. *Alternates:* Dustin Kent, Tiffany Jenkins, and Cindy Cooper. *Staff:* Scott Sanders, Jonathan Miller, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the November 19, 2020 RPC Minutes**

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

▪ **December 9, 2020 Executive Committee Minutes**

1. **Call to order**

Chairman Stites called the meeting to order. Present: Dave Stites, Gary Merrell, Michele Boni, Susan Kuba and Mike Frommer. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from November 10, 2020**

Mrs. Kuba made a motion to Approve the November 10th Executive Committee minutes as presented. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

- Financial / Activity Reports for November

REGIONAL PLANNING RECEIPTS		NOVEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,640.00	\$15,375.00
Fees A (Site Review)	(4202)	\$600.00	\$8,400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$4,000.00
Membership Fees	(4204)		\$243,247.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$896.90	\$3,493.54
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$0.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$190.00	\$54,634.00
Charges for Serv. B (Final. Appl.)	(4231)	\$11,200.00	\$102,100.00
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$1,200.00
Charges for Serv. D (Table Fee)	(4233)		\$1,000.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$3,000.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$2,700.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$1,180.00	\$8,150.00
Soil & Water Fees	(4243)	\$450.00	\$6,725.00
Commissioner's fees	(4244)		\$0.00
		\$1,640.00	
MISCELLANEOUS REVENUE		\$600.00	
Other Reimbursements	(4720)	\$100.00	\$0.00
Other Reimbursements A	(4721)		\$0.00
Other Misc. Revenue (GIS maps)	(4730)	\$896.90	\$129.79
Misc. Non-Revenue Receipts	(4733)		\$0.00
Sale of Fixed Assets	(4804)		\$0.00
TOTAL RECEIPTS		\$17,606.90	\$454,154.33

Balance after receipts	\$1,147,470.00
Expenditures	- \$ 35,049.82
End of November balance (carry forward)	\$1,112,420.18

Miss Boni 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.

- December RPC Preliminary Agenda

1.) SKETCH PLANS

	<u>Township</u>	<u>Lots / Acres</u>
• Berlin Farms	Berlin	91 lots / 62.7 acres
• Miller's Brook	Harlem	5 lots / 39.04 acres

2.) CONSENT AGENDA

• Bacastow	Brown	4 lots / 67.221 acres
• Evans Farm, Section 2, Phase B	Orange	24 lots / 10.124 acres
• Evans Farm, Section 2, Phase C	Orange	18 lots / 5.919 acres
• The Courtyards at Clear Creek, Sec. 2	Orange	48 lots / 17.995 acres
• The Cove at Evans Farm	Orange	1 lot / 21.768 acres

3.) VARIANCE / EXTENSION

- Timothy & Bobbette Carlisle - Miller's Brook - Harlem Twp. - requesting 5 lot CAD
- Rockford Homes - Olentangy Falls East - Liberty Twp. - requesting extension
- Rockford Homes - Harvest Curve - Liberty Twp. - requesting additional extension

4.) ZONING MAP/TEXT AMENDMENTS

- Troy Twp. Zoning Commission - text amendment

5.) SUBDIVISION PROJECTS

Preliminary

	<u>Township</u>	<u>Lots/Acres</u>
• 7300 Concord Road CAD	Concord	4 lots / 9.25 acres

- Director's Report
 - 1.) **CAD conversation** – met with County Engineer's office to discuss approach to future potential variances;
 - 2.) **GIS/Website initiatives:**
 - **Historic data** – final quality checks, Da-Wei is preparing a web version to share out with local historical groups for review;
 - 3.) **Concord Township** – community visit with trustees on November 11. Discussed current approach to development with some upcoming projects;
 - 4.) **Big Walnut Chamber** – attended two virtual meetings on November 13 to discuss general development – one meeting with Township and another with villages;
 - 5.) **Sunbury Village Council** – community visit (virtual) on November 18;
 - 6.) **Orange Township** – review of upcoming overlay project;
 - 7.) **Upcoming** – attending free webinar for a zoning product demo which allows residents to pull up detailed zoning information by clicking on parcels; and
 - 8.) **Participated in meetings:**
 - **MORPC Transportation Advisory Committee** – December 2

- Discussion of Grants & Aide framework

Mr. Sanders presented the Committee with the initial draft of the Planning Assistant Grant Program. Discussion comments include:

- 1.) Uses to be focused on strategic and long range development planning
 - 2.) Agree with 50% match
 - 3.) Consider rolling applications instead of a onetime application deadline
 - 4.) Criteria more broad as Townships might not even know what they need
 - 5.) Add “projections” to Financial Impact Studies line
 - 6.) Who makes the presentation and who is it presented to? Who makes approval decision?
Suggestion for Scott to review and prioritize applications and recommend to Executive Committee. Executive Committee to recommend to the Commission for approval/denial.
- CAD regulation discussion

Mr. Sanders explained that he attended a meeting along with Jonathan Miller, Dave Stites, Rob Riley and Mike Love to discuss Common Access Driveways. Although no recommendations have been prepared, it was discussed that a sliding scale for minimum standards based on number of lots could potentially be created. Gravel, chip and seal, and asphalt were discussed. Concerns of blocking future connectivity and emergency service accessibility was also discussed. More discussion to follow. Mr. Sanders will seek input from other agencies and communities.

4. Adjourn

Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 10:05 a.m. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, January 20, 2021 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 (Final Plats)

29-19 **Bacastow CAD– Brown Twp. - 4 lots / 67.221 acres**

Conditions

Applicant: Sharon Bacastow
Subdivision Type: Single Family Residential, Common Access Driveway
Location: South side of SR 521, east of Kilbourne Rd.
Zoned: Farm Residential (FR-1)
Preliminary Approval: 12/19/19
Utilities: Del-Co Water, private on-lot treatment systems
School District: Buckeye Valley
Engineer: 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. 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. The plat will be signed when the Maintenance Agreement has been recorded and the staff has received a letter from the consulting engineer confirming that the driveway has been built to the plans as proposed.

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 **Bacastow CAD** to the DCRPC.

Commission / Public Comments

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

12-16.2.B **Evans Farm, Section 2, Phase B – Orange Twp. - 24 lots / 10.124 acres**

Conditions

Applicant: Evans Farm Land Development
Subdivision Type: Single Family Planned Residential
Location: north side of Linden St., west of Old State Road
Zoned: Single Family Planned Residential (SFPRD)
Preliminary Approval: 9/27/18
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: Terrain Evolution

Staff Comments

Evans Farm, Section 2 includes 126 single-family residential lots north of Evans Farm Section 1 which gains access from Lewis Center Road. Phase B of Section 2 includes 24 of the single-family residential lots, and 1 reserve/open space area.

The single-family lots included in this section gain frontage from the extension of Evans Farm Drive and Hickory Drive, and vary between 56 feet to 68 feet wide by 145 feet to 156 feet deep, with an average lot size of just over 0.22 acres.

The reserve/open space included with this section is a 2-acre median dividing Evans Farm Drive, mirroring Evans Farm Drive in Section 1.

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, Section 2, Phase B** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Evans Farm, Section 2, Phase B. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

12-16.2.C **Evans Farm, Section 2, Phase C – Orange Twp. - 18 lots / 5.919 acres**

Conditions

Applicant: Evans Farm Land Development
Subdivision Type: Single Family Planned Residential
Location: North side of Linden St., west of S. Old State Rd.
Zoned: Single Family Planned Residential (SFPRD)
Preliminary Approval: 9/27/18
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: Terrain Evolution

Staff Comments

Evans Farm, Section 2 includes 126 single-family residential lots north of Evans Farm Section 1 which gains access from Lewis Center Road. Phase C of Section 2 is east of Phase B and includes 18 of the single-family residential lots, and 1 reserve/open space area.

The single-family lots included in this section gain frontage from the extension of Butternut Drive, and Catalpa Drive. These lots vary between 50 feet to 55 feet wide by 145 feet to 157 feet deep, with an average lot size of just under 0.22 acres.

The reserve/open space included with this section is a 0.738-acre space acting as a median dividing Butternut Drive and Catalpa 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 Evans Farm, Section 2, Phase C to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Evans Farm, Section 2, Phase C. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

25-18.2 **The Courtyards at Clear Creek, Sec. 2 - Orange Twp. - 48 lots / 17.995 acres**

Conditions

Applicant: Epcon Communities
Subdivision Type: Single Family Residential
Location: West side of Gooding Blvd., south of Home Rd.
Zoned: Single Family Planned Residential (SFPRD)
Preliminary Approval: 9/27/18
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: EMH & T

Staff Comments

The Courtyards at Clear Creek is a 130-lot single-family subdivision with frontage on Home Road. The overall project included the extension of Gooding Boulevard north from its end point at the Delaware County District Library to Home Road. Section 2, Phases A and B include 48 of the single-family lots and 4 reserve/open space areas.

Phases A and B of Section 2 involves the extension of Star Hollow Lane from Section 1, as well as the addition of 3 new roadways which provide an additional access point from Gooding Boulevard and the frontage for the lots. The 48 lots range in size from 55 feet to 85 feet wide by 120 feet to 154 feet deep. The lots average about .18 acres.

The 4 reserve/open spaces are located along the realigned Home Road, Gooding Boulevard frontage, and along the Section 1 boundary.

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

Staff Recommendation

Staff recommends *Final Approval* of **The Courtyards at Clear Creek, Section 2** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of The Courtyards at Clear Creek, Section 2. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-20 **The Cove at Evans Farm – Orange Twp. - 1 lot / 21.768 acres**

Conditions

Applicant: BZ Evans
Subdivision Type: condominium development
Location: North side of Lewis Center Rd., east of North Rd.
Zoned: Planned Commercial
Preliminary Approval: 05/28/20
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: Kimley-Horn

Staff Comments

The Cove at Evans Farm subdivision consists of 114 condominium units in 22 attached unit structures, averaging about 5 units per structure. The development will gain access from both Lewis Center Road and North Road, but not include any public roadways.

Platted as a single lot, the development will include the construction of a multi-use path along Lewis Center Road and along a portion of North Road. Approximately half of the acreage will be open space.

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

Staff Recommendation

Staff recommends *Final Approval* of **The Cove at Evans Farm** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of The Cove at Evans Farm. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

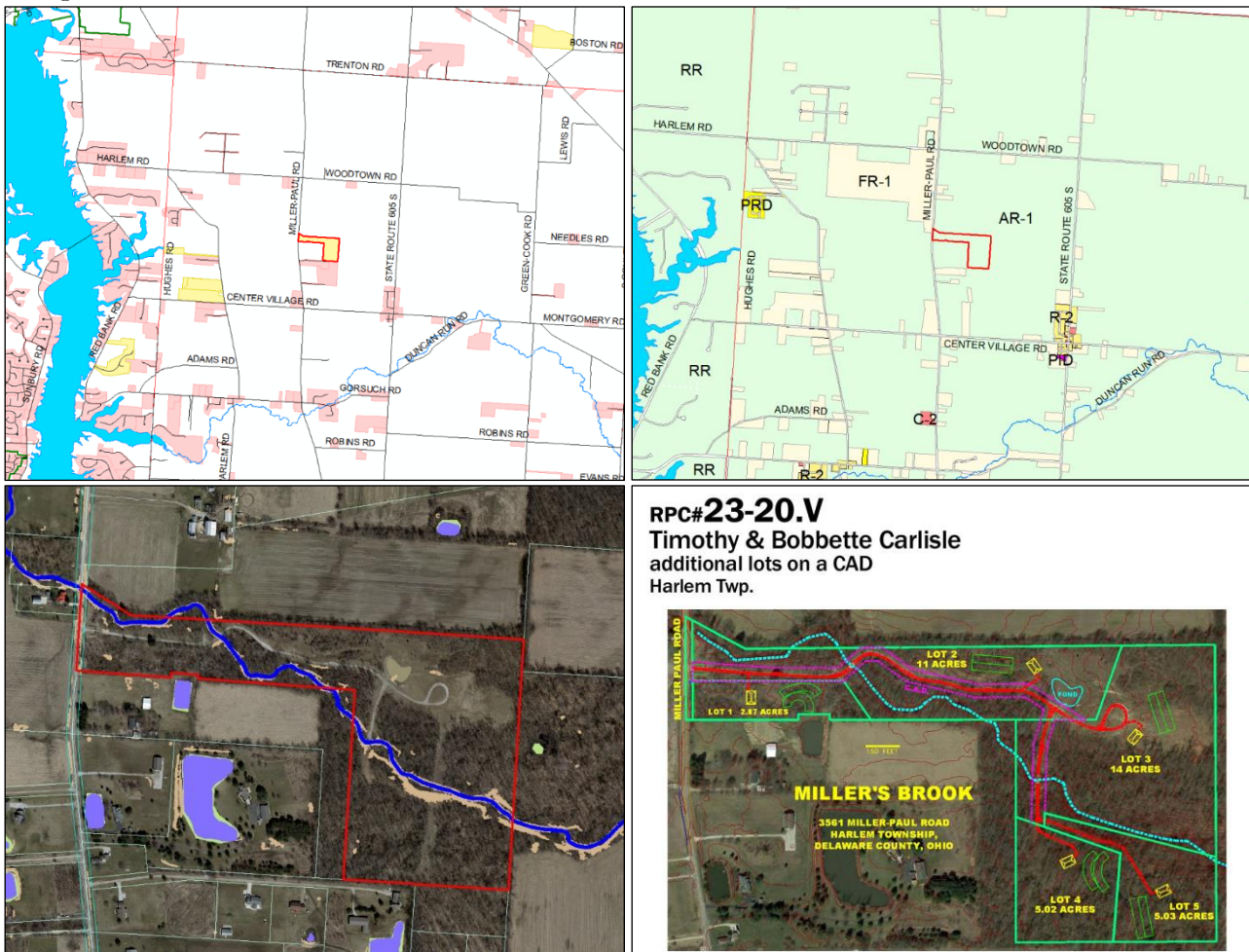
VARIANCES / EXTENSIONS

23-20.V Timothy & Bobbette Carlisle – Miller’s Brook – Harlem Twp. – requesting 5 lot CAD

Request

Timothy and Bobbette Carlisle are requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations for Miller’s Brook Subdivision to permit five lots in a Common Access Driveway subdivision.

The proposed subdivision is located on 39- acres the east side of Miller Paul Rd., about 4000 feet north of Center Village Rd.



Facts

1. The applicant seeks to create a five-lot subdivision, utilizing a Common Access Driveway;
2. The site is approximately 39 acres with 460' of frontage;
3. A CAD would enter the site and travel east, providing frontage for five lots;
4. The land is mostly zoned AR-1, with a minimum 5 acre lot size, with one 2-acre lot recently rezoned through the township;
5. Del-Co Water is available to the site with an existing 6" 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.”

Criteria for Variance

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

Applicant’s Response: *“The granting of the variance request will not be detrimental to the public health, safety and welfare and will not be injurious to other property. The proposed CAD subdivision would utilize one curb cut and access point on Miller-Paul Road, which helps to minimize traffic congestion. CAD subdivisions should be supported to avoid situations involving multiple contiguous curb cuts. Applicant’s proposed CAD subdivision provides for low-density residential development of one (1) unit per 7.81 acres. The Comprehensive Land Use Plan for Harlem Township (“Comprehensive Plan”) recommends low densities in Sub-Area D at one (1) unit per two (2) acres. Applicant’s proposal meets and far exceeds the desired and stated planning goals of Harlem Township.”*

Staff Remarks: Staff agrees that the subject request would not be detrimental to the public health, safety, and welfare, and/or 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;**

Applicant’s Response: *“Applicant’s proposed CAD subdivision provides for five (5) lots ranging in size from 2.87 acres to 14 acres. The frontage of the Property at the road right-of-way of Miller-Paul Road is approximately 448 feet, then the property tapers down to approximately 330 feet, severely limiting access to the majority of the acreage at the rear of the Property. There is also a drainage way that runs through the property which must be crossed. The Property’s dimensions, configuration, and road frontage cannot be changed. The best way to access and utilize the acreage is to create the five (5) lots on a CAD.”*

Staff Remarks: Staff is in agreement that the shape of the property limits the frontage with which to obtain two lots which would be stand-alone lots, thereby limiting the applicant’s ability to achieve three lots, plus the additional two conforming lots.

- 3. Due to 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;**

Applicant’s Response: *“If this variance is not granted, the Applicant will not be able to reasonably utilize the acreage of the Property. Harlem Township Zoning Regulations limit side-by-side flag lots, thereby limiting our ability to achieve a 3+2 CAD. Applicant’s 4+1 proposal meets the spirit of the Subdivision Regulations and Harlem Township’s goal to limit side-by-side driveways. The proposed CAD subdivision not only meets the goals and objectives of the Applicant, but conforms to the stated purposes, goals, and objectives of the Comprehensive Plan.”*

Staff Remarks: The applicant’s assessment is correct that the shape of the property limits the ability to achieve the 3+2 CAD, though that does not result in an inability to utilize the acreage of the property.

The acreage could be utilized by a traditional subdivision, a conservation subdivision, or a 4-lot CAD.

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: “Applicant is only requesting one (1) additional lot over the number of lots permitted. In addition, Applicant’s proposed CAD subdivision configuration meets the stated overall purposes and goals of the Comprehensive Plan. Proposed land uses for the Property include single-family 1 d.u. per 2 acres. Again, the proposed CAD subdivision provides for one (1) dwelling unit per 7.81 acres. Also, the overall objective of Harlem Township in its land planning is to preserve the rural character of Harlem Township. This is achieved through the promotion of low densities and retention of a primarily single family residential housing mix, both of which are satisfied by this proposal. Lastly, as previously stated, the proposed CAD subdivision with its plan to use only one CAD for all five (5) lots, implements access management controls to limit access points and to minimize traffic congestion on Miller-Paul Road. Overall, the Applicant’s proposal conforms to the Comprehensive Plan and meets the spirit and intent of the Subdivision Regulations and Zoning Resolution.”

Staff Remarks: Staff agrees that the request does not alter any other provisions of the zoning code or comprehensive plan.

Staff Comments

There are several ways with which to obviate the situation without the need for a variance; such as a traditional subdivision, conservation subdivision, or a CAD with 4 lots. However, the request does not impact any other aspects of the zoning, is not a significant difference from the regulations, is not in conflict with the spirit of the applicable zoning code or comprehensive plan, and does not exceed the maximum amount of lots generally allowed on a CAD.

Staff Recommendations

DCRPC staff recommends *Approval* of the variance request by Timothy and Bobbette Carlisle from Sec. 306.02 for **Miller’s Brook** for 5 lots on a CAD based on the Findings of Fact.

Commission / Public Comments

Mrs. Karen Coffman with Scioto Land Surveying Service was present to represent the applicant.

There were no questions from the Commission.

Mr. Weade made a motion for Approval of the 5 lot variance request by Timothy and Bobbette Carlisle based on the Findings of Fact. Mr. Loveless second the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

20-14 Rockford Homes – Olentangy Falls East – Liberty Twp. – requesting 2 year extension

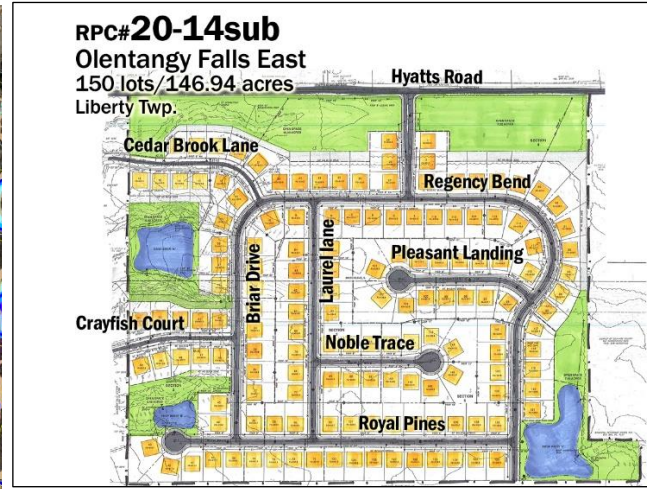
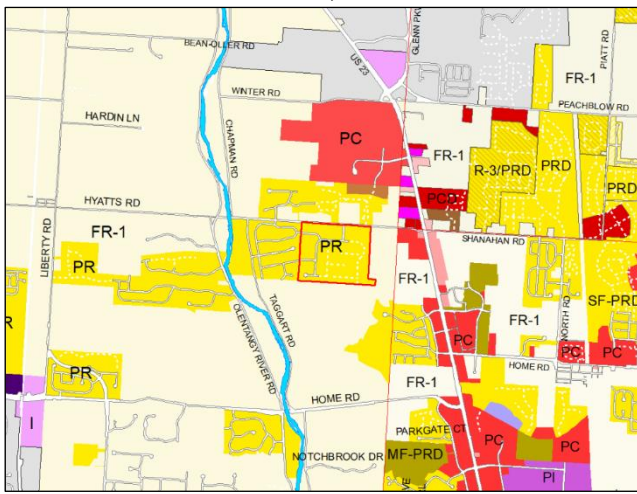
Applicant: Rockford Homes

Engineer: CEC, Inc.

Preliminary approval: 09/25/14

Request

The applicant, Rockford Homes, is requesting a two-year extension for Olentangy Falls East to complete the final three Sections of the project. Section 1 containing 37 lots on 43.95 acres was recorded December 29 2015, and Section 2 was recorded on December 28, 2017 with 21 lots and 20.523 acres. Section 3 has been submitted for draft review, and Sections 4 and 5 have yet to be submitted.



Staff recommendations

DCRPC staff recommends *Approval* of a 1 year extension for Olentangy Falls East.

Commission / Public Comments

Mr. Corey Theuerkauf with Rockford Homes was present. He explained that this is a large lot development with \$500,000-\$700,000 market range that has experienced slower than normal absorption. This year Section 3 is being planned with 25 lots, leaving 67 lots remaining in the overall community. He stated that he does not feel that the remaining lots can be platted within the remaining time and therefore requests a two year extension.

Mr. Loveless made a motion for a 1-year extension for Olentangy Falls East. Mr. Price seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Applicant: Rockford Homes

Engineer: EMH & T

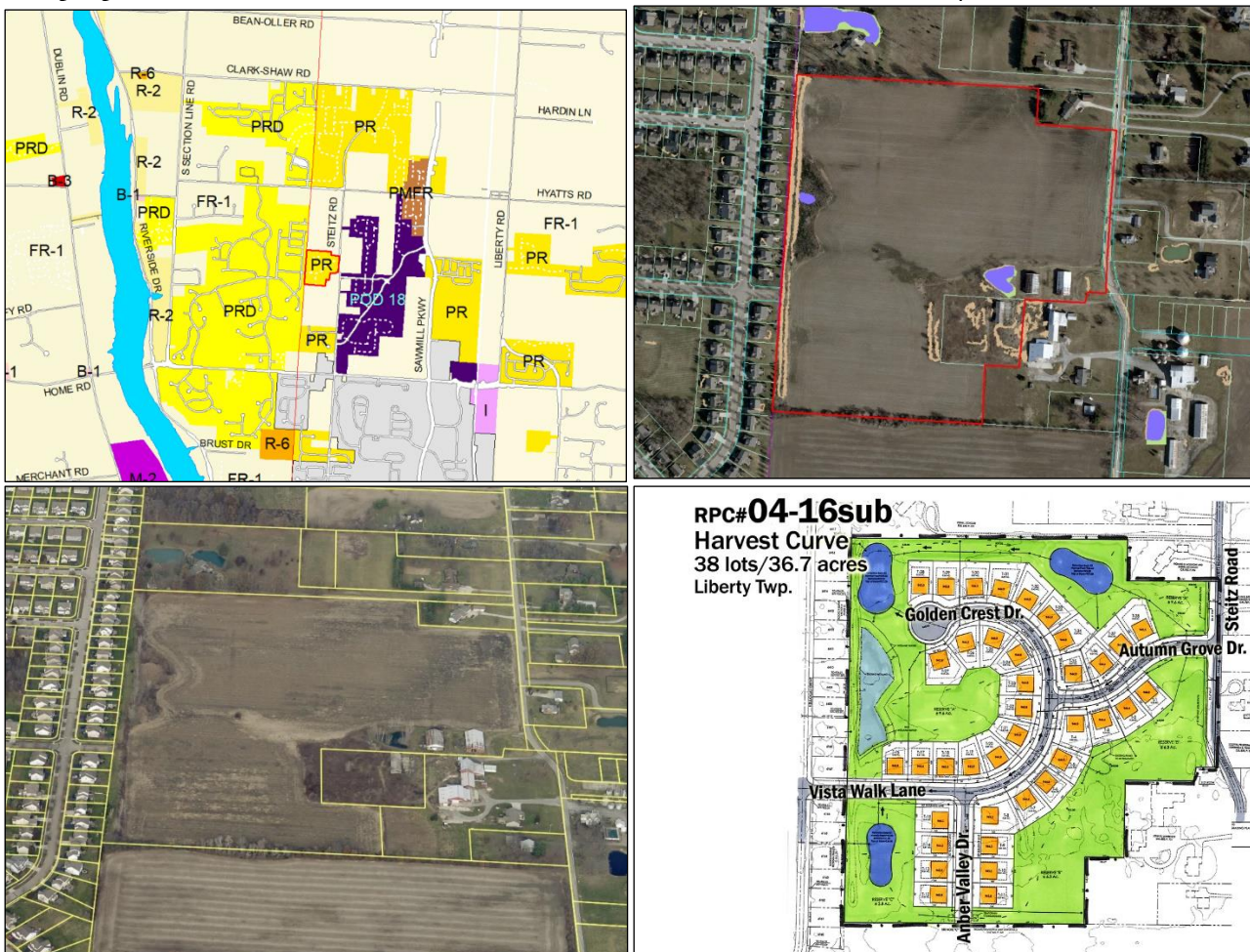
Preliminary approval: 02/25/16

Extensions granted: 12/21/17 (to begin 02/25/18 for 1 year), 02/28/19 for 1 year (via variance), 01/30/20 for 1 year (via variance #2)

Request

Rockford Homes Inc. is requesting a third variance to sections 102.03 and 204.04 regarding the expiration and extension of the Preliminary Plan. The applicant is requesting a 1-year extension beyond the time limit allowed in the Subdivision Regulations to complete the platting of a subdivision (five years after the first plat is recorded) in the Harvest Curve subdivision in Liberty Township.

The proposed subdivision is located on the west side of Steitz Rd., south of Hyatts Road.



Facts

- 1) The Subdivision Regulations state that a Preliminary Plan shall expire if a complete Final plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval;
- 2) Harvest Curve received Preliminary approval on February 25, 2016;
- 3) An extension was granted December 2017 for a 1-year extension (to begin February 2018) to February 2019; and
- 4) A second extension was granted via variance February 2019 to expire February 2020; and
- 5) A third extension was granted via variance January 2020 to expire February 2021.

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:** "In our opinion, the granting of the variance will not be detrimental to the health, safety, and welfare of the public or other properties. The development is in compliance to the existing zoning requirements within Liberty Township as well as the county subdivision regulations and engineering standards. The development plan approval has also been extended numerous times within the township. Unlike other projects, the developer has two projects in close proximity to each other. Harvest Curve has similar size lots and homes as Harvest Point to the south, which has developed at a much slower pace than anticipated. Currently Rockford Homes has only three lots left in Harvest Point.*

The final engineering drawings were initially submitted to the Delaware County Engineer's office on July 15, 2016 and EMH&T received the first round of comments before the project was put on hold. It is our intent to resubmit the plans by the end of November 2020 with an anticipated construction start date in April or May of 2021.

The preliminary plan will expire on February 25, 2021. Therefore, on the December 17, 2020 Delaware County Regional Planning Commission Meeting we are respectfully requesting an extension of the preliminary plan for Harvest Curve for one additional year, February 25, 2022. The extension will allow the project construction in 2021 as well as the subsequent submission of the final plat to Delaware County Regional Planning Commission for approval."

Staff Comments: This is the third request for an extension by variance (fourth extension overall). The following is from the second extension by variance request:

“As this is the second Extension by Variance requested for the project and based on the lack of engineering progress, staff recommends that this be the final extension granted by the Commission, unless a timetable for development can be determined.”

The applicant has indicated that they are anticipating a construction start date of April or May of 2021. However, this time frame assumed a resubmittal of engineering plans in November. As of December 10th, there is no indication that engineering plans have been resubmitted. The County Engineer’s office has no issue with this extension and the Development Plan is approved through the Township until August 19, 2021.

Staff recommendations

DCRPC staff recommends that based on the Findings of Fact, the Variance request from Sec. 102.03 & 204.04 for **Harvest Curve** and a **one-year Extension** of the Preliminary plan be **Conditionally Approved**, subject to:

- 1) The resubmittal of engineering plans for Harvest Curve by the current expiration date of February 25, 2021.

Commission / Public Comments

Mr. Corey Theuerkauf with Rockford Homes was sworn in. He stated that this is a large lot Township zoning development. They have seen a slowdown from original purchase, planning and engineering of this community similar to Nelson Farms and Olentangy Falls. A lot had to do with potential redistricting in the area but it was price point driven. They have seen an uptick in the housing market in move up homes like in the sister community of Harvest Pointe which is just south of this community. They have been working with EMH & T who are prepared to submit the first rounds of the revised final engineering within the next 15-20 days. It is their intent to develop this community in 2021 and have it to market by late summer/early fall of 2021. He said they are also working with the County Engineers office to work out some drainage issues that have come to light with the reengineering of the Steitz Rd. project that occurred in that area.

Mr. Price made a motion to Approve the Variance request for Harvest Curve based on the Findings of Fact along with a 1-year extension of the Preliminary plan, subject to staff recommendation. Mr. Frommer seconded the motion. VOTE: Majority For, 1 Opposed (Berkshire Twp.). Motion carried.

ZONING MAP/TEXT AMENDMENTS

27-20 ZON Troy Township Zoning Commission – Text amendments

Request

The Troy Township Zoning Commission initiated a process at its August 17, 2020 meeting to add language to Article VIII (Conditional Uses), Section 8.03 (L) as follows:

“To require a special temporary permit for food trucks operating for more than two days in the calendar month at a cost of \$50 to the vendor and they will be limited to commercial or exempt properties. The permit will be good for six months.”

Staff Comments:

Staff encourages Troy Township to research applicable best practices regarding information included in the permit application. Such information may include proof of a transient seller’s permit and applicable food licensing permits, as well as any other items needed to determine that the company has registered with Delaware County for taxation purposes. Trustees may also consider referencing an unspecified fee and then adopting the specific fee as part of the Township’s fee schedule. This will allow flexibility in the future.

Staff Recommendations

Staff recommends **Conditional Approval** of the text amendments to the Troy Twp. Zoning Resolution to the DCRPC, Troy Twp. Zoning Commission and Troy Twp. Trustees, *subject to referencing the specific fee in the Township’s fee schedule but not in the Zoning Resolution.*

Commission / Public Comments

Miss Boni asked if the Township had any other standards that apply or are they just looking for a fee at this time. Mr. Price stated that this is being considered because a food truck had set up during the summer at a church off US 23 and they wanted to regulate it. They have tried to limit it to commercial properties along US 23.

Miss Boni made a motion to recommend Conditional Approval of the text amendments to the Troy Township Zoning Resolution, subject to staff recommendation. Mr. Weade seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Troy Twp.). Motion carried.

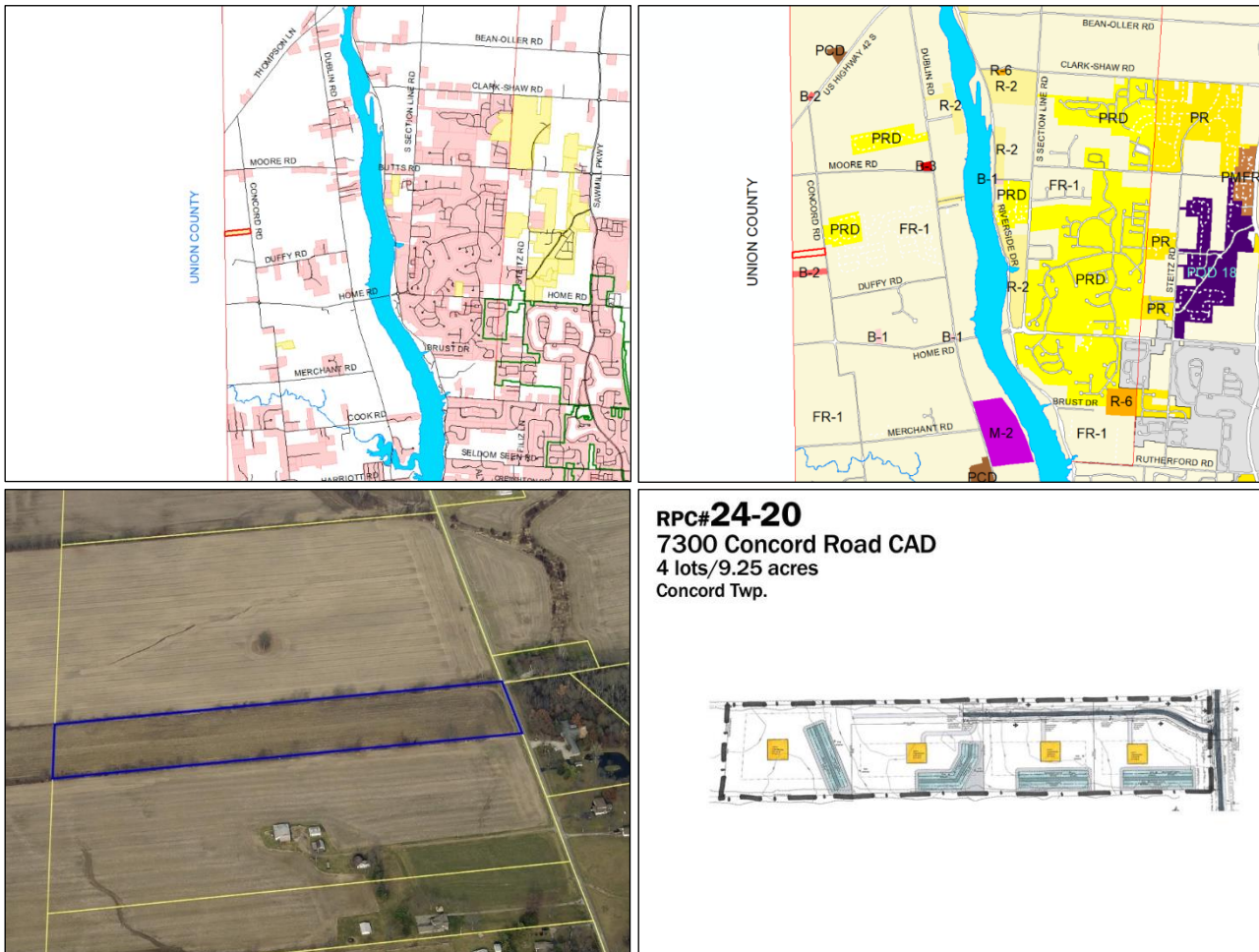
SUBDIVISION PROJECTS

Preliminary

24-20 7300 Concord Road CAD – Concord Twp. - 4 lots / 9.25 acres

Conditions

- Applicant:** Matt Dickens, 365 Land
- Subdivision Type:** Single family, Common Access Drive subdivision
- Location:** west side of Concord Rd., north of Home Rd.
- Current Land Use:** Vacant
- Zoned:** Farm Residence District (FR-1)
- Utilities:** Del-Co water and private on-lot treatment systems
- School District:** Buckeye Valley
- Engineer:** Gandee Heydinger



Staff Comments

This application is for a 4-Lot CAD Subdivision. The property, located on the west side of Concord Road between Duffy Road and Moore Road. The existing property is about 12 acres, with 9.25 of those acres in Delaware County. The remaining 3.75 acres are across the Union County border.

The submitted plan shows the property split into 4 single-family residential lots, all of which are 2 acres or

greater. The CAD is located along Lots 1, 2, and 4. The westernmost lot will have access to land in Union County, but that property will not be an additional building lot.

The CAD extends west from Concord Road along the northern boundary of the property for a distance of about 800 feet from the ROW, with two turnarounds. The lots will have water service, and contain on-site treatment systems as wastewater lines are not currently available on the property.

There are no critical resources located on the site, and it is not located in the 100-year floodplain.

A technical review was held on December 8, 2020, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of 7300 Concord Road CAD to the DCRPC.

Commission / Public Comments

Mr. Matt Dickens, the applicant, was present to answer questions from the Commission.

Mr. Price made a motion for Preliminary Approval of 7300 Concord Road CAD. Mr. Loveless seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

Having no further business, Mr. Weade made a motion to adjourn the meeting at 7:00 p.m., seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.

*The next meeting of the Delaware County Regional Planning Commission will be Thursday,
January 28, 2021, 6:30 PM via Zoom Meeting.*

