

# 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, January 28, 2021 at 6:30 PM  
Zoom Meeting details to follow.

### ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of December 17, 2020 RPC Minutes
- Executive Committee Minutes of January 20, 2021
- Statement of Policy

### CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
08-17.3	Berlin Manor, Section 3	Berlin	40 lots / 46.156 acres
03-15.2	Liberty Bluff, Section 2	Liberty	29 lots / 21.649 acres

### VARIANCES

02-21.V Richard & Christina Lehner – Radnor Twp. - requesting 4 lot CAD

### ZONING MAP/TEXT AMENDMENTS

01-21 ZON	Harlem Twp. Zoning Commission – Text amendments
02-21 ZON	Orange Grand Estates – Orange Twp. – 20.5 acres – PERD to RCOD
03-21 ZON	Cheswick Village – Orange Twp. – 11.486 acres – PC to RCOD
04-21 ZON	Kari & Aaron Stumpf – Harlem Twp. – 11.1069 acres from AR-1 to FR-1
05-21 ZON	Thomas Martin – Harlem Twp. – 5.705 acres from AR-1 to FR-1
06-21 ZON	America's Home Place – Berlin Twp. – 1.263 acres from NCD to PC
07-21 ZON	Riley Hodgson – Berkshire Twp. – 5.01 acres from A-1 to FR-1

### SUBDIVISION PROJECTS

#### Preliminary

		Township	Lots/Acres
01-21	Berlin Farms	Berlin	91 lots / 62.7 acres

### EXTENSIONS

02-19	The Reserve at Scioto Bluff	Concord	18 lots / 12.02 acres
05-14	Liberty Trace	Liberty	139 lots / 114.5 acres

### OTHER BUSINESS

- Consideration for Approval: Liability Insurance

### POLICY / EDUCATION DISCUSSION

### RPC STAFF AND MEMBER NEWS

## ADMINISTRATIVE BUSINESS

### ▪ Call to Order

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

### ▪ Roll Call

*Representatives:* David Weade, David Loveless, Ric Irvine, Duane Matlack, Barb Lewis, Steve Burke, J.M. Rayburn, Jill Love, Joe Shafer, Matt Kurz, Dave Stites, Hunter Rayfield, Ed Reely Michelle Boni, James Hatten, Ed Snodgrass, Dan Boysel, Herb Ligocki, Josh Vidor, Dave Martin, Bonnie Newland, and Doug Price. *Alternates:* Chris Rinehart, Bob Lamb, and Mike Love. *Staff:* Scott Sanders, Jonathan Miller, Da-Wei Liou and Stephanie Matlack.

### ▪ Approval of the December 17, 2020 RPC Minutes

*Mr. Price made a motion to Approve the minutes from December. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

### ▪ January 20, 2021 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 Michelle Boni. Susan Kuba was absent. Staff: Scott Sanders and Stephanie Matlack.

#### 2. Approval of Executive Committee Minutes from December 9, 2020

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

#### 3. New Business

- Financial / Activity Reports for December

REGIONAL PLANNING RECEIPTS		DECEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,640.00	\$17,015.00
Fees A (Site Review)	(4202)		\$8,400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$4,100.00
Membership Fees	(4204)		\$243,247.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$3,493.54
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$0.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$810.00	\$55,444.00
Charges for Serv. B (Final. Appl.)	(4231)	\$2,876.80	\$104,976.80
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$1,350.00
Charges for Serv. D (Table Fee)	(4233)		\$1,000.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$3,000.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$2,700.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$8,150.00
Soil & Water Fees	(4243)		\$6,725.00
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)	\$5.00	\$134.79
Misc. Non-Revenue Receipts	(4733)		\$0.00
Sale of Fixed Assets	(4804)		\$0.00
<b>TOTAL RECEIPTS</b>		<b>\$5,581.80</b>	<b>\$459,736.13</b>

Balance after receipts	\$1,118,001.98
Expenditures	<u>\$ 67,228.75</u>
End of December balance (carry forward)	\$1,050,773.23

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

- January RPC Preliminary Agenda

- 1.) SKETCH PLANS
 

	<u>Township</u>	<u>Lots / Acres</u>
• The Bluffs at Alum Creek	Brown	22 lots / 86.34 acres
• Hoover View CAD	Genoa	5 lots / 16.76 acres
  
- 2.) CONSENT AGENDA
 

• Berlin Manor, Section 3	Berlin	40 lots / 46.156 acres
• Liberty Bluff, Section 2	Liberty	29 lots / 21.649 acres
  
- 3.) ZONING MAP/TEXT AMENDMENTS
  - Harlem Twp. Zoning Commission – Text amendments
  - Orange Grand Estates – Orange Twp. – 20.5 acres – PERD to RCOD
  - Cheswick Village – Orange Twp. – 11.486 acres – PC to RCOD
  - Kari & Aaron Stumpf – Harlem Twp. – 11.1069 acres from AR-1 to FR-1
  - Thomas Martin – Harlem Twp. – 5.705 acres from AR-1 to FR-1
  - America's Home Place – Berlin Twp. – 1.263 acres from NCD to PC
  - Riley Hodgson – Berkshire Twp. – 5.01 acres from A-1 to FR-1

- 4.) SUBDIVISION PROJECTS
 

	<u>Township</u>	<u>Lots/Acres</u>
• Berlin Farms	Berlin	91 lots / 62.7 acres

- 5.) VARIANCES
  - Richard & Christina Lehner – Radnor Twp. – requesting 4 lot CAD

6.) EXTENSIONS

- The Reserve at Scioto Bluff – requesting 1 year
- Liberty Trace – requesting 1 year

- Director's Report

- 1.) **CAD conversation** – continuing to gather information from fire/ems regarding additional lots;
- 2.) **Subdivision Regulations** – circulating early draft of Administrative Lot Combination, Plat Vacation, minor department reference updates;
- 3.) **Zoning Training** – establishing scripts and list of questions for video series. To include separate videos on Zoning Commissions, BZAs, and Zoning Inspectors.
- 4.) **GIS/Website initiatives:**
  - **Historic data, Economic Development tools** – now live on website;
- 5.) **Big Walnut Chamber** – attended follow-up summary meeting (virtual) offered to create a map portal utilizing current project and community planning and zoning information for jurisdictions in the Sunbury/Galena/Berkshire/Genoa/Harlem area;
- 6.) **Orange Township** – technical review of second overlay project;
- 7.) **Participated in meetings:**
  - **County Planning Director meeting** – December 11

End-of-Year (2020) Financial Summary – January 2021

Budgeted 2020 revenue: \$394,568

Actual 2020 non-dues revenue: \$205,680

Actual 2020 dues revenue: \$254,056

Budgeted 2020 expenses: \$515,215

Actual 2020 expenses: \$464,040

1.) Zoning (Map) Reviews, does not include text reviews

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Zoning Cases	16	19	33	27	29	43	41	30	46	20
Acres Reviewed	235	439	1,396	879	1,103	2,627	912	1,056	888	528

## 2.) Subdivision Activity

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Preliminary Non-Res.	21	7	12	14	7	10	3	13	10	8
Preliminary Residential	12	264	791	1176	478	642	720	915	1,305	948
Final Non-Residential	1	4	32	2	3	18	11	20	7	12
Final Residential	101	142	240	277	627	468	682	682	491	725
<b>Total lots reviewed</b>	<b>135</b>	<b>417</b>	<b>1,075</b>	<b>1,469</b>	<b>1,112</b>	<b>1,138</b>	<b>1,416</b>	<b>1,630</b>	<b>1,813</b>	<b>1,693</b>

## 3.) NPA Splits and Transfers

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Transfers reviewed	18	32	21	26	35	46	39	37	33	40
Transfer acres	40	80	35	94	67	82	124	64	65	115
<b>Splits (new lots)</b>	<b>11</b>	<b>16</b>	<b>24</b>	<b>25</b>	<b>25</b>	<b>27</b>	<b>48</b>	<b>61</b>	<b>47</b>	<b>65</b>
Splits (existing)	4	10	8	7	6	20	13	11	10	21
<b>Total Splits</b>	<b>15</b>	<b>26</b>	<b>32</b>	<b>32</b>	<b>31</b>	<b>47</b>	<b>61</b>	<b>72</b>	<b>57</b>	<b>86</b>

## 4.) Building Permits (includes multi-family)

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Res. Building Permits (twp.)	472	593	655	502	616	824	800	997	773	1,442*
Res. Building Permits (muni.)	261	685	1450	811	983	1272	542	786	1,479	685
Commercial Building Permits (twp.)	16	24	20	26	65	21	20	35	50	43

\*includes Liberty Grand, Liberty Summit, Fourwinds Residential Hotel, and 65 Evans Farm townhouses.

- DCRPC Planning Assistance Program (2021)

Mr. Sanders presented the Committee with an amended draft of eligibility requirements and program details including comments from attorney Pete Griggs. Mr. Sanders will present a draft application and flier at the February Executive Committee meeting.

- Consideration for recommendation of Approval: Liability Insurance \$8,102.00

***Mr. Merrell made a motion to recommend Approval of the Liability Insurance expenditure of \$8,102.00. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

## 4. Old Business

- Food Truck zoning language from December RPC meeting

Mr. Sanders will continue to gather information from other agencies including the Delaware General Health District. He has recently spoken with Matt Brown of Franklin County, regarding their regulations and is working to prepare language for use by Townships.

*At 10:00 a.m., Mr. Stites made a motion to go into Executive Session per ORC 121.22 (G) (1) to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee. Mr. Merrell seconded the motion. Vote: Unanimously For, 0 Opposed. Motion carried.*

*At 10:15 a.m. Mr. Merrell made a motion to return to regular session, seconded by Miss Boni. VOTE: Unanimously For, 0 Opposed. Motion carried.*

## 5. Adjourn

*Having no further business, Mr. Merrell made a motion to adjourn the meeting at 10:15 a.m. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, February 17, 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)

08-17.3            Berlin Manor, Section 3 – Berlin Twp. - 40 lots / 46.156 acres

### Conditions

**Applicant:** John, Wicks, RPDD

**Subdivision Type:** Single Family Planned Residential development

**Location:** North side of Cheshire Rd., west of Lackey Old State Rd.

**Current Land Use:** Vacant

**Zoned:** SFPRD

**Preliminary Approval:** May 25, 2017

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

**School District:** Olentangy Local School District

**Engineer:** Advanced Civil Design

### Staff Comments

Berlin Manor is a 95-lot single-family subdivision, including two existing estate lots, with frontage on both Cheshire Road and Lackey Old State Road. Its main access is from Cheshire Road. The site is fairly divided by the Berlin Township Hall and Cheshire Cemetery into two parts. The main road enters the site from the

south heading north, curving around the western and northern end of the west sector, and exits to the north. One road branches off the main road, heading east and ending in a cul-de-sac. Another road branches northward, also ending in a cul-de-sac.

Section 3, the subject request, consists of 40 single-family lots on just over 33 acres. The typical lot is between 80 feet to 110 feet wide, and 175 feet to 230 feet deep, but two estate lots which gain access from Old State Road exceed this size considerably. Three open space areas are included; totaling 9.2 acres. These areas serve to buffer the development from neighboring properties and to provide adequate space for storm water management.

Sidewalks are included throughout and road stubs are included to the west and north for future connections.

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 **Berlin Manor, Section 3** to the DCRPC.

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

*Mr. Vidor made a motion for Final Approval of Berlin Manor, Section 3. Mr. Price seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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03-15.2            **Liberty Bluff, Section 2 – Liberty Twp. - 29 lots / 21.649 acres**

#### **Conditions**

**Applicant:** Liberty Bluff Development Co.

**Subdivision Type:** Single Family Planned Residential

**Location:** west side of Olentangy River Rd. (SR 315), south of Timberlake Dr.

**Current Land Use:** House, accessory buildings

**Zoned:** Planned Residential (PR)

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

**School District:** Olentangy

**Engineer:** American Structurepoint Inc.

#### **Staff Comments**

Liberty Bluff is a subdivision with 68 lots, and access to S.R. 315, which received zoning approval from the Township in November, 2014. It includes a single entry, which travels west from Olentangy River Road. The road continues to the far western end of the subdivision before turning north into an intersection with a second east/west road.

Section 2 includes 29 single family lots, averaging about 0.64 acres per lot. Access to this section is through two road stubs created in Section 1. No open spaces are created in this section, as all open spaces in the development were platted with the first 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 **Liberty Bluff, Section 2** to the DCRPC.

### Commission / Public Comments

*Mr. Vidor made a motion for Final Approval of Liberty Bluff, Section 2. Mr. Price seconded the motion.*

*VOTE: Unanimously For, 0 Opposed. Motion carried.*

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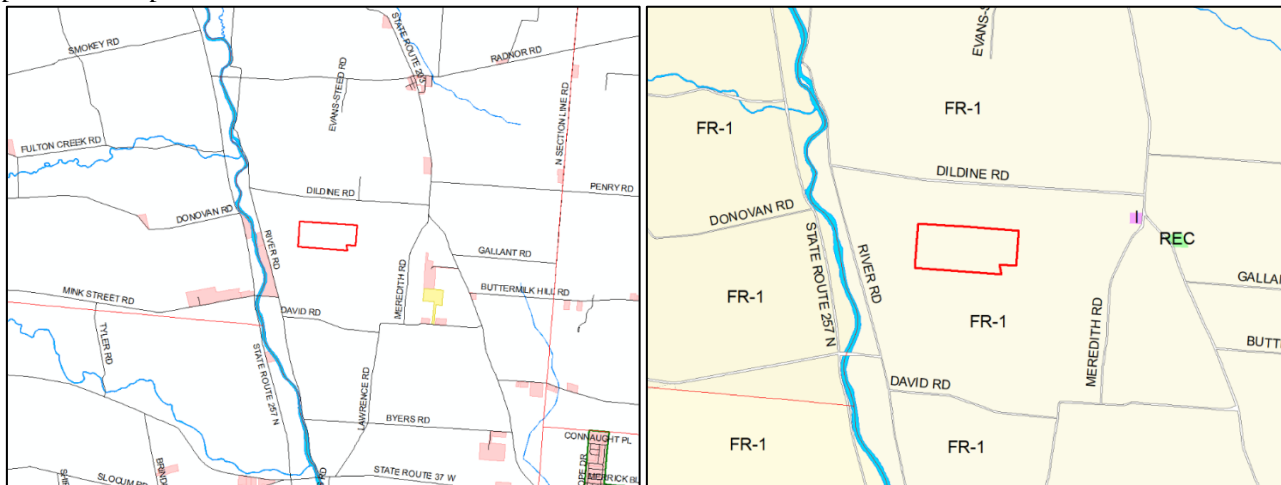
## VARIANCES

02-21.V      Richard & Christina Lehner – Radnor Twp. - requesting 4 lot CAD

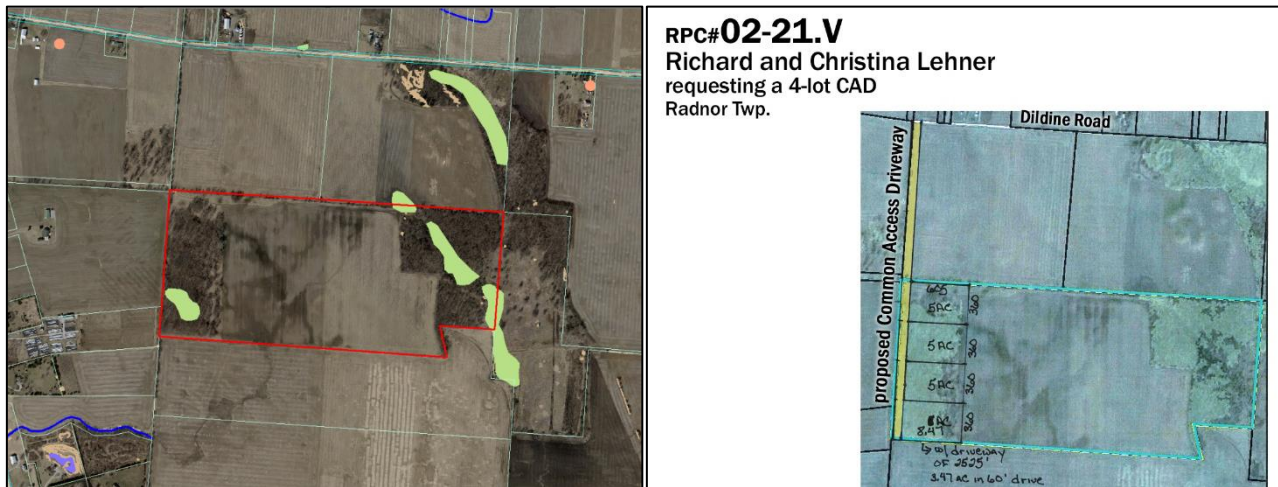
### Request

Richard and Christina Lehner are requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations for RC Lehner CAD Subdivision to permit four lots in a Common Access Driveway subdivision.

The proposed subdivision is located on 23.47 acres on the south side of Dildine Rd., east of River Rd. consisting of portions of parcel #520-180-01-012-000 and #520-180-01-010-000.







### Facts

1. The applicant seeks to create a four-lot subdivision, utilizing a Common Access Driveway;
2. The site would utilize 23.47 acres of an existing 101-acre site and utilize a 60' strip from an adjacent parcel;
3. A CAD would enter the site and travel south, providing frontage for four lots;
4. The land is zoned FR-1, with a minimum 1.95 acre lot size;
5. Del-Co Water is available to the site with an existing 4 inch 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.”

The applicant states “the site is best served by a Common Access Driveway because:

- 1) The owner wishes to preserve adjoining farmland and therefore road connections to surrounding lands is not desirable;
- 2) The owner could generate at least this amount of splits without a Common Access Driveway, but wishes to utilize non-agricultural lands for home construction to preserve road frontage and land which is already in agricultural use;
- 3) The CAD would provide a safe and single access point on Dildine Road;
- 4) The wooded portion of the property is adequate in width and configuration to allow for four (4) uniformly configured;
- 5) This area of the lot is wooded and development will not be easily seen from the road or neighboring properties utilizing conservation design principals;
- 6) Construction of a public or private street may result in the ability to build more lots, but would be an unnecessary expense that would likely reduce available acreage for agricultural use;
- 7) Platting three (3) lots may be practical, but does not result in a reasonable return on investment. Based on the amount of drive construction necessary to access this area of the property the proposed four (4) lots is projected to yield 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 due to large lot projections from poor soil types;
- 10) There is no existing street system to continue;
- 11) The drive could be improved in the future to facilitate a street system with adjoining properties which would not increase the number of access points on Dildine 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 a 4 inch public waterline on Dildine Road and provide for extension of a 4 inch waterline to these building sites, while lot splits or less lots on a CAD 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. “

#### **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:** “This proposal provides for a single access point on Dildine Road with a proposed driveway built to a safety standard far in excess of what common residential driveways are built to. Platting four (4) lot CAD versus lot splits will permit for a more thorough review by county and township officials, including the fire department. If the owner proceeded with a three (3) lot CAD and an adjoining lot through the NPA lot split process, they would still be able to get four (4) lots in this configuration, but it would result in use of an additional sixty (60) feet in farmland that is not necessary Road. Platting a fourth (4<sup>th</sup>) lot with 60 foot of frontage on Dildine Road would make the subdivision compliant with the subdivision regulations, but would also result in an additional sixty (60) feet of farmland being consumed in these lots.”

**Staff Remarks:** The wooded areas where the lots are located are the only wooded areas in the vicinity, and are ostensibly wooded because the land is too wet to be farmed. If these wooded areas are removed for the development of housing, flooding may occur in the agricultural land surrounding the homes, or the homes may be forced to deal with constant flooding issues. Public safety may also be a question, as the common drive would be approximately 1,500 feet in length before reaching the first house. This distance, as well as the minimal 4 inch waterline, may impact the access of emergency services to the site.

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 require substantial clearing, regrading and limit suitable sites for on-site systems. Central sewer is not available in the foreseeable future.”

**Staff Remarks:** Staff does not see the variance request based on any unique qualities of the property, except to alleviate the financial burden of constructing a long Common Access Driveway. The parcel is proposed to be created out of two larger parcels and isn't currently a unique shape or configuration.

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:** *"This site contains critical resources that are worth preserving. We feel the proposal is reflective of conservation development principals in preserving farmland."*

**Staff Remarks:** The additional lot is requested to offset costs related a long CAD. Should the variance be denied, the cost of the CAD would be distributed among three lots as opposed to 4, which staff views as a mere inconvenience as opposed to a particular hardship.

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 will otherwise be entirely compliant with the standards of the Delaware County Zoning Resolution and other applicable regulations."*

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

#### **Staff Comments**

There do not seem to be any factors that staff can identify that would result in the need for a fourth lot. The subject property does not have any road frontage with which to obtain additional lots, resulting in fewer lots to distribute the cost of the CAD. Constructing a conservation-style subdivision would result in more lots with which to divide the cost of construction, and would also obviate the need for a variance. Additionally, there are environmental/drainage concerns with additional lots in the wooded areas, and concerns over the interpretation of a hardship versus a financial inconvenience.

#### **Staff Recommendations**

DCRPC staff recommends *Denial* of the variance request by Richard and Christina Lehner from Sec. 306.02 for RC Lehner CAD for 4 lots on a CAD based on the Findings of Fact.

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

Mr. Clase with Plan for Land was sworn in. He explained that the applicant purchased the property to mainly farm. He is doing drainage improvements at the rear of the property and in doing so wanted to offset some of the drainage improvement costs. They met with Radnor Township Fire last evening where they requested an increase of the common access drive to 20 feet which they are willing to add to the variance recommendations. They understand they can ask for a 4<sup>th</sup> lot without a variance (with access onto Dildine Rd.) but ideally would like to combine the driveways. He mentioned that Delco Water has made improvements along the roadway and the Fire Chief stated that the line would support fire hydrants and asked for one on the common access drive as part of the 20 foot width. Mr. Clase stated that if the Commission was open to two conditions of approval, the applicants would be open to a commitment to a 20 foot wide drive along with a hydrant installed along the common access drive.

Chairman Stites asked based on testimony that was given, is the recommendation still for denial. Mr. Sanders stated that he didn't think their recommendation would change but was open to what the Commission would say. He explained that Delco Water told him that they are certain water service can be provided for residential

service but they weren't sure that there was fire-fighting capability. Mr. Price questioned the difference between fire-fighting capabilities between 3 and 4? Mr. Sanders said that you increase your chances to fight a fire but there are regulations for a purpose. This is a very long driveway in a Township that is pretty far out without a full time fire department. He explained that if every time we give an additional lot just because there is additional acreage then we should change the number of lots that we allow. Chairman Stites said that based on his history a 4 inch water line is not designed for fire-fighting purposes. Mr. Clase stated that it was his understanding that the 4 inch line had been upgraded to a larger size. The fire chief had indicated that a hydrant was located to the west of the site and he believed it was an 8 inch line. Mr. Clase was not able to verify that yet with Delco. It was his understanding that there was a new line installed that doesn't end at this property but continues along Dildine Rd. that now serves all the new lots on the north side of the road.

Mr. Clase stated that the fourth lot could have frontage along the side of the driveway. A 60 foot access, making the total access 120 feet wide would be sufficient but the applicant was asking for the variance so they didn't have to plat an additional 60 foot in width (seemed like wasted space). Mr. Clase consulted with Mr. Matlack, Zoning officer for Radnor Township and he confirmed that would be compliant. He explained that it wouldn't be an argument for an additional lot but for that lot to take access off of the CAD versus off of the public road.

Mr. Rinehart asked if any of the comments made by Mr. Clase would change their stance. Mr. Miller stated it would affect the severity of Criteria 1 where the variance would not be detrimental to the public health, safety and welfare in the event the water lines have been improved. This would make the response to criteria 1 more friendly towards granting a variance. Mr. Rinehart asked if he would develop the four lots without the variance to which Mr. Clase responded yes.

***Mr. Rinehart made a motion to Deny the variance request based on the Findings of Fact. Mr. Vidor seconded the motion. VOTE: Majority For, 0 Opposed, 3 Abstained (Radnor Twp., Troy Twp. and Building Safety). Motion carried.***

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## ZONING MAP/TEXT AMENDMENTS

### 01-21 ZON      Harlem Twp. Zoning Commission – Text amendments

#### Request

Harlem Township Zoning Commission has requested that the DCRPC review proposed text amendments to the Harlem Township Zoning Resolution. Proposed changes include the removal of "sportsmen's clubs" as a conditional use in Agricultural Residential zoning classification, changing the pronouns in Section 28 to gender neutral pronouns, amending the provisions surrounding flag lots, and the inclusion of a statement which prohibits the Board of Zoning Appeals from authorizing a variance when the hardship is self-imposed.

The proposal includes removing the language which prohibits "contiguous sixty (60) foot road frontages...on state or county roads," and replacing with language which states that "flag lots must be separated by a lot meeting the required frontage at the right-of-way line on any road."

### **Staff Comments**

Staff submitted preliminary remarks to the Harlem Township Zoning Commission surrounding potential legal issues with variances, unnecessary hardships, and the Duncan criteria which dictates the criteria for which variances are judged. Staff recommends that townships that do not currently define the different tests for a Use Variance versus an Area Variance within their Zoning Resolution or BZA guidance documents should do so. The Zoning Commission stated that these changes were reviewed by Tyler Lane, Assistant Prosecutor.

### **Staff Recommendations**

Staff recommends **Approval** of the text amendments to the Harlem Township Zoning Resolution to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees.

### **Commission / Public Comments**

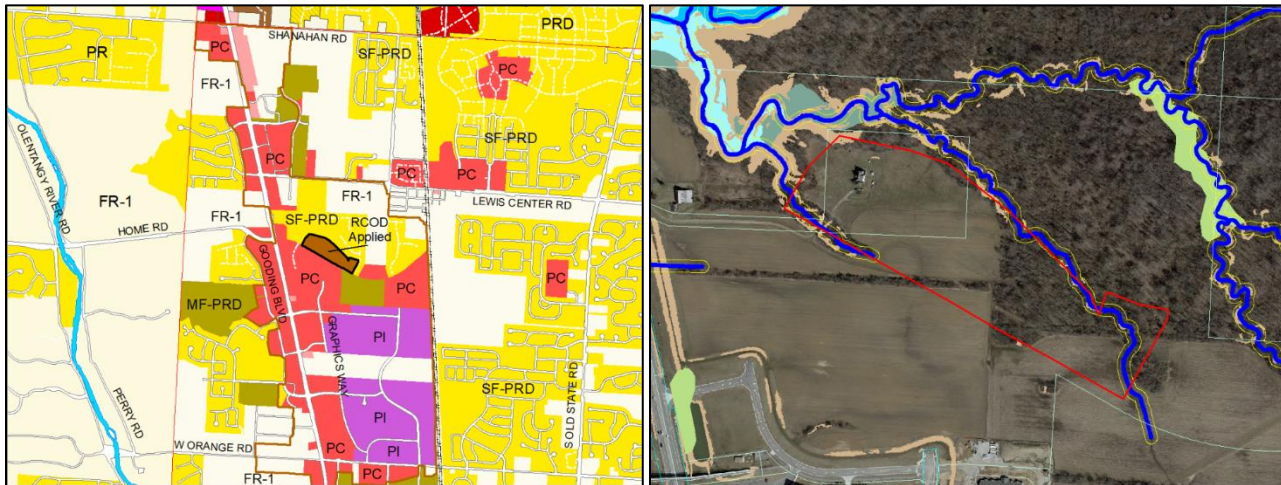
*Mr. Price made a motion to recommend Approval of the text amendments to the Harlem Township Zoning Resolution. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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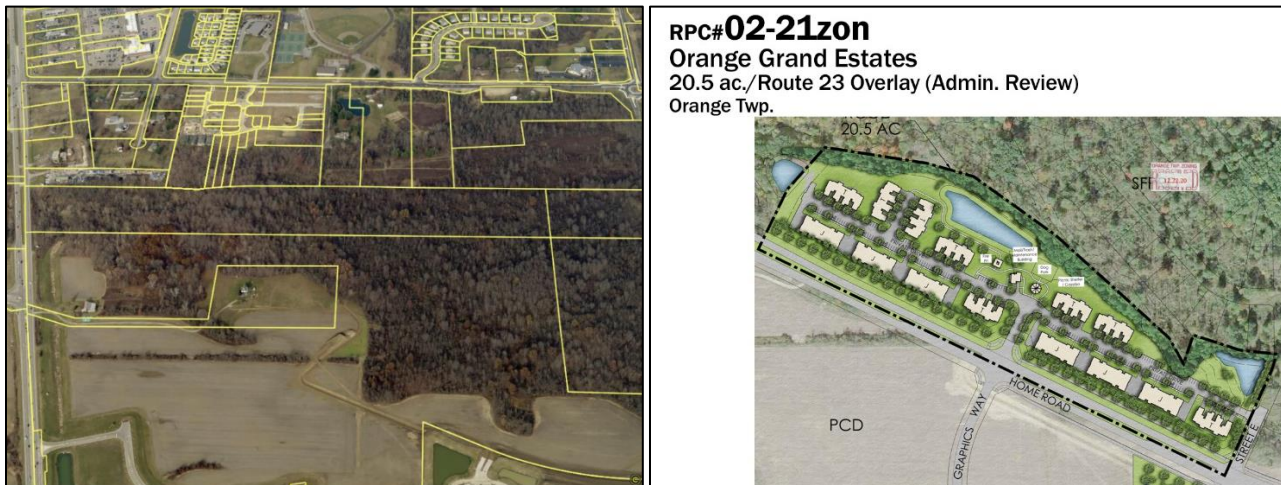
02-21 ZON      Orange Grand Estates – Orange Twp. – 20.5 acres – PERD to RCOD

### **Staff Comments**

Orange Grand Estates was approved by Orange Township on December 22, 2020 to rezone approximately 20.5 acres on the north side of the Home Road extension at Graphics Way from Planned Elderly Residential District (PERD) to the Route 23 Corridor Overlay District (RCOD) by the Orange Township Trustees.





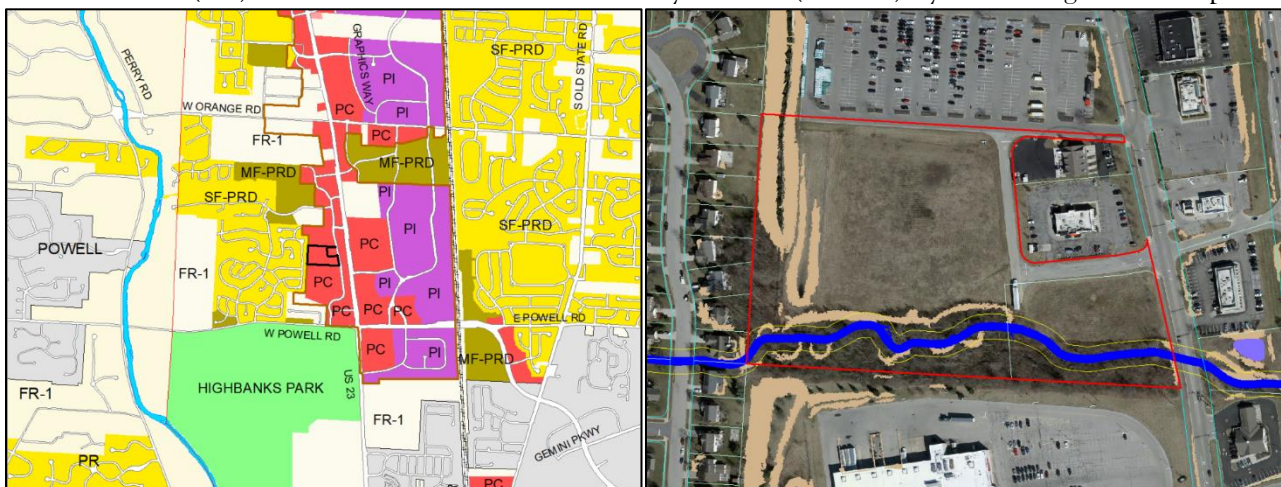


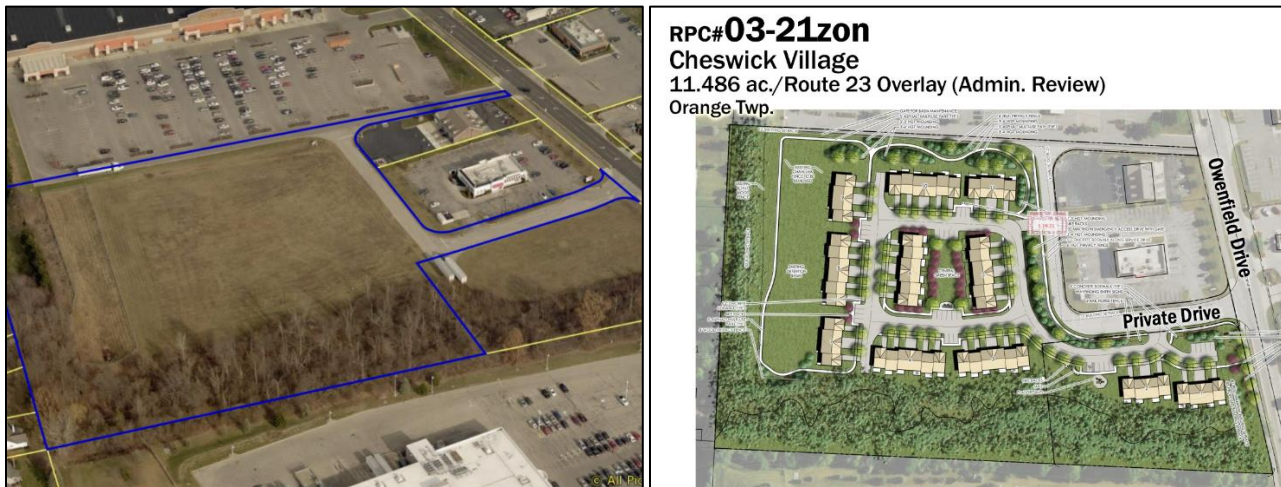
The rezoning was in conjunction with a development plan for 120 multi-family units along an access road parallel to the Home Road extension, for a density of 5.85 units per gross acre. The development is located specifically within a Mixed Use area within Segment 2, which permits a total of 425 units. There are already 288 existing units, which leaves 137 remaining units which the proposed development can build. The 120 unit proposal leaves 17 remaining multi-family units in Segment 2 of the RCOD. The development also includes 8.1 acres of open space, 2.5 of which are designated as a central green space. The remaining open space serves to buffer the development from neighboring uses, Home Road, and to assist in storm water management. As this overlay has been applied and the development plan is approved, no Commission action is required.

### 03-21 ZON Cheswick Village – Orange Twp. – 11.486 acres – PC to RCOD

#### Staff Comments

Cheswick Village was approved by Orange Township on January 19, 2021, to rezone approximately 11.486 acres on the west side of Owenfield Drive between Meijer and Home Depot from Planned Commercial and Office District (PC) to the Route 23 Corridor Overlay District (RCOD) by the Orange Township Trustees.





The rezoning was in conjunction with a development plan for 56 multi-family units along an access road off of Owenfield Drive, equating to a density of 3.87 units per gross acre or 4.9 units per net acre. The development is located specifically within a Mixed Use subarea within Segment 3 of the overlay which permits a total of 350 units. There are no existing units, which will leave 294 units in the Segment. The development includes 6.96 acres of open space which serve to buffer the development from neighboring uses, and assists in storm water management. As this overlay has been applied and the development plan is approved, no Commission action is required.

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04-21 ZON      Kari & Aaron Stumpf – Harlem Twp. – 13.6293 acres from AR-1 to FR-1

**Request**

The applicants, Kari and Aaron Stumpf, are requesting a 13.6293-acre rezoning from AR-1 to FR-1.

**Conditions**

**Location:** east side of Green Cook Rd., south side of Center Village Rd.

**Present Zoning:** Agricultural (AR-1) / **Proposed Zoning:** Farm Residential (FR-1)

**Present Use(s):** vacant / **Proposed Use(s):** Residential

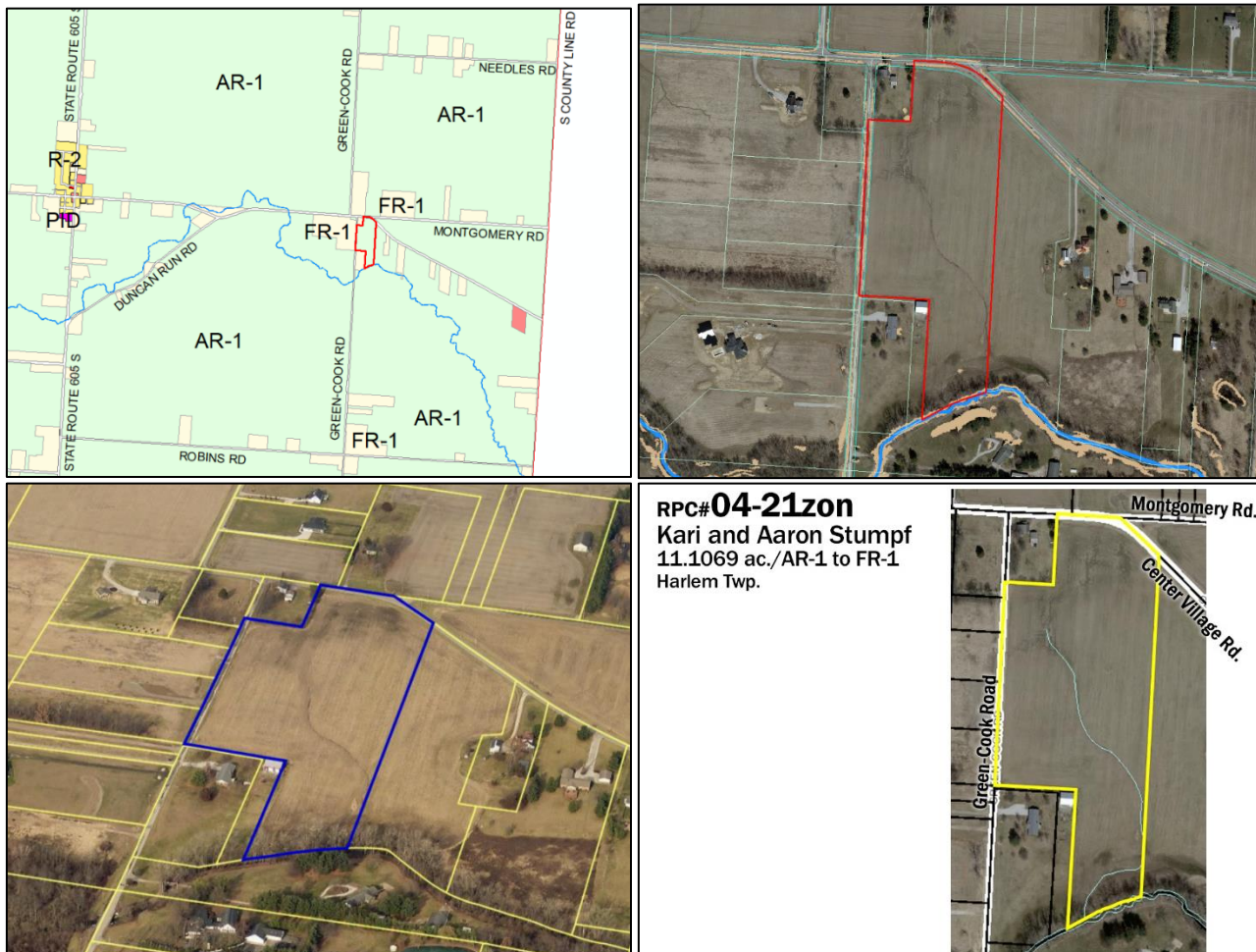
**Existing Density:** 1 du/5 acres / **Proposed Density:** 1 du/2 acres

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

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

**Critical Resources:** none / **Soils:** BeA, SnA, PwA, CeC2, CeB





### Introduction

This is a request to rezone just over 11 acres in Harlem Township. The property is located on the south side of Center Village Road at the intersection of Center Village Road and Montgomery Road.

The current zoning limits lot sizes to a minimum of 5 acres with 300 feet of frontage. The proposed zoning would enable lots with a minimum size of 2 acres and a sliding scale of frontage which starts at 175 for lots between 2 and 3 acres.

Ostensibly, the request is being made to facilitate the subdivision of the property to between 3 and 5 lots. Three lots would be the minimum number of lots which could be obtained and require the rezoning (two lots could be created under the existing zoning), while 5 lots is the maximum that could be obtained through the proposed zoning.

### Comprehensive Plan

Harlem Township's 2007 Comprehensive Plan indicates this area would retain a 2-acre minimum for areas rezoned to Farm Residential. The Comprehensive Plan also permits conservation subdivisions at a density of 0.75 units/acre with lot sizes around 1/3 of an acre, as well as connections between potential subdivisions. The proposal to rezone the property is in agreement with the recommendations for this subarea.



### Issues

**Traffic and access:** Each lot will likely have its own driveway. Staff would encourage the consideration of a conservation-style subdivision or CAD to develop the rezoned property.

**Drainage:** Aerial images and the Auditor's Office map show a drainage course on the property which feeds directly into Duncan Run. Care and discretion will be needed when orienting and locating potential lots to avoid damaging disturbance.

**Sanitary Treatment:** On-site sanitary systems will need to be located and designed in a way that will ensure no negative impact to the drainage course and subsequent Duncan Run.

### Divergences

No divergences are requested.

### Staff Recommendations

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

### Commission / Public Comments

Mr. Clase, Plan 4 Land, was present to represent the applicants. He clarified that the acreage behind that house was added to the application after speaking with Harlem Twp. The total acreage requested for rezoning is 13.6293 acres [11.1069 was listed on the application.].

*Mr. Martin made a motion to recommend Approval of the rezoning request by Kari & Aaron Stumpf from AR-1 to FR-1 (13.6293 acres). Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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05-21 ZON      Thomas Martin – Harlem Twp. – 5.705 acres from AR-1 to FR-1

### Request

The applicant, Thomas Martin, is requesting a 5.705-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

### Conditions

**Location:** South side of Trenton Rd., west side of SR 605

**Present Zoning:** Agricultural (AR-1) / **Proposed Zoning:** Farm Residential (FR-1)

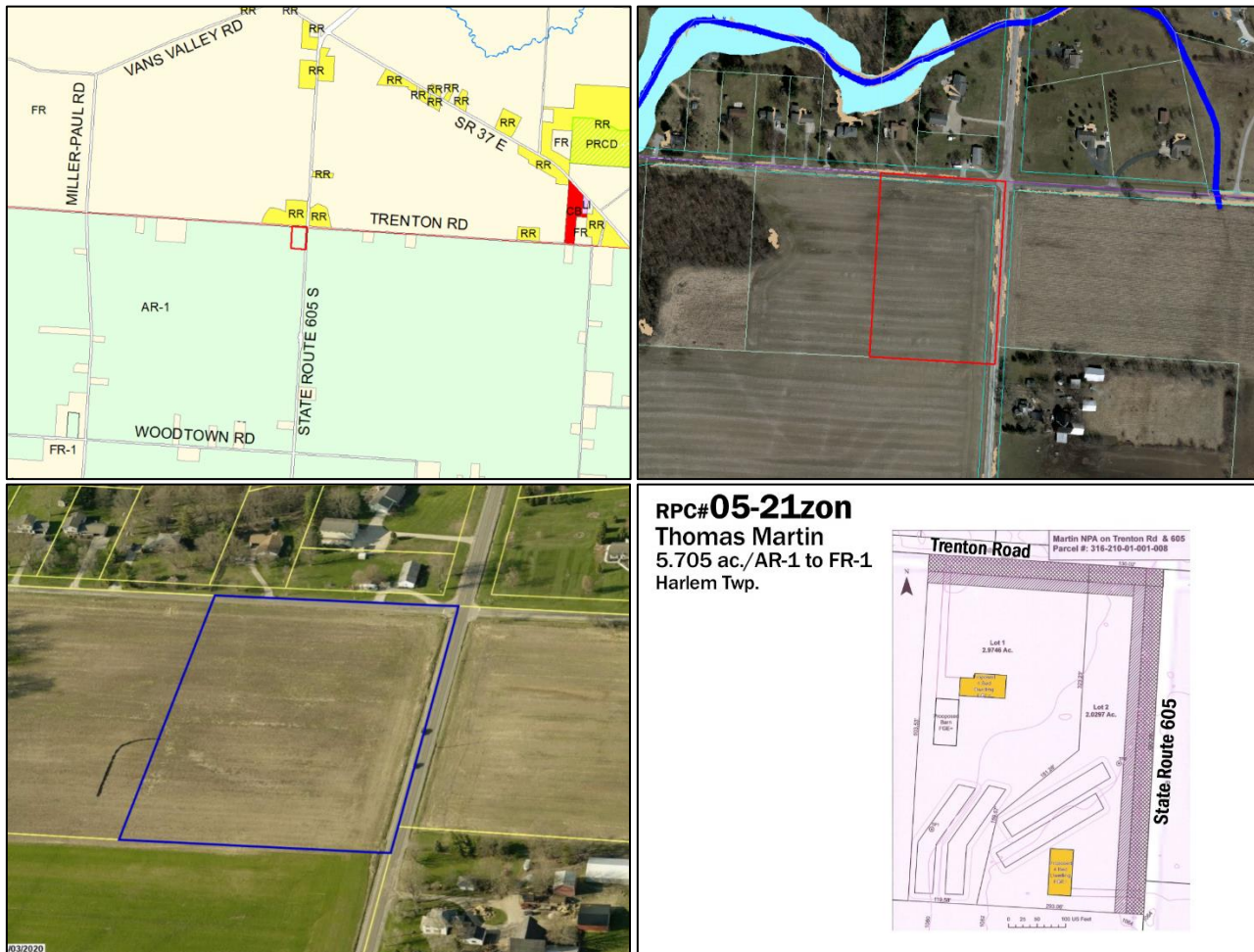
**Present Use(s):** vacant / **Proposed Use(s):** Two single-family house lots

**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:** none / **Soils:** BeA, BeB, PwA



### Introduction

This is a rezoning in conjunction with a plan to divide the property into two parcels. The property is located on the southwest corner of Trenton Road and State Route 605, and is 5.705 acres with about 412 feet of frontage along Trenton Road and 601 feet of frontage on State Route 605.

The proposed split would divide the property into two parcels. One would be 2.97 acres with about 280 feet of frontage onto Trenton Road, while the other would be a 2.03 acre parcel with 601 feet of frontage onto State Route 605.

Both lots would be served by on-site septic systems and Del-Co water.

### Comprehensive Plan

Harlem Township's 2007 Comprehensive Plan indicates this area, Subarea D, would be residential in nature with a recommended 2-acre minimum for lots rezoned to FR-1. Other recommendations in the Comprehensive Plan for this Subarea include the prohibition of development within the 100-year floodplain, and permission of conservation subdivisions, and connections between subdivisions; all of which are not applicable to this application.

### Divergences

No divergences are requested:

### Staff Recommendations

Staff recommends **Approval** of the rezoning request by Thomas Martin 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. Loveless made a motion to recommend Approval of the rezoning request by Thomas Martin from AR-1 to FR-1. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

06-21 ZON      America's Home Place – Berlin Twp. – 1.263 acres from NCD to PC

### Request

The applicant, Ms. Emily Hembree for America's Home Place, is requesting a 1.263-acre rezoning from NCD to PCD to allow a model home to be built on the property.

### Conditions

**Location:** 6924 E. SR 37 East

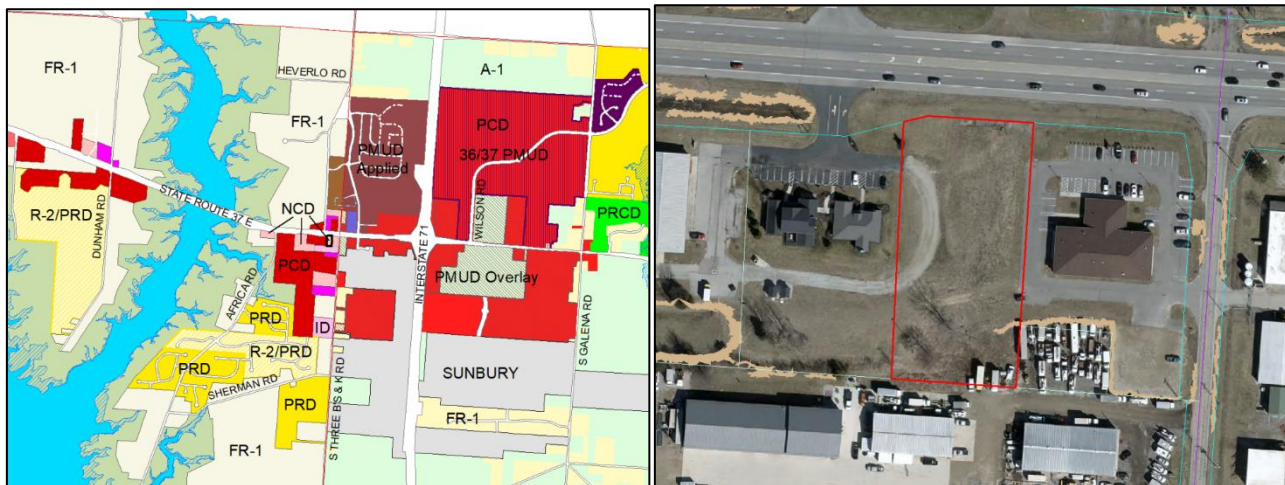
**Present Zoning:** Neighborhood Commercial (NCD) / **Proposed Zoning:** Planned Commercial (PC)

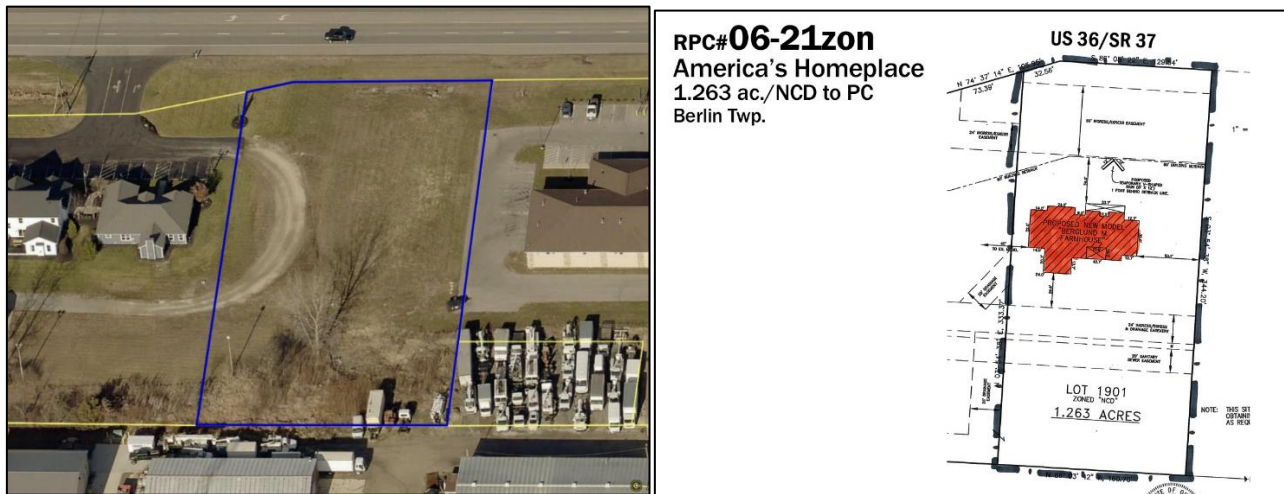
**Present Use(s):** Vacant / **Proposed Use(s):** model home

**School District:** Olentangy

**Utilities Available:** Del-Co Water (utility letter states that no utility connections or sanitary services will be used)

**Critical Resources:** none / **Soils:** BeA, BeB, CaC2





### Introduction

This is a rezoning with a submitted plan for development. The applicant is seeking to rezone the 1.263-acre parcel from Neighborhood Commercial (NCD) to Planned Commercial (PCD) to facilitate using the property as a site for a model home. This is a use that is permitted under a PCD zoning, but not an NCD zoning.

The property is located on the south side of U.S. Route 36/State Route 37, just west of Three B's and K Road. The neighboring property to the west is zoned Planned Commercial and contains two model homes; identical uses to the one proposed.

### Comprehensive Plan

Berlin Township's 2010 Comprehensive Plan indicates this area (Planning Area Six) would be commercial or office uses on the south side of U.S. Route 36/State Route 37. Recommendation 6.2 states "On the south side of U.S. 36 and the west side of 3 B's and K Road, commercial or office uses are recommended."

### Issues

**Access:** It is assumed that the site will utilize the existing access point. The exhibit shows ingress/egress easements both along the front of the site and along the rear, but does not indicate the relocation of the current driveway, which will have to be reconfigured. Nor does it indicate the type of pavement or build-up of the driveway. The Fire Department will likely want to see the continuation of a circular access drive – their current letter is a standard one stating that they do serve the site.

**Signage:** No proposed signage was included with the application. Signage should be in conformance with applicable zoning and in proportion to the existing signage for the model homes on the neighboring property.

**Lighting:** No proposed lighting was included with the application.

**Sanitary Treatment:** The utility letters included in the application indicate that no connections will be made to Sewer or Water facilities. While sewer isn't available in the immediate area, nor will the anticipated usage of the model home reach levels necessitating sewer facilities, some sort of on-site treatment system and water should be provided if the model home will contain have any staff on-site. A sanitary easement currently exists along the southern edge of the site and a line is currently located two parcels west of the subject parcel.



### Divergences

No divergences are requested.

### Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by America's Home Place from NCD to PC to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, subject to:

1. The submission of lighting and signage plans, and
2. The submission of a driveway/pavement plan.

### Commission / Public Comments

*Mr. Weade made a motion to recommend **Conditional Approval** of the rezoning request by America's Home Place from NCD to PC, subject to staff recommendations #1 and 2. Mr. Boysel seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.*

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07-21 ZON      Riley Hodgson – Berkshire Twp. – 5.01 acres from A-1 to FR-1

### Request

The applicant, Riley Hodgson, is requesting a 5.01-acre rezoning from A-1 to FR-1 to allow the lot to be split into two residential lots.

### Conditions

**Location:** north side of Dustin Road (6837 Dustin Rd)

**Present Zoning:** Agricultural (A-1) / **Proposed Zoning:** Farm Residential (FR-1)

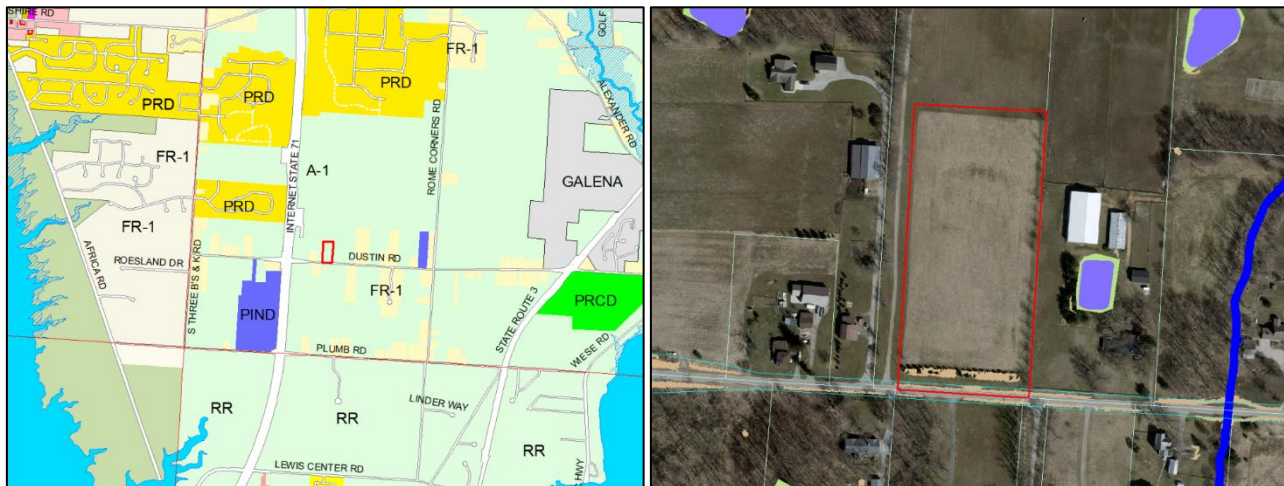
**Present Use(s):** vacant / **Proposed Use(s):** Two single-family house lots

**Existing Density:** 1 du / 5 acres / **Proposed Density:** 1 du / 1.95 acres

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

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

**Critical Resources:** none / **Soils:** BeA, BeB





### **Introduction**

This rezoning is requested to facilitate a lot split. The 5.01-acre parcel is located on the north side of Dustin Road, just east of the overpass over Interstate 71. The existing zoning of Agricultural Residential requires a 5-acre minimum lot size and 300 feet of frontage, whereas the proposed zoning of Farm Residential would require 1.95-acre minimum lot size and a sliding scale of required frontages.

The proposal includes splitting the property into two lots, a 1.95-acre lot (the minimum size required by the proposed zoning) and a 3.05-acre flag lot. The 1.95-acre parcel would have 185 feet of frontage; more than required. The proposed 3.05-acre flag lot would only have 130 feet of frontage, but would have the required frontage of 200 feet, within 50 feet in front of the building line.

### **Comprehensive Plan**

Berkshire Township's 2017 Comprehensive Plan indicates this area (Sub Area 9) would be single-family development with a minimum lot size of 1.95 acres, when sewer is not present, once agricultural uses are of no interest.

### **Issues**

**Traffic and access:** No major issues regarding access are present, however, this lot, in conjunction with the lot behind it, may be better served as a Common Access Driveway to limit access points and increase safety due to the row of vegetation along Dustin Road.

### **Divergences**

No divergences are requested.

### **Staff Recommendations**

Staff recommends **Approval** of the rezoning request by Riley Hodgson from A-1 to FR-1 to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees.

### **Commission / Public Comments**

No one was present to represent the applicant.

Mr. Rinehart asked the frontage requirements for the 3 acre lot. Mr. Miller stated that a 3.05 acre lot would

require 200 feet of frontage. If it doesn't have it at the roadway, as long as it gains that within 50 feet of the front of the building line then it is compliant.

*Mr. Loveless made a motion to recommend Approval of the rezoning request by Riley Hodgson from A-1 to FR-1. Mr. Snodgrass seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## SUBDIVISION PROJECTS

### Preliminary

01-21                      Berlin Farms – Berlin Twp. - 91 lots / 62.7 acres

### Conditions

**Applicant:** M/I Homes

**Subdivision Type:** Planned Residential Community

**Location:** North side of Berlin Station Rd., west of Dale Ford Rd.

**Current Land Use:** Vacant

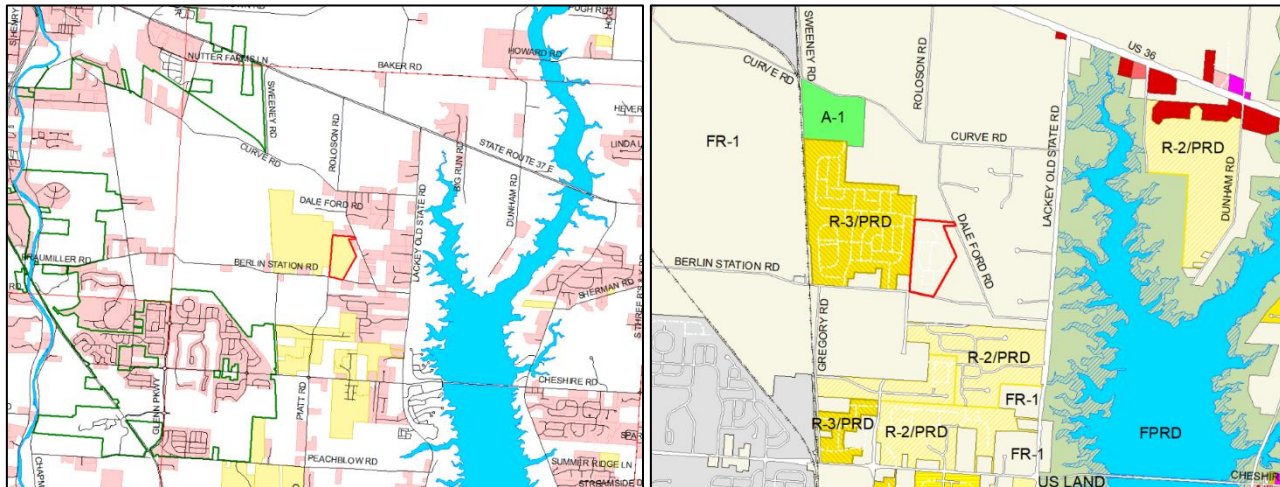
**Zoned:** R-3/PRD

**Zoning Approval:** 09/13/20

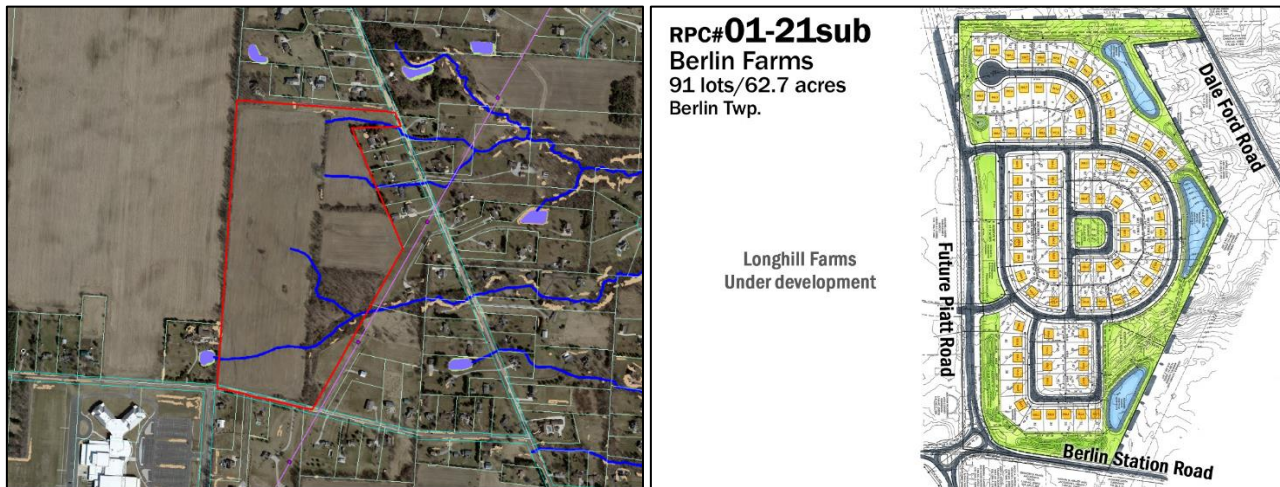
**Utilities:** Del-Co water and central sanitary sewer

**School District:** Olentangy

**Engineer:** EMH & T







### Staff Comments

This is the preliminary plan for Berlin Farms, a 91-lot single-family subdivision. The proposed development will be constructed on 62.7 acres at the northeast corner of the Piatt Road extension and Berlin Station Road, and is proposed to be completed in two sections.

The main entrance to the subdivision is from the Piatt Road extension through an extension of Patricia Ann Way, a planned road in the Longhill subdivision to the west that's around 750 feet north of Berlin Station Road. Several internal loop roads and a cul-de-sac provide the road frontage for the 91 lots. A second entrance is located north of the main entrance.

The typical lot size is around 80 feet wide and 150 feet deep, or 12,000 square feet. Open space in the development totals 19.2 acres divided among three reserve areas. The majority of the open space acreage is provided around the periphery of the development, serving as a buffer from surrounding properties and the Piatt Road extension. A half-acre central green is also included as a community amenity.

Sidewalks are provided throughout, along with a multi-use path along both Berlin Station Road and the Piatt Road extension, as well as an extension to Dale Ford Road for potential future pedestrian connectivity.

All lots will be served by sanitary service and Del-co water.

*A technical review was held on January 19, 2021, after which the applicant has addressed all of the required changes.*

### Staff Recommendation

Staff recommends *Preliminary Approval* of **Berlin Farms** to the DCRPC.

### Commission / Public Comments

Mr. Joel West with M/I Homes was present to answer questions from the Commission.

*Mr. Matlack made a motion for Preliminary Approval of Berlin Farms. Mr. Shafer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.*



## EXTENSIONS

02-19                    The Reserve at Scioto Bluff – Concord Twp. - 18 lots / 12.02 acres

**Applicant:** Principle Real Estate Development LLC

**Engineer:** Advanced Civil Design

**Preliminary approval:** 01/31/19

### Staff Comments

The applicant is requesting a 1-year extension for The Reserve at Scioto Bluff

### Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for **The Reserve at Scioto Bluff** to the RPC.

### Commission / Public Comments

*Mr. Price made a motion for a 12-month Extension for The Reserve at Scioto Bluff. Mr. Vidor seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Concord Twp. and Brown Twp.). Motion carried.*

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05-14                    Liberty Trace – Liberty Twp. - 139 lots / 114.5 acres

**Applicant:** Pulte Homes

**Engineer:** EMH & T

**Preliminary approval:** 04/24/14 (First section recorded 01/15/16)

### Staff Comments

The applicant is requesting a 1-year extension for **Liberty Trace**. The applicant states that “the development has been built out with the exception of Section 4 located along the northern portion of the development. It is the intent of the developer to move forward with Section 4 as part of the 2021 construction season.”

### Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for **Liberty Trace** to the RPC.

### Commission / Public Comments

Mr. Matt Callahan with Pulte Homes was present.

*Mr. Price made a motion for a 12-month Extension for Liberty Trace. Mr. Martin seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## OTHER BUSINESS

- Consideration for Approval: Liability Insurance, \$8,102.00

*Mr. Price made a motion to Approve the Liability Insurance expenditure for \$8,102.00. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

## POLICY / EDUCATION DISCUSSION

## RPC STAFF AND MEMBER NEWS

- Chairman Stites mentioned that the DCRPC has a few new maps on their website that might be of interest including Historic Sites and Economic features.

*Having no further business, Mr. Boysel made a motion to Adjourn the meeting at 7:20 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, February 25, 2021, 6:30 PM via Zoom Meeting.*

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Dave Stites, Chairman

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Stephanie Matlack, Executive Administrative Assistant