

# 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, February 25, 2021 at 6:30 PM  
Zoom Meeting details to follow.

### ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of January 28, 2021 RPC Minutes
- Executive Committee Minutes of February 17, 2021
- Statement of Policy

### CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
20-14.3	Olentangy Falls East, Section 3	Liberty	25 lots / 17.15 acres

### VARIANCES

03-21.V	Riverwood Farm CAD – Liberty & Orange Twps. – requesting 6 lot CAD
04-21.V	Woodtown Road CAD – Harlem Twp. – requesting 6 lot CAD
05-21.V	4910 Rutherford Road CAD – Concord Twp. – requesting 4 <sup>th</sup> lot to not be a part of CAD

### ZONING MAP/TEXT AMENDMENTS

08-21 ZON	North Farms Condominiums LLC – Orange Twp. – 24.019 acres from SFPRD to MFPRD
09-21 ZON	Vernon Shaw – Trenton Twp. – 3.002 acres from FR to RR
10-21 ZON	Dublin Capital Group – Berkshire Twp. – 36.74 acres – PCD to PMUD Art. 16
11-21 ZON	John Wicks, RPDD, LLC – Orange Twp. – 4.96 acres from FR-1 to PERD

### SUBDIVISION PROJECTS

#### Preliminary

		Township	Lots/Acres
05-21	4910 Rutherford Road CAD	Concord	3 lots / 9.857 acres
06-21	Hoover View CAD	Genoa	5 lots / 16.76 acres
07-21	The Grove	Genoa	30 lots / 21.017 acres

### OTHER BUSINESS

- Appointment of the Nominating Committee [for Executive Committee elections]

### POLICY / EDUCATION DISCUSSION

- Initiation of amendments to the Subdivision Regulations

### RPC STAFF AND MEMBER NEWS

- Recognizing the passing of former RPC Representative and Chairman William Thurston

## ADMINISTRATIVE BUSINESS

### ▪ Call to Order

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

### ▪ Roll Call

*Representatives:* David Loveless, Ric Irvine, Duane Matlack, Gary Merrell, Jeff Benton, Mike Frommer, Bill Piper, J.M. Rayburn, Jill Love, Joe Shafer, Dave Stites, Michele Boni, Joe Proemm, James Hatten, Ed Snodgrass, Dan Boysel, Herb Ligocki, Josh Vidor, Bonnie Newland, Mike Dattilo and Doug Price.  
*Alternates:* Jessie Mann, Bob Lamb, Dustin Kent, Mike Love, Tracey Mullenhour, Cindi Cooper.  
*Arrived after roll call:* Chris Rinehart (A). *Staff:* Scott Sanders, Jonathan Miller, Da-Wei Liou and Stephanie Matlack.

### ▪ Approval of the January 28, 2021 RPC Minutes

*Mr. Price made a motion to Approve the minutes from the January meeting, seconded by Mr. Loveless. VOTE: Unanimously For, 0 Opposed. Motion carried.*

### ▪ February 17, 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, Michele Boni, and Susan Kuba. Staff: Scott Sanders and Stephanie Matlack.

#### 2. Approval of Executive Committee Minutes from January 20, 2021

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

#### 3. New Business

##### • Financial / Activity Reports for January

- 1.) Membership Dues outstanding as of 02/25/21: Concord, City of Delaware, Powell, Ashley.  
(Due April 1<sup>st</sup>)

REGIONAL PLANNING RECEIPTS		JANUARY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$3,690.00	\$3,690.00
Fees A (Site Review)	(4202)	\$900.00	\$900.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$100.00
Membership Fees	(4204)	\$136,051.00	\$136,051.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$9,500.00	\$9,500.00
Charges for Serv. B (Final. Appl.)	(4231)	\$7,700.00	\$7,700.00
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$300.00
Charges for Serv. D (Table Fee)	(4233)		

Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$600.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$300.00	\$300.00
Soil & Water Fees	(4243)	\$650.00	\$650.00
Commissioners fees	(4244)		
MISCELLANEOUS REVENUE		\$192.06	\$192.06
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)	\$3,690.00	\$3,690.00
<b>TOTAL RECEIPTS</b>		<b>\$160,283.06</b>	<b>\$160,283.06</b>

Balance after receipts	\$1,211,056.29
Expenditures	- \$ 34,797.66
End of January balance (carry forward)	\$1,176,258.63

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

- February RPC Preliminary Agenda

1.) SKETCH PLANS	<u>Township</u>	<u>Lots / Acres</u>
• RC Lehner CAD	Radnor	4 lots / 23.86 acres
• Woodtown Road CAD	Harlem	6 lots / 67.9 acres
• Vanguri Residential	Harlem	3 lots / 29.869 acres
• Riverwood Farm CAD	Liberty & Orange	7 lots / 47 acres
• Clarkshaw Reserve	Liberty	86 lots / 87.47 acres

2.) CONSENT AGENDA		
• Olentangy Falls East, Section 3	Liberty	25 lots / 17.15 acres

- 3.) VARIANCES
- Riverwood Farm CAD – Liberty & Orange Twps. – requesting 6 lot CAD
  - Woodtown Road CAD – Harlem Twp. – requesting 6 lot CAD
  - 4910 Rutherford Road CAD – Concord Twp. – requesting 4<sup>th</sup> lot to not be a part of CAD

- 4.) ZONING MAP/TEXT AMENDMENTS
- North Farms Condominiums LLC – Orange Twp. – 24.019 acres from SFPRD to MFPRD
  - Vernon Shaw – Trenton Twp. – 3.002 acres from FR to RR

- Dublin Capital Group – Berkshire Twp. – 36.74 acres – PCD to PMUD Art. 16
- John Wicks, RPDD, LLC – Orange Twp. – 4.96 acres from FR-1 to PERD

#### 5.) SUBDIVISION PROJECTS

##### Preliminary

	<u>Township</u>	<u>Lots/Acres</u>
• 4910 Rutherford Road CAD	Concord	3 lots / 9.857 acres
• Hoover View CAD	Genoa	5 lots / 16.76 acres
• The Grove	Genoa	30 lots / 21.017 acres

*At 9:35 a.m., Mr. Stites made a motion to go into Executive Session per ORC 121.22 (G) (1) for the consideration of employment of a public employee. Mr. Merrell seconded the motion. Motion carried.*

*At 10:00 a.m. Mr. Merrell made a motion to return to regular session, seconded by Miss Boni. Motion carried.*

- Proposed Subdivision Regulation Amendments

Mr. Sanders presented revisions to the Subdivision Regulations with regards to Vacating Platted Lots and Minor and Major Amendments to a Recorded Subdivision Plat. He explained that the Commission could initiate the proposed amendments at the February 25<sup>th</sup> meeting, advertise in the Delaware Gazette in March and hold the hearing at the April 29<sup>th</sup> RPC meeting.

#### 4. Old Business

- Grant program discussion

Mr. Sanders presented the Committee with final language for the DCRPC Planning Grant Program. (See attachment.) Next step will be creating the application form, a flyer, and agreement template.

#### 5. Other Business

- Appointment of Nominating Committee for Executive Committee members

Chairman Stites will appoint members of the Commission to be on the Nominating Committee at the February RPC meeting. The vote for Executive Committee members will take place at the March 25<sup>th</sup> RPC meeting. All current members of the Executive Committee did state that they are willing to continue for another term but if there is anyone interested in serving, please contact one of the Nominating Committee members.

#### 6. Adjourn

*Having no further business, Mr. Merrell made a motion to adjourn the meeting at 10:30 a.m. Mrs. Kuba 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.

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- **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)**

20-14.3                    **Olentangy Falls East, Section 3 – Liberty Twp. - 25 lots / 17.15 acres**

### **Conditions**

**Applicant:** Rockford Homes  
**Subdivision Type:** Single Family Residential  
**Location:** South of Hyatts Rd., west of US 23  
**Zoned:** Planned Residential (PRD)  
**Preliminary Approval:** 09/25/14  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Olentangy  
**Engineer:** CEC Inc.

### **Staff Comments**

Olentangy Falls East is a large, 150-lot subdivision on generally rolling land extending east from Olentangy Falls. It is accessed with a boulevard entrance to Hyatts Road via Benton Lane.

Section 3 is the third of five sections in the Olentangy Falls East subdivision. The 25 buildable lots in this section are typical compared to the other sections and range in size from 120 feet to 135 feet wide and 200 feet to 213 feet deep for an average lot size of 0.57 acres. No open space or reserve areas are included in this section.

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

### **Staff Recommendation**

Staff recommends *Final Approval* of Olentangy Falls East, Section 3 to the DCRPC.

### **Commission / Public Comments**

*Mr. Merrell made a motion for Final Approval of Olentangy Falls East, Section 3. Mr. Lamb seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

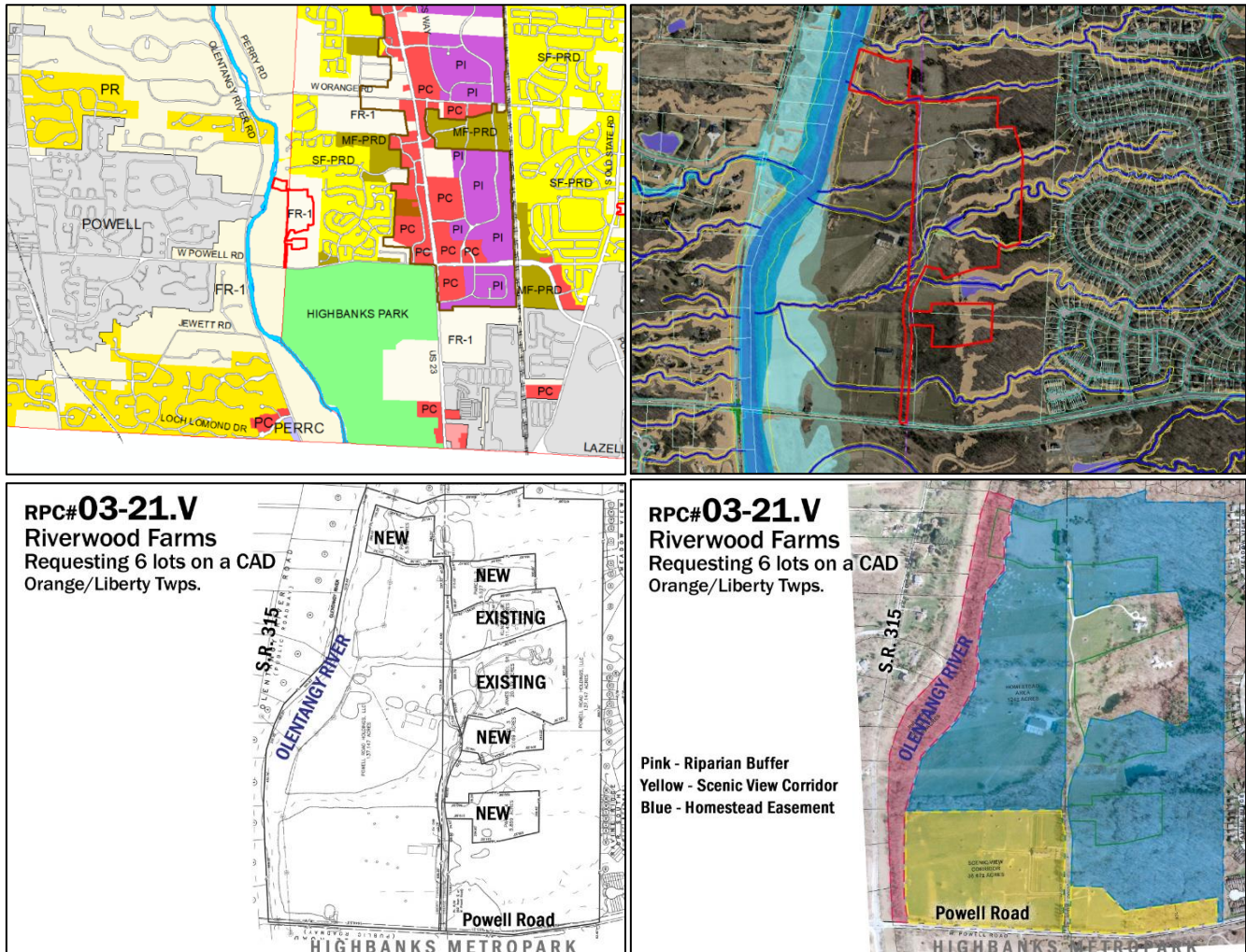
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## VARIANCES

### 03-21.V Riverwood Farm CAD – Liberty & Orange Twps. – requesting 6-lot CAD

#### Request

Wills Creek Development Services, LLC. is requesting a variance from Section 306 of the Delaware County Subdivision Regulations for Riverwood Farm Subdivision to permit six lots in a Common Access Driveway subdivision, while allowing existing farm activities to gain access from the CAD without being in the subdivision plat.



The proposed subdivision is located on 210 acres on the north side of Powell Rd., east of the Olentangy River Rd., west of Highmeadows Village subdivision.

#### Facts

1. The applicant seeks to create a 6-lot subdivision, utilizing a Common Access Driveway;
2. The site would utilize an existing, well-established driveway;
3. The drive enters the site and travels north, providing frontage for six lots;
4. The land is zoned FR-1, with a minimum 1.98 acre lot size in Orange and 1.0 acre lot size in Liberty;
5. Del-Co Water is available to the site with an existing 12 inch line running across the center of the site;

6. A 30"-36" main sewer line crosses the length of the site from north to south;
7. Letters of support from the two township Fire Departments have been received;
8. Relevant sections 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."

**"306.03 Number of Lots.** [...] Acreage not included in the CAD subdivision plat and CAD Maintenance Agreement shall not be accessed by the CAD. [...]

**"306.06 CAD Standards and Requirements.** Common Access Driveway design shall be consistent with sound engineering practices and principles necessary to provide for the public health, safety, and welfare, which shall include but not be limited to safe and adequate storm water management, access, maneuvering and use by fire and safety vehicles, and meeting the standards set forth in these regulations. Additional or more restrictive standards may be required for the promotion and protection of the public health, safety, and welfare, by the certifying engineer, zoning official, Director of the Regional Planning Commission, or County Engineer. [...]"

#### **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:** *"As discussed in greater detail below, with current FR-1 zoning, Riverwood Farm could become at least 60-70 individual home sites.*

*In exchange for the Commission granting this variance for just five additional 5-acre+ home sites (1 in Liberty Twp. and 4 in Orange Twp.), all with frontage on an existing farm drive as a common access drive, the owners of Riverwood Farm could continue their efforts to preserve this working farm and its natural areas under a conservation easement. Five additional home sites relative to 70 would mean a use of just over 7% of the density as currently zoned. This would greatly reduce demand on the local public school system, first responders and other public services in light of the recent Route 23 Corridor Overlay District.*

*It would also greatly decrease additional traffic onto S.R. 315 and 750."*

**Staff Remarks:** The variance does not appear to result in a detrimental effect to the public health, safety, or welfare, nor would it be injurious to other properties. Without additional study, a determination cannot be made as to the maximum number of potential lots that could be created.

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

**Applicant's Response:** *"In the congested intersection of S.R. 315 and 750, this is a rare opportunity to preserve a working farm and natural areas of 210 acres along 3,900 lineal feet in a state-designated scenic river corridor with 21,000 feet (4+/- miles) of streams draining into the Olentangy River. To our knowledge there is no other working*

*farm of this size in southern Delaware Co. on a major waterway like the Olentangy River.”*

**Staff Remarks:** The property contains substantial acreage, including floodplain, steep slopes, wooded areas, and scenic views, which would be advantageous to preserve.

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:** *“To comply with having two of the five lots with their own frontage on SR 750 would mean placing them in pastures that are critical to the operation and viability of Riverwood Farm. Further, prospective grantees who would hold and enforce any conservation easement have conditioned their participation on minimal to no impact on the existing aesthetics of Riverwood Farm as seen from SR 750.*

*Requiring: (a) two of the five lots to have their own frontage on SR 750; and/or (b) changing the existing farm drive except as previously discussed and documented with the Liberty and Orange Twp. fire departments in their letters would jeopardize the viability of a conservation easement on Riverwood Farm.”*

**Staff Remarks:** If the variance were denied, the applicant would not be able to build the additional lots; limiting the property to one additional lot.

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:** *“The unique size and location of this property, coupled with the amount of otherwise developable acres that would be restricted by the conservation easement, makes this variance request of extremely limited precedential value, and can easily be distinguished. In contrast to our review of other recent CAD variance requests, which in our reading seek to maximize the quantity of lots and density, with this variance we are seeking to minimize the number of parcels and density to preserve a working farm, natural areas, water quality and minimize future impacts to roads and the public school system.”*

**Staff Remarks:** There is not a reason to believe that granting the variance will alter any other applicable zoning regulations or comprehensive plans.

#### **Staff Comments**

The DCRPC has long supported the idea of conservation and Conservation Subdivisions. Staff agrees that this site is unusual in its current operation as a farm and desires to see that continue. The applicant has committed to placing a substantial portion of the property into a conservation easement. Of the total 180 acres, 19 will be dedicated as a riparian buffer zone, 37 as a scenic view corridor along Powell Road/750, and 124 will be included as the Homestead area, allowing limited disturbance by the four new house locations. Liberty and Orange Townships are both supportive, and staff has detailed letters from both Fire Departments with agreed-to improvements where needed.



As a platted subdivision, county agencies will continue to review and comment as the proposal proceeds through the platting process. Preliminary Plan review and approval will be the next step in the process.

### **Staff Recommendations**

DCRPC staff recommends *Approval* of the variance request by Wills Creek Development Services LLC from Sec. 306 for **Riverwood Farm CAD** for 6 lots on a CAD, access to current farm activities from the existing driveway serving as the CAD based on the Findings of Fact.

### **Commission / Public Comments**

Mr. Andy Wecker, Manos, Martin & Pergram Co. (50 N. Sandusky St., Delaware, OH 43015) was present along with Jim Schrim of Wills Creek Development Services, representing Powell Road Holdings. Both were sworn in. Mr. Wecker explained that the conservation easement will greatly limit development on this site. The family would like to preserve the farm and create some additional home sites. The Homestead easement would be the least restrictive of the three easements proposed but it would be held by a third party to enforce the easement.

Mr. Price asked the difference between this proposal and the 4-lot CAD variance request last month. Mr. Sanders explained the tradeoff is the preservation conservation easement and not just an easement to continue farming. This location is farther south, in the middle of a congested area with an existing driveway.

Mr. Shafer asked what assurance is there that these easements are actually going to be put in place and are we able to make a condition of approval that these easements be done. Mr. Sanders stated that it could be a condition before the final plat to provide documentation that the easements are put in place. Mr. Schrim stated that the family is willing to agree that the recording of the easements is a condition of the recording of the plat.

Mr. Rinehart was concerned that this appears to be somewhat of a negotiation for a variance as opposed to setting forth the factual reasons of what would justify the variance. Mr. Sanders explained that all of the requested lots could be created with long 60' flag lots and then they could decide to just share the driveway themselves and there would be no approvals required. The easements could still be put in place but this is a much cleaner way to do it.

***Mr. Loveless made a motion for Approval of the Variance for Riverwood Farm CAD for 6 lots on a CAD, access to current farm activities from the existing driveway serving as the CAD based on the Findings of Fact. Mr. Matlack seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.***

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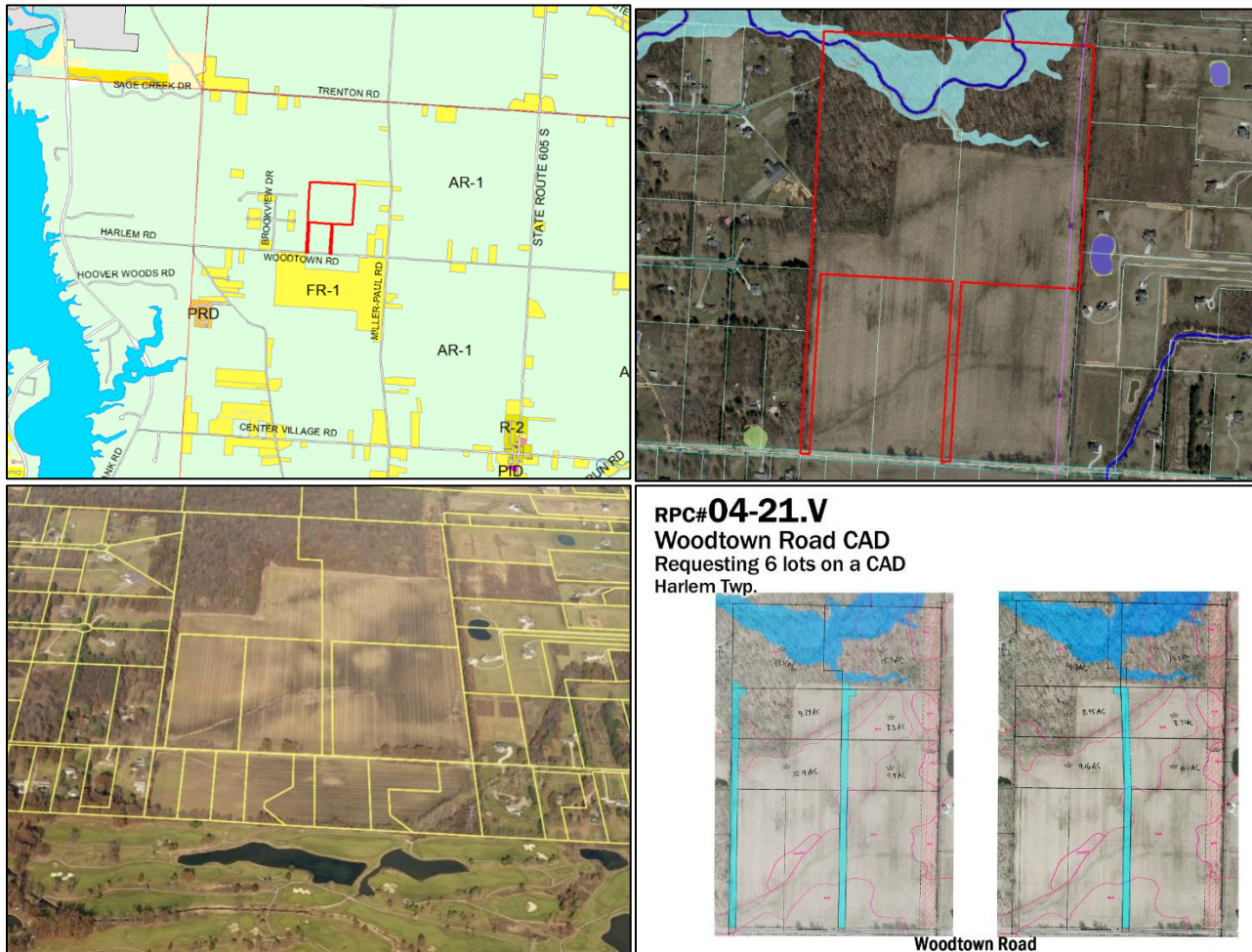
04-21.V      Woodtown Road CAD – Harlem Twp. – requesting 6 lot CAD

### **Request**

Matthew Dickens of 365Land LLC is requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations for Woodtown Road CAD to permit six lots in a Common Access Driveway subdivision.

The proposed subdivision is located on 67.9 acres on the north side of Woodtown Rd., west of Miller Paul Rd.

consisting of parcels 31622001091002 and 31622001092003.



### Facts

1. The applicant seeks to create a 6-lot subdivision, utilizing a Common Access Driveway;
2. One option shows a CAD entering the site and traveling north, providing frontage for six lots;
3. A second option shows two 3-lot CADs utilizing two 60 foot strips off of Woodtown Road;
4. The land is zoned AR-1, with a minimum 5 acre lot size;
5. Del-Co Water is available to the site with an existing 6 inch line running across Woodtown Rd.;
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 a single curb cut and access point on Woodtown Rd, which helps to minimize traffic congestion. In addition, Applicants' proposed CAD subdivision provides for a low density residential development of one (1) unit per 11.3 acres. The Comprehensive Land Use Plan for Harlem Township ("Comprehensive Plan") recommends low densities at less than one (1) unit per 2.00 acres. Applicant's proposal meets and far exceeds the desired and stated planning goals of Harlem Township. Furthermore, the creation of these lots on one (1) access also eliminates the need for tree and vegetation removal during construction."

**Staff Remarks:** Staff agrees that the proposed variance does not directly impact the public health, safety, and welfare in a negative manner.

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 six (6) lots ranging in size from 8 acres to 14 acres. The area to be developed is a large area with limited frontage along the public road and owner is seeking to gain access to the building sites. Other connections to roads and lands are limited due to previous development in the area, existing streams and significant distance through undeveloped land to the nearest public roadway."

**Staff Remarks:** Staff does not believe this request is related to any particular uniqueness of the property, but is instead related to the convenience of the applicant. The utilization of flag lots for development of CADs is fairly common. As such, the two flag lots can be developed as two CADs, resulting in the same number of lots at the same proposed sizes and orientation. These large lots appear to have been split in November, 2020, out of the original farm and all retain the same taxpayer address. By granting variances of this nature, the Commission could be encouraging the future creation of parcels for the sole purpose of requesting CADs.

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 the variance is not granted, then our clients will be unable to effectively utilize the Property without creating two 3-Lot CAD subdivisions. Other connections to roads and lands are limited due to previous development in the area, and existing streams. This creates a hardship for the property owners. The proposed CAD subdivision not only meets the goals and objectives of the property owners, but conforms to the stated purposes, goals, and objectives of the Comprehensive Plan, see below."

**Staff Remarks:** There is nothing in the physical surroundings, shape, or characteristics of the properties that would prevent it from being developed as two 3-lot CADs. Staff is not opposed to, and sees no issue with, developing the two lots as two separate 3-lot CADs, particularly since the access points would be well-spaced.

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:** "The Applicants' proposed CAD subdivision necessitates a variance from the Subdivision Regulations, which allow for no more than five (5) lots on a CAD subdivision, including the frontage lots. Applicant is requesting six (6) lots. We believe that the Applicant's proposed CAD subdivision configuration meets the stated overall purposes and goals of the Comprehensive Plan. Again, the proposed CAD subdivision provides for one (1) dwelling unit per 11.3 acres. Also, the overall objective of Harlem Township in its land planning is to preserve the rural character of Harlem Township, with a variety of housing choices. 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 six (6) lots, implements access management controls to limit access points and to minimize traffic congestion on Woodtown Road. Applicant believes that one 6-lot CAD is better than two 3-lot CADs. Overall, the Applicant's proposal conforms to the Comprehensive Plan and meets the spirit and intent of the Subdivision Regulations and the Harlem Township Zoning Resolution."

**Staff Remarks:**

Staff does not believe the variance would result in any changes to the provisions of the applicable zoning regulations or comprehensive plan.

**Staff Comments**

The variance request isn't necessary to develop six lots. Staff could not identify a hardship that would occur by denial of the variance other than the need to construct two CADs. Developing two 3-lot CADs as opposed to one 6-lot CAD seems like a reasonable alternate that would obviate the need for a variance.

**Staff Recommendations**

DCRPC staff recommends *Denial* of the variance request by 365Land from Sec. 306.02 for **Woodtown Road CAD** for 6 lots on a CAD, based on the Findings of Fact.

**Commission / Public Comments**

Mr. Matt Dickens, 365Land, was present and sworn in. He stated this request was less of a hardship but more of a practicality. They could do the side by side 3-lot CADs. Reasons for asking for the combined 6 lot CAD include reduction of access points on the road, eliminate the removal of trees from the left most CAD, and creates a sense of community. Mr. Dickens stated that with fewer resources going into two CADs perhaps they could have a wider CAD, better signage or mailbox groupings or entry way feature.

***Mr. Loveless made a motion for Denial of the variance request by 365Land from Sec. 306.02 for Woodtown Road CAD for 6 lots on a CAD, based on the Findings of Fact. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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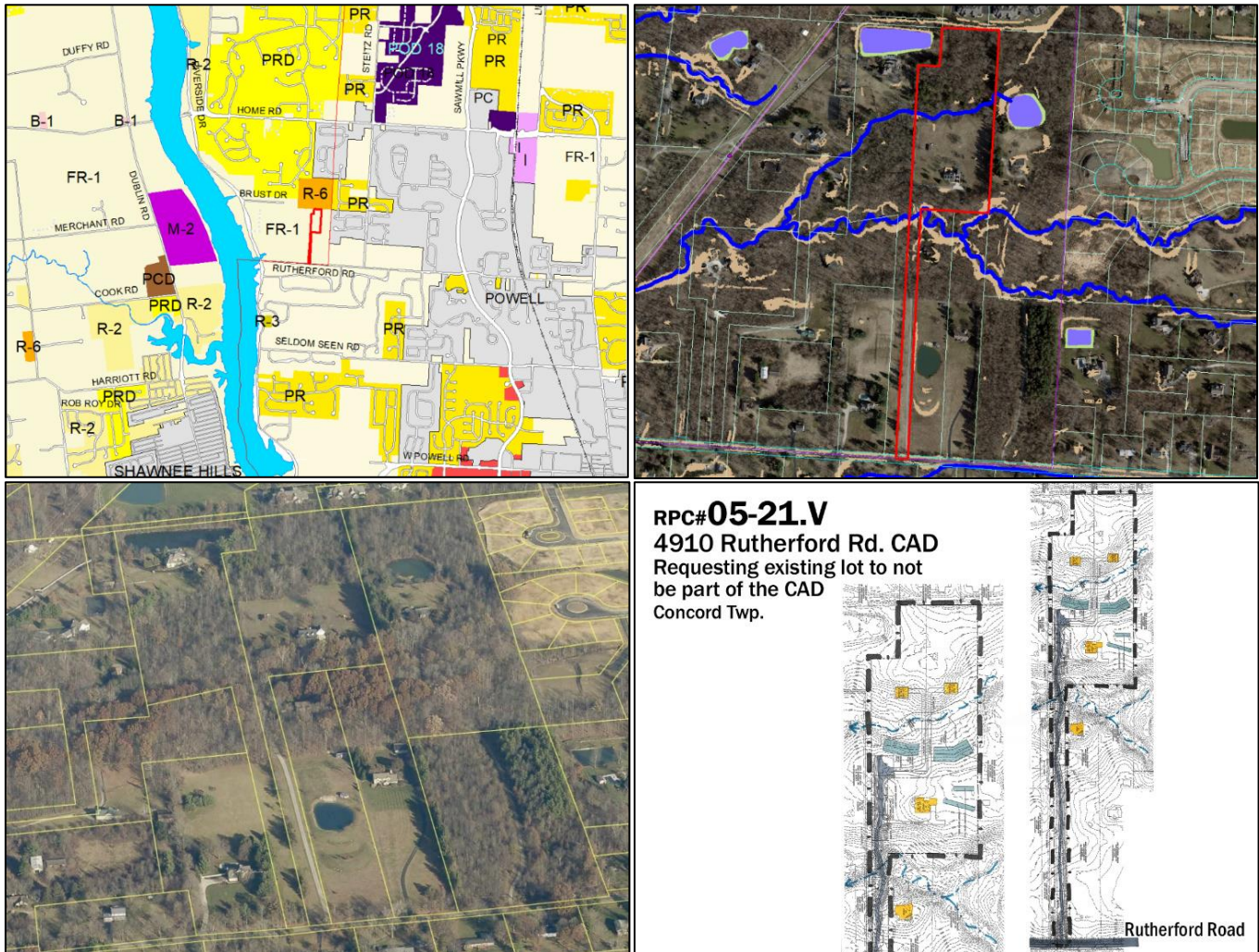


05-21.V      4910 Rutherford Road CAD – Concord Twp. – requesting 4<sup>th</sup> lot to not be a part of CAD

**Request**

The applicant, Nicholas Petitti is requesting a variance from Section 306.03 of the Delaware County Subdivision Regulations for 4910 Rutherford Road CAD to “allow driveway access to the adjacent 5.0-acre parcel, owned by Adam and Jessica Donehue, to the common access drive and not include the parcel in the CAD subdivision plat.”

The proposed subdivision is located on 9.857 acres on the north side of Rutherford Rd., east of Riverside Dr.



**Facts**

1. The applicant seeks to create a 3-lot subdivision, utilizing a Common Access Driveway;
2. The existing Donehue lot with frontage on Rutherford Road would continue to maintain driveway access to the subdivision but would not be a part of the subdivision plat;
3. The land is zoned FR-1, with a minimum 1.5 acre lot size;
4. Del-Co Water is available to the site with an existing 4-inch line running across Rutherford Rd.;
5. Relevant section of the Subdivision Regulations:

“306.03 CAD Restrictions. The CAD shall connect directly onto a public road or a private road built to public standards. The CAD and utility easement acreage shall be incorporated into one or more of the lots it

serves. Acreage not included in the CAD subdivision plat and CAD Maintenance Agreement shall not be accessed by the CAD. The CAD shall be labeled on the plat as “Common Access Driveway (CAD) – Ingress/Egress and Utility Easement.”

#### **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 existing driveway on the subject property is currently used by the adjacent 5.0-acre parcel. The proposed CAD is consistent with Concord Township zoning regulations and meets the County Subdivision requirements.”*

**Staff Remarks:** Staff does not believe the variance, if approved, would be detrimental to the public health, safety and welfare of the general public. The request may be detrimental to the property which would obtain a connection to the CAD without being part of the CAD. The property would not have representation on the Maintenance Agreement unless included.

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

**Applicant’s Response:** *“The requested variance is a unique situation where two property owners currently share a driveway and the larger parcel is requesting to subdivide their property as a CAD. The 5.0-acre parcel is not included in the CAD but is allowed, by existing easement to retain use of the existing driveway.”*

**Staff Remarks:** The conditions for the variance are unique in that the driveway which is on the applicant’s property is currently shared.

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:** *“A. The owners of the adjacent 5.0-acre property do not wish to plat their property as a part of the proposed CAD. B. The adjacent 5.0-acre property has existing easement rights to use the existing driveway to access their house which is about 1,000 feet north of Rutherford Road.”*

**Staff Remarks:** Staff does not believe a particular hardship to the applicant would occur through the denial of the variance. Since the owner should have been aware of the governing driveway access easement at the time of purchase in 2015, any hardship that may occur would be the result of the shared driveway, not the variance request.

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:** "A. The proposed CAD meets the County Subdivision regulations for the number of lots allowed if the adjacent 5-acre parcel was included in the plat. B. The proposed use is consistent with Concord Township zoning regulations."

**Staff Remarks:** Staff has no reason to believe that granting the variance would vary the provisions of applicable zoning regulations, or any other applicable regulations or plans.

### **Staff Comments**

The intent of the CAD regulation regarding access to properties not included in the CAD is to ensure that CADs are not developed with an excessive number of lots. The current proposal is for a 3-lot CAD. Under the regulations, the applicant would be able to have an additional lot, at the approval of the Regional Planning Commission, to add up to two lots with legal road frontage. Since the Donehue property does have legal road frontage, it would conform to the requirement for an additional lot on a CAD.

Since existing parcel owners are typically adverse to having their property platted, the only practical difference between including the Donehue property in the plat, and not including the Donehue property in the plat, is the inclusion of the Donehue property in the CAD Maintenance Agreement. A new Maintenance Agreement with a 25% share of maintenance among the four lots utilizing the CAD would appear to be advantageous compared to the current arrangement of 50% for each of the two residences.

As such, if the Donehue property is included in the CAD Maintenance Agreement, there is no functional difference between the inclusion or exclusion of the physical property in the final plat.

### **Staff Recommendations**

DCRPC staff recommends *Conditional Approval* of the variance request by Nicholas Petitti from Sec. 306.03 for **4910 Rutherford Road CAD** for the existing lot (Donehue) to not be part of the plat, based on the Findings of Fact, subject to:

- 1.) *The inclusion of the Donehue property in the CAD Maintenance Agreement.*

### **Commission / Public Comments**

Mr. Kevin Kershner, Kimley Horn, was sworn in to represent the applicant. He stated that the applicant has spoken to the Donehue's with regards to their willingness to sign a maintenance agreement after the CAD is created and understands that has not been agreed to yet. They will continue to work with the neighbors on a solution.

Mr. Rick Craven, Sikora Law LLC, (175 S. Third St., Suite 870, Columbus, OH 43215) was present to represent the adjacent property owners (Adam and Jessica Donehue). He stated that they feel the variance should be denied because the applicants can not satisfy the variance criteria. This project would be a hindrance for the Donehues with additional trips on the driveway and construction noise. They don't believe the property qualifies as unique as stated in criteria two. The developer's desire to sell lots and make money needs to be weighed against the Donehue's hardship of not being able to enjoy their land.

Mr. Adam Donehue, (4888 Rutherford Rd., Powell, OH 43065) neighbor to the proposed project expressed his concern with the variance. He stated that they want to preserve the wilderness-like characteristic of the property. His concern is long term with regards to the maintenance of the driveway. There are currently 4



*Mr. Shafer seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Concord Twp. and Brown Twp.). Motion carried.*





### Conditions

**Location:** east side of North Road, south of Shanahan Rd.

**Present Zoning:** Single Family Planned Residential (SFPRD) / **Proposed Zoning:** Multi-Family Planning Residential (MFPRD)

**Present Use(s):** One single-family house / **Proposed Use(s):** 144 units

**Existing Density:** 1.43 units / gross acre

**Proposed Density:** 5.99 units / gross acre

**School District:** Olentangy

**Utilities Available:** Del-Co Water and central sanitary sewer

**Critical Resources:** none / **Soils:** GwB, BoA

### Introduction

This is a rezoning in conjunction with a development plan. The proposal replaces the previous zoning request for the same number of apartment units. That request was ultimately denied by the Orange Township Trustees in 2020. Under the existing zoning, approved in 2014, the subject acreage constituted Sections 2 and 10 of North Farms, a single-family subdivision. A total of 43 single-family residences were planned for this acreage.

The subject proposal would change the zoning to permit 144 condominium units, divided among 18 structures with each structure containing 8 units with a mix of 2-bedroom and 3-bedroom units. A clubhouse and pool are also included. Each unit has a garage with internal access from the unit. Approximately 15 acres of open space is included (or roughly 62%), primarily to buffer the development from the adjacent railroad tracks, North Road, and Shanahan Road, in addition to storm water management.

The residences are accessed through a primary entrance on North Road, and emergency access is provided between the interior private streets and Hibbing Lane in North Farms, Section 9 to the south. Two additional small loops in the private streets provide some additional frontage for access to the structures.

### Process

As noted in the review for the previous proposal, staff remains concerned about the impact on the existing sections of a Single-Family Planned District. The current residents within North Farms had a reasonable expectation that the remainder of the subdivision would be built as planned and should continue to be provided input in whether this change should be approved. Despite the previous denial by the trustees, this change to condominium units will generate a similar Conditional Approval from staff as the previous proposal.

Additionally, multi-family uses within this vicinity are limited to multi-unit condos closer to US 23 with impacts from the high school stadium, existing single-unit condos behind the Kroger Marketplace center, and future Evans Farm townhomes and live/work units, which are designed to be walkable and integrated into other uses.

### **Comprehensive Plan**

Orange Township's 2018 Comprehensive Plan indicates this area would be single-family residential units with a maximum of 2 units per acre. The current zoning conforms to the recommendations while the proposed zoning does not. The applicant makes the argument that due to the proximity of the property to the railroad tracks, multi-family uses would be more appropriate for the site and would result in more open space acreage. The proposal has been changed from apartments to condominiums in an effort to reduce the community's concern that residents wouldn't have a more permanent connection to the area.

### **Issues**

**Traffic and access:** The subject proposal, as opposed to the current approved zoning, fails to create connections to other developments. The approved preliminary plan for the subject acreage involved an entrance at the same location as the proposed plan, but the current plan also connects with Hibbing Lane. The subject proposal does not include extending Hibbing Lane, thereby requiring all traffic for the 144 units to utilize the singular North Road entrance.

**Open Space / Health:** The current revised layout has added two areas of central open space areas in addition to a large area occupied by a storm water basin and earthen mounds with tree/shrub plantings for screening visibility. Internal sidewalks and sidewalks along North Road and Shanahan are indicated and the project includes a pool and clubhouse.

### **Divergences**

Five divergences are requested to serve four objectives:

1. A variance is requested from Sections 11.04(a)(5) and 11.04(b)(5) to allow permanent model units and a permanent sales office.  
*Staff Comment:* The application states the proposed development is for a "condominium development." The financing structures of condominiums are for purchase by individual owners. If the proposal is for condominiums, then sales and showings will be done by the condominium owner, and there won't be a need for a permanent sales office or model unit.
2. A variance is requested from Section 11.07(a) to increase the permitted density from 4 units per gross acre to 5.99 units per gross acre.  
*Staff Comment:* Staff isn't opposed to an increase in the number of units if those units are developed with the community in mind. To accommodate the extra residents that come with increased densities, more useable open space could be provided, and the development should tie into Hibbing Lane to provide continuity.
3. A variance is requested from Section 11.07(b) in order to increase the permitted number of units on any given acre from 8 to 16.  
*Staff Comment:* Staff isn't opposed to this requested divergence either. Regulations regarding a permitted number of units on "any given acre" is meant to achieve an even distribution of units among a property, and

prevent the over loading of units in one area. This development is well-distributed and any increase is the result of ample buffering.

4. A variance is requested from Sections 21.01(e)(3) to decrease the number of required parking spaces for “all other residential” from 3 spaces per unit to 2.43 spaces per unit.

**Staff Comment:** In order to provide additional open space areas and reduce the amount of paved parking areas which remain vacant the majority of the time, staff is in support of this divergence.

#### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by North Farms Condominiums LLC from SFPRD to MFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, subject to:

- 1.) Clarify whether the development is for condominiums or multi-family apartments. The divergence regarding a permanent sales office and 2 model units seems odd, given the commitment to make these units owner-occupied in an effort to reduce concern by the community;
- 2.) Increase the amount of useable open space areas; and
- 3.) Consider an additional connection through the extension of Hibbing Lane.

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

Mr. Todd Faris, Faris Planning, was present to represent the applicant. He stated that they have spent the last 6 months talking with residents in Orange Township and were told that they did not like rental housing. Ownership was preferred so the developer has brought back a new proposal that has condominium units. The site has been difficult for Metro Development to get developed as all the potential buyers have turned this project down due to the location to the railroad and Jennings Sports Park. It is hard to sell \$400,000-\$500,000 homes with those limitations. Mr. Faris acknowledged the RPC staff comments with regards to the sales and model unit. The intent is that those models would only be used until all other units are sold. He will make that change in the language. He explained that they are providing an emergency connection to the south and will also serve as a pedestrian connection. He and Mr. Joe Thomas have been trying to come up with a solution for more usable open space and will look at reducing the footprint of the mounds (but keep the height) along with an interior trail system.

**Mr. Price made a motion to recommend Conditional Approval of the rezoning request by North Farms Condominiums LLC from SFPRD to MFPRD subject to:**

- 1.) Clarify whether the development is for condominiums or multi-family apartments. The divergence regarding a permanent sales office and 2 model units seems odd, given the commitment to make these units owner-occupied in an effort to reduce concern by the community;
- 2.) Increase the amount of useable open space areas; and
- 3.) Consider an additional connection through the extension of Hibbing Lane.

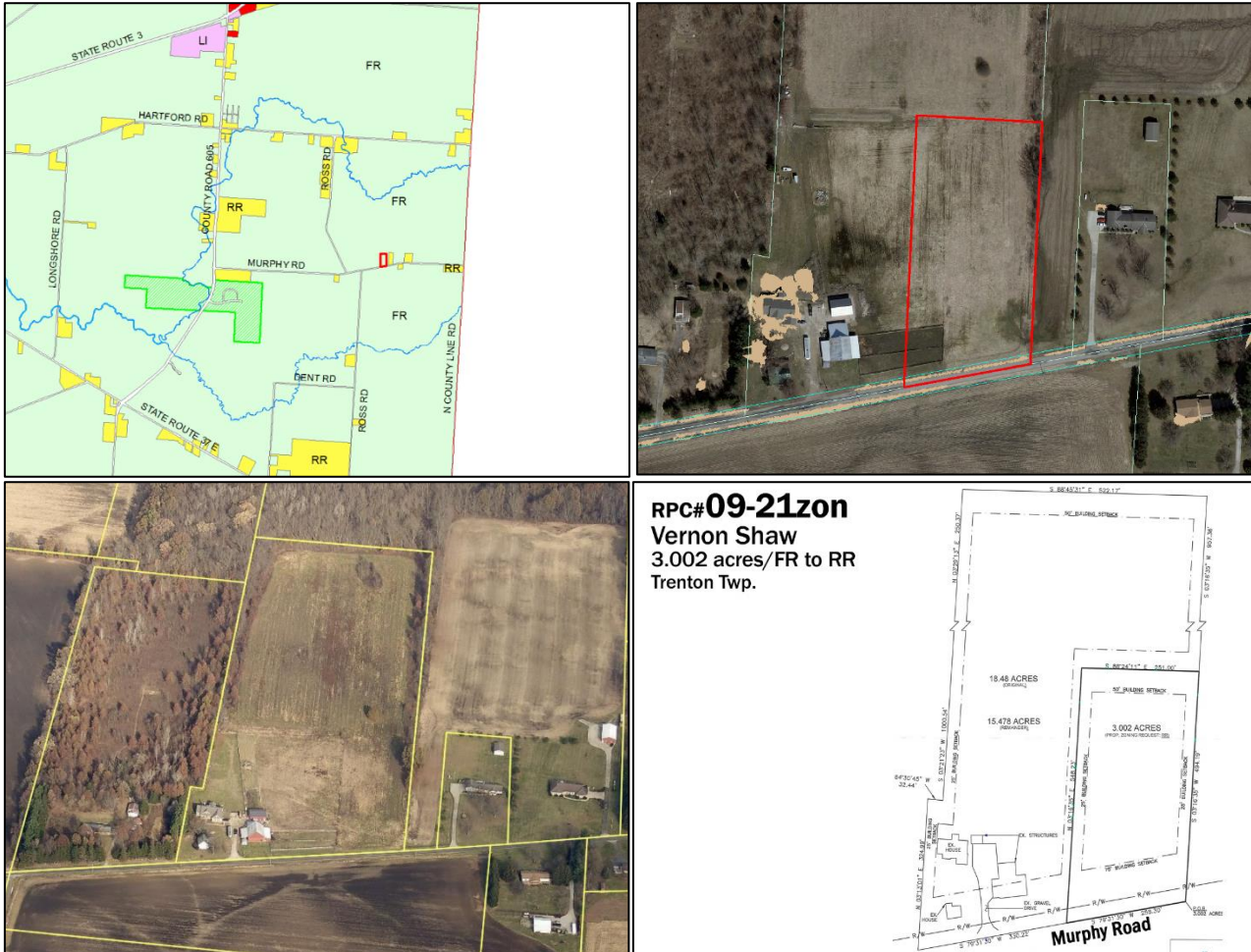
**Mr. Shafer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.**

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**09-21 ZON      Vernon Shaw – Trenton Twp. – 3.002 acres from FR to RR**

**Request**

The applicant, Vernon Shaw, is requesting a 3.002-acre rezoning from FR to RR for a future lot split.



**Conditions**

**Location:** north side of Murphy Road, east of Ross Rd.

**Present Zoning:** Farm Residential (FR) / **Proposed Zoning:** Rural Residential (RR)

**Present Use(s):** One single-family house / **Proposed Use(s):** lot split

**Existing Density:** 5 acre minimum lot size / **Proposed Density:** 3 acre minimum lot size

**School District:** Big Walnut

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

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

**Introduction**

This is a rezoning request in conjunction with a submitted plan for a lot split. The subject property is zoned Farm Residential which comes with a 5-acre minimum and 300 feet of frontage required. The existing 18.48 acre parcel fulfills these requirements.

The proposal is to rezone 3.002 acres of the southeast corner of the property to Rural Residential, which is accompanied by a 3-acre minimum lot size and 250 feet of frontage. The proposed 3.002-acre lot would fulfill



both of these requirements. The remaining acreage, a 15.478 single-family property, would remain in compliance with Farm Residential requirements as well with 330 feet of frontage.

### Comprehensive Plan

Trenton Township's 2004 Comprehensive Plan indicates this area would be residential with a 3-acre minimum. Other requirements aren't applicable to this property, such as prohibiting development in the 100-year floodplain.

### Issues

None.

### Staff Recommendations

Staff recommends **Approval** of the rezoning request by Vernon Shaw from FR to RR to the DCRPC, Trenton Twp. Zoning Commission and Trenton Twp. Trustees.

### Commission / Public Comments

Mr. Tony Meacham with Korda Nemeth Engineering was present to represent the applicant.

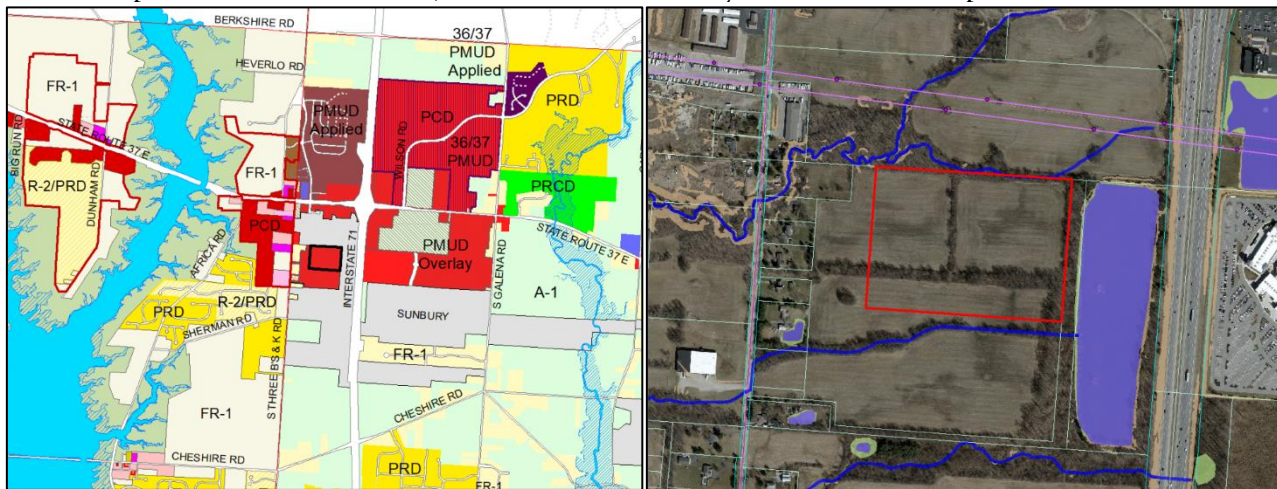
*Mr. Price made a motion to recommend Approval of the rezoning request by Vernon Shaw from FR to RR. Mr. Matlack seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Trenton Twp.). Motion carried.*

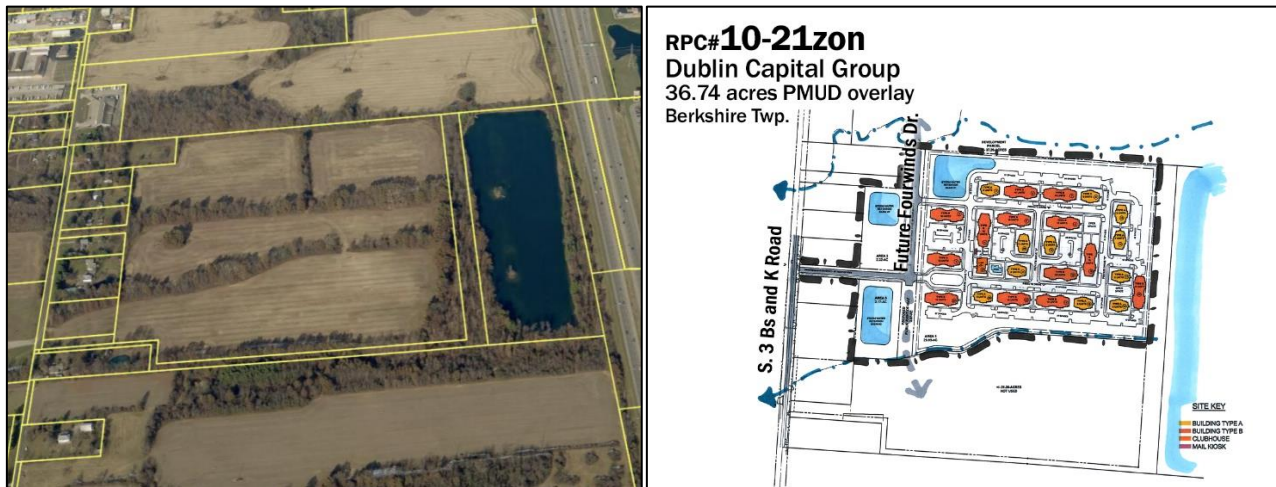
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10-21 ZON      Dublin Capital Group – Berkshire Twp. – 36.74 acres – PCD to PMUD Art. 16

### Request

The applicant, Dublin Capital Group, is requesting a 36.74-acre rezoning from PCD to PMUD Article 16 for the development of Phoenix Place, a 300-unit multi-family residential development.





### Conditions

**Location:** east of 3 B's & K Rd., approx. 2500' south of US 36/SR 37

**Present Zoning:** PCD, Planned Commercial and Office / **Proposed Zoning:** PMUD Article 16

**Present Use(s):** Vacant / **Proposed Use(s):** multi-family apartments

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and central sanitary sewer

**Critical Resources:** none

**Soils:** PwA, BeA, BeB

### Process

This is an **Administrative Review** of a Development Plan in accordance with the process of applying the 36/37 PMUD (Article 16) to a specific area. As such, the typical process of rezoning is not required. Once the Development Plan is approved in accordance with the PMUD, the standards of the underlying district, in this case Planned Commercial, will no longer apply.

### Project Highlights

The Development Plan calls for 294 multi-family units dispersed among 24 2-story structures. There are two types of structures, one with 16 units per structure, while the other type would have 8 units per structure. The 294 units will effectively exhaust the 300 available multi-family units in the southwest quadrant of the overlay. Based on the acreage of the property, the proposed units will also result in a density (10.27 units/acre) that is within the maximum and minimum thresholds of the overlay (8 units minimum to 12 units maximum).

Overall, the proposed development will extend Fourwinds Drive to the south. However, the development will utilize an access point from S. Three B's and K Road until Fourwinds Drive is extended and the interchange to the south is completed. Access and the timing of these improvements will be a significant issue for this project. A traffic study was recently completed indicating a turn lane requirement on S. Three B's and K Road. These recommendations will be detailed in the report provided to Berkshire Township.

The development will include slightly more parking than is required by the zoning code, and will also feature sidewalks and pathways throughout the development. Open space is included at 44% of the overall acreage. The majority of that acreage is used for buffering the property from surrounding developments, especially the single-family properties on S. Three B's and K Road.



Sidewalks and walking paths are included throughout the development, including within and along open spaces such as the large open space areas containing storm water basins near the adjacent single-family properties.

The proposed development will be completed in one phase, and by all accounts will conform to all other requirements of the overlay in the zoning code. The site will have access to Del-Co water and regional sanitary sewer.

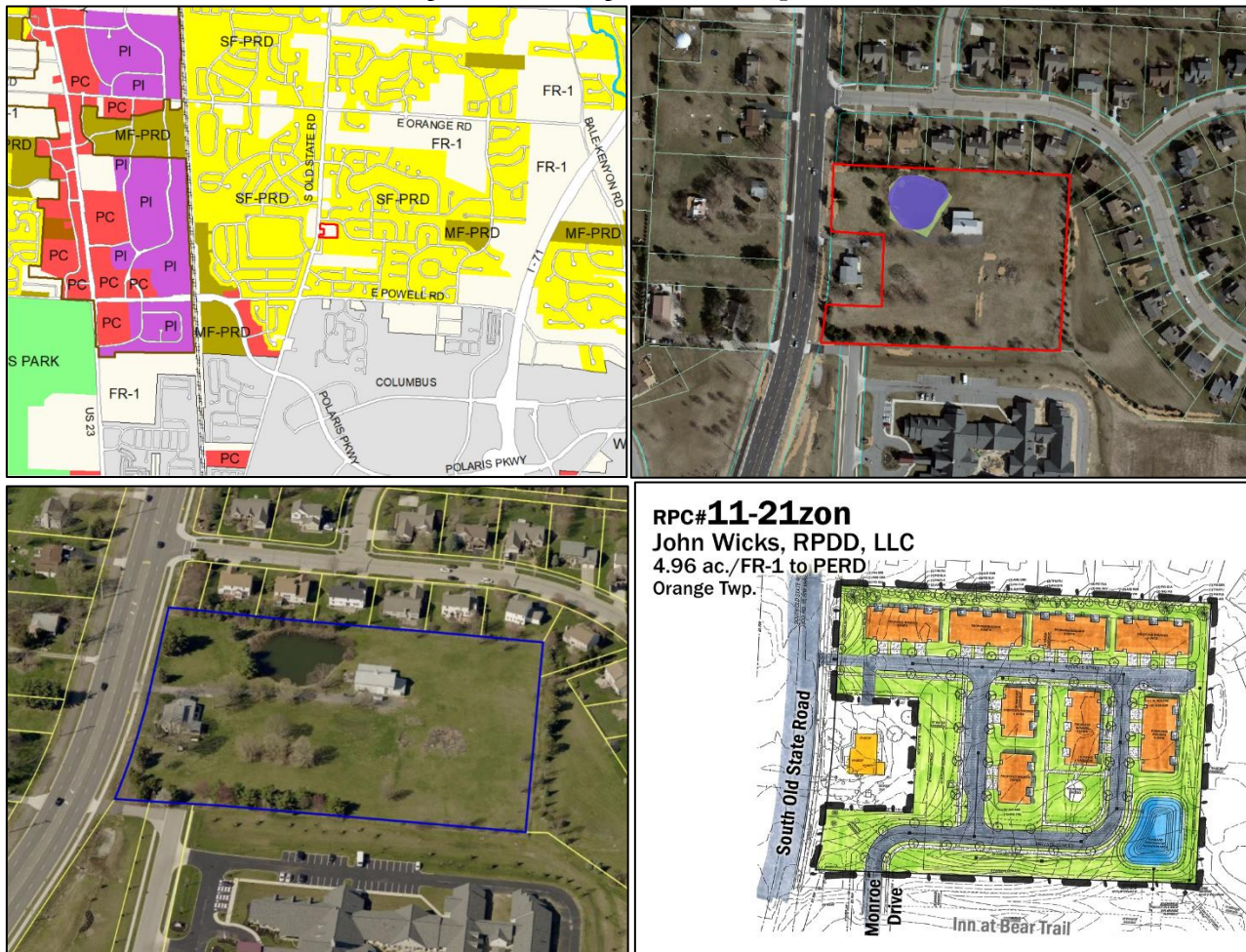
### Staff Recommendations

No action is required by the Commission. Staff report will be forwarded to Berkshire Twp.

11-21 ZON      John Wicks, RPDD, LLC – Orange Twp. – 4.96 acres from FR-1 to PERD

### Request

The applicant, John Wicks, Real Property Design and Development LLC, is requesting a 4.96-acre rezoning from FR-1 to PERD for the development of Independent Living at Old State.





### Conditions

**Location:** 8119 South Old State Rd.

**Present Zoning:** Farm Residential (FR-1) / **Proposed Zoning:** Planned Elderly Residential (PERD)

**Present Use(s):** One single-family house / **Proposed Use(s):** 22 age restricted rental units

**Existing Density:** .051 du per acre / **Proposed Density:** 2 du / acre

**School District:** Olentangy

**Utilities Available:** Del-Co Water and central sanitary sewer

**Critical Resources:** archeological sites, ponds, wetlands / **Soils:** BoA, GwB

### Introduction

This rezoning, in conjunction with a development plan, is for a proposed subdivision in Orange Township. Independent Living at Old State is located on the west side of South Old State Road, just north of Bear Trail Assisted Living. The current zoning of FR-1 comes with a minimum lot size of 1.98 acres and would permit the 4.96 acre property to be built out as two single-family lots. The proposed zoning of Planned Elderly Residential would permit the property to be developed as an independent living facility; a permitted use under the zoning regulations.

The proposed development includes 22 units divided among 8 structures with 6 of those containing 3 units and 2 2-unit structures. Access is gained primarily through Monroe Drive to the south with an emergency access from South Old State Road. At that number of units, the resulting density of the development equates to 4.2 units per acre.

Open space in the development totals 57% of the total acreage. This acreage is mostly used to buffer the property from surrounding developments, though a small central green with a gazebo is included as well.

Sidewalks are also included throughout the development and ties into the greater network of sidewalks.

### Comprehensive Plan

Orange Township's 2018 Comprehensive Plan indicates this area would be residential throughout.

Recommendation 6-2 of the Comprehensive Plan also highlights that this area may be appropriate for a Planned Elderly Residential District.



### Issues

**Traffic and access:** Currently the only non-emergency access is through the extension of Monroe Drive, while an emergency access is proposed to South Old State Road. The intent of the stub road was for a road extension into the site. If the proposed road is private, a public cul-de-sac or turnaround may be required as the road enters the site. Additionally, allowing access to the single-family house via the emergency access may encourage traffic to enter the site. This access, as well as the final configuration of Monroe Drive, should be further discussed with the County Engineer's office and the Fire Department.

### Divergences

Two divergences are requested:

1. A divergence from Section 15.02 to reduce the minimum tract size for a PERD project from 10 acres to 4.96 acre.

**Staff Comment:** Staff is in favor of this divergence. The property to the south has been built as an assisted living facility, and is also zoned PERD.

2. A divergence from Section 15.09(c) to increase the maximum density permitted from 4.0 to 4.2 units per acre.

**Staff Comment:** While the proposal for assisted living units is for 22 units, the existing single family residence will remain. The minor divergence in density seems appropriate given the preservation of the existing residence.

### Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by John Wicks, RPDD LLC from FR-1 to PERD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, subject to:

1. Consultation with the County Engineer and Fire Department regarding the final configuration of Monroe Drive and the Fire Access road.

### Commission / Public Comments

Mr. John Wicks, RPDD LLC was present. He stated that he has had conversations with the County Engineer's office and has determined that there is most likely going to be a cul-de-sac at the end of Monroe Drive. The density is slightly over what the Comprehensive Plan calls for but they are maintaining the old homestead. This housing type is unique to Orange Township. To his understanding there are no other rental units targeted to 55 and older.

**Mr. Price made a motion to recommend Conditional Approval of the rezoning request by John Wicks, RPDD LLC from FR-1 to PERD subject to:**

1. Consultation with the County Engineer and Fire Department regarding the final configuration of Monroe Drive and the Fire Access road.

**Mr. Loveless seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.**

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## SUBDIVISION PROJECTS

### Preliminary

05-21                    4910 Rutherford Road CAD – Concord Twp. - 3 lots / 9.857 acres

### Conditions

**Applicant:** Nicholas Petitti  
**Subdivision Type:** Single Family CAD  
**Current Land Use:** 1 house lot  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water and private on-lot treatment systems  
**School District:** Buckeye Valley  
**Engineer:** Kimley-Horn

### Staff Comments

This is a preliminary plan for a CAD on the north side of Rutherford Road, just east of Riverside Drive. The existing property is about 9.86 acres and is currently utilized as a single-family residence. The proposed CAD extends north along a driveway, which utilizes a shared access easement, before providing access to three lots. The proposed lots are between 2.31 acres and 5.27 acres, conforming to both lot size and frontage requirements.

There are wooded areas and a drainage course where the two rearmost lots are planned. The two lots have been designed to share one crossing over the drainage course to minimize impact. Care should also be given to placement of on-site septic systems to avoid adverse impacts to the drainage course which feeds into the O'Shaughnessy Reservoir.

The CAD plan also includes allowing access to the single-family lot located in front of the subject parcel. CAD regulations prevent this connection, however, a variance has been applied for to achieve conformance.

***A technical review was held on February 16, 2020, after which the applicant has addressed all of the required changes.***

### Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **4910 Rutherford Road** to the DCRPC, *subject to:*

- 1.) *Approval of the requested Variance to permit access to the existing lot without being included in the CAD Plat and any conditions related to that Variance;*
- 2.) *Applicant continuing to work with the Delaware Public Health District to resolve any outstanding issues.*

### Commission / Public Comments

Mr. Kevin Kershner with Kimley Horn was present to represent the applicant. He stated that they have submitted the submitted preliminary information to the Health District and received comments from them and will continue to work with them on resolving any issues.

Mr. Rick Craven, Sikora Law LLC, (175 S. Third St., Suite 870, Columbus, OH 43215) stated that his clients

Adam and Jessica Donehue oppose this request for reasons stated during the variance hearing.

*Mr. Price made a motion for Preliminary Approval of 4910 Rutherford Road, subject to staff recommendations. Mr. Loveless seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Concord Twp. and Brown Township). Motion carried.*

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06-21 Hoover View CAD - Genoa Twp. - 5 lots / 16.76 acres

### Conditions

**Applicant:** Jiechun Liu

**Subdivision Type:** Single family Common Access Driveway

**Location:** West side of Sunbury Rd., south of Hoover Woods Rd.

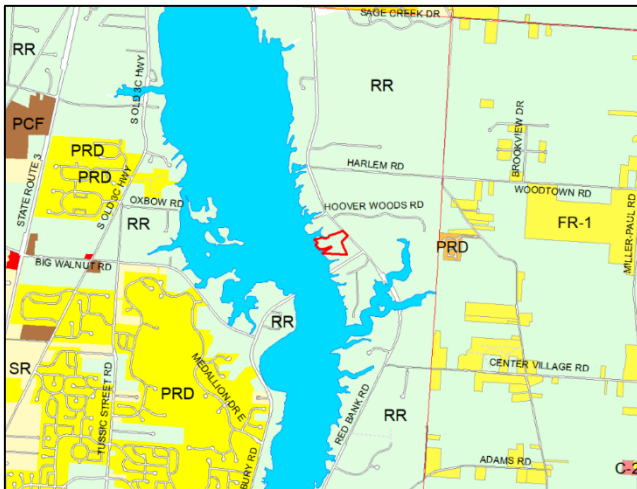
**Current Land Use:** single house

**Zoned:** Rural Residential

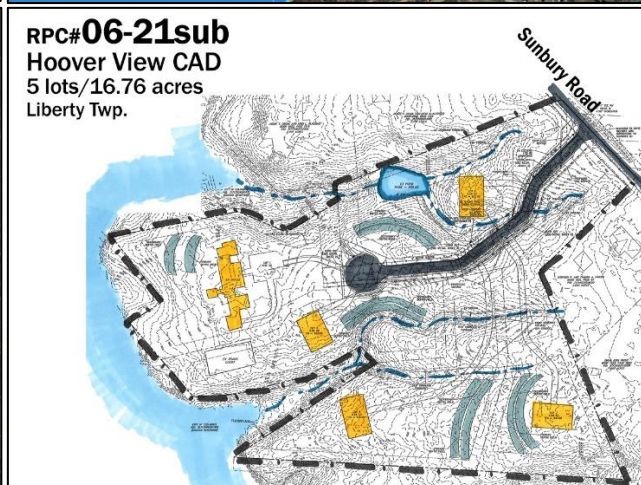
**Utilities:** Del-Co water and private on-lot treatment systems

**School District:** Big Walnut

**Engineer:** Kimley-Horn



**RPC#06-21sub**  
**Hoover View CAD**  
5 lots/16.76 acres  
Liberty Twp.



### **Staff Comments**

This is the preliminary development plan for a 5-lot CAD in Genoa Township on the west side of Red Bank Road, just north of Sunbury Road. The property is an existing lot of 16.75 acres which is utilized as a single-family residential property. The proposed CAD extends southwest from Red Bank Road where it provides frontage for the lots which range in size from 2.3 acres to 5.21 acres. All of the proposed lots conform to acreage and frontage requirements.

The site contains a significant amount of wooded areas and several drainage courses. Because these lots will use on-site treatment systems, care will need to be taken to mitigate any impacts to the drainage courses and subsequently, Hoover Reservoir. Despite being adjacent to Hoover Reservoir, no areas proposed for development are located within the 100-year floodplain.

*A technical review was held on February 16, 2020, after which the applicant has addressed all of the required changes.*

### **Staff Recommendation**

Staff recommends Conditional Preliminary Approval of **Hoover View CAD** to the DCRPC, subject to:

- 1.) Applicant continuing to work with the Delaware Public Health District to resolve any outstanding issues.

### **Commission / Public Comments**

Mr. Kevin Kershner with Kimley Horn was present to represent the applicant.

*Miss Boni made a motion for Conditional Preliminary Approval of Hoover View CAD, subject to:*

- 1.) *Applicant continuing to work with the Delaware Public Health District to resolve any outstanding issues.*

*Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.*

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07-21                      The Grove – Genoa Twp. - 30 lots / 21.017 acres

### **Conditions**

**Applicant:** Romanelli & Hughes

**Subdivision Type:** Condominium Community

**Location:** East side of Worthington Rd., south of Big Walnut Rd

**Current Land Use:** Single house

**Zoned:** Planned Residential District (PRD) and Suburban Residential (SR)

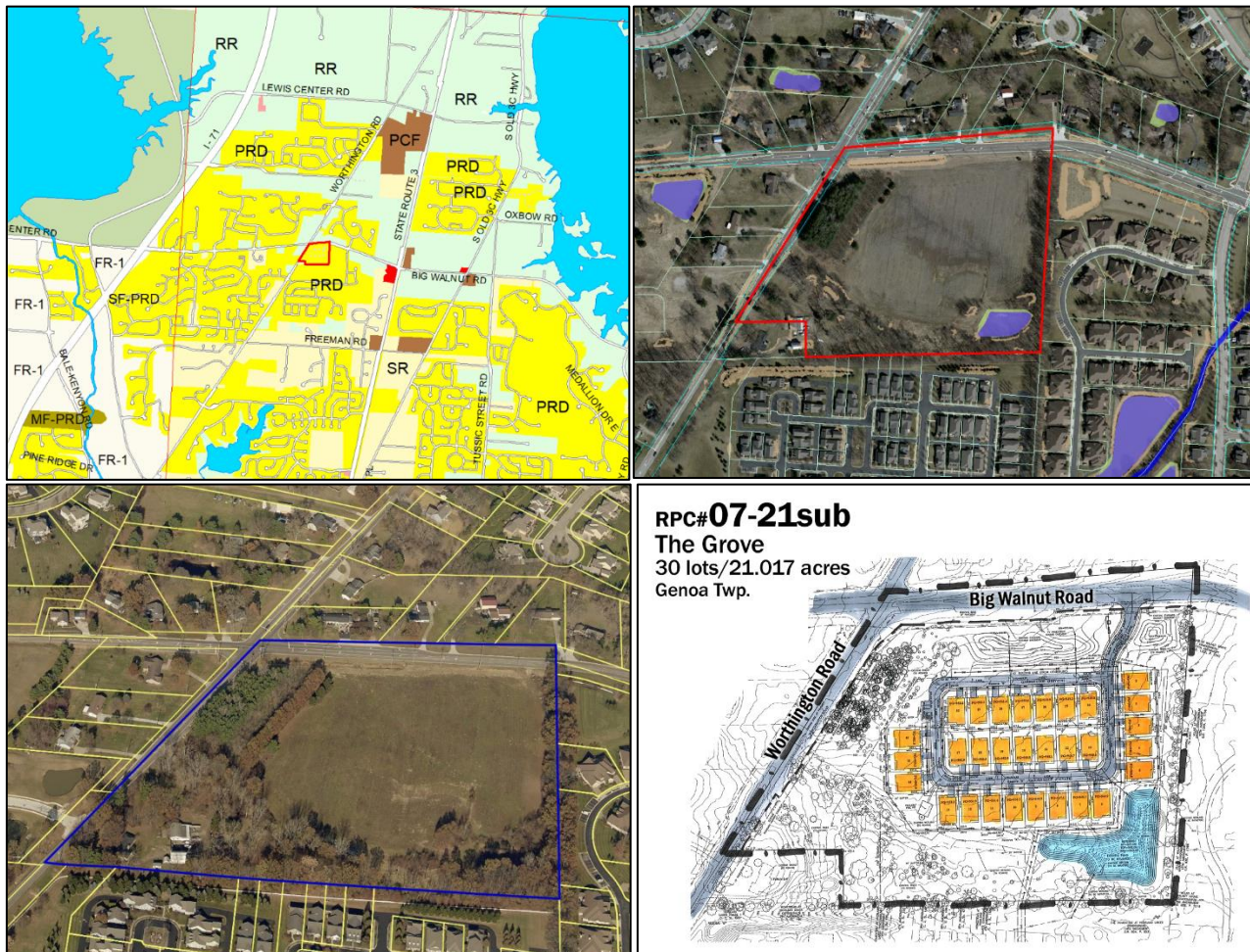
**Zoning Approval:** 12/27/20

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

**School District:** Olentangy

**Engineer:** EMH & T





### Staff Comments

The Grove is a proposed detached condominium subdivision at the southeast corner of Big Walnut Road and Worthington Road. The preliminary plan includes 30 condominium units which are accessed through a private road that extends south from Big Walnut Road to create a centralized loop.

The project will be completed in one phase, and result in a net density of 2.19 units / acre. Open space totals 40% of the development acreage and serves to buffer the units from neighboring properties, roadways, and assist in storm water management. Sidewalks are provided on both sides of the street at the entrance, and along all segments of roadway with housing unit frontage. An easement has also been included along Big Walnut Road and Worthington Road so the Township can develop a multi-use path in the future.

The project acreage has a significant amount of wooded areas and a couple wetland areas as well, though the development avoids impact to these.

*A technical review was held on February 16, 2021, after which the applicant has addressed all of the required changes.*

### Staff Recommendation

Staff recommends *Preliminary Approval* of **The Grove** to the DCRPC.

**Commission / Public Comments**

Mr. Joe Looby, EMH & T was present to represent the applicant.

*Mr. Loveless made a motion for Preliminary Approval of The Grove subdivision. Mr. Benton seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.*

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**OTHER BUSINESS**

- Appointment of the Nominating Committee [for Executive Committee elections]

Chairman Stites appointed Joe Shafer, Genoa Twp., Doug Price, Troy Twp. and Dan Boysel, Radnor Twp. to the Nominating Committee. He explained that an email will be sent to all Representatives and Alternates 02/27/21 with information on Executive Committee responsibilities.

**POLICY / EDUCATION DISCUSSION**

- Initiation of amendments to the Subdivision Regulations

Staff is requesting that the Commission initiate changes to the Subdivision Regulations. These changes have been reviewed by the County Recorder and Auditor, as well as County Engineer staff. Based on Notice requirements defined in the ORC (30 business days), the changes cannot be considered for approval until the April 29, 2021 meeting. Staff will utilize the time between now and the April meeting to gather any additional comments or questions regarding these amendments.

**Proposed Amendment to 102.06:**

*This amendment borrows language from the vacation process that was recently struck from the ORC, requiring a simple notification in the newspaper. Taking the vacation process through the RPC provides departments the opportunity to raise any concerns or opposition they may have. The process to vacate public streets and easements dedicated to county agencies will not change.*

**102.06 Vacating Platted Lots.**

~~ORC §711.25 and §711.26 address the vacation of land laid out in lots outside municipalities. Procedure for vacating land shall be as interpreted and administered by the County Auditor and County Prosecutor.~~

Any person owning, either jointly or severally, either in his or her own right or in trust, and having the legal title to any land laid out in platted parcels, and located within the unincorporated areas of Delaware County, may vacate such lots or group of lots upon submitting a Plat Vacation Application on or before a monthly Commission deadline. The application shall include all materials deemed necessary for the consideration of the vacation, including a survey and legal description of the land to be vacated. The Vacation request shall be considered at the next Regional Planning Commission meeting.

The Commission shall approve such Vacation unless there are objections from the platting-related agencies, members of the Commission, or members of the public. If approved, the survey and legal description shall be submitted to the County Auditor, which shall make all necessary updates. It shall then be presented to the County Recorder, who shall mark the plat of such lot(s) as "VACATED."

**Proposed Amendment to 205.06:**

*This amendment separates minor amendments and major amendments to a recorded plat. Previously, "minor"*

changes were essentially exceptions to the major amendments. Second, it adds clarity to steps that follow an adjacent property transfer within a plat. Finally, it allows the combination of two or more platted lots in a subdivision by a simpler process than a full replat. The combination will be endorsed by all the usual platting authorities, including township zoning, which will allow for any easements to be resolved.

#### **205.06 Minor Amendments to Changing a Recorded Subdivision Plat.**

Minor Amendments to a Recorded Subdivision Plat, as noted below, may be completed as defined herein.

- a.) Adjacent property transfers as provided under ORC §711.001(B)(1)(b) are exempt from a requirement to amend a plat. Such transfers require that the applicant shall file a request that a notation be added to the original plat document as maintained by the County Recorder as a condition of approval.
- b.) General utility easements, which the Commission reasonably determines at a public hearing are no longer needed, may be vacated with the submission of an application containing a survey exhibit and legal description, prepared by a professional surveyor, of such easement by the land owner to the Commission. Applications shall be subject to the monthly deadline for placement on the Commission agenda and shall require the approval of the Commission before they can be recorded. For purposes of this paragraph, owners of utilities within the platted subdivision shall be entitled to notice of the public hearing and afforded an opportunity to object to the application.

Notices shall be sent via certified mail at least twenty (20) days prior to the public hearing on the application, and a Notice of the public hearing shall be published once in a newspaper of general circulation within Delaware County at least fourteen (14) days prior to the public hearing. The publication shall serve as public notice to all owners of utilities of the pendency of the application whether or not they were individually named and notified. The applicant shall file with the Commission at the time of application a list of the owners of utilities entitled to notice and shall deposit with the Commission the cost of postage for the notices.

- c.) Easements which are held by the County and under the exclusive use and control of the County may be vacated without Commission approval by the County Commissioners upon the advice of the County Engineer.
- d.) Platted lots may be combined by filing an exhibit showing the final configuration of lot(s), including any easements, setbacks, or notes that affect the lot(s) as originally platted. The exhibit must be approved and endorsed by all platting authorities under 206.03 as applicable. The approval of a combination of platted lots shall be administrative. The Director shall request that a notation be added to the original plat document maintained by the County Recorder.
- e.) Plat notes and text not affecting lot lines and rights-of-way may be amended administratively after being approved and endorsed by all platting authorities under 206.03, at the discretion of the Commission. Impacted property owners may be required to be notified. The Director shall request that a notation be added to the original plat document maintained by the County Recorder.

#### **205.07 Major Amendments to a Recorded Subdivision Plat.**

A Preliminary and Final plat shall be required for Major Amendments to amend or change a recorded plat. Changes may involve subdividing a lot or reserve, converting a reserve into a lot, changing platted building setback lines, easements, wording, etc.

[Section continues unchanged]

#### RPC STAFF AND MEMBER NEWS

- Recognizing the passing of former RPC Representative and Chairman William Thurston on February 3, 2021

*Having no further business, Mr. Loveless made a motion to adjourn the meeting at 8:00 p.m. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, March 25, 2021, 6:30 PM via Zoom Meeting.*

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Dave Stites, Chairman

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Stephanie Matlack, Executive Administrative Assistant