

Delaware County Regional Planning Commission

109 North Sandusky Street
P.O. Box 8006, Delaware, Ohio 43015
740-833-2260 www.dcrpc.org
Scott B. Sanders, AICP Executive Director



MINUTES

Thursday, July 29, 2021 at 6:30 PM

Frank B. Willis Building, 2079 US 23 North, Conference Room,
Delaware, Ohio 43015

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of June 24, 2021 RPC Minutes
- Executive Committee Minutes of July 28, 2021
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
30-18.5	Northlake Preserve, Section 5	Berkshire	38 lots / 9.158 acres
30-18.6	Northlake Preserve, Section 6	Berkshire	29 lots / 43.293 acres
28-19.1.B	Piatt Preserve, Section 1, Phase B	Berlin	37 lots / 20.548 acres
13-20	Davenport's Bon View, Lot 601, Div. #1	Genoa	2 lots / 1.309 acres
04-16	Harvest Curve	Liberty	38 lots / 36.70 acres
24-16.2	Woodcrest Crossing, Section 2	Liberty	43 lots / 32.201 acres
24-16.3	Woodcrest Crossing, Section 3	Liberty	34 lots / 10.678 acres
30-19.5	Liberty Grand District, Section 5	Liberty	30 lots / 9.013 acres

VARIANCE/EXTENSION

01-05 Cheshire Woods - Berkshire Twp. - requesting variance from Sec. 102.03 and 204.04 for additional extension

ZONING MAP/TEXT AMENDMENTS

28-21 ZON Trenton Twp. Zoning Commission - zoning resolution text amendments
 29-21 ZON Concord Twp. Zoning Commission - zoning resolution and comprehensive plan amendments
 30-21 ZON JC Manny Logo Apparel - Genoa Twp. - 0.862 acres from RR to PCD
 31-21 ZON AMH Development LLC - Berkshire Twp. - 36.14 acres PMUD-17
 32-21 ZON Berlin Village LLC - Berlin Twp. - 54.183 acres - R-2/PRD to R-3/PRD
 33-21 ZON Orange Twp. Zoning Commission - zoning resolution text amendments / RCOD

SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
23-21	Jonard CAD	Harlem	2 lots / 10.07 acres
15-21	T Tranel	Radnor	3 lots / 8.195 acres
<u>Preliminary / Final</u>			
22-21	Evans Farm, Sec. 2, Ph. C, resubd. Of lots 8982-8990	Orange	8 lots / 1.747 acres

POLICY / EDUCATION DISCUSSION

- Zoning training workshop - August 28, 2021 - 9:00 am - 12:00 p.m.

ADMINISTRATIVE BUSINESS

- **Call to Order**
 Chairman Stites called the meeting to order at 6:30 p.m.
- **Roll Call**
 Representatives: Jim Nelson, David Weade, Dave Loveless, Susa Kuba, Duane Matlack, J.M. Rayburn, Matt Kurz, Dave Stites, Dan Boysel, Herb Ligocki, Bonnie Newland, Mike Dattilo. Alternates: Dustin Kent, Mike Love, Paul Benson, Barry Bennet, and Cindy Cooper. Arrived after roll call: Michele Boni. Staff: Scott Sanders, Jonathan Miller, Da-Wei Liou and Stephanie Matlack.
- **Approval of the June 24, 2021 RPC Minutes**
Mr. Boysel made a motion to Approve the minutes from June 24th. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- **July 28, 2021 Executive Committee Minutes**

1. Call to order

Chairman Stites called the meeting to order at 8:45 a.m. Present: Dave Stites, Susan Kuba and Michele Boni. Gary Merrell and mike Frommer were absent. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from June 16, 2021

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

3. New Business

- Financial / Activity Reports for June

REGIONAL PLANNING RECEIPTS		JUNE	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,845.00	\$13,530.00
Fees A (Site Review)	(4202)	\$600.00	\$6,300.00
Insp. Fees (Lot Line Transfer)	(4203)	\$700.00	\$2,400.00
Membership Fees	(4204)		\$199,135.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$480.20
Assoc. Membership	(4206)		
General Sales	(4220)		\$10.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$6,000.00	\$56,251.40
Charges for Serv. B (Final. Appl.)	(4231)	\$14,000.00	\$44,871.80
Charges for Serv. C (Ext. Fee)	(4232)	\$600.00	\$1,050.00
Charges for Serv. D (Table Fee)	(4233)		\$400.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$1,200.00	\$3,000.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$2,530.00	\$15,295.00
Soil & Water Fees	(4243)	\$700.00	\$7,475.00
Commissioner’s fees	(4244)		
MISCELLANEOUS REVENUE			\$192.06
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)	\$80.00	\$80.00
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$28,255.00	\$351,670.46

Balance after receipts	\$1,223,339.07
Expenditures	<u>- \$ 34,508.15</u>
End of June balance (carry forward)	\$1,188,830.92

Mrs. Kuba 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.

• July RPC Preliminary Agenda

1.) SKETCH PLANS

	<u>Township</u>	<u>Lots / Acres</u>
• Trinity Lane CAD	Concord	3 lots / 8.78 acres
• Royal Green Estates	Kingston	12 lots / 28.535 acres
• Orange Summit Communities	Orange	2 lots / 54.38 acres

2.) VARIANCE / EXTENSION

- Cheshire Woods - Berkshire Twp. - requesting additional extension of 2 years

3.) ZONING MAP/TEXT AMENDMENTS

- Trenton Twp. Zoning Commission - zoning resolution text amendments
- Concord Twp. Zoning Commission - zoning resolution and comprehensive plan amendments
- JC Manny Logo Apparel - Genoa Twp. - 0.862 acres from RR to PCD
- AMH Dvlpt. - Berkshire Twp. - 36.14 acres - PMUD 17
- Berlin Village LLC - Berlin Twp. - 54.183 acres - R-2PRD to R-3/PRD

4.) SUBDIVISION PROJECTS

Preliminary

	<u>Township</u>	<u>Lots/Acres</u>
• Jonard CAD	Harlem	2 lots / 10.07 acres
• Tranel (Table request)	Radnor	3 lots / 8.195 acres

Preliminary/Final

- Evans Farm, Sec. 2, Ph. C,
a resubd. of lots 8982-8990
- | | | |
|--|--------|----------------------|
| | Orange | 8 lots / 1.747 acres |
|--|--------|----------------------|

Final

• Northlake Preserve, Section 5	Berkshire	38 lots / 9.158 acres
• Northlake Preserve, Section 6	Berkshire	29 lots / 43.293 acres
• Piatt Preserve, Section 1, Phase B	Berlin	37 lots / 20.548 acres
• Davenport’s Bon View, Lot 601, Div. #1	Genoa	2 lots / 1.309 acres
• Harvest Curve	Liberty	38 lots / 36.70 acres
• Woodcrest Crossing, Section 2	Liberty	43 lots / 32.201 acres
• Woodcrest Crossing, Section 3	Liberty	34 lots / 10.678 acres
• Liberty Grand District, Section 5	Liberty	30 lots / 9.013 acres

• Director’s Report

- 1.) Hosted a Zoning Inspector virtual discussion on July 13th.
- 2.) **Scheduled a Zoning Training** for Saturday morning, August 28, from 9:00 a.m. to 12:00 noon with Pete Griggs and staff as presenters. Second floor of the Hayes Building.
- 3.) Attended a virtual Regional Housing Strategy Exchange hosted by **MORPC**.
- 4.) **Converted our Community Profiles** from multiple pdfs into a **dashboard**, created a trustee/village direct mail piece to announce the service.
- 5.) **Subdivision Regulations – Changes** initiated **in June** for August RPC hearing were advertised – no comments yet. Mike Ringle with the Auditor’s office is coordinating the Transfer Standards to coordinate all changes.
- 6.) **Troy Township** – continuing to Planned Commercial, other possible items.
- 7.) **Delaware Township Comprehensive Plan** estimated to start in June. **Zoning Code** general review forwarded to township. Also looking at adding some fencing comments.
- 8.) **Berlin Township** – completed comparison of overlay with Comprehensive Plan subareas.
- 9.) **Porter Township** – seeking a review of its Zoning Code.
- 10.) **Sunbury** – met with new Mayor Joe St. John to deliver various maps and discuss ways to assist.
- 11.) **Trail Grant Committee** met and recommended three out of four requested grants to the Commissioners.

4. Adjourn

Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 11:00 a.m. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be *Wednesday, August 18, 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)

30-18.5 Northlake Preserve, Section 5 – Berkshire Twp. - 38 lots / 9.158 acres

Conditions

Applicant: M/I Homes
Subdivision Type: Single Family Residential
Location: extension of Otter Trail Dr., north of Blackwell Dr.
Zoned: PMUD
Preliminary Approval: 11/29/18 (overall preliminary)
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: EMH & T

Staff Comments

North Preserve is a development located to the east of the Fourwinds Drive extension, north of State Route 37. The full development proposal included 211 lots on 111.8 acres. Four sections have been recorded so far. This application is for the fifth section.

Section 5 of Northlake Preserve includes completing the connection between Habitat Way to the south to Bradbury Drive; the main entrance to the development. Included are 38 single-family lots that average 0.19 acres, and small open space area of .11 acres.

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 Northlake Preserve, Section 5 to the DCRPC.

Commission / Public Comments

Mrs. Kuba made a motion for Final Approval of Northlake Preserve, Section 5. Mr. Love seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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30-18.6 Northlake Preserve, Section 6 – Berkshire Twp. - 29 lots / 43.293 acres

Conditions

Applicant: M/I Homes
Subdivision Type: Single Family Residential
Location: extension of Bradbury Dr., west of I-71
Zoned: PMUD
Preliminary Approval: 11/29/18 (overall preliminary)
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: EMH & T

Staff Comments

This is the final plat for Section 6 of Northlake Preserve, the final section of the development. Section 6 of Northlake Preserve includes the extension of a cul-de-sac from the Bradbury Drive to provide the frontage and access to the 29 lots included in this section which average 0.21 acres. This section also plats the vast majority of the open space at 35.56 acres.

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 Northlake Preserve, Section 6 to the DCRPC.

Commission / Public Comments

Mrs. Kuba made a motion for Final Approval of Northlake Preserve, Section 6. Mr. Love seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

28-19.1.B Piatt Preserve, Section 1, Phase B – Berlin Twp. - 37 lots / 20.548 acres

Conditions

Applicant: DR Horton
Subdivision Type: Planned Residential
Location: east side of Gregory Rd., north of Cheshire Rd.
Zoned: R-3/PRD
Preliminary Approval: 06/25/20
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: Watcon Engineering

Staff Comments

Piatt Preserve received preliminary approval on November 21, 2019 for 104 single-family lots on 76.4 acres. Post-approval, the applicant needed to break the project into two sections to comply with the County

Engineer's drainage review sequencing; Piatt Preserve Section 1 and Section 2. Section 1, Phase A was approved in June of 2021.

This application, for Section 1, Phase B, consists of an extension from Phase A. The extension leads south to provide access to the internal network and single-family lots. The proposal includes 37 single-family lots that average 0.33 acres. Four open space areas, totaling 4.23 acres, are also included to buffer the property from Gregory Road, future development to the south, and provide storm water drainage.

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 **Piatt Preserve, Section 1, Phase B** to the DCRPC.

Commission / Public Comments

Mrs. Kuba made a motion for Final Approval of Piatt Preserve, Section 1, Phase B. Mr. Love seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-20 Davenport's Bon View, Lot 601, Div #1 – Genoa Twp. 2 lots / 1.309 acres

Conditions

Applicant: Tom Miller
Subdivision Type: Single Family Residential
Location: East side of S Old 3 C Hwy., north of Upper Cambridge Way
Zoned: Suburban Residential (SR)
Preliminary Approval: 08/27/20
Utilities: Del-Co Water, central sanitary sewer
School District: Westerville
Engineer: Diamond V LLC

Staff Comments

This is a replat application in order to transfer acreage from one platted property to another unplatted property, creating two buildable lots. The subject properties are located on the east side of South Old 3C Highway, just north of Upper Cambridge Way. The platted property, Lot 601 (currently 0.82 acres), was platted with the Davenport's Bon View Subdivision in 1958. The unplatted property included in this proposal (0.49 acres) is just north of that, and was originally reserved to be a private roadway, but was never constructed. The subject proposal will take the rear portion of existing Lot 601 and transfer it to the unplatted property to the north in order to create an additional buildable lot.

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 **Davenport’s Bon View, Lot 601, Div #1** to the DCRPC.

Commission / Public Comments

Mrs. Kuba made a motion for Final Approval of Davenport’s Bon View, Lot 601, Div #1. Mr. Love seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

04-16 **Harvest Curve - Liberty Twp. - 38 lots / 36.70 acres**

Conditions

- Applicant:** Crown Ridge Investment LLC
- Subdivision Type:** Planned Residential
- Location:** west side of Steitz Rd., south of Hyatts Rd.
- Zoned:** Planned Residential (PRD)
- Preliminary Approval:** 02/25/16
- Utilities:** Del-Co Water, central sanitary sewer
- School District:** Olentangy
- Engineer:** EMH & T

Staff Comments

Harvest Curve is a 38-lot subdivision with a main access from Steitz Road. The development connects through to Section 4 of Scioto Reserve. Open space of 18.7 acres is included and buffers the project from Steitz Road and existing development. All of the lots, which average 0.36 acres abut part of the open space areas.

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 **Harvest Curve** to the DCRPC.

Commission / Public Comments

Mrs. Kuba made a motion for Final Approval of Harvest Curve. Mr. Love seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

24-16.2 Woodcrest Crossing, Section 2 – Liberty Twp. - 43 lots / 32.201 acres

Conditions

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

Staff Comments

Woodcrest Crossing was originally approved on December 15, 2016 as a subdivision with 190 single-family lots and 60 condominium units (250 total units). The revised plan shows 300 units. It is located at the northwest corner of Steitz Road and Hyatts Road. Single-family lots account for 240 of the units, with the remaining 60 units allocated to condominium units in the northeast portion of the property.

Section 2 consists of the extension of Bluejay Ridge Drive from Section 1, Phase A, as well as an additional connection through the extension of Pyke Drive from Clarkshaw Moors, Section 2. This section includes 43 single-family lots that average 0.19 acres. Open space is also included in three separate areas, including two large areas for drainage and storm water management; totaling 20.847 acres.

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

Staff Recommendation

Staff recommends *Final Approval* of Woodcrest Crossing, Section 2 to the DCRPC.

Commission / Public Comments

Mrs. Kuba made a motion for Final Approval of Woodcrest Crossing, Section 2. Mr. Love seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

24-16.3 Woodcrest Crossing, Section 3 – Liberty Twp. - 34 lots / 10.678 acres

Conditions

Applicant: M/I Homes
Subdivision Type: condominium
Location: south of Clark-Shaw Rd., west of Steitz Rd.
Zoned: Planned Residential (PR)
Preliminary Approval: 12/19/19
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy

Engineer: EMH & T

Staff Comments

This application is for Section 3 of the same development as the previous application. Section 3 consists of a connection between Clark-Shaw Road and Section 2 of Woodcrest crossing. Included are 34 single-family lots that also average 0.19 acres, and 2.2 acres of open space that buffers the development from Clark-Shaw Road.

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

Staff Recommendation

Staff recommends *Final Approval* of **Woodcrest Crossing, Section 3** to the DCRPC.

Commission / Public Comments

Mrs. Kuba made a motion for Final Approval of Woodcrest Crossing, Section 3. Mr. Love seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

30-19.5 Liberty Grand District, Section 5 - Liberty Twp. - 30 lots / 9.013 acres

Conditions

- Applicant:** M/I Homes
- Subdivision Type:** Planned Residential Community
- Location:** west side of Liberty Grand Blvd., north of Shoal Way
- Zoned:** POD-18
- Preliminary Approval:** 11/21/19
- Utilities:** Del-Co Water, central sanitary sewer
- School District:** Olentangy
- Engineer:** EMH & T

Staff Comments

The Liberty Grand District development received preliminary plan approval on November 21, 2019, with 489 single-family units on 175.3 acres.

Section 5 of the development consists of connecting Liberty Grand Boulevard to an extension of Constitution Way from Section 3. The new roadway will provide all of the access to this section's 30 lots that average 0.18 acres. Two areas totaling 2.03 acres are included as open space buffering the development from surrounding residential properties and Liberty Grand Boulevard.

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

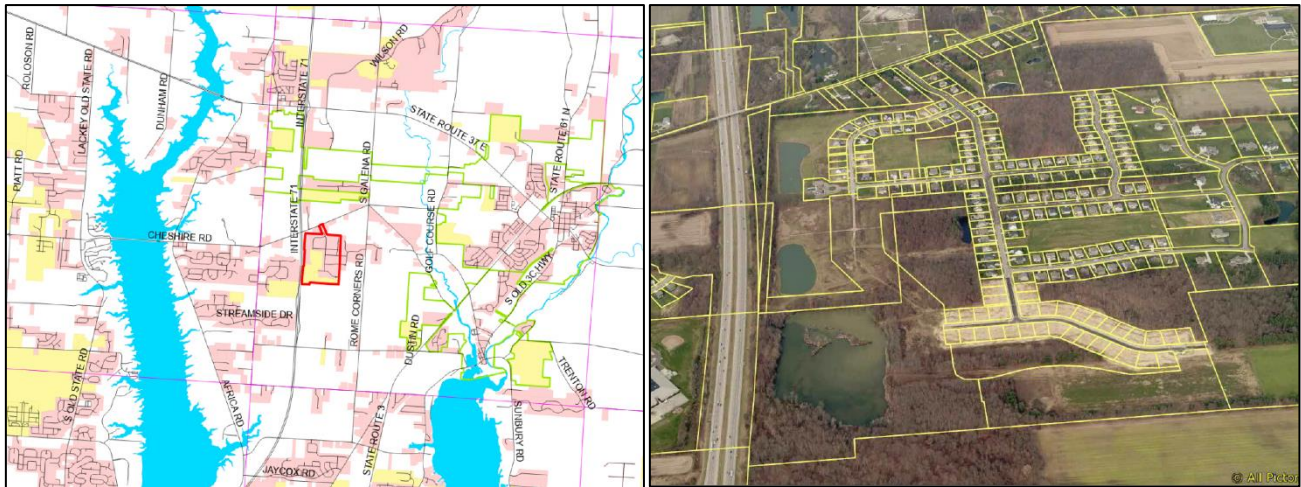
Staff recommends Final Approval of Liberty Grand District, Section 5 to the DCRPC.

Commission / Public Comments

Mrs. Kuba made a motion for Final Approval of Liberty Grand District, Section 5. Mr. Love seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VARIANCES/EXTENSION

01-05 Cheshire Woods – Berkshire Twp. – requesting variance from Sec. 102.03 and 204.04 for additional extension



Request

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

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

Facts

- 1) The Subdivision Regulations state that “the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded.”
- 2) Cheshire Woods, Sections 1-4 received Preliminary approval on January 27, 2005, and received a six-month extension in January, 2006 to expire July, 2006;
- 3) Cheshire Woods, Section 1 was recorded June, 2006, which held the Preliminary approval until June 2011;
- 4) The applicant received a Variance and two-year extension of the remaining lots in June 2011 to June 2013;

- 5) One-year extensions (by Variance) were granted in June 2013, June 2014, and June 2015 to expire June 25, 2016;
- 6) A Final Plat for Section 3, Phase A was recorded in July, 2015;
- 7) A Final Plat for Section 2 was recorded in May, 2016;
- 8) One-year extensions (by Variance) were granted in June, 2016, 2017, 2018, 2019 and 2020;
- 9) A Final Plat for Section 3, Phase B was approved by the RPC 05/28/20;
- 10) A draft Final Plat for Section 4, Phase A was completed 07/14/20;
- 11) The applicant is requesting a tenth extension via Variance for 2 years.

Criteria For a Variance

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

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

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

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

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

Staff comments: Homewood representatives have noted that they plan on proceeding with Section 4, Phase B this fall, when contractors can be lined up to do the work. The success of the development may be debatable based on the slow progress being made. While Staff would like to see the project completed as originally intended for the benefit of the residents and to avoid the applicant having to resubmit for preliminary approval, there is also currently a housing crisis resulting from a lack of available housing.

This application has received all of the requisite approvals and for the welfare of the County, should be completed in a timely manner. If the applicant cannot continue in the time frames that have been established and amended eight times, then the project may have to expire to open up additional opportunities for the property to be developed.

In the future, Staff will **not** support any additional variances for any sections.

Staff Recommendation

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

Commission / Public Comments

No one was present to represent the applicant.

Mr. Loveless made a motion to Approve the Variance request for Cheshire Woods, Sections 3C – 4, based on the Findings of Fact and for a 1 year extension. Mrs. Kuba seconded the motion. VOTE: Majority For, 2 Opposed (Radnor and Berkshire Twp.’s). Motion carried.

ZONING MAP/TEXT AMENDMENTS

28-21 ZON Trenton Twp. Zoning Commission – zoning resolution text amendments

Request

The Trenton Township Zoning Commission initiated changes on June 21, 2021 summarized as follows:

Amend the Permitted Uses in the Farm Residential District to allow only One-family dwellings and Accessory buildings and accessory uses including private garages. Also includes specifying that no residency is allowed in any accessory building.

This removes other items, such as farms, cemeteries, watershed protection buildings, conservation subdivisions, and home occupations.

Correcting the numbering system in the remainder of that Section.

Amend the Supplementary District Regulations to allow only one residential structure upon any lot and removing reference to requesting a variance to request more than one dwelling.

***Staff Response:** The residential limitations are reasonable amendments. However, since FR is the “base” zoning district in Trenton Township, it isn’t recommended that the references to agricultural uses (c. through f.) be removed from this district. Such a change would leave agricultural uses and other uses such as churches, public buildings, preserves, cemeteries, etc., in the Suburban Residential (SR) designation.*

Staff Recommendations

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

- 1.) *Reviewing both the FR and SR districts and making the FR the most permissive, particularly with allowances for agricultural uses.*

Commission / Public Comments

Mr. Dattilo stated that the Township has been receiving calls regarding detached mother in law suites so the Township wanted to make the language clear.

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

29-21 ZON **Concord Twp. Zoning Commission – zoning resolution and comprehensive plan amendments**

Request

The Concord Township Zoning Commission has initiated several changes to its Zoning Resolution and Comprehensive Plan as summarized below:

Zoning Resolution

- Striking Article VII - Planned Residential Conservation District (PRCD) and internal references to them;
- Deleting Conservation Subdivisions from the Definitions;
- Changing the definition of Multi-Family Dwelling as a building with no more than 4 dwelling units, reduced from 5 as currently written;
- Adding detail to the definition of a Two-Family Dwelling;
- In the Planned Residential District, removing any reference of densities higher than 1.5 units per gross acre;
- Removal of reference to “Apartment Hotel” in the definition of Hotel;
- Changing all references of “Apartments” or “Apartment Complex” to “Multi-Family;”

Comprehensive Plan

- Updating current Township personnel;
- Updating Land Use Facts as provided by DCRPC;
- Removal of all references to Conservation Subdivisions, both as a zoning tool and as a general concept;
- Addition of language stating increased traffic as a concern;

***Staff Comments:** These amendments are reasonable and based on recent changes in the Township. Although there have been several Sketch Reviews of Conservation Subdivisions, none proceeded through the Zoning Commission and Trustees and none appear on the Zoning Map. The PRCD was a “by-right” overlay and “density-neutral,” requiring a yield plan or allowing a density of .75 units per acre. While initially promising, waste disposal has been the limiting factor for Conservation Subdivisions. Future subdivision development in Concord Township will be limited to the Planned Residential District.*

Staff Recommendations

Staff recommends **Approval** of the amendments to the Concord Township Zoning Resolution and Comprehensive Plan to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees.

Commission / Public Comments

Mr. Boysel made a motion to recommend Approval of the amendments to the Concord Twp. Zoning Resolution. Mr. Rayburn seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

30-21 ZON JC Manny Logo Apparel – Genoa Twp. – 0.862 acres from RR to PCD

Request

The applicant, Ms. Pat Mandrell, is requesting a 0.862-acre rezoning from RR to PCD to allow the relocation of JC Manny Logo Apparel.

Conditions

Location: north side of Maxtown Rd., west of Hilmar Dr.

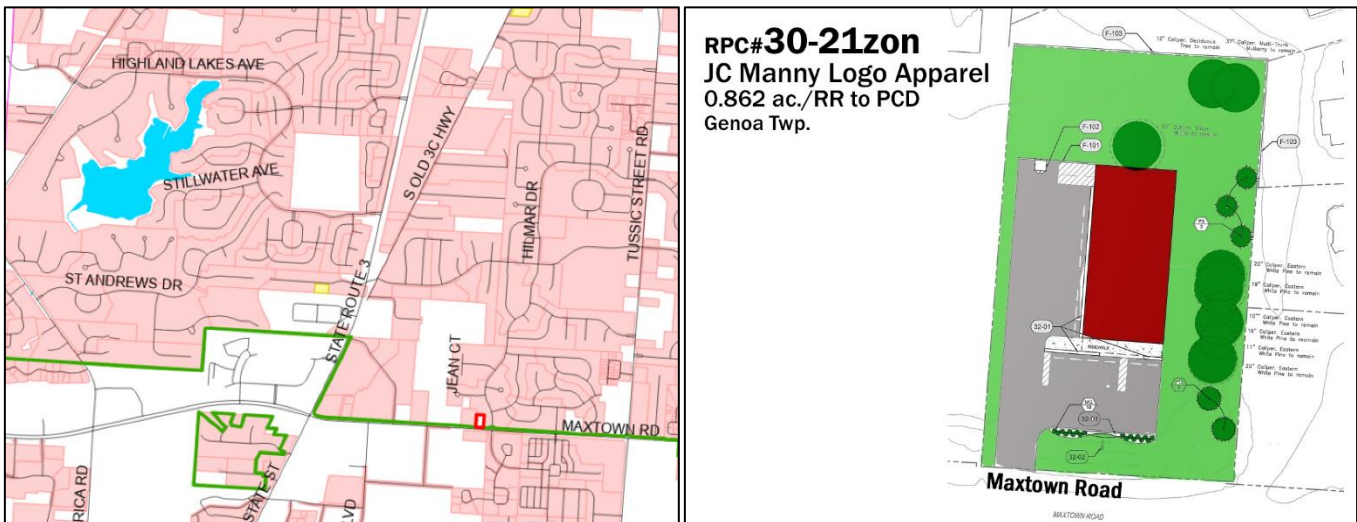
Present Zoning: Rural Residential (RR) / **Proposed Zoning:** Planned Commercial (PCD)

Present Use(s): vacant / **Proposed Use(s):** 5,000 sq. ft. office building

School District: Westerville

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: none / **Soils:** UbD



Introduction

This application is to rezone a 0.862-acre parcel on the north side of Maxtown Road from RR to PCD to facilitate the use of an apparel design company. The proposed use is prohibited under the current zoning, and the existing lot is currently vacant. There are no plans to divide the property or construct any new roadways. This request would allow for a change of use only.

Comprehensive Plan

Genoa Township’s 2019 Comprehensive Plan indicates this area (Planning Area 6) would be used for either, “Commercial-Office (planned), Neighborhood-Scale Commercial (planned), and/or Industrial (planned) land uses.”

The Comprehensive Plan also identifies the two existing residences on Maxtown Road – adjacent to the subject parcel), and states that they should be used for Commercial if screening is provided to protect the nearby residents.

Issues

Traffic and access: Maxtown Road is a very busy thoroughfare. While the use doesn’t generate a lot of traffic, turning left into the place of business may cause significant backups for eastbound traffic.

Screening: The subject property is located on Maxtown Road with residential properties in the Northern Lakes subdivision to the north and east. These properties should be visually screened from the property to eliminate noticeable commercial activity. While some trees are already present, additional trees, hedges, or fencing would enhance the screening to appropriate levels.

Divergences

Four divergences are requested:

1. Eliminate/reduce the minimum lot size for a PCD rezoning from 5 acres to 0.862 acres.
Staff Comment: Staff is in support of this divergence based on the property's location with Planning Area 6 which is recommended for PCD development, and the plethora of commercial uses to the west.
2. Elimination of the requirement to include a 75-foot green strip buffering the development from neighboring residential property lines.
Staff Comment: Staff is in support of this request in principle. Due size of the lot, a 75-foot buffer from all sides would eliminate commercial uses from this property altogether, despite that being the recommended use in the Comprehensive Plan. However, the spirit of the regulation is to provide ample screening to visually shield the residential properties from the commercial uses. The submitted landscaping plan shows vegetation within a 30-foot strip on the east and north. Subsequently, staff is in support of reducing the green strip regulation to 30-feet, so that the applicant can supplement the existing screening.
3. Elimination of the requirement to buffer parking 75 feet from the ROW.
Staff Comment: Staff is also in support of this divergence based on the property's location within Planning Area 6 and the smaller lot size. The parking lot in the submitted plan is in line with the parking lot of the commercial property two parcels to the west, so the divergence would not be adversely creating a new community character.
4. Eliminate/reduce the minimum distance for a structure from a neighboring property line and ROW from 100 feet to the dimensions as submitted in the development plan.
Staff Comment: Staff is also in support of this divergence based on the same reasons cited above.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Ms. Pat Mandrell from RR to PCD to the DCRPC, Genoa Twp. Zoning Commission and Genoa Twp. Trustees, *subject to:*

- 1.) *The inclusion of additional trees, hedges, or fencing along the east and north property lines to enhance visual screening from the Northern Lakes properties.*

Commission / Public Comments

Mr. Mark Antonetz with Sands Decker was present. He stated that they had no objections to the staff recommendation.

Mr. Love noted that the access would be in the City of Westerville and fall under their jurisdiction.

Mrs. Kuba made a motion to recommend Conditional Approval of the rezoning request by Ms. Pat

Mandrell from RR to PCD, subject to staff recommendation. Miss Boni seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

31-21 ZON AMH Development LLC – Berkshire Twp. – 36.14 acres PMUD-17

Request

The applicant, AMH Development LLC, is requesting a 36.14-acre rezoning from PCD to PMUD Article 17 for the development of a 100-unit residential subdivision (Galena Crossing), including a club house and pool.

Conditions

Location: south side of Wilson Rd., west of N. Galena Rd.

Present Zoning: Planned Commercial (PCD) / **Proposed Zoning:** PMUD Article 17

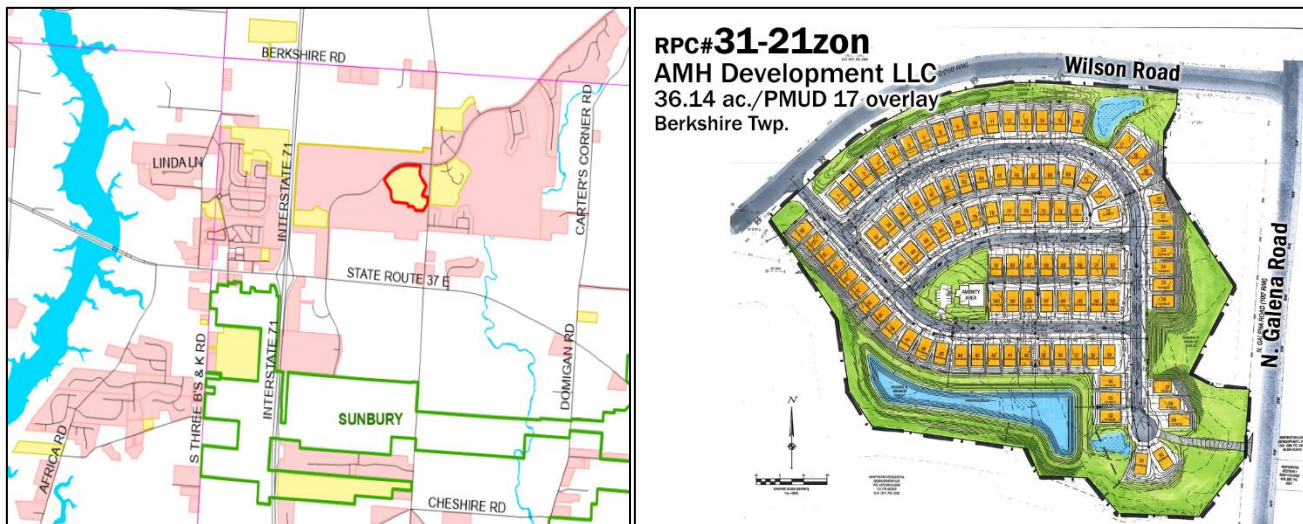
Present Use(s): Vacant / **Proposed Use(s):** 100 single-family rental homes

Existing Density: N/A / **Proposed Density:** 3.69 units /acre or 2.77 units/gross acre

School District: Big Walnut Local School District

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: wetlands, streams/drainage course / **Soils:** BeA, BeB, AmD2, CaB, AmE



Process

This is an **Administrative Review** of a Development Plan in accordance with the process of applying the 36/37 PMUD (Article 17) 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 proposal is for a 100 lot single-family rental development. The development, located at the southwest corner of Wilson Road and North Galena Road is proposed to have 100 single-family lots with a typical lot size that's 55 feet wide and 120 feet deep, or 0.15 acres. These lots are planned to be rental units with a target demographic of younger professional households with a dual income of \$120,000.

The overlay allows a mix of uses, including residential development. While most of the language refers to multi-family, there is an allowance for “other types of residential units...at a maximum density of four (4) dwelling units per net developable acre...[including] detached single-family units.” Otherwise, the standards are minimal, with a minimum frontage of 52', front setback of 20' from the edge of the curb, building separation of 15 feet, rear yard setbacks of 25', and open space of 30%.

The development has a singular entrance through Wilson Road two additional internal streets and a cul-de-sac. The cul-de-sac includes space for an emergency access from North Galena Road. A clubhouse and pool is included as an amenity, and sidewalks are also provided on both sides of the street.

There are several natural resources on the property including wetlands, heavily wooded areas, and two significant drainage courses. One of the drainage courses, along with the associated wooded areas around it, will be placed in a conservation easement that extends along the majority of the property frontage on North Galena Road.

The remaining drainage course and wooded areas will serve for storm water management, and the majority of wetlands will be removed and mitigated.

The applicant is not requesting any divergences.

Staff Recommendations

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

32-21 ZON Berlin Village LLC – Berlin Twp. – 54.183 acres – R-2/PRD to R-3/PRD

Request

The applicant, Berlin Village LLC, is requesting a 54.183-acre rezoning from R-2/PRD to R-3/PRD to allow for a variety of lot sizes and open spaces in an 85 unit development to be named; Berlin Bluffs.

Conditions

Location: north side of Cheshire Rd., east of Piatt Rd.

Present Zoning: R-2 with PRD overlay, **Proposed Zoning:** R-3 with PRD overlay

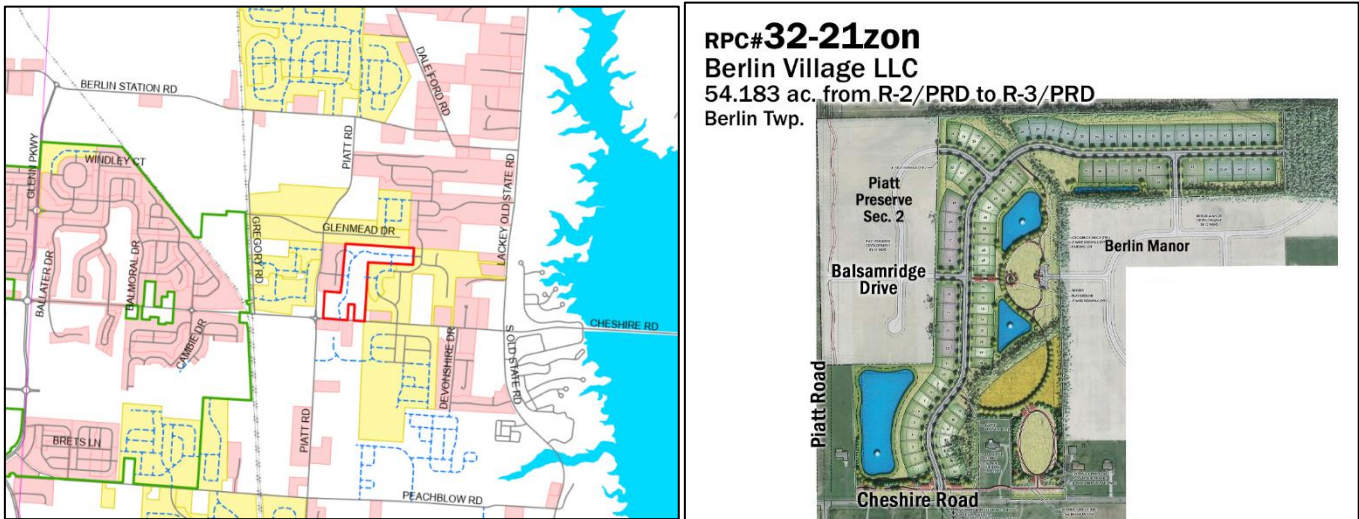
Present Use(s): Vacant / **Proposed Use(s):** 85 single-family house lots

Existing Density: 1.25 du / NDA, **Proposed Density:** 1.85 du /NDA

School District: Olentangy

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: streams/drainage courses / **Soils:** BoA, PwA, GwB



Introduction

The current development plan was reviewed by RPC in November, 2016 as a 74-lot development on 74.624 acres. After that approval, 19.159 acres was developed and platted in January of 2021 as Piatt Preserve, Section 2, creating 22 buildable lots. This proposal requests that the remaining 54.183 acres be developed for 85 single-family house lots.

The site is located north of Cheshire Road and east of Piatt Road, with a single access on Cheshire and a second access that connects to Piatt Road through the Piatt Preserve development.

The plan shows the road entering the site and travelling north before turning east within the L-shaped site. Two stubs provide connection to Piatt Preserve, Section 2 and two stubs are provided to Berlin Manor. Open space of 20% is required, where the layout indicates 52.19%, an increase from the previous proposal. Open space is arranged differently from the previous proposal. A large area of active open space forms a large buffer along the eastern edge of the development, with smaller strips of open space behind other units, providing a protection for treelines.

Minimum lot area in the R-3/PRD designation is 10,890 s.f. where the proposed lots include five different lot sizes and frontages. The largest lots are located adjacent to Piatt Preserve and are 100' x 130' and 13,000 s.f. and the smallest are 57' x 130' and 7,410 s.f. (detailed below).

Process and Comprehensive Plan

This is a rezoning from R-2/PRD to R-3/PRD. The zoning designation establishes a lot size and a maximum density. The PRD overlay allows flexibility in layout and provides the open space requirements. The R-3 district requires a minimum lot size of 10,890 square feet, frontage of 80', and a maximum density of 1.85 units per Net Developable Acre.

Berlin Township's 2011 Comprehensive Plan recommends the area north of Cheshire and East of Piatt as residential at a density of 1.25 units per net developable acre. This plan proposes a density and minimum frontage that differ significantly from those standards. Adjacent development to the east and north are approved with the R-2 designation and are in various stages of development. The Comp Plan also indicated the need for a bike path system along Piatt and Cheshire Roads, both of which are being provided. Additional active recreational uses in the form of walking paths and open meadows have been added on this plan.

While staff supports the additional recreational facilities and improved layout, the increase in density does not align with the pattern that has been established for adjacent developments. A recent study related to the 36/37 overlay indicated that single-family homes must generate \$11,000 per student. A new home on a larger lot in the adjacent development to the east valued at \$531,000 indicates annual taxes to the Olentangy District at just under \$9,800.

Issues

Development Standards: As noted above, the proposal seeks to rezone to the R-3 designation, which is Berlin’s highest density at 1.85 NDA, while requesting the following frontages and lot sizes:

Number of Lots	Dimensions	Square Footage
20	57'x130'	7,410
35	62'x130'	8,060
9	75'x130'	9,750
23	80'x130'	10,400
8	100'x130'	13,000

The following table shows a comparison between the current R-2 designation, the proposed R-3 regulations, and the proposal details:

Designation	Proposal		
	R-2	R-3	R-3
Density	1.25 NDA	1.85 NDA	1.85 NDA
Lot Size (w/PRD)	21,780 sf	10,890 sf	Min. 7,410 sf
Frontage	100'	80'	Min. 57'
Open Space required	20%	20%	52.19%

The market is currently supporting smaller lots with less maintenance and increased open space. Lots with frontages of 40' and 52' have recently been created in the Liberty Grand District development in Liberty Township. Staff supports the variety of lot sizes.

Traffic and access: Staff supports the change in layout with access to Cheshire Road. An east/west connection has been blocked with open space, but the other connections provide proper circulation. This change also removes a potential “straightaway” that could encourage excessive speeds.

Drainage: The drainage plan appears to be an improvement with fewer individual ponds, utilizing more regional retention areas instead.

Signage and Landscaping: The plan indicates similar designs as previously submitted and will comply with the signage standards in Article 25.

Divergences: As noted, based on the previous review by the Berlin Township Zoning Commission, the applicant has amended the application to reflect the applicable zoning district (R-2 instead of R-3) and is asking for specific divergences for lot size and frontage.

- 1.) **Lot area:** 7,410 s.f. minimum is requested where the minimum is 10,890 s.f.; this is intended to preserve open space and allow large areas of interconnected open space with amenities;

Staff response: Smaller lots back up to open space - staff supports a variety of lot sizes.

- 2.) **Frontage:** Reduction requested to 51' at the right-of-way instead of 80'. The minimum frontage at the setback will be 57'; this also is intended to preserve open space and allow large areas of interconnected open space with amenities;

Staff response: All of the smaller lots back up to open space but some of the smaller frontages are out of character with adjacent development and are driving the need for the following divergence as well.

- 3.) **Side Yard:** setback requested to be reduced to 6' from the required 12.5';

Staff response: This is a reduction of more than 50% and smaller than many of the PRD developments throughout other townships (even with divergences).

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Berlin Village LLC for 54.183 acres from R-2 with PRD overlay to R-3 with PRD overlay to the DCRPC, Berlin Twp. Zoning Commission, and Berlin Twp. Trustees, subject to:

- 1.) Reducing the density to 1.25 units per NDA but allowing smaller lots and frontages as needed;
- 2.) Approval of a reduction of the side yard setback, but only where necessary after adjusting any lot widths and with the approval of the Fire Department.

Commission / Public Comments

Mr. Todd Faris with Faris Planning and Design was present to answer questions from the Commission.

Mrs. Kuba made a motion to recommend Conditional Approval of the rezoning request by Berlin Village LLC for 54.183 acres from R-2 with PRD overlay to R-3 with PRD overlay. Mr. Benson seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

33-21 ZON Orange Twp. Zoning Commission – zoning resolution text amendments to RCOD

Request

The Orange Township Zoning Commission will consider amendments to the Route 23 Commercial Overlay District (RCOD) on August 24, 2021, to remove Gasoline Service Stations as a Permitted Use from the overlay and add it to Prohibited Uses. Related changes are also proposed for the definition of Auto-Oriented Use. New definitions are created for Gasoline Service Station and Truck Service Center (which is already prohibited in the text).

Staff Recommendations

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

Commission / Public Comments

Mr. Weade made motion to recommend Approval of the amendments to the Orange Township Zoning Resolution. Mr. Rayburn seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

SUBDIVISION PROJECTS

Preliminary

23-21 Jonard CAD – Harlem Twp. - 2 lots / 10.07 acres

Conditions

Applicant: J. Michael and Linda Jonard

Subdivision Type: two lot Common Access Driveway subdivision

Location: north side of Center Village Rd., east of Red Bank Rd.

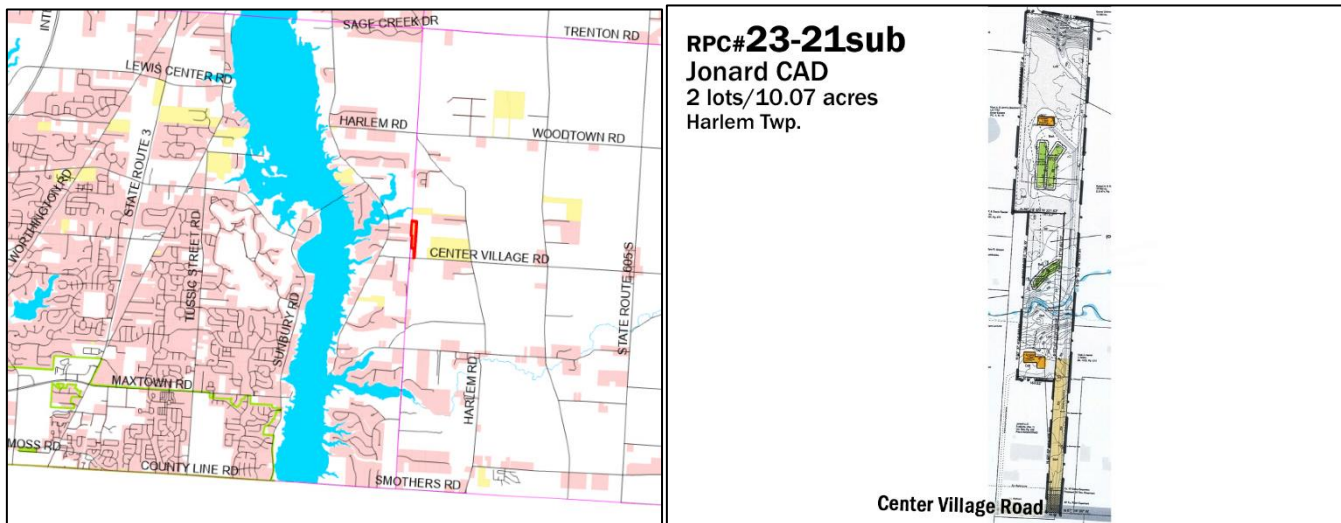
Current Land Use: Vacant

Zoned: Agriculture Residential (AR-1) and Farm Residential (FR-1)

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

School District: Big Walnut

Consultant: A to Zoning



Staff Comments

This application is for preliminary approval of a 2-lot CAD in Harlem Township. The project is located in Harlem Township, on the north side of Center Village Road just east of Genoa Township. Both of the proposed lots are over the 2-acre minimum required in the Farm Residential district at 2.348 acres and 5.818 acres. The 0.94-acres CAD easement is entirely located within Lot 2.

The proposal will utilize the existing driveway which meets CAD standards and runs north along the eastern portion of the property. The CAD will end shortly after the existing driveway curves to the west to provide

access to the existing residence in Lot 1 where a turnaround will be provided. Pull-offs are provided in accordance with CAD regulations, and the lots will utilize on-site septic systems and Del-co water.

There are some critical resources in the form of drainage courses and steep slopes that are located on the property behind the existing house. However, the CAD terminates before the streams which means any impact will be limited to a driveway culvert; much less impactful than a CAD crossing.

A technical review was held on July 20, 2021, after which the applicant has addressed all of the required changes.

Staff Recommendation

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

Commission / Public Comments

Mrs. Courtney Wade with A to Zoning was present to represent the applicant.

Mr. Matlack made a motion for Preliminary Approval of Jonard CAD. Mr. Loveless seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.

15-21 T Tranel Subdivision – Radnor Twp. - 3 lots / 8.195 acres

Conditions

Applicant: Andy Tranel

Engineer/Surveyor: Grand Lakes Surveying

Tabled: 4/29/21-7/29/21

Staff Comments

The applicant has requested a **90-day tabling** to finalize engineering of the CAD.

Staff Recommendation

Staff recommends *Approval* of the **request for a 90-day tabling** for **Tranel Subdivision** to the DCRPC

Commission / Public Comments

No one was present to represent the applicant.

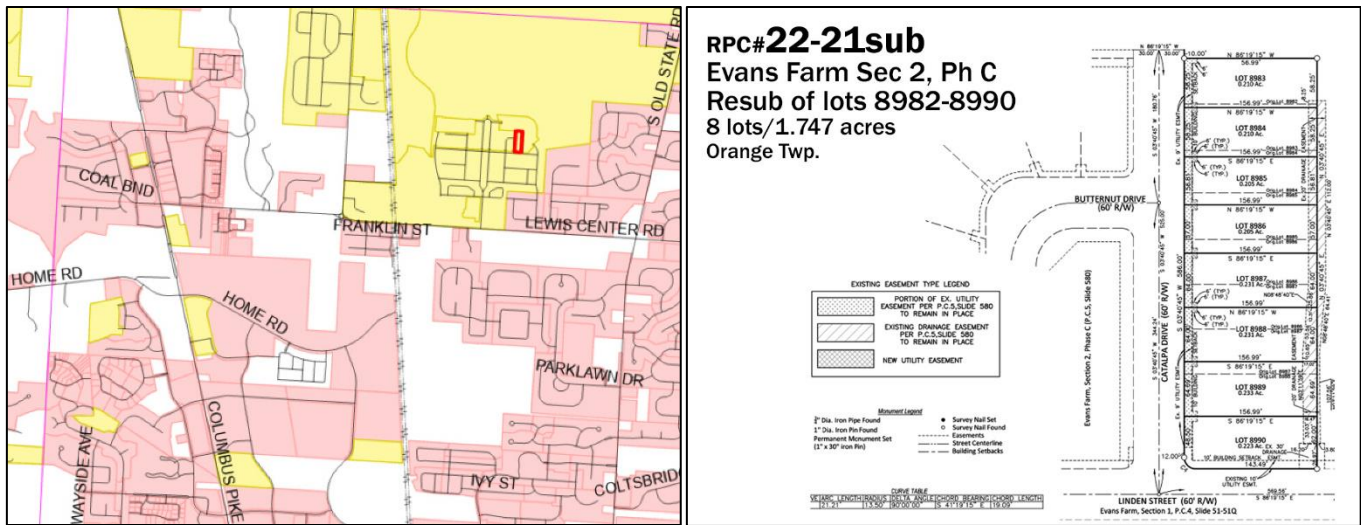
Mr. Weade made a motion to Approve the 90-day tabling of Tranel Subdivision. Mr. Rayburn seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Radnor Twp. and Building Safety). Motion carried.

Preliminary/Final

22-21 Evans Farm, Sec. 2, Ph. C, resubd. of lots 8982-8990 – Orange Twp. - 8 lots / 1.747 acres

Conditions

Applicant: Evans Farm Land Development
Subdivision Type: Single Family Planned Residential
Location: East side of Catalpa Dr., north of Linden St.
Zoned: Single Family Planned Residential (SFPRD)
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: Terrain Evolution



Staff Comments

This application is the combined preliminary plan and final plat for a resubdivision of Lots 8982 through 8990 in Section 2, Phase C of Evans Farm. The subject lots are all contiguous and extend north from Linden Street on the east side of Catalpa Drive. The proposal essentially removes Lot 8982 and redistributes that acreage among the remaining lots. The end result is that the existing 9 lots will become a row of slightly larger 8 lots.

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 Preliminary and Final Approval of Evans Farm, Sec. 2, Ph. C, resubdivision of lots 8982-8990 to the DCRPC.

Commission / Public Comments

Mr. Thom Ries with Terrain Evolution was present.

Mr. Weade made a motion for Preliminary and Final Approval of Evans Farm, Section 2, Phase C, resubdivision of lots 8982-8990. Mrs. Kuba seconded the motion. VOTE: Majority For, 0 Opposed, 1

Abstained (Orange Twp.). Motion carried.

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POLICY / EDUCATION DISCUSSION

- The DCRPC will host a free zoning training workshop on Saturday morning, August 28th, from 9:00 a.m. to noon in the Rutherford B. Hayes building. Pete Griggs of Johnson Brosius Griggs will discuss a number of issues benefitting Zoning Commissions, BZAs, Trustees, and other township personnel. Additional information will be sent via e-mail.

Having no further business, Mr. BoyseI made a motion to Adjourn the meeting at 7:10 p.m. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 26, 2021, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Dave Stites, Chairman

Stephanie Matlack, Executive Administrative Assistant