

# Delaware County Regional Planning Commission

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



## *\*MINUTES\**

Thursday, December 16, 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 November 18, 2021 RPC Minutes
- Executive Committee Minutes of December 8, 2021
- Statement of Policy

CONSENT AGENDA (Final Plats)		Township	Lots/Acres
27-21	Northstar, Sec. 1, Ph. A, Lot 644, Div. #1- Prestwick Road	Berkshire	1 lot / 20.688 acres
16-21	Secluded Acres CAD	Concord	4 lots / 20.52 acres

### EXTENSIONS/VARIANCE

20-14	Olentangy Falls East - Liberty Twp. - requesting variance/extension from Sec. 102.03 and 204.04
34-19	Ross Estates - Berlin Twp. - requesting 1-year extension
19-19	The Conservation Club - Brown Twp. - requesting 1-year extension

### SUBDIVISION PROJECTS

#### Preliminary

SUBDIVISION PROJECTS		Township	Lots/Acres
26-21	Northstar, Sec. 1, Ph. A, Lot 644, Div. #2- Portrush Road	Berkshire	1 lot / 19.529 acres
32-21	Fehl Acres CAD	Concord	4 lots / 10.97 acres
27-19	Liberty Grand Communities (revised)	Liberty	2 lots / 37.7 acres

### OTHER BUSINESS

- Consideration for Approval: SWCD fees \$10,425.00, Health District fees \$21,130.00

**ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: David Loveless, Mark Maroscher, Duane Matlack, Gary Merrell, Barb Lewis, Dustin Kent, J.M. Rayburn, Joe Shafer, Matt Kurz, Dave Stites, James Hatten, Mike Dattilo and Doug Price. Alternates: Mike Love, Brett Weimken, and Barry Bennett. Staff: Jonathan Miller, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the November 18, 2021 RPC Minutes**

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

▪ **December 8, 2021 Executive Committee Minutes**

1. **Call to order**

Chairman Stites called the meeting to order at 8:45 a.m. Present: Dave Stites, Tiffany Maag, and Joe Shafer. Absent: Gary Merrell and Michele Boni. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from November 10, 2021**

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

3. **New Business**

- Financial / Activity Reports for November

REGIONAL PLANNING RECEIPTS		NOVEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,050.00	\$22,755.00
Fees A (Site Review)	(4202)	\$900.00	\$11,400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$4,300.00
Membership Fees	(4204)		\$199,135.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,266.46	\$3,838.44
Assoc. Membership	(4206)		
General Sales	(4220)		\$10.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$5,170.00	\$88,703.10
Charges for Serv. B (Final. Appl.)	(4231)	\$1,000.00	\$118,291.20
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$1,500.00
Charges for Serv. D (Table Fee)	(4233)	\$400.00	\$1,200.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$1,800.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$5,400.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$1,180.00	\$19,905.00
Soil & Water Fees	(4243)	\$650.00	\$11,650.00

Commissioners' fees	(4244)		
MISCELLANEOUS REVENUE			\$192.06
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		\$120.00
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)	\$2,050.00	\$22,755.00
<b>TOTAL RECEIPTS</b>		<b>\$13,916.46</b>	<b>\$490,199.804</b>

Balance after receipts		\$1,166,591.39
Expenditures	-	\$ 34,938.23
End of November balance (carry forward)		\$1,131,653.16

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

- December RPC Preliminary Agenda

1.) SKETCH PLANS	<u>Township</u>	<u>Lots / Acres</u>
<ul style="list-style-type: none"> <li>Piatt Road Development</li> <li>The Ravines at Hoover</li> <li>Azar Village</li> </ul>	Berlin Genoa Orange	14 lots / 30 acres 56 lots / 42.88 acres 10 lots / 5 acres

2.) ZONING MAP/TEXT AMENDMENTS  
 (none to date)

3.) SUBDIVISION PROJECTS	<u>Township</u>	<u>Lots/Acres</u>
<u>Preliminary</u>		
<ul style="list-style-type: none"> <li>Northstar, Sec. 1, Ph. A, Lot 644, Div. #2- Portrush Road</li> <li>Fehl Acres CAD</li> <li>Liberty Grand Communities</li> </ul>	Berkshire Concord Liberty	1 lot / 19.529 acres 4 lots / 10.97 acres 2 lots / 37.7 acres

Final		
<ul style="list-style-type: none"> <li>Northstar, Sec. 1, Ph. A, Lot 644, Div. #1- Prestwick Road</li> <li>Secluded Acres CAD</li> </ul>	Berkshire Concord	1 lot / 20.688 acres 4 lots / 20.52 acres

Variance / Extension

- Olentangy Falls East – Liberty Twp. – requesting variance/extension from Sec. 102.03 and 204.04
- Ross Estates – Berlin Twp. – requesting 1-year extension

- Director's Report

- 1.) Attended in-person **Transportation Advisory Committee and Attributable Funds Committee** at MORPC On December 1

- 2.) **Prosecutor Township Training** – attended on 12/4
- 3.) **County Administrator** – attended welcome reception
- 4.) **Troy Township** – agreed to contract to work on zoning text along US 23
- 5.) **Brown Township** – met with Zoning Commission, continuing work on zoning resolution, may work on an overlay in Kilbourne to clean up non-conforming uses
- 6.) **Route 23 Connect** – stakeholder and steering committee activity continues
- 7.) **Strategic Planning Sessions** – interviews scheduled, workshop session to be in 2022
- 8.) **Delaware Township** – Jonathan is continuing to meet with steering committee, working through background material
- 9.) **Liberty Township** – met new Trustee, and
- 10.) **Personnel** – Mitchell completed his internship yesterday (12/7)

#### 4. Other Business

- Consideration for recommendation of Approval: Health Dist. Fees \$21,130.00 and SWCD fees \$10,425.00

*Mrs. Maag made a motion to recommend Approval of the transfer of fees collected for the Health District, \$21,130.00 and SWCD, \$10,425.00. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

#### 5. Adjourn

*Having no further business, Mr. Shafer made a motion to adjourn the meeting at 10:30 a.m. Mrs. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, January 18, 2022 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)**

27-21                    Northstar, Sec. 1, Ph. A, Lot 644, Div. #1- Prestwick Road – Berkshire Twp. –  
1 lot / 20.688 acres

**Conditions**

**Applicant:** Northstar Residential Development  
**Subdivision Type:** multi-family  
**Location:** North side of Wilson Rd., north of SR 37  
**Zoned:** Planned Mixed Use District (PMUD)  
**Preliminary Approval:** 10/28/21  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Big Walnut  
**Engineer:** Terrain Evolution

**Staff Comments**

This development will establish the right-of-way for Prestwick Road, and creates the lot that will be the site of Northstar Apartments, a proposed multi-family development on the north side of Wilson Road. Prestwick Road is proposed to be located on the north side of Wilson Road, about halfway between State Route 36/37 and North Galena Road. Further subdivisions are planned for additional right-of-way and lot creation, which will subsequently need RPC approval.

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 Northstar, Sec. 1, Ph. A, Lot 644, Div. #1- Prestwick Road to the DCRPC.

**Commission / Public Comments**

*Mr. Merrell made a motion for Final Approval of Northstar, Sec. 1, Ph. A, Lot 644, Div. #1- Prestwick Road. Mrs. Lewis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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16-21                    Secluded Acres CAD – Concord Twp. - 4 lots / 20.52 acres

**Conditions**

**Applicant:** Jet Re I LLC., Larry Heath  
**Subdivision Type:** Single Family Residential, Common Access Driveway  
**Location:** North side of Rutherford Rd., east of Steitz Rd.  
**Zoned:** FR-1 (Farm Residential)  
**Preliminary Approval:** 05/27/21  
**Utilities:** Del-Co Water, private on-lot treatment systems  
**School District:** Olentangy  
**Engineer:** Plan 4 Land, LLC.

**Staff Comments**

Secluded Acres CAD is a 4-lot Common Access Driveway subdivision on the north side of Rutherford Road between River Road and Steitz Road. The existing acreage is under two parcels that totals 20.52 acres that is planned to be divided into four single-family lots. The three lots closest to the front are proposed to be 2.5 acres (2 lots) and 2.33 acres, while the rear lot will retain 12.90 acres. The CAD itself is about 700 feet long and has a pull-off planned around the Lot 2 driveway. All lots will be served by Del-Co water and on-site treatment systems.

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 Secluded Acres CAD to the DCRPC.

**Commission / Public Comments**

*Mr. Merrell made a motion for Final Approval of Secluded Acres. Mrs. Lewis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## VARIANCE / EXTENSIONS

20-14                    Olentangy Falls East – Liberty Twp. – requesting variance/extension  
from Sec. 102.03 and 204.04

**Applicant:** Rockford Homes

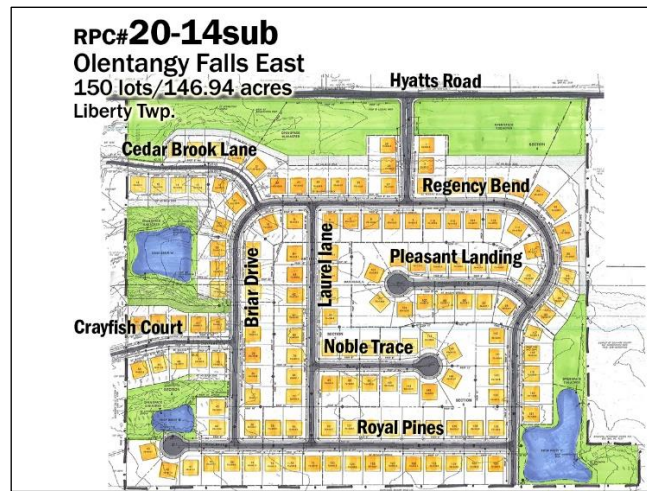
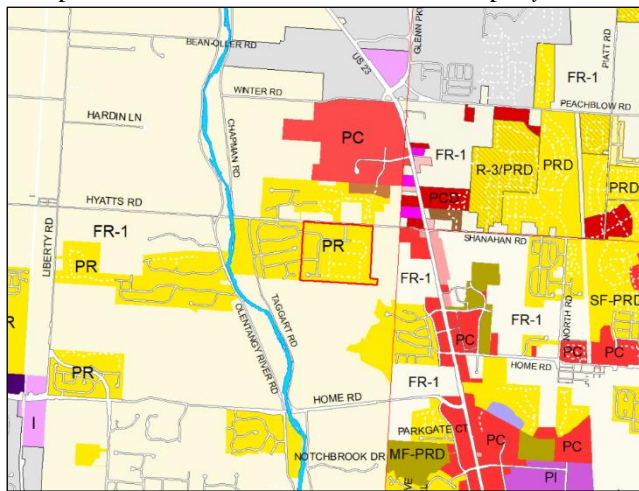
**Engineer:** CEC, Inc.

**Preliminary approval:** 09/25/14

**Extensions:** 12/17/20 – 12/17/21

### Request

The applicant, Rockford Homes, is requesting a two-year extension via Variance for Olentangy Falls East to complete the final two Sections of the project.



### 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) Olentangy Falls East received Preliminary approval on September 25, 2014;
- 3) Olentangy Falls East, Section 1 was recorded December 29, 2015, which held the Preliminary approval until December 2020;
- 4) Section 2 was recorded December 2017, Section 3 was recorded March 2021 and Section 5 was recorded October 2021;
- 5) The applicant received a one-year extension of the remaining lots in December 2020 to December 2021; and
- 6) The applicant is requesting an 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:*** "In our opinion, the granting of the variance will not be detrimental to the health, safety, and welfare of the public or other properties. The development is in compliance to the existing zoning requirements within Liberty Township as well as the county subdivision regulations and engineering standards."

***Staff comments:*** Staff is in agreement with the response that the variance will not be detrimental. This is the first request for a variance from the regulations regarding extensions, and Section 4 is the only remaining section to be approved and recorded. However, the applicant did not address any uniqueness of the property, and particular hardship that may occur should the variance be denied, or how this variance would impact any of the existing provisions of the zoning code.

Staff does not believe the request would have any effect on the existing local zoning or other subdivision regulations. Staff is also unable to find any uniqueness of the property that would have resulted in the necessity for a variance. Hardships outside of having to repeat the approval process for the remaining section were unable to be identified as well.

While the request for a two-year extension is not detrimental or impactful to other regulations in the local zoning code or subdivision regulations, there also isn't a unique aspect of the property which created the need for a variance, and the only identifiable hardship would be self-created by not meeting the deadlines outlined in the regulations. As such, staff would favor providing a one-year extension since consistent progress has been made. However, without a hardship that isn't self-imposed by the delays or some specific uniqueness of the property which has created a challenging environment, staff cannot in good faith support a full two-year extension.

#### **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 **Olentangy Falls East Section 4** be *Approved*.

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

No one was present to represent the applicant.

***Mr. Price made a motion to Approve the Variance request for Olentangy Falls East, Section 4 based on the Findings of Fact and a 1-year extension. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***



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34-19                    Ross Estates – Berlin Twp. – requesting 1-year extension

**Applicant:** Evans Farm Land Development  
**Engineer:** Terrain Evolution  
**Preliminary approval:** 12/19/19

**Staff Comments**

The applicant is requesting a 1-year extension for Ross Estates.

**Staff Recommendation**

Staff recommends *Approval* of a 1-year Extension for **Ross Estates** to the RPC.

**Commission / Public Comments**

No one was present to represent the applicant.

*Mr. Merrell made a motion for Approval of a 1-year Extension for Ross Estates . Mr. Matlack seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.*

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19-19                    The Conservation Club CAD – Brown Twp. – requesting 1-year extension

**Applicant:** Damboy Investment LLC  
**Consultant:** Plan 4 Land  
**Preliminary approval:** 12/19/19

**Staff Comments**

The applicant is requesting a 1-year extension for The Conservation Club CAD.

**Staff Recommendation**

Staff recommends *Approval* of a 1-year Extension for **The Conservation Club CAD** to the RPC.

**Commission / Public Comments**

Mr. Joe Clase, Plan 4 Land was present. He stated that the CAD is currently under construction.

*Mr. Loveless made a motion for Approval of a 1-year Extension for The Conservation Club CAD. Mr. Rayburn seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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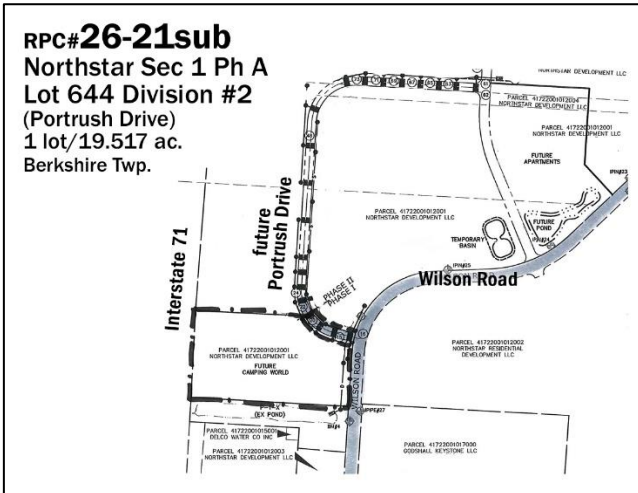
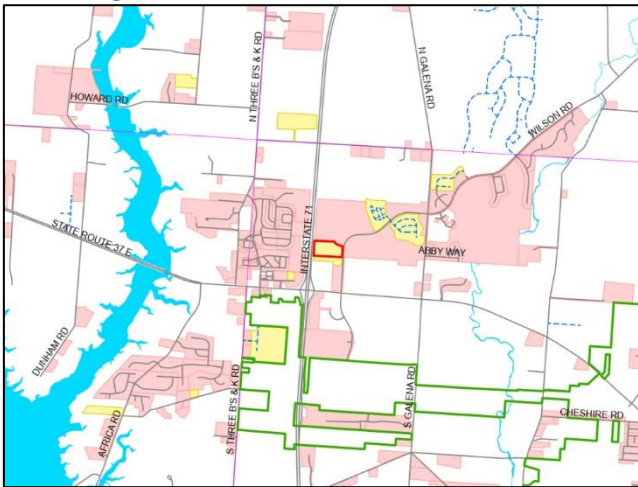
## SUBDIVISION PROJECTS

### Preliminary

26-21 Northstar, Sec. 1, Ph. A, Lot 644, Div. #2- Portrush Road – Berkshire Twp. –  
1 lot / 19.529 acres

### Conditions

**Applicant:** Northstar Residential Development  
**Subdivision Type:** commercial  
**Location:** North west side of Wilson Rd., North of US 36/37  
**Current Land Use:** Vacant  
**Zoned:** Planned Commercial  
**Zoning Approval:** 10/25/2021  
**Utilities:** Del-Co water and central sanitary sewer  
**School District:** Big Walnut  
**Engineer:** Terrain Evolution



### Staff Comments

This preliminary plan establishes the initial easement that will be used for Portrush Road in the Northstar Development, and creates the lot for the future Camping World Development site. The Camping World site is located in the southwest part of the Northstar Development, just north of the Flying J on US 36 /SR

37. Future Portrush Road will have a 70-foot highway easement established in the plat, which will become dedicated right-of-way in future development applications.

*A technical review was held on December 7, 2021, after which the applicant has addressed all of the required changes.*

**Staff Recommendation**

Staff recommends *Preliminary Approval* of Northstar, Sec. 1, Ph. A, Lot 644, Div. #2- Portrush Road to the DCRPC.

**Commission / Public Comments**

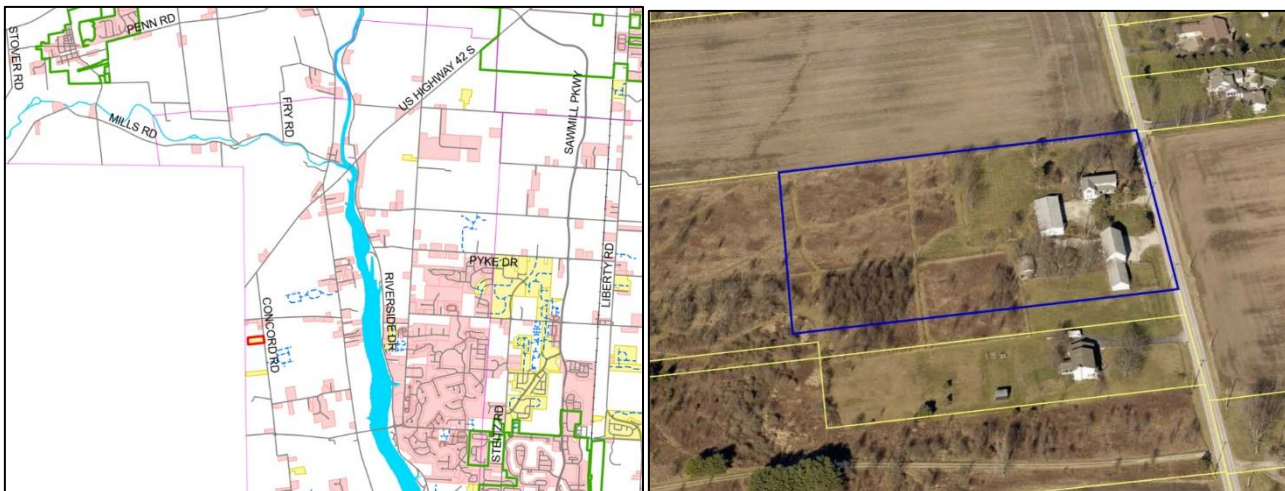
Mr. Mike Williamson, Terrain Evolution was present to represent the Applicant.

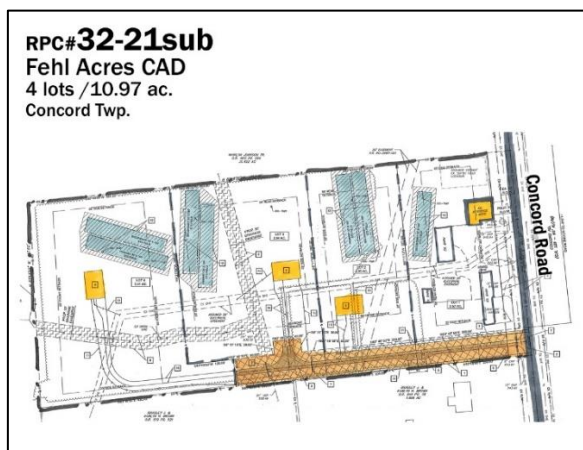
*Mr. Matlack made a motion for Preliminary Approval of Northstar, Sec. 1, Ph. A, Lot 644, Div. #2- Portrush Road. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

32-21                      Fehl Acres CAD – Concord Twp. - 4 lots / 10.97 acres

**Conditions**

- Applicant:** Fehl Family Trust
- Subdivision Type:** Single Family, Common Access Driveway Subdivision
- Location:** West side of Concord Rd., south of Moore Rd.
- Current Land Use:** Former agricultural with barn and house
- Zoned:** Farm Residential (FR-1)
- Utilities:** Del-Co water and private on-lot treatment systems
- School District:** Buckeye Valley
- Consultant:** Plan 4 Land





### Staff Comments

Fehl Acres CAD is a proposed 4-lot Common Access Driveway on the west side of Concord Road, just south of Moore Road, in Concord Township. Three existing parcels make up the acreage for the proposal at 10.97 acres. One of these parcels has an existing residence located on it. The property, zoned Farm Residential, requires a minimum lot size of 1.5 acres and 200 feet of frontage. All 4 proposed lots fulfill these requirements with the smallest lot having 2.05 acres, and 200 feet of frontage.

The CAD itself extends west from Concord Road for about 650 feet, and two pull-off areas are included; a traditional pull-off area at around 250 feet, and a T-turnaround at 530 feet. The final lot is considered to be a flag lot, which is permitted on CADs in Concord Township's zoning resolution. All four lots will obtain access from the CAD. Initially, Lot 1 was depicted as retaining access from Concord Road without gaining access from the CAD. However, Lot 1's access from Concord Road will be removed in accordance with Delaware County Subdivision Regulations, and access will be obtained from the CAD.

The only critical resources on the property are sparse wooded areas. While there are no streams on the property, there is a 24-inch tile and a ditch for ephemeral drainage overflows in heavy rains. These are proposed to be protected by drainage easements.

*A technical review was held on December 7, 2021, after which the applicant has addressed all of the required changes.*

### Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of Fehl Acres CAD to the DCRPC; subject to:

- 1) Removal of the access to Concord Road by Lot 1, and providing access to Lot 1 from the CAD.

### Commission / Public Comments

Mr. Joe Clase, Plan 4 Land, was present to represent the applicant. He stated that they are working on connecting lot 1 to the CAD and determining which side of the barn to make the connection.

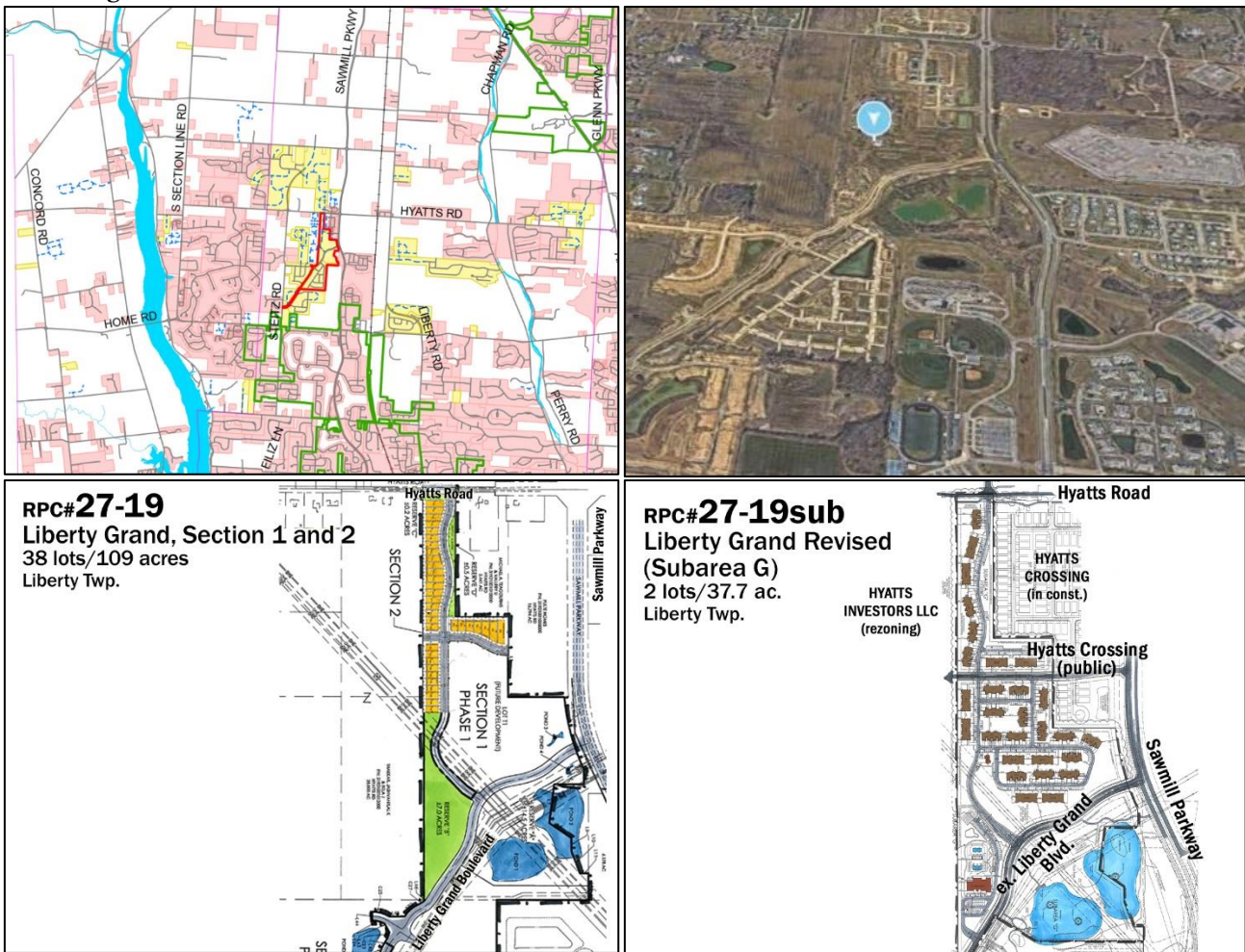
*Mr. Shafer made a motion for Conditional Preliminary Approval of Fehl Acres CAD, subject to staff recommendation. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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27-19 Liberty Grand Communities (revised) – Liberty Twp. - 2 lots / 37.7 acres

**Conditions**

- Applicant:** Schottenstein Real Estate Group
- Subdivision Type:** Single Family Residential Community
- Location:** South of Hyatts Rd., east of Steitz Rd.
- Current Land Use:** Vacant
- Zoned:** POD 18
- Zoning Approval:** 09/17/19
- Utilities:** Del-Co water and central sanitary sewer
- School District:** Olentangy
- Engineer:** EMH & T



**Staff Comments**

Liberty Grand Communities has submitted an application for a revised Preliminary Plan for Sections 1 and 2. The approved preliminary plan included 36 single-family lots along a public roadway which connected Liberty Grand Boulevard to Hyatts Road. Hyatts Crossing Drive, an extension from Hyatts Crossing to the east, was also planned to be constructed through the development to the property to the west. The approved zoning allowed several possible options of multi-family development on approximately 18 acres.

The updated version of the plan includes 190 multi-family units, and converting the previously public road

that connected Liberty Grand Boulevard to Hyatts Road to a private street. The revised plan does still include the extension of Hyatts Crossing Drive as a public street from the east to the adjacent property to the west.

The revised plan, while increasing the number of units, still falls within the previously approved development plan and overlay. The existing zoning would permit a maximum of 190 units, which the applicant has utilized. No provisions were included in the zoning which would require the north/south roadway to be a public road.

The revised plan is within the approved zoning parameters, and there are no significant critical resources on the property that would be impacted from the requested change. Sidewalks will be included on at least one side of all roadways in accordance with the Subdivision Regulations, and a multi-use path will still be included along Hyatts Road as well.

*A technical review was held on December 7, 2021, after which the applicant has addressed all of the required changes.*

#### Staff Recommendation

Staff recommends *Preliminary Approval* of **Liberty Grand Communities** (revised) to the DCRPC.

#### Commission / Public Comments

Mr. Brad Holland, Schottenstein Real Estate Group, was present to answer questions from the Commission.

*Mr. Merrell made a motion for Preliminary Approval of Liberty Grand Communities (revised). Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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#### OTHER BUSINESS

- Consideration for Approval: SWCD fees \$10,425.00, Health District fees \$21,130.00

*Mrs. Lewis made a motion for Approval of the transfer of fees of \$10,425.00 for SWCD and \$21,130.00 for Health District. Mr. Rayburn seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Heath Dist.). Motion carried.*

*Having no further business, Mr. Price made a motion to adjourn the meeting at 7:55 p.m. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, January 27, 2022, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*