

Delaware County Regional Planning Commission

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



MINUTES

Thursday, January 27, 2022 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 December 16, 2021 RPC Minutes
- Executive Committee Minutes of January 19, 2022
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
30-21	Northstar, Sec. 1, Ph. A, Lot 645, Div. #1	Berkshire	2 lots / 127.779 acres
24-20	7300 Concord Road CAD	Concord	4 lots / 9.25 acres
16-20.2&3 T	Evans Farm Marketplace West, Sec. 2 & 3	Orange	6 lots / 4.056 acres

VARIANCES / EXTENSIONS

33-19	Longhill Ltd. - Longhill Farms at Berlin - Berlin Twp. - requesting 1-year extension
05-14	Pulte Homes - Liberty Trace - Liberty Twp. - requesting variance and 2-year extension

ZONING MAP/TEXT AMENDMENTS

01-22 ZON	Concord Twp. Zoning Commission - Concord Twp. - Text amendments (Landscape Plans)
02-22 ZON	JLP Orange LLC. - Orange Twp. - 31.131 acres from FR-1 and PI to PCD
03-22 ZON	OPTEK Inc. - Berlin Twp. - 11 acres from PCD to TPUD
04-22 ZON	Harlem Twp. Zoning Commission - text amendment - Article IV

SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
01-22 T	The Ravines at Hoover	Genoa	56 lots / 42.846 acres
02-22	Rabbit Run Subdivision	Liberty	13 lots / 16.635 acres

T- Table

OTHER BUSINESS

- Consideration for Approval: Liability Insurance \$8,765.00

ADMINISTRATIVE BUSINESS

▪ Call to Order

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

▪ Roll Call

Representatives: Jim Nelson, David Weade, Ric Irvine, Duane Matlack, Dustin Kent, Sarah Holt, Joe Shafer, Dave Stites, Eric Gayetsky, Ed Reely, Michele Boni, Murray Neff, Bonnie Newland, Mike Dattilo, and Doug Price. *Alternates:* Tracie Davies, Zach Dowley, Kelly Thiel, and Mike Love. Arrived after roll call: Chris Rinehart. *Staff:* Scott Sanders, Jonathan Miller, Da-Wei Liou and Stephanie Matlack.

▪ Approval of the December 16, 2021 RPC Minutes

Mr. Price made a motion for Approval of the December 16th RPC minutes. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ January 19, 2022 Executive Committee Minutes

1. Call to order

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

2. Approval of Executive Committee Minutes from December 8, 2021

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

3. New Business

- Financial / Activity Reports for December

REGIONAL PLANNING RECEIPTS		DECEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,255.00	\$25,010.00
Fees A (Site Review)	(4202)		\$11,400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$4,700.00
Membership Fees	(4204)		\$199,135.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$129.27	\$3,967.71
Assoc. Membership	(4206)		
General Sales	(4220)		\$10.00
Charges for Serv. A (Prel. Appl.)	(4230)		\$88,703.10
Charges for Serv. B (Final. Appl.)	(4231)		\$118,291.20
Charges for Serv. C (Ext. Fee)	(4232)	\$400.00	\$1,900.00
Charges for Serv. D (Table Fee)	(4233)		\$1,200.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,800.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$5,400.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)		\$19,905.00
Soil & Water Fees	(4243)		\$11,650.00
Commissioner's fees	(4244)		
MISCELLANEOUS REVENUE			\$192.06
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)	\$15.00	\$135.00
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$3,199.27	\$493,399.07

Balance after receipts	\$1,134,852.43
Expenditures	- \$ 78,949.81
End of December balance (carry forward)	\$1,055,902.62

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

- January RPC Preliminary Agenda

1.) SKETCH PLANS

	<u>Township</u>	<u>Lots / Acres</u>
• Maeve Meadows	Berlin	37 lots / 23.8 acres
• Berlin Bluffs	Berlin	70 lots / 54.2 acres
• Berlin Meadows	Berlin	336 lots / 181.6 acres
• Painter Farms	Concord	8 lots / 26.81 acres
• Slate Ridge Residential	Orange	219 lots / 105.76 acres

2.) ZONING MAP/TEXT AMENDMENTS

- Concord Twp. Zoning Commission – Text amendments – Landscape plans
- JLP Orange LLC – Orange Twp. – 31.131 acres from FR-1 and PI to PCD
- OPTEK Inc. – Berlin Twp. – 11 acres from NCD to TPUD

3.) SUBDIVISION PROJECTS

Preliminary

	<u>Township</u>	<u>Lots/Acres</u>
• The Ravines at Hoover	Genoa	56 lots / 42.846 acres
• Rabbit Run Subdivision	Liberty	13 lots / 16.635 acres

Final

• Northstar, Sec. 1, Ph. A, Lot 645, Div #1	Berkshire	2 lots / 127.779 acres
• 7300 Concord Road CAD	Concord	4 lots / 9.25 acres
• T Evans Farm Marketplace West, Sec. 2 & 3	Orange	6 lots / 4.056 acres

Variance / Extension

- Longhill Ltd. - Longhill Farms at Berlin – Berlin Twp. - requesting 1-year extension

- Pulte Homes - Liberty Trace - Liberty Twp. - requesting variance and 2-year extension
- Director's Report
 - 1.) **Byxbe Building/Office Space** - County is hosting a ground/wall breaking ceremony on February 1st;
 - 2.) **Copier coming today**;
 - 3.) **Berlin Comp Plan and Overlay process** - attending trustees and zoning commission meetings next week;
 - 4.) **Troy Township** - continuing work on text;
 - 5.) **Delaware Township** - Jonathan is continuing to meet with steering committee, working through survey results, initial chapters;
 - 6.) **Development Team** - meeting later this afternoon;
 - 7.) **Orange overlay** - reviewed potential amendments, added comments;
 - 8.) **Route 23 Connect** - stakeholder and steering committee activity continues;
 - 9.) **Strategic Planning Sessions** - visioning workshop scheduled for February 22nd. Discussed inviting additional individuals representing growing communities;
 - 10.) **2024 Solar Eclipse** - Attended an EMA-hosted meeting as a heads up for public safety impacts;
 - 11.) **Development totals 2012-2021**

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

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Zoning Cases	19	33	27	29	43	41	30	46	22	36
Acres Reviewed	439	1,396	879	1,103	2,627	912	1,056	983	561	564

2.) Subdivision Activity

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Preliminary Non-Res.	7	12	14	7	10	3	13	10	8	13
Preliminary Residential	264	791	1176	478	642	720	915	1,305	948	510
Final Non-Residential	4	32	2	3	18	11	20	7	12	13
Final Residential	142	240	277	627	468	682	682	491	725	966
Total lots reviewed	417	1,075	1,469	1,112	1,138	1,416	1,630	1,813	1,693	1,502

3.) NPA Splits and Transfers

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Transfers reviewed	32	21	26	35	46	39	37	33	40	46

Transfer acres	80	35	94	67	82	124	64	65	115	66
Splits (new lots)	16	24	25	25	27	48	61	47	65	93
Splits (existing)	10	8	7	6	20	13	11	10	21	29
Total Splits	26	32	32	31	47	61	72	57	86	122

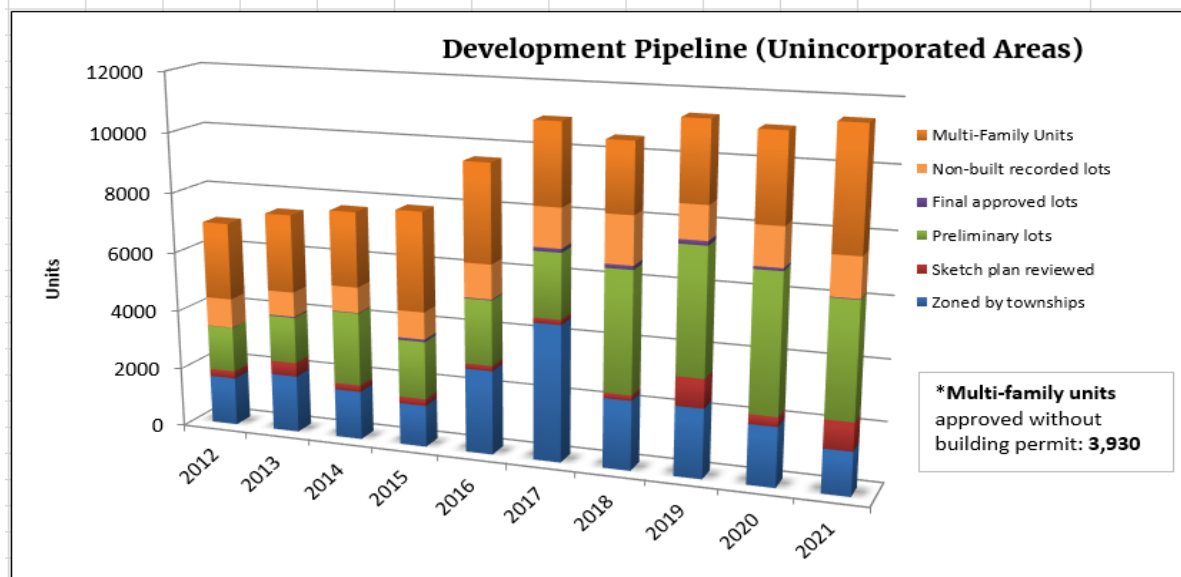
4.) Building Permits (includes multi-family)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Res. Building Permits (twps.)	593	655	502	616	824	800	997	626	1,492	1,703*
Res. Building Permits (munis.)	685	1450	811	983	1272	542	786	1,479	685	819
Commercial Building Permits (twps. only)	24	20	26	65	21	20	35	50	43	22

*includes 491 multi-family permits

12.) **Development pipeline table.** This represents the total number of lots and units in the townships at the end of each year.

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021		
1626	1925	1636	1401	2816	4558	2317	2312	1978	1453	-27%	Zoned by townships
247	464	220	228	176	171	176	958	315	929	195%	Sketch plan reviewed
1523	1563	2454	1934	2161	2153	4030	4190	4568	3800	-17%	Preliminary lots
7	36	19	83	29	124	131	146	95	25	-74%	Final approved lots
979	825	849	907	1138	1299	1576	1101	1273	1289	1%	Non-built recorded lots
2569	2591	2492	3299	3244	2671	2284	2595	2852	3930	38%	Multi-Family Units
4382	4813	5178	4553	6320	8305	8230	8707	8229	7496	-9%	Total available lots



4. Other Business

- Consideration for recommendation of Approval: Liability Insurance, \$8,765.00

Mr. Shafer made a motion to recommend Approval of the Liability Insurance payment in the amount of \$8,765.00 . Mrs. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed.

Motion carried.

5. Adjourn

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

The next regular Executive Committee meeting will be Wednesday, February 16, 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)

30-21 Northstar, Sec. 1, Ph. A, Lot 645, Div. #1 – Berkshire Twp. - 2 lots / 127.779 acres

Conditions

Applicant: Northstar Residential Development LLC.
Subdivision Type: Planned Mixed Use District (PMUD) Article 17
Location: South side of Wilson Rd., west of N. Galena Rd.
Zoned: Planned Commercial and Office with 36/37 PMUD overlay
Zoning Approval: Pending
Preliminary Approval: 11/18/21
Utilities: Del-Co water and central sanitary sewer
School District: Big Walnut
Engineer: Terrain Evolution

Staff Comments

This plat will create the lot for a future development, Berkshire Crossing, which consists of 101 housing units, as well as a lot at the southwest corner of Wilson Road and North Galena Road which will remain under an environmental covenant and drainage easement. An additional environmental covenant and drainage easement is also included south of the future development's southern boundary line.

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 645, Div. #1** to the DCRPC.

Commission / Public Comments

Mr. Dowley made a motion for Final Approval of Northstar, Sec. 1, Ph. A, Lot 645, Div. #1. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Conditions

Applicant: 365Land LLC
Subdivision Type: Single Family Residential, Common Access Driveway
Location: west side of Concord Rd., north of Home Rd.
Zoned: Farm Residential (FR-1)
Preliminary Approval: 12/17/20
Utilities: Del-Co Water, private on-lot treatment systems
School District: Buckeye Valley
Engineer: Gandee Heydinger Group

Staff Comments

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

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 **7300 Concord Road CAD** to the DCRPC.

Commission / Public Comments

Mr. Dowley made a motion for Final Approval of 7300 Concord Road CAD. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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16-20.2&3 T Evans Farm Marketplace West, Sec. 2 & 3 – Orange Twp. - 6 lots / 4.056 acres

Conditions

Applicant: BZ Evans LLC

Engineer: Kimley Horn

Staff Comments

The applicant is requesting a 30-day Tabling in order to secure the required bonds requirements by the Delaware County Engineer's office.

Staff Recommendation

Staff recommends *Approval* of a 30-day Tabling of Evans Farm Marketplace West, Sections 2 and 3 to the DCRPC.

Commission / Public Comments

Mr. Dowley made a motion for Approval of a 30-day Tabling of Evans Farm Marketplace West, Sections 2 and 3. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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VARIANCES / EXTENSIONS

33-19 Longhill Ltd. - Longhill Farms at Berlin – Berlin Twp. - requesting 1-year extension

Applicant: Longhill Ltd. Partnership

Engineer: Kimley Horn

Preliminary approval: 1/30/20

Staff Comments

The applicant is requesting a 1-year extension for the Longhill Farms at Berlin Subdivision. The applicant stated that they “are actively pursuing the sale of our project to home builders. However, due to numerous conditions in the market the past couple of years builders are reluctant to commit to us at this time. We have interested builders and hopefully the market conditions will stabilize soon and we will be able to move forward.”

Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for the Longhill Farms at Berlin to the RPC.

Commission / Public Comments

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

Mr. Price made a motion for Approval of a 12-month Extension for the Longhill Farms at Berlin. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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05-14 **Pulte Homes - Liberty Trace – Liberty Twp. – requesting variance and 2-year extension**

Applicant: Pulte Homes

Engineer: EMH & T

Preliminary approval: 04/24/14

Extensions: 1/28/21 – 1/28/22

Request

The applicant, Pulte Homes, is requesting a two-year extension via Variance for Liberty Trace, Section 4.

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) Liberty Trace received overall Preliminary approval on April 24, 2014;
- 3) Liberty Trace, Section 1 was recorded January 15, 2016, which held the Preliminary approval until January 2021;
- 4) Section 2, Phases A and B and Section 3, Phases A and B have all been recorded;
- 5) The applicant received a one-year extension of the remaining lots in January 2021 to January 2022; 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: “Pulte Homes is requesting a variance and extension from the noted sections of the DCRPC Subdivision Regulations relative to the final section of Liberty Trace Subdivision which is planned to contain 23 residential building lots. Pulte is still evaluating and planning the development of this section which is complicated by various environmental aspects including the need to install two stream culvert crossings. Pulte and EMH & T are continuing to plan for the design, permitting and development of this section. Recent changes in jurisdiction and regulations relative to the necessary environmental permitting has further impacted the timeline for planning, permitting

and development of this section. As such, Pulte requests a two (2) year extension of this Preliminary Plat.”

Staff comments: Staff believes the cited reasons for requesting the extension by variance (environmental issues resulting in longer than anticipated engineering and permitting) is a legitimate request. The extension would not only not be detrimental to be public health, but would actually result in a more environmentally sound project. The environmental issues are also unique to the property, as a drainage course and associated floodplain are located within the remaining section. It would seem unreasonable to require the applicant to resubmit the preliminary due to the ongoing navigation of the environmental concerns. Finally, permitting the variance would in no way vary any of the applicable local regulations.

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 two-year extension for **Liberty Trace, Section 4** be *Approved*.

Commission / Public Comments

Mr. Joe Looby was present from EMH & T to answer questions from the Commission.

Mr. Weade made a motion to Approve the Variance request by Pulte Homes based on the Findings of Fact, and a 2-year Extension for Liberty Trace, Section 4. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.

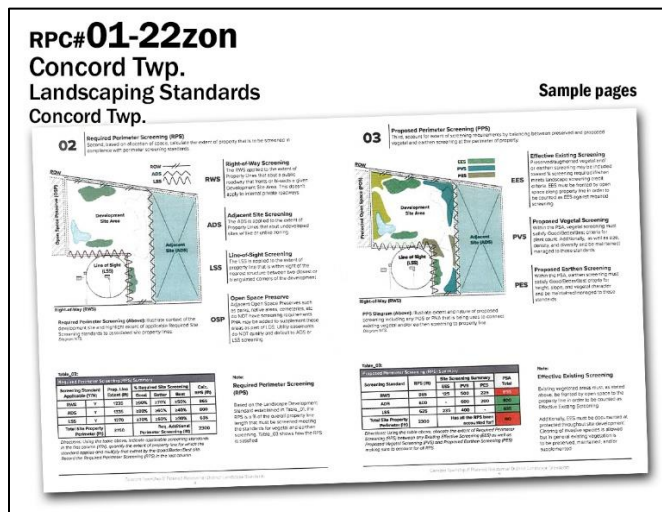
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ZONING MAP/TEXT AMENDMENTS

01-22 ZON Concord Twp. Zoning Commission – Concord Twp. – Text amendments (Landscaping)

Request

Concord Township has forwarded proposed changes for the RPC to consider and provide recommendations. The proposed changes primarily include the addition of landscaping standards to the Concord Township Zoning Resolution’s Planned Residential District section: Article XI. The changes are applicable only to that Article. In addition to requiring additional copies of Development Plans during the application phase, the language appropriately removes the existing general landscape requirement and references this new section to be added as Section 11.09.



Staff Comments

The proposed landscaping standards are an insert with 18 pages of landscape detail created by IMPLEMENT LLC of Columbus. The standards include an Introduction, a General Summary, then details on Required and Proposed Perimeter Screening, Plant Screening, and Earthen Screening. Then additional information regarding Tree Size and Variety Standards, Native Landscape Standards, Tree Layout Guidelines, Earthen Screen Standards, Measuring Berms, then several pages of color samples indicating various Guidelines and Measures.

The document does an excellent job of providing guidance for visual screening of Planned Residential District developments from surrounding areas. The Concord Township PRD language has always lacked a specific requirement for Open Space. Staff recommends this as a good time to consider adding language in Article XI that establishes a required percentage of open space. It is difficult to determine whether the following references are clear to a developer or applicant that they are requirements:

Landform Standard: Berm Type	Min. Ht.: 5', Max %: 15% - 60%
Public Open Space Design Standard	Min. % Prop. Area: 05%, Min. Width: 50 ft., Trees per lot/unit: 06
Protected Natural Areas Design Standard	Min. % Prop. Area: 05%, Min Width: 50 ft., Trees per lot/unit: 18

Related, there are references to “Public” open space and “township residents.” Is the intent to require open space that the HOA maintains and the general public is allowed to use? This should be clarified.

It may also be beneficial to eliminate arbitrary distance requirements for buffering, subject to compliance with the screening standards of the proposed landscaping requirements. Combined, these may increase the availability of common open space areas without sacrificing unneeded acreage for screening.

The new Section does a very effective job of conveying the ideals of each landscaping type with numerous detailed color photographs and summary text. If the questions above are considered, the standards may still be a challenge to administer. Given the complexity of the language, the township may need to be prepared to contract with appropriate professionals to ensure compliance of future projects.

Staff Recommendations

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

1. Clarifying the open space requirements as noted above; and
2. Consultation with the County Prosecutor's office related to the proposed language.

Commission / Public Comments

Mr. Price made a motion for Conditional Approval of the text amendments to the Concord Twp. Zoning Resolution, subject to staff recommendations 1 & 2. Mr. Dowley seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

02-22 ZON JLP Orange LLC. – Orange Twp. – 31.131 acres from FR-1 and PI to PCD

Request

The applicant, JLP Orange LLC., is requesting a 31.131-acre rezoning from FR-1 and PI to PCD for a commercial and multi-family residential development.

Conditions

Location: east side of U.S. 23, south of Hidden Ravines Dr.

Present Zoning: Farm Residential (FR-1) and Planned Industrial (PI) / **Proposed:** Planned Commercial (PCD)

Present Use(s): Vacant / **Proposed Use(s):** commercial bldg., outlots and apartments

Existing Density: 1.98 Acre Minimum Lot Size / **Proposed Density:** 5.14 du / acre

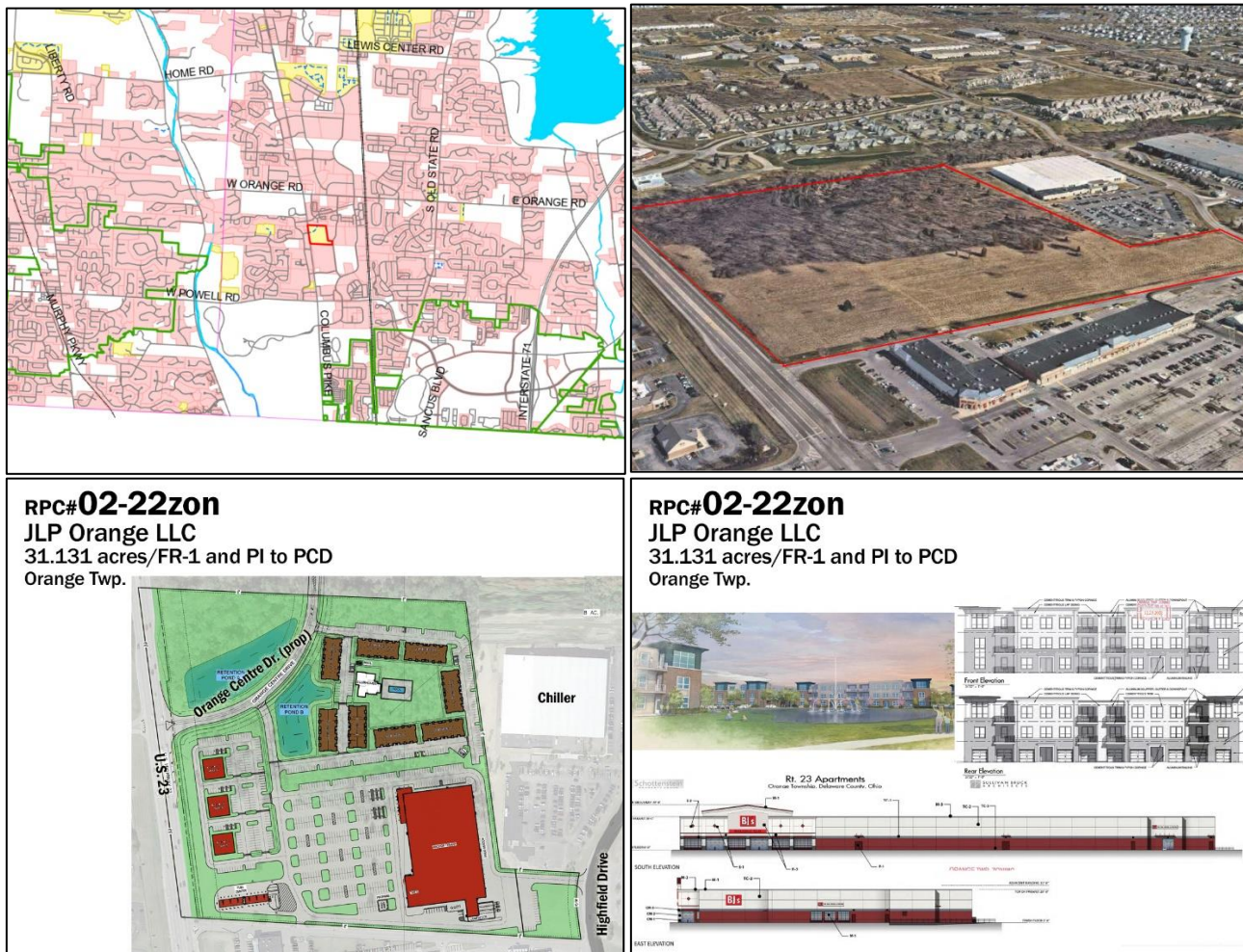
School District: Olentangy / **Utilities Available:** Del-Co Water and central sanitary sewer

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

Introduction

This rezoning request is for a 31-acre property on the east side of U.S. 23 North, just north of the Walmart commercial plaza. The site is the only significantly-sized undeveloped parcel remaining between Home Road and Powell Road. The proposal calls for a large, big-box, anchor tenant with three outlots and a gas station adjacent to U.S. 23. The northern end of the proposed development includes 160 multi-family units divided among eight 3-story structures, open space areas, and retention ponds.

The area of the proposal was formerly located as a potential mixed-use area within the Route 23 Commercial Overlay District, though the township trustees have temporarily paused the overlay to reassess the area and governing text.



Comprehensive Plan

Orange Township's 2018 Comprehensive Plan shows this property is in Subarea 5 – Central Commercial/Industrial Corridor. Recommendations include reducing left-hand turning movement on U.S. 23 North, extending Orange Centre Drive to U.S. 23 for a limited access, using outlots to buffer large-scale developments, and the potential for multiple uses on the subject property with commercial located along the frontage.

Further conversations, particularly during the Route 23 Overlay process, indicated a desire for Mixed-Use along the corridor, as well as increased walkability and connectivity. By some measures, this proposal achieves some of these goals by proposing a mix of residential and commercial on a single, large site. However, the uses are so separate that they could have been proposed as completely individual projects.

As noted within this report, staff generally supports a mix of uses, and particularly on this site. The applicant has used the Evans Farm language as a model to propose a mix of uses (where the current PCD would not provide such a mix). This has caused some confusion, since an amended version of the Evans Farm language has been inserted alongside other language within the existing language in the PCD portion Zoning Resolution, including several references to a "Town Center."

The applicant has noted that Evans Farm was approved, leading them to use the language. However, Evans

Farm is a Traditional Neighborhood Design approach, where commercial and various densities of residential are specifically designed to relate to each other. This design simply places a major warehouse/retail use next to apartments and outlots and therefore does not achieve the vision of the township. As noted during the Sketch Plan process, “the proposal builds on the existing development style which is outdated and doesn’t contribute to a sense of place.”

Issues

Traffic and Access: Although the traffic study may identify some minor changes that could improve access to the site, there are many access-related issues that cause some concern. The only real signalized entrance is from Hidden Ravines Drive, which will bring a number of new trips to the Hidden Ravines and Orange Centre intersection. South-bound drivers who miss that site will turn left into the Tuller Square development and then turn left in front of the in-line building (at Five Guys), an already troubling intersection. Traffic may also travel east and turn between the Tuller Square buildings. Staff supports interconnectivity, but this situation appears to set up problems in the future.

The access to Highfield Drive appears to be mostly intended for deliveries. However, it is likely that customers will utilize this entrance both from the north and south to avoid U.S. 23, resulting in a zig-zag traffic pattern that will frequently conflict with deliveries and parked trucks. The County Engineer’s office has requested that the applicant work with the site to the south to create a single-entry point which would avoid this conflict.

As noted elsewhere in this report, the cross-access point near the proposed gas station does not appear to have been designed with the geometry needed to handle the amount of traffic that will actually use it.

Building Orientation: The proposed BJ’s Wholesale Club is oriented towards U.S. 23 with an access and drive aisle parallel and adjacent to the service drive between this property and the Tuller Square plaza to the south. Orienting the large southern building to face north would result in the service drives for both sites adjacent to each other, thereby hiding the service entrances and parking behind both. The new orientation would likely encourage more motorists to utilize the entrance on Orange Centre Drive as opposed to the service drive, and allow parking areas to be shifted more to the north of the property. This change in orientation would allow more creativity in the green space that buffers the apartments.

The fueling center is located in the southwest corner of the site with the canopy being a significant feature for north-bound traffic. The access to the fuel site is problematic, being so close to the entry point to the south, as is the tight circulation area. The number of pump islands shown (6) may not fit on the site either, given the three outlots to the north. The fuel station may be better suited to be located at the northern end, just south of the Orange Centre Drive extension, or within the large parking area. Either would ensure the station is visible, while reducing it from being the prominent feature of the site. If the fuel center is approved where it is proposed, more detail should be provided for the area surrounding the underground tank areas. (Do the lines indicate a curb, wall, or pavement markings?)

Outlots as Screening: While outlots are often used to visually shield large parking areas, significant “big-box” commercial uses are sometimes hesitant to encourage end-user development on the outlots for fear of removing visibility of the larger use. Locating Wholesale Club closer to U.S. 23 North and orienting it to the north or east to permit parking on the side or rear may create a stronger visual wall than outlots while preserving visibility

for the anchor tenant. Aesthetics can be regulated to ensure that the structures façade facing U.S. 23 North are palatable to the Township.

Integration: The drive aisle along the eastern property line should be continued all the way through, and not terminate between the apartments and anchor tenant. At minimum, this should be an emergency connection. The location of the drives is also conducive to allowing an additional connection to The Chiller complex to the rear. Providing the connection for both vehicles and pedestrians would be beneficial to both developments.

Useable Open Space: The open space north of Orange Centre Drive, as proposed, is underutilized. The Township needs more detail as to the landscaping around the pool area. Additionally, the long island south of the apartments is an unusual awkward feature. The only detail shown indicates trees along the length of the area, but it is unclear whether it is intended to be flat, mounded, or further landscaped. As shown, it isn't useable.

Staff agrees with a previous determination by the County Engineer's office that a multi-use pathway along U.S. 23 is not desirable and will not connect to the north or south in the near term. Staff recommends a wider trail from Orange Centre Drive then along the interior north/south drive, ending at the Tuller Square property.

Environmental: This area falls within additional requirements of OEPA's Olentangy Watershed. The current site is a natural area that form part of the headwaters of Deep Run, one of only a handful of named streams that lead to the Olentangy River. The plans appear to acknowledge the required mitigation setbacks along the stream and a full determination of other mitigation requirements will take place during Final Engineering. Given the additional pavement proposed if the development moves forward, DCRPC staff recommends the developer explore and put in place stormwater Best Management Practices that would preserve water quality beyond simply piping it to detention basins for timed release.

Divergences

Four divergences are specifically requested:

1. A divergence from Section 21.09 to reduce the required setback from the right-of-way of a Class C roadway in the Planned Commercial District from 50 feet to 30 feet.

***Staff Comment:** The right-of-way for Orange Centre Drive is basically fixed since the radius will connect two known points. Realignment of the roadway to make better use of the space isn't feasible, so Staff would be in support of this variance if the proposed layout is approved. However, Staff would encourage a reconfiguration of the uses and structures to better align with the Township's Comprehensive Plan. In order to incorporate a more appropriate layout though, and to respect the extension of Orange Centre Drive, Staff does support divergences to the setback regulations for a Class C roadway.*

2. A divergence from Section 21.12 to increase the maximum height for lighting fixtures from 20 feet to 32.5 feet.

***Staff Comment:** The request is being made to reduce the number of individual poles, requiring the addition of islands in the parking lot. However, the proposed residential component will be immediately impacted by additional pole height. More details on lighting are needed to determine the appropriateness of the request,*

including a statement on the need of the divergence (as opposed to simply requiring additional poles to achieve the same amount of lighting). At minimum, pole height should not exceed the height of the existing light poles in the Tuller Square development.

3. A divergence from Section 21.01 to decrease the minimum off-street parking requirement for “all other residential” from 3 spaces per unit to 1.5 spaces per unit.

Staff Comment: Staff could support this request, unless the Zoning Commission and Trustees feel otherwise. Parking requirements are typically lower for housing of this type and the opposing peak usage times between the housing component and commercial components supports a shared parking approach. While not directly addressed, in the event that visitors may need to utilize additional parking, the copious amount of parking included with the anchor tenant would provide overflow for the residential units, if needed. (See previous parking comments.)

4. A divergence from Section 22.03 to increase the maximum height for a monument-style freestanding sign from 8 feet to 22.5 feet.

Staff Comment: Staff is not in support of the divergence to increase the maximum monument sign height by 14.5 feet, from 8 feet to 22.5 feet. Any signage related to fuel price should be located within the direct area of the fuel station. Furthermore, the speed of U.S. 23 at that location does not necessitate a 22.5-foot tall monument sign, especially considering the first 9 feet are supports that unnecessarily increase visibility, and the top 3 feet serve for aesthetic purposes as well.

General Comments

Staff identified one other area that would necessitate a divergence, but was not explicitly requested: treating the residential uses as permitted residential uses in a Planned Commercial District. Other aspects of the development plan may also be out of conformance without the request for a divergence. Staff would recommend reviewing the local zoning code more specifically to ensure that the plan is approved with only the divergences that the Township finds amenable. The Township should convey that only divergences which are explicitly requested will be approved, and all other aspects of the development will be required to be in conformance with the zoning code.

Staff supports a residential component, but not as designed. We are also concerned about the existing and proposed access for such a large traffic generator at this location. For the numerous reasons noted in this report, staff cannot support the proposal.

Staff Recommendations

Staff recommends **Denial** of the rezoning request by JLP Orange LLC. from FR-1 and PI to PCD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, for the reasons noted in this report.

If the Township approves a version of this proposal, staff makes the following recommendations:

- 1.) Reconfigure the structures and uses by rotating the large commercial user and pulling it toward U.S. 23;
- 2.) Reconfigure and provide more detail for the long strip of open space between the multi-family and parking lot;
- 3.) Reconfigure the connection point between the gas station and private drive along the Tuller Square private drive to assume significant entry traffic;

- 4.) Re-orient the gas station within the site and not adjacent to U.S. 23;
- 5.) Denial of divergence request #4 (sign height);
- 6.) Justification for divergence request #2 (light pole height); and
- 7.) The inclusion of pedestrian connectivity to surrounding developments for the multi-family component.

Commission / Public Comments

No one was present to represent the applicants.

Ms. Jean Wolf, 8224 Coppertop Lane, Lewis Center, Ohio, was present to share her concerns with the additional traffic this project would add. She asked that consideration be made for the residents that walk in her development and the effect of an extension of Orange Center Drive.

Mr. Weade questioned why the applicant didn't wait until the moratorium was over to submit since the parking divergence could be avoided with the overlay. Miss Boni stated the moratorium is 6 months. The developers didn't want to wait that long.

Mr. Dowley made a motion to recommend Denial, based on the staff recommendation. Mr. Reely seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

03-22 ZON OPTEK Inc. – Berlin Twp. – 11 acres from NCD to TPUD

Request

The applicant, OPTEK Inc., is requesting an 11-acre rezoning from NCD to TPUD for the development of an age restricted residential community, The Villas at Cheshire Ridge.

Conditions

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

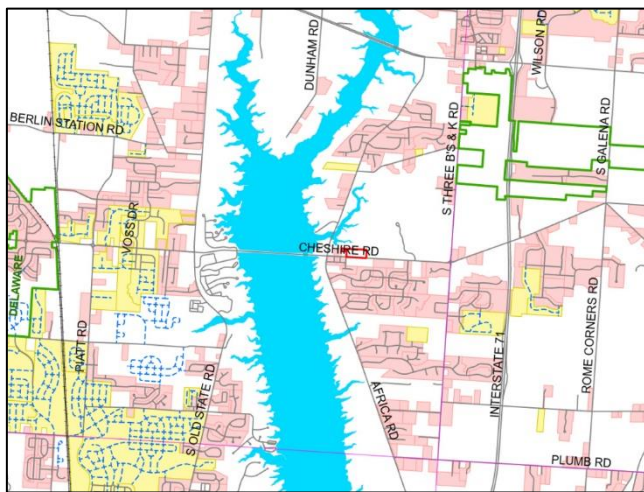
Present Zoning: Neighborhood Commercial (NCD) / **Proposed Zoning:** Transitional Planned Unit Dist. (TPUD)

Present Use(s): commercial / **Proposed Use(s):** 32-unit age-restricted community

Existing Density: n/a / **Proposed Density:** 3.94 du / acre

School District: Olentangy / **Utilities Available:** Del-Co Water and central sanitary sewer

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



RPC#03-22zon
OPTEK Inc.
11 acres/NCD to TPUD
Berlin Twp.



RPC#03-22zon
OPTEK Inc.
11 acres/NCD to TPUD
Berlin Twp.



Introduction

This is an application to rezone 11 acres on the north side of Cheshire Road, just east of Africa Road. The property is currently zoned Neighborhood Commercial, but the proposed plan includes 32 single-family residences accessed from Cheshire Road. No other entrances are proposed; however, an emergency access is provided on the east end of the development. A multi-use path is proposed along Cheshire Road, and a spur is also provided which connects the roadway multi-use path to the internal sidewalks and the wooded areas of Alum Creek State Park.

Comprehensive Plan

Berlin Township's 2010 Comprehensive Plan shows this proposal is located in Planning Area 9 – Historic Village of Cheshire and Surrounding Area. This area recommends low density single family housing along 3 B's and K Road. As for the immediate area, the Comprehensive Plan recommends creating a village center atmosphere through mixed use redevelopment. Housing densities are recommended to be permitted at up to 5 units per acre.

Issues

Traffic and Access: The proposal includes a singular point of access with an emergency access point on the east end of the property. The emergency access should be converted to a full access point in order to create a more

village centric atmosphere through increasing connectivity. The additional connection would also provide for aligning entrances if the property to the south is ever developed.

Village Center: The recommendation to create a village center atmosphere would be substantially furthered through developmental amendments like bringing development closer to Cheshire Road. A reduced buffer from Cheshire would create the more intimate village center feel.

Divergences

Two divergences are requested:

1. A divergence from Section 24.03 to reduce the minimum separation for principal structure from 25 feet to 14 feet, excluding overhangs and architectural features.

***Staff Comment:** Staff is in support of this request in order to maximize the open space available to the community. Furthermore, the decreased separation would support the village center aesthetic. The applicant also noted that the proposed separation, while reduced, is still above the minimum required by the Residential Code of Ohio. The Township will want to verify with the Delaware County Building Safety office.*

2. A divergence from Section 13.06(L) to reduce the required tree lawn width between the roadway and sidewalks from 5 feet to 3 feet.

***Staff Comment:** Staff is supportive in theory of the request. However, there's a question of whether 3 feet is adequate to ensure the long-term health and viability of the tree plantings. If the applicant utilizes proper mitigation measures to ensure that tree plantings within the reduced tree lawns will be viable – such as silva cells under sidewalk areas to allow for root growth, Staff would be supportive of the request.*

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by OPTEK Inc. from NCD to TPUD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, subject to:

- 1.) The submission of a landscape plan which addresses the health of street trees in a reduced tree lawn;
- 2.) Consider bringing structures closer to Cheshire Road to promote the village center concept; and
- 3.) Continued conversations with the Delaware County Engineer's Office on:
 - a. Whether a second point of access is warranted; and
 - b. Reduced clear zones to advance the community interest of a village center.

Commission / Public Comments

Mr. Charlie Driscoll, Edwards Land Co., was present to represent the applicant. He confirmed this development would be single family detached age restricted (55+) condos. He also stated that he believes the Township requires the street trees to be planted in between the sidewalk and the house.

Mr. Weade questioned the staff comment regarding reduction of the distance between the buildings. He said to ask for a divergence shouldn't it be more defined as to what you are getting for that. Mr. Sanders said that if you spread out the homes you don't have as much common open space as if the houses were closer together. Mr. Weade said the open space is nice but the more open space the more the HOA is paying to have to maintain it. Mr. Sanders stated in this case the HOA is maintaining the yards and the open space. When you

put multi-family in its own district, the assumption was that there would be multi-family buildings and the structural separation between multi-family buildings would be 25 feet and seems reasonable but with this style of type of development, seems too far apart. It needs to be reduced, the question is by how much. Mr. Miller added that if you were to require the 25 foot, you would be cutting off the connection to the trail and the Comprehensive Plan encourages the Village center feel.

Mr. Price made a motion to recommend Conditional Approval of the rezoning request by OPTEK Inc. from NCD to TPUD, subject to Staff Recommendations. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

04-22 ZON Harlem Twp. Zoning Commission – text amendment – Article IV

Request

The Harlem Township Zoning Commission has forwarded proposed changes for the RPC to consider and provide recommendations. The proposed changes are outlined below, and reflect a change to the definition and the method of measurement for “Building Height.”

BUILDING HEIGHT: ~~The vertical distance measured from the finished first floor grade at the front of the building to the highest point of the roof.~~ *The vertical distance to the highest point of the roof measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure.*

Staff Comments

Staff doesn’t see a significant issue with the proposed change. The Township should be aware that the change will, in effect, reduce the overall height permitted since residential structures are required to be developed at higher elevations than the surrounding land outside of a 15-foot area for drainage purposes.

Staff Recommendations

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

Commission / Public Comments

Mr. Dowley made a motion to recommend Approval of the text amendments to the Harlem Twp. Zoning resolution. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

SUBDIVISION PROJECTS

Preliminary

01-22 **The Ravines at Hoover – Genoa Twp. - 56 lots / 42.846 acres**

Conditions

Applicant: Romanelli & Hughes

Engineer: Kimley Horn

Staff Comments

The applicant is requesting a 30-day Tabling in order to address zoning issues.

Staff Recommendation

Staff recommends *Approval* of a 30-day Tabling of **The Ravines at Hoover** to the DCRPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Price made a motion for Approval of a 30-day Tabling of The Ravines at Hoover. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

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02-22 **Rabbit Run Subdivision – Liberty Twp. - 13 lots / 16.635 acres**

Conditions

Applicant: 365Land LLC

Subdivision Type: Single Family Residential

Location: east side of Liberty Rd., south of Hardin Lane

Current Land Use: Vacant

Zoned: Farm Residential (FR-1)

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

School District: Olentangy

Engineer: Gandee Heydinger

Staff Comments

Rabbit Run is a 13 single-family lot subdivision on the east side of Liberty Road, just south of Hardin Lane. The subdivision utilizes the original zoning of FR-1, as opposed to more typical subdivisions that rezone to Planned Residential Districts. As such, no open space areas are required, though a 0.68-acre reserve space is included for water retention purposes. All lots are also required to comply with minimum lot size and road frontage requirements.

The development is straightforward, as the singular point of entrance is Thea Lane, a cul-de-sac extending east from Liberty Road. All of the lots comply with the lot area requirements, and a sidewalk is included on

both sides of the proposed roadway.

No critical resources are located on the property, and all lots will be served by Del-Co water and on-site treatment systems.

A technical review was held on January 18, 2022, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends Preliminary Approval of **Rabbit Run Subdivision** to the DCRPC.

Commission / Public Comments

Mr. Aaron Heydinger, Gandee Heydinger Group along with the applicant Mr. Matt Dickens was present.

Mr. Irvine made a motion for Preliminary Approval of the Rabbit Run Subdivision. Mr. Dowley seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.

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OTHER BUSINESS

- Consideration for Approval: Liability Insurance \$8,765.00

Mr. Matlack made a motion for Approval of the liability expenditure for \$8,765.00 , seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.

Having no further business, Mr. Irvine made a motion to adjourn the meeting at 7:15 p.m. Mr. Price seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, February 24, 2022, 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