

# 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, April 28, 2022 at 6:30 PM

Hayes Services Building, 145 N. Union St., Conference Room 235,  
Delaware, Ohio 43015

### ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of March 31, 2022 RPC Minutes
- Executive Committee Minutes of April 20, 2022
- Statement of Policy

### CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
15-19	Neverman CAD	Berkshire	3 lots / 9.054 acres
02-21	RC Lehner CAD	Harlem	4 lots / 23.78 acres
20-21	Calaway Run CAD	Harlem	5 lots / 19.51 acres

### ZONING MAP/TEXT AMENDMENTS

16-22 ZON	Clifford & Elizabeth Curtis - Orange Twp. - 4.465 acres from FR-1 to SFPRD
17-22 ZON	Zhengying He & Kristin Meile - Orange Twp. - 1.807 acres from FR-1 to SFPRD
18-22 ZON	Bachman Family Trust - Harlem Twp. - 7.252 acres from AR-1 to FR-1
19-22 ZON	Charles Witter - Harlem Twp. - 5.430 acres from AR-1 to FR-1
20-22 ZON	APN Group LLC - Berlin Twp. - 48.82 acres from FR-1 to PRD

### SUBDIVISION PROJECTS

#### Preliminary

		Township	Lots/Acres
13-22	Greyland Estates, Section 1, Phase B	Trenton	24 lots / 47.5 acres

### EXTENSION

05-20	Tanner CAD	Concord	4 lots / 8.70 acres
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### OTHER BUSINESS

- Consideration for Approval: Transfer of Appropriations, \$7,000.00 from 5380 to 5450, for the purchase of the large format copier
- Consideration for Approval: Grant Program application, \$10,000 request, Village of Ostrander
- Annual Report

## ADMINISTRATIVE BUSINESS

### ▪ Call to Order

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

### ▪ Roll Call

*Representatives:* David Weade, Meghan Raehll, Mark Maroscher, Duane Matlack, Gary Merrell, Jeff Benton, Dustin Kent, Dave Stites, Jeff Warner, Michele Boni, Jim Hatten, Herb Ligocki, Murray Neff, Bonnie Newland, and Mike Dattilo. *Alternates:* Cheryl Friend, Brad Stanton, Tiffany Jenkins, Tammy Noble, Paul Benson and Barry Bennett. *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

### ▪ Approval of the March 31, 2022 RPC Minutes

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

### ▪ April 20, 2022 Executive Committee Minutes

#### 1. Call to order

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

#### 2. Approval of Executive Committee Minutes from March 23, 2022

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

#### 3. New Business

- Financial / Activity Reports for March

REGIONAL PLANNING RECEIPTS		MARCH	YTD TOTAL
General Fees (Lot Split)	(4201)	\$820.00	\$3,075.00
Fees A (Site Review)	(4202)	\$600.00	\$2,100.00
Insp. Fees (Lot Line Transfer)	(4203)	\$900.00	\$1,700.00
Membership Fees	(4204)	\$15,230.00	\$204,312.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,353.82	\$2,425.87
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$38,816.00	\$87,641.00
Charges for Serv. B (Final. Appl.)	(4231)	\$1,100.00	\$11,358.50
Charges for Serv. C (Ext. Fee)	(4232)	\$200.00	\$600.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$900.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$8,840.00
Soil & Water Fees	(4243)	\$1,300.00	\$3,150.00
Commissioner's fees	(4244)		
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)	\$820.00	\$3,075.00
<b>TOTAL RECEIPTS</b>		<b>\$60,919.82</b>	<b>\$327,202.37</b>

Balance after receipts	\$1,301,417.56
Expenditures	<u>\$ 30,056.05</u>
End of March balance (carry forward)	\$1,271,361.51

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

- April RPC Preliminary Agenda

	<u>Township</u>	<u>Lots/Acres</u>
• SKETCH PLANS		
• Brenner CAD	Brown	2 lots / 17.34 acres
• Lanetta Subd., Lot 1233, Div. #1	Genoa	2 lots / 5 acres
• Liberty Trails	Liberty	17 lots / 30.979 acres

- ZONING MAP/TEXT AMENDMENTS
  - Clifford & Elizabeth Curtis - Orange Twp. - 4.465 acres from FR-1 to SFPRD
  - Zhengying He & Kristin Meile - Orange Twp. - 1.807 acres from FR-1 to SFPRD
  - Bachman Family Trust - Harlem Twp. - 7.252 acres from AR-1 to FR-1
  - Charles Witter - Harlem Twp. - 5.430 acres from AR-1 to FR-1
  - APN Group LLC - Berlin Twp. - 48.82 acres from FR-1 to PRD

	<u>Township</u>	<u>Lots/Acres</u>
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Preliminary

- Greyland Estates, Section 1, Phase B

Trenton

24 lots / 47.5 acres

Final

- Neverman CAD
- RC Lehner CAD
- Calaway Run CAD

Berkshire

3 lots / 9.054 acres

Harlem

4 lots / 23.78 acres

Harlem

5 lots / 19.51 acres

Extension

- Tanner CAD – Concord Twp. – 4 lots / 8.7 acres- requesting 1-year extension
- Director's Report
  - 1.) Attended (virtually) the February **Transportation Advisory Committee** meeting at MORPC on April 6;
  - 2.) **Delaware Township Comp Plan** – Finalizing maps for final draft – attending meeting on April 27;
  - 3.) **Berlin Comp Plan update with Overlay** – finalized recommendations on April 12;
  - 4.) **Kingston Township** – Met on March 24<sup>th</sup> to finalize survey questions;
  - 5.) **Ostrander** – Met with village representatives. Proposing to utilize the grant program to fund \$10,000 for the Neighborhood Design Center to perform the website tracking and public input process. We will do the usual mapping, data, and recommendation segments, Ostrander will pay the match of \$10,000;
  - 6.) **Attended State of the County** yesterday (April 19). Very well attended;
  - 7.) **Annual Report** – presented to Executive Committee. Will distribute in coming weeks; and
  - 8.) Da-Wei is continuing to update the online maps with Lot Split and Transfer documents, creating a Web App to download RPC's GIS data, and updating the Demographic Package and Development Trend reports.
- Ostrander Comprehensive Plan and Grant Program discussion  
*Miss Boni made a motion to recommend Approval of the grant application by the Village of Ostrander (Ostrander Master Plan 2023). Mrs. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

4. Old Business

- Consideration for recommendation of Approval: Transfer of Appropriations, \$7,000.00 from 5380 to 5450, for the purchase of the large format copier.

*Miss Boni made a motion to recommend Approval of a Transfer of Appropriations for \$7,000.00 from 5380 to 5450, for the purchase of the large format copier. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

5. Other Business

- Brad Fisher, Planner, new hire to start May 9<sup>th</sup>

## 6. Adjourn

*Having no further business, Miss Boni made a motion to adjourn the meeting at 10:00 a.m. Mrs. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, May 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)

15-19                      Neverman CAD – Berkshire Twp. - 3 lots / 9.054 acres

### Conditions

**Applicant:** Kenneth Neverman / **Consultant:** Plan 4 Land  
**Subdivision Type:** Single Family Residential, Common Access Driveway  
**Location:** South side of Dustin Rd., east of I-71  
**Zoned:** FR-1 (Farm Residential)  
**Preliminary Approval:** 06/27/19  
**Utilities:** Del-Co Water, private on-lot treatment systems  
**School District:** Big Walnut

### Staff Comments

This application is for a CAD Subdivision of three lots to be served by a Common Access Driveway. The property, located on the south side of Dustin Road between I-71 and Ryan Meadow Place, is an existing lot of 9.054 acres, and was purchased by the applicant in January of 2013.

The submitted plan shows the property split into 3 single-family residential lots, two of which are 1.950 acres, and the third 4.894 acres – 0.614 acres of which are covered by the common access driveway (CAD) and associated easement.

The CAD extends south along the eastern boundary of the property for a distance of about 380 feet from the ROW, with a turnaround located about 320 feet from the ROW. The lots will have water service, and on-site treatment systems as public sewer is not currently available on the property.

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 **Neverman CAD** to the DCRPC.

### Commission / Public Comments

**Mr. Merrell made a motion for Final Approval of Neverman CAD. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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02-21                      **RC Lehner CAD – Harlem Twp. - 4 lots / 23.78 acres**

### Conditions

**Applicant:** Richard & Christina Lehner / **Consultant:** Plan 4 Land  
**Subdivision Type:** Single Family Residential, Common Access Driveway  
**Location:** south side of Dildine Rd., east of River Rd.  
**Zoned:** FR-1 (Farm Residential)  
**Preliminary Approval:** 04/27/21  
**Utilities:** Del-Co Water, private on-lot treatment systems  
**School District:** Buckeye Valley

### Staff Comments

This application is for a CAD Subdivision with four lots. The property is located on the south side of Dildine Road, about 3,000 feet east of River Road. The proposal consists of creating a CAD from two lots, with one – at 8.75 acres - having the necessary road frontage. The remaining three lots in the rear range in size from 4.42 acres to 5.01 acres, with the CAD extending through all of the properties, except for the rear lot.

The CAD extends south along the western boundary of the properties for a distance of about 2,500 feet from the ROW, with pull-offs incorporated in accordance with CAD regulations. The lots will have water service, and contain on-site treatment systems as wastewater lines are not currently available on the property.

This property is heavily wooded with a wetland. The wetland will not be impacted, but the wooded areas will be in order to create the CAD, building pads, and associated 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 **RC Lehner CAD** to the DCRPC.

### Commission / Public Comments

**Mr. Merrell made a motion for Final Approval of RC Lehner CAD. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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20-21                      Calaway Run CAD – Harlem Twp. - 5 lots / 19.51 acres

**Conditions**

**Applicant:** Dev Partner LLC   /   **Consultant:** Plan 4 Land  
**Subdivision Type:** Single Family Residential, Common Access Driveway  
**Location:** west side of County Line Rd., between Robins Rd. and Center Village Rd.  
**Zoned:** FR-1 (Farm Residential)  
**Preliminary Approval:** 06/24/21  
**Utilities:** Del-Co Water, private on-lot treatment systems  
**School District:** Johnstown Monroe

**Staff Comments**

Calaway Run CAD is a 5-lot Common Access Driveway subdivision on the west side of S. County Line Road between Robins Road and Center Village Road. The submitted plan shows the CAD extending west from S. County Line Road for about 1,200 feet.

The majority of the CAD falls within all of the lots, with Lot 3 acting as the terminus with less than the required frontage, though it is still in conformance with the Harlem Township Zoning Resolution. All lots exceed the 2-acre minimum lot size and pull-offs are provided at 3 locations along the CAD, not including the T-turnaround in accordance with CAD regulations.

The lots will all utilize on-site treatment systems, and be served by Del-Co water.

Duncan Run extends through the property at the rear, and acts as the front property line of Lot 3. By extending Lot 3 to Duncan Run, the impact to the stream is lessened by limiting the traffic over the stream to the one household. The applicant has also located septic systems over 100 feet from the stream to ensure no adverse impacts.

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 Calaway Run CAD to the DCRPC.

**Commission / Public Comments**

*Mr. Merrell made a motion for Final Approval of Calaway Run CAD. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## ZONING MAP/TEXT AMENDMENTS

16-22 ZON      Clifford & Elizabeth Curtis – Orange Twp. – 4.465 acres from FR-1 to SFPRD

### Request

The applicants, Clifford and Elizabeth Curtis, are requesting a 4.465-acre rezoning from FR-1 to SFPRD to allow the lot to be split into two residential lots.

### Conditions

**Location:** 5495 S. Old State Road, Lewis Center

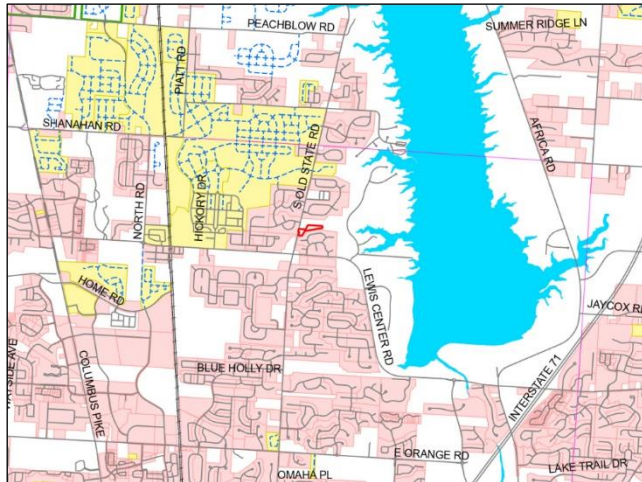
**Present Zoning:** Farm Residential (FR-1)/ **Proposed Zoning:** Single Family Planned Residential (SFPRD)

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

**Existing Density:** 1 unit on 4.465 ac. / **Proposed Density:** 0.44 du / acre

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

**Critical Resources:** drainage course / **Soils:** LsA, GwB, UdB



**RPC#16-22zon**  
**Clifford & Elizabeth Curtis**  
**4.465 ac. / FR-1 to SFPRD**  
**Orange Twp.**



### Introduction

The applicants seek to rezone an existing lot with a single home into a Planned district to create an additional building site for a total of two lots. The Development Plan indicates an individual driveway access point on South Old State Road for each lot. The two access points will be separated by an existing stream and culvert.



### **Comprehensive Plan**

Orange Township's 2018 Comprehensive Plan recommends this area for single-family residential development at 2 units per acre. Despite the in-fill nature of the site, this proposal does conform to the density recommendations, if all other standards can be met.

### **Issues**

**Traffic and access:** As noted above, each home will have a separate access point. No letter from DCEO is included and it is unknown if the new driveway has a safe sight distance along this busy section of South Old State. As the road travels north from the Lewis Center Road intersection, it begins to slope down toward the stream crossing. If the existing access point has to be utilized for both lots, a Common Access Driveway subdivision will need to be platted, unless a second driveway stream crossing is created.

**Drainage:** Should not be an issue, but will be reviewed during the split process.

**Sanitary Treatment:** An access and capacity confirmation is included. The existing home has sewer service, although the line must be relocated to provide a buildable site. Care will need to be taken to ensure sanitary access lines can be placed where they will not conflict with any building foundations.

**Open Space / Health:** Based on the size of the site, the 20% open space requirement calculates to 0.893 ac. Rather than dedicating open space, a tree preservation area will be dedicated.

### **Divergences**

One divergence is requested: to allow this development to occur without platting since the SFPRD zoning district language requires a plat. Staff agrees that a plat would have added cost for what would normally be a lot split. The applicant notes that the tree preservation area would be handled via commitments and recorded deed restrictions. Those items might be better recorded with a single location within a plat, but if the Zoning Commission and Trustees are comfortable that those items can be properly recorded outside of a plat, staff will concur that a plat is not necessary. If individual driveways aren't feasible and an access easement must be created within the site, it would trigger a Common Access Driveway subdivision plat.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Clifford and Elizabeth Curtis from FR-1 to SFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 1.) Concurrence by RPC staff with the divergence request to not plat, if the preservation and access easements can be created to the satisfaction of Orange Township; and
- 2.) If individual driveways aren't feasible and an access easement must be created within the site, it would trigger a Common Access Driveway subdivision plat.

### **Commission / Public Comments**

Mr. Joe Clase, Plan4 Land, was present to represent the applicant.

***Mr. Matlack made a motion to recommend Conditional Approval of the rezoning request by Clifford and Elizabeth Curtis, subject to staff recommendations. Mr. Weade seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.***

17-22 ZON Zhengying He & Kristin Meile – Orange Twp. – 1.807 acres from FR-1 to SFPRD

### Request

The applicants, Zhengying He and Kristin Meile, are requesting a 1.807-acre rezoning from FR-1 to SFPRD to allow the lot to be divided into three residential lots.

### Conditions

**Location:** 7959 S. Old State Rd., Lewis Center

**Present Zoning:** Farm Residential (FR-1)/ **Proposed Zoning:** Single Family Planned Residential (SFPRD)

**Present Use(s):** One single-family house / **Proposed Use(s):** Three single-family house lots

**Existing Density:** 1 unit on 1.807 ac. / **Proposed Density:** 1.66 du / acre

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

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



### **RPC#17-22zon**

**Zhengying He & Kristin Meile**  
**1.807 ac. / FR-1 to SFPRD**  
**Orange Twp.**



### Introduction

The applicants seek to rezone an existing house lot into a planned district to create two new building sites for a total of three lots. The Development Plan indicates a shared driveway for the two lots that front on South Old State Road with the third lot taking access from Hayer Court, within existing Walker Wood, Section 6. Existing

accessory buildings will be removed.

### **Comprehensive Plan**

Orange Township's 2018 Comprehensive Plan recommends this area for single-family residential development at 2 units per acre. Despite the unusual in-fill nature of the site, this proposal does conform to the density recommendations, if all other standards can be met.

### **Issues**

**Traffic and access:** The current parcel has frontage on both South Old State and Hayer Court. As a public street, Hayer Court can be accessed and the proposed house will appear to fit within the existing pattern of homes. DCEO has indicated that access should come from within the subdivision for the new lots. Staff recommends moving the driveway to the southwest of the house, providing access to the homes fronting on S. Old State via a shared access easement.

**Drainage:** Should not be an issue, but will be reviewed during the split process.

**Sanitary Treatment:** An access and capacity confirmation is included, although the office notes that there are still details to be worked out regarding service to all three lots. Due to the unusual nature of the redevelopment, care will need to be taken to ensure sanitary access lines can be placed where they will not conflict with any building foundations.

**Open Space / Health:** Based on the size of the site, the 20% open space requirement calculates to 0.3614 ac. Rather than dedicating open space, a tree preservation area will be dedicated. Sidewalks are already located on both Hayer Court and S. Old State Road.

### **Divergences**

One divergence is requested: to allow this development to occur without platting since the SFPRD zoning district language requires a plat. Staff agrees that a plat would have added cost for what would normally be a lot split. The applicant notes that access easements and the tree preservation area would be handled via commitments and recorded deed restrictions. Those items might be better recorded with a single location within a plat, but if the Zoning Commission and Trustees are comfortable that those items can be properly recorded outside of a plat, staff will concur that a plat is not necessary.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Zhengying He and Kristin Meile from FR-1 to SFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 1.) Concurrence by RPC staff with the divergence request to not plat, if the preservation and access easements can be created to the satisfaction of Orange Township; and
- 2.) Continued detail provided by the Sanitary Engineer's office regarding whether all three lots can be serviced.

### **Commission / Public Comments**

Mr. Joe Clase, Plan4 Land, was present to represent the applicant.

***Mr. Merrell made a motion to recommend Conditional Approval of the rezoning request by Zhengying He***

and Kristin Meile, subject to staff recommendations. Mrs. Noble seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

18-22 ZON      Bachman Family Trust – Harlem Twp. – 7.252 acres from AR-1 to FR-1

### Request

Mr. Joe Clase, Plan 4 Land on behalf of the Bachman Family Trust, is requesting a 7.252-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

### Conditions

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

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

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

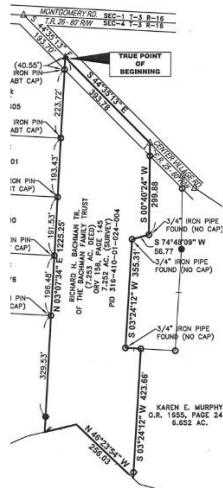
**Existing Density:** 1 du / 5 acres **Proposed Density:** 1 du / 2 acres

**School District:** Big Walnut / **Utilities Available:** Del-Co Water and private on-lot treatment systems

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



**RPC#18-22zon**  
**Bachman Family Trust**  
**7.252 ac. / AR-1 to FR-1**  
**Harlem Twp.**



### **Introduction**

This is a rezoning request without a development plan (none is required). The property is located on the south side of Center Village Road, just east of its intersection with Montgomery Road. The 7.252-acre lot is currently vacant. Several lots have recently been split directly west of this site.

If rezoning is approved, a split would require a new flag lot utilizing a 60-foot strip. The proposed FR-1 zoning requires a minimum lot size of 2 net acres with a sliding scale of frontage (2-3 acres: 175', 3-4: 210', 4-5: 250', 5+: 300'). The current parcel has 393 feet of linear frontage along the road. However, due to the vertical nature of the parcel, the lot width measures at approximately 295. A split using 60 feet would leave 235 feet of frontage. A second flag lot could conceivably be created, but the site directly east has less than the required frontage, therefore requiring a lot of full frontage adjacent to it.

### **Comprehensive Plan**

This subject property lies in Harlem Township's Sub Area C, which recommends a minimum of 2-acres for lots rezoned to Farm Residential. Other recommendations, like protecting the 100-year floodplain by prohibiting development within the floodplain, are not applicable to this proposal. However, Duncan Run forms the southern boundary of the parcel.

### **Issues**

**Treatment:** The soil information indicates Bennington soils, which typically can support an on-site system. The southern end of the site slopes to the well-defined Duncan Run, which forms the southern boundary of the parcel. As always, care should be taken by the applicant to ensure an on-site system can be placed on the rear acreage.

**Access:** Center Village Road is generally flat in this location, suggesting the site has good sight distance.

**Process:** As with any division under 5 acres in size, further subdivision of this parcel would require review and approval from a number of county agencies and township zoning.

### **Staff Recommendations**

Staff recommends **Approval** of the rezoning request by Bachman Family Trust from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees.

### **Commission / Public Comments**

Mr. Joe Clase, Plan 4 Land, was present. He stated that his client owns the property to the east and would look into lot combinations but anticipates splitting the property in half.

***Mr. Weade made a motion to recommend Approval of the rezoning request by Bachman Family Trust. Mr. Maroscher seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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19-22 ZON Charles Witter – Harlem Twp. – 5.430 acres from AR-1 to FR-1

### Request

The applicant, Charles Witter, is requesting a 5.430-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

### Conditions

**Location:** 3471 Green Cook Rd.

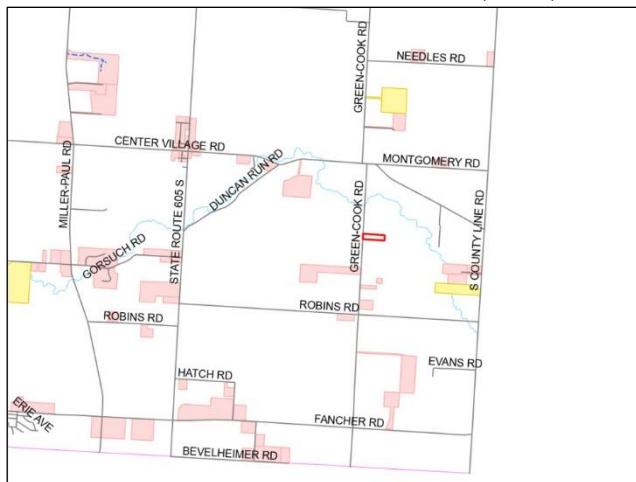
**Present Zoning:** Agricultural (AR-1) / **Proposed Zoning:** Farm Residential (FR-1)

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

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

**School District:** Big Walnut / **Utilities Available:** Del-Co Water and private on-lot treatment systems

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



**RPC#19-22zon**  
**Charles Witter**  
5.430 ac. / AR-1 to FR-1  
Harlem Twp.



### Introduction

This is a rezoning request that was submitted with a development plan for reference. The property is located on the east side of Green-Cook Rd., between Robins and Center Village Roads. The 5.430-acre lot currently includes a single home.

If rezoning is approved, a split would require a new flag lot utilizing a 60-foot strip. The current zoning of

Agricultural Residential (AR-1) requires a 5-acre minimum lot size and 300 feet of frontage while the proposed FR-1 zoning requires a minimum lot size of 2 net acres with a sliding scale of frontage (2-3 acres: 175', 3-4: 210', 4-5: 250', 5+: 300'). The current parcel has approximately 245 feet – a split using 60 feet would leave 183 feet for the frontage lot. As long as that lot was under 3 acres, it would comply.

### **Comprehensive Plan**

This subject property lies in Harlem Township's Sub Area C, which recommends a minimum of 2-acres for lots rezoned to Farm Residential. Other recommendations, like protecting the 100-year floodplain by prohibiting development within the floodplain, are not applicable to this proposal.

### **Issues**

**Treatment:** The soil information indicates Bennington soils, which typically can support an on-site system. Some Pewamo is located at the far eastern end of the lot. As always, care should be taken by the applicant to ensure an on-site system can be placed on the rear acreage.

**Access:** Green-Cook is generally flat in this location, suggesting the site has good sight distance.

**Process:** As with any division under 5 acres in size, further subdivision of this parcel would require review and approval from a number of county agencies and township zoning.

### **Staff Recommendations**

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

### **Commission / Public Comments**

Mrs. Courtney Wade, A to Zoning, along with Cindy Strahler, daughter of Mr. Witter, were present.

***Mr. Merrell made a motion to recommend Approval of the rezoning request by Charles Witter. Mr. Benton seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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20-22 ZON APN Group LLC – Berlin Twp. – 48.82 acres from FR-1 to PRD

### Request

The applicants, APN Group LLC (47.605 ac.) and Manoj Kumar Pokala (1.210 ac.), are requesting a 48.82-acre rezoning from FR-1 to PRD for a 136-lot single-family development to be known as Peachblow Crossing.

### Conditions

**Location:** north side of Peachblow Rd., east side of the railroad tracks

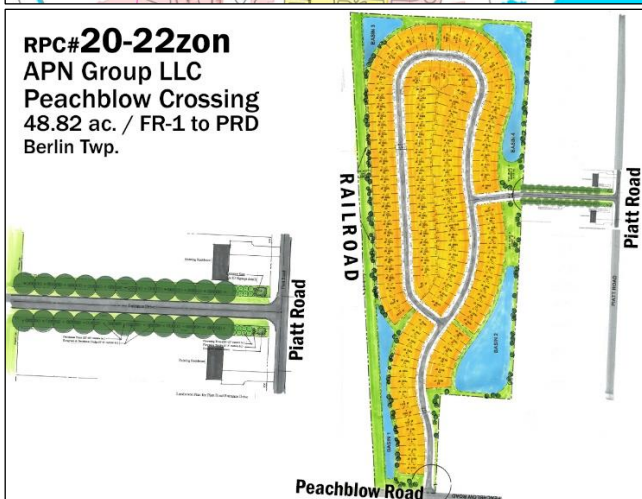
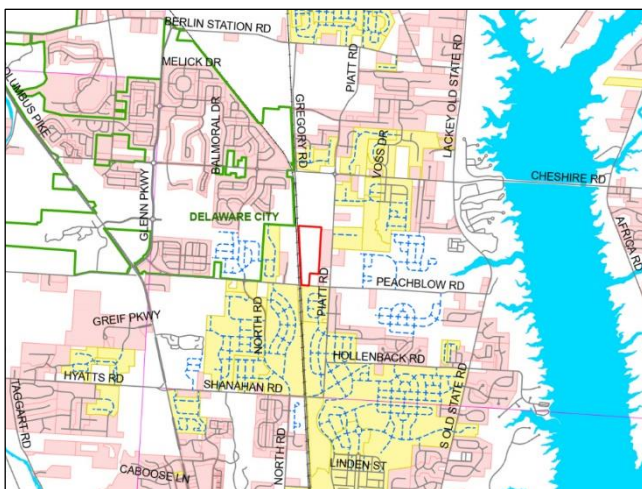
**Present Zoning:** Farm Residential (FR-1)/ **Proposed Zoning:** Planned Residential

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

**Existing Density:** 1 du / acre **Proposed Density:** 2.77 du / acre (gross), 3.26 du/acre (net)

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

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



### Introduction

Peachblow Crossing is a proposed single-family development of 136 lots on 48.82 acres north of Peachblow Road. A right-in/right-out access is shown on Peachblow, limited access based on the distance from the railroad. A full access is proposed on Piatt Road by incorporating one of the several existing parcels along Piatt.

The main road circulates through the site in a single loop. Lots typically have 50' of frontage and are 140' deep



for a typical lot size of 7,000 s.f., although some parcels are designed with longer depth. Side-yard setbacks are shown at 6' per side, for a 12' building separation. (R-3 requires 12.5', so this would be a divergence, if R-3 were being used.) No cross-sections are provided to indicate the road design, but the internal roads would be subject to the sidewalk requirements of the Subdivision Regulations and the text notes one tree shall be placed in each yard.

Open space totaling 16.07 acres (32.8% of total area) exceeds the required 20% but is shown as mostly retention. A 60-foot wide open space strip adjacent to the railroad tracks is the location of an existing gas line with related easement.

### Comprehensive Plan

Berlin Township's most recent Comprehensive Plan recommends the area west of Piatt Road as residential at a density of 1.85 units per net developable acre. At 2.77 dwelling units per gross acre and 3.26 dwelling units per net acre, the proposal exceeds the recommended density by 59 units.

### Zoning Designation

The Zoning Resolution states that the "PRD zoning will be overlaid on FR-1, R-2, R-3, R-4, and TPUD zones. The net density of the underlying zoning shall be used to determine the number of units allowed." Further, each underlying districts determines the lot size, minimum frontage, and percentage of open space. The TPUD zoning does not allow the development of single-family lots. The table below shows the various districts and the proposal. The R-3 is the highest density and also corresponds with the density recommendations in the Comprehensive Plan.

	<b>Proposal</b>				
<b>Code Designation</b>	<b>FR-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>not specified</b>
<b>Density in code</b>	1 du/ac	1.25 nda	1.85 nda	1.5 nda	3.26 nda
<b>Lot Size (w/PRD)</b>	43,560 sf	21,780 sf	10,890 sf	14,520 sf	7,000 sf
<b>Frontage</b>	150'	100'	80'	90'	50'
<b>Open Space req.</b>	40%	20%	20%	20%	32.8%

As noted in some previous project reviews, staff has supported smaller lots in the past in certain circumstances, particularly in Evans Farm. The chief reason is to support a mix of uses and walkability. Sidewalks may make this project walkable, but there is no mix of uses and open space is largely eaten up with detention basins. Many of the narrower lots in areas with similar lot widths are designed with alleys to reduce the "snout house" effect of front-projecting garages.

### Issues

**Traffic and access:** A Traffic Access Study is included and has been received by the Delaware County Engineer's office. The study indicates a northbound turn lane is warranted on Piatt Road. Letter from the County Engineer is not included as that office is still reviewing the study. DCEO recently completed a minor widening on Piatt Road.

Internally, the road layout creates an uninterrupted circuit of approximately 2,500 linear feet, intersection to intersection. This should be broken up with a cross street by continuing the entry road from Piatt through the central block to intersect with the road along the western edge of the project. This would allow some lots to be reoriented along that street and break up the monotonous pattern along the circular street. This would also

provide for improved pedestrian circulation.

**Drainage:** The site is very flat but ample areas are conceptually shown for detention basins. As noted elsewhere, though, the basins fill most of the open space.

**Signage:** Signage is minimal with a single post with cross-arm sign at each entrance.

**Lighting:** No separate lighting plan was provided, but the proposal commits to conform to the Zoning Resolution.

**Sanitary Treatment:** A service letter is included stating that sewer is available to the site from the existing terminus north of Oldefield Estates, at Grace Point Community Church across Piatt.

**Open Space / Health:** As noted, the open space fulfills the required 20%, but most of the open space is shown in detention areas or the gas line easement. Although drainage is an issue on this flat site, some buffering may be warranted, particularly along existing residences and the railroad. The location and extent of the basins as well as the location of the gas easement along the railroad prevent easy location of mounded buffers. Buffering and mounding should be a continued discussion during development of this site.

**House design:** No conceptual building designs are included; staff assumes these will be provided at the Final Development Plan review. The text notes that “there shall be no more than six (6) consecutive front-load garages/houses adjacent to one another on the same side of any street” and “No more than 25% of the total number of ... residences shall be “Snout Houses.”

Based on similar products in the area, *every* house on a 50-foot lot would have a front-loaded garage, so this comment isn’t accurate. Fifty-foot lots with 6-foot side yards result in a house width of 38 feet. Two-car garages are typically 20 feet wide, which will dominate the front façade of the homes whether the garages are fully-projecting or not. This would leave approximately 18 feet for the front door and a window. A neighborhood with similar lot size and house configuration exists to the west in sections of Glenross in the City of Delaware. However, those units are part of a larger development with a variety of lot and house sizes and the neighborhood also includes an arterial street, trails, and several areas of open space.

Further within the text, the Resolution notes that “Attached garages shall be setback at least 12 feet from the front building line of the house...” The application notes that the “plan complies with this section.” Staff doesn’t think this is an accurate commitment, given the narrow design and details noted above.

Staff also recommends indicating the location and number of cluster mailbox units, if proposed to be used.

### **Divergences**

No divergences are specifically requested. Since the Berlin Township Zoning Resolution defines standards in the underlying district and no underlying district is identified in the application. The application refers to a table of proposed development standards.

If the application were to utilize the most dense district of R-3, divergences would be needed to a reduction in frontage from 80 feet to 50 feet, to allow a reduction in the minimum side yard setback from 12.5 feet to 6 feet,

to allow the density to exceed 1.85 du/n.d.a. to 2.72 du/n.d.a., reduce the minimum lot size from 10,890 square feet to 7,690 square feet, and to allow two marketing signs to be posted instead of one.

Additionally, the Resolution notes that no driveway can enter a public road within one-hundred feet of an intersection. This would impact several lots, requiring a divergence request which staff would not support.

The Zoning Resolution references structure separation of 25 feet, but the application refers to the proposed development table, which notes a side-yard setback of 6 feet, representing a separation of 12 feet. Front setbacks are proposed at 35 feet for main structures and 25 feet for porches and awnings. The Resolution requires a 70-foot front setback for all three single family districts. The reduction of front setback could be a valid request, since 70 feet is excessive for internal subdivision streets. Recent developments in the area, such as Berlin Manor, have been approved at a 30-foot front setback. However, a 12-foot building separation would not be comparable to any other current Berlin Township development. The Villas at Old Harbor, a development of detached condominiums, shows separations at 15' - 20'.

### **Staff Recommendations**

Staff recommends **Denial** of the rezoning request by APN Group LLC and Manoj Kumar Pokala from FR-1 to PRD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *based on the following*:

- 1.) *Lack of specific divergence requests or justifications thereof;*
- 2.) *Lack of useable open space;*
- 3.) *Lot sizes out of character with surrounding development; and*
- 4.) *Exceeding the density recommended in the Comprehensive Plan and approved in other developments in this subarea of 1.85 units per net acre.*

### **Commission / Public Comments**

Mr. Tony Eyerman was present to represent APN Group LLC. He stated that they have worked with the Township and several County agencies over the past year on this site. In addition, they have met with neighbors on a couple different occasions. He said a couple things that are important to the residents is the open space is approaching double that is required and the widening and storm improvements they plan to make will help some of the flooding issues many have. The basins are oversized to help with this issue. With regards to density, he stated that there is a railroad to the west, further west is the City of Delaware, south is Evans Farm, and further west is Berlin Meadows. To the north is a Hindu temple. Berlin Township has a Planned Transitional District that he believes this project might be appropriate for. He said they will continue to work with the Township.

Mrs. Raehll stated that she had several questions concerning this application. First, she asked what the zoning classification the applicants were requesting. Mr. Eyerman stated Planned Transitional District. Mrs. Raehll asked with any of the developments Mr. Eyerman listed come in near the 2.77 gross units per acre that they are requesting. Mr. Eyerman said that he had a question into Berlin Township requesting the density of Berlin Meadows but has not heard back yet. He did not know the density for the project in the City of Delaware. Mrs. Raehll asked if topo maps have been submitted and if any contact has been made to the Fire Department with regards to safety concerns. Mr. Eyerman said that he believes topo is listed on the utility maps submitted. They have also met with Lt. Arnold this past week on safety issues. Mrs. Raehll stated that other than the water issues, she doesn't see any of the resident feedback addressed in this current proposal including walkways, transitional density with lower density along Piatt and increasing, and trails.

Mr. Eyerman said the intent is a standard County Engineer cross-section which is a street with sidewalks on both sides throughout the entire community. Mrs. Raehl questioned the lack of amenities for this area such as trails, open space, community garden, or clubhouse. Mr. Eyerman said the intent was to put a clubhouse somewhere near the access coming in off Piatt Road where it T's off (currently shown as a single family lot). Also, the green area on one side of the entry drive would be intended for a kid play area.

***Mr. Benson made a motion to recommend Denial of the rezoning request by APN Group LLC and Manoj Kumar Pokala, based on staff recommendations. Mr. Weade seconded the motion. VOTE: Majority For Denial, 0 Opposed, 2 Abstained (Orange Twp. and Berlin Twp.). Motion carried.***

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## SUBDIVISION PROJECTS

### Preliminary

13-22                      Greyland Estates, Section 1, Phase B – Trenton Twp. - 24 lots / 47.5 acres

### Conditions

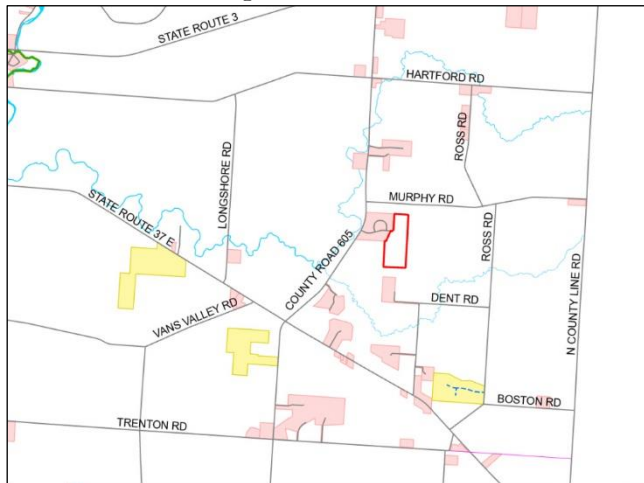
**Applicant:** Weaver Custom Homes / **Surveyor:** Smart Surveying

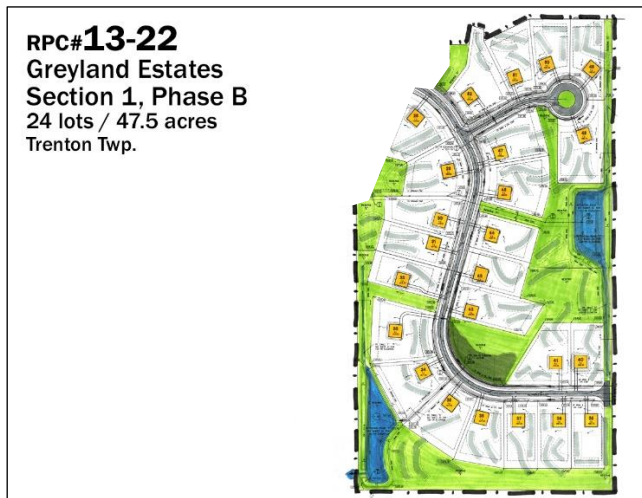
**Subdivision Type:** Planned Residential

**Location:** east side of County Rd. 605, south of Murphy Rd.

**Current Land Use:** Vacant / **Zoned:** Planned Residential Conservation District (PRCD)

**School District:** Big Walnut / **Utilities:** Del-Co water and private on-lot treatment systems





### Staff Comments

Greyland Estates is a conservation-style subdivision with large lots of around 1 acre in size and large areas of open space. Preliminary approval was granted in 2006 and the first section was built and platted in October of 2007. The remaining portion of the subdivision ultimately expired without being built. With increased development interest, Weaver Custom Homes has purchased the remaining portion of Section 1 and is seeking to “re-activate” the subdivision. The previous design was replicated and Section 1, Phase B is proposed as originally intended. The main road, Greyland Drive, will continue through the site before terminating into the adjacent parcel to the east. A single cul-de-sac will provide frontage for four lots. Lots are served with on-site systems, and secondary treatment areas have the option of being located in the open space. This is a previous standard that this project was allowed to continue.

*A technical review was held on April 19, 2022, after which the applicant has addressed all of the required changes.*

### Staff Recommendation

Staff recommends *Preliminary Approval* of **Greyland Estates, Section 1, Phase B** to the DCRPC.

### Commission / Public Comments

Mr. Troy Fritz, Weaver Custom Homes, was present to answer questions from the Commission.

*Mr. Matlack made a motion for Preliminary Approval of Greyland Estates, Section 1, Phase B. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## EXTENSIONS

05-20                    Tanner CAD – Concord Twp. - 4 lots / 8.70 acres

**Applicant:** Robert & Marie Tanner

**Consultant:** Plan 4 Land

**Preliminary approval:** 04/30/20

### Staff Comments

The applicant is requesting a 1-year extension of the Tanner CAD subdivision in order to continue working on onsite utility issues.

### Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for the **Tanner CAD** to the RPC.

### Commission / Public Comments

Mr. Joe Clase, Plan 4 Land, was present.

*Mr. Merrell made a motion to Approve a 12-month Extension for the Tanner CAD. Mr. Maroscher seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## OTHER BUSINESS

- Consideration for Approval: Transfer of Appropriations, \$7,000.00 from 5380 to 5450, for the purchase of the large format copier

*Mrs. Friend made a motion to Approve the Transfer of Appropriations, \$7,000.00 from 5380 to 5450. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- Consideration for Approval: Grant Program application, \$10,000 request, Village of Ostrander

The Village of Ostrander has applied to utilize the grant program for the Neighborhood Design Center to perform the website tracking and public input process. RPC would do the usual mapping, data, and recommendation segments, including managing the document. Ostrander will pay the match of \$10,000.

*Mr. Merrell made a motion to Approve the grant application by the Village of Ostrander for \$10,000.00 to engage the Neighborhood Design Center as part of the Ostrander Master Plan. Mr. Benton seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- 2021 Annual Report is complete and will be sent out to all communities. It is posted on the DCRPC website on the Resources page at:

<https://regionalplanning.co.delaware.oh.us/wp-content/uploads/sites/17/2022/04/Ann-Rep-2021.pdf>

*Having no further business, Mr. Kent made a motion to adjourn the meeting at 7:20 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, May 26, 2022, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

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Dave Stites, Chairman

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Stephanie Matlack, Executive Administrative Assistant