

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, May 26, 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 April 28, 2022 RPC Minutes
- Executive Committee Minutes of May 18, 2022
- Statement of Policy

CONSENT AG	ENDA (Final Plats)	Township	Lots/Acres
11-20.1	Piatt Preserve Extension, Section 1	Berlin	33 lots / 22.659 acres
11-20.2	Piatt Preserve Extension, Section 2	Berlin	24 lots / 17.0105 acres
30.19.7	Liberty Grand District, Section 7	Liberty	35 lots / 15.169 acres
30-19.9	Liberty Grand District, Section 9	Liberty	38 lots / 13.56 acres
12-16.3	Evans Farm, Section 3	Orange	18 lots / 13.254 acres

VARIANCE / EXTENSION

- 07-05.1-3.V Pulte Homes Liberty Twp. requesting variance from Sec. 102.03 and 204.04 and a 1-year additional extension 08-20 The Next et Homes – Conce Turp – requesting e 1 year extension
- 08-20 The Nest at Hoover Genoa Twp. requesting a 1 year extension

ZONING MAP/TEXT AMENDMENTS

21-22 ZON	PJ Land Development LLC – Orange Twp. – 2.5 acres from PC to PC
22-22 ZON	NewGen Tennis Facility – Orange Twp. – 3.736 acres from PC to PC
23-22 ZON	Highland Realty Development - Berkshire Twp 87.7 acres from PIND to PRD
24-22 ZON	Abdul Azar – Orange Twp. – 5 acres from FR-1 to SFPRD

SUBDIVISION <u>Preliminary</u>	PROJECTS	Township	Lots/Acres
<u>15-22</u>	Hidden Ravines Crossing	Orange	1 lot / 31.13 acres
<u>Preliminary/Fir</u> 14-22	u <mark>al</mark> Lanetta Subdivision, Lot 1233, Div. #1	Genoa	2 lots / 4.812 acres

RPC STAFF AND MEMBER NEWS

• Introduction of Brad Fisher, Senior Planner

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, Barb Lewis, Sarah Holt, Joe Shafer, Dave Stites, Joe Proemm, Jim Hatten, Herb Ligocki, and Josh Vidor. Alternates: Tyler Lane, Glynnis Dunfee, Ben Nowicki, Mike Love, and Brett Weimken. Staff: Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.

Approval of the April 28, 2022 RPC Minutes

Mr. Matlack made a motion to Approve the minutes from the last meeting, seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.

- May 18, 2022 Executive Committee Minutes
- 1. Call to order

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

Approval of Executive Committee Minutes from April 20, 2022 Mr. Shafer made a motion to Approve the minutes from April 20th. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

• Financial / Activity Reports for April

	APRIL	YTD TOTAL
(4201)	\$1,845.00	\$4,920.00
(4202)	\$600.00	\$2,700.00
(4203)	\$1,000.00	\$2,700.00
(4204)		\$204,312.00
(4205)	\$798.61	\$3,224.48
(4206)		
(4220)		
(4230)	\$2,800.00	\$90,441.00
(4231)	\$3,000.00	\$14,358.50
(4232)		\$600.00
(4233)		\$800.00
(4234)		\$300.00
(4235)	\$900.00	\$1,800.00
	(4202) (4203) (4204) (4205) (4206) (4220) (4230) (4231) (4232) (4233) (4234)	(4201) \$1,845.00 (4202) \$600.00 (4203) \$1,000.00 (4204) (4205) (4205) \$798.61 (4206) (4220) (4230) \$2,800.00 (4231) \$3,000.00 (4233) (4234)

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$300.00	\$9,140.00
Soil & Water Fees	(4243)	\$650.00	\$3,800.00
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)	\$1,845.00	\$4,920.00
TOTAL RECEIPTS		\$11,893.61	\$339,095.98

Balance after receipts		\$1,	283,255.12
Expenditures	-	\$	28,646.98
End of April balance (carry forward)		\$1,	254,608.14

Mr. Merrell 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

• May RPC Preliminary Agenda

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SKETCH PLANS	<u>Township</u>	Lots/Acres
• The Greenery	Berlin	125 lots / 36.9 acres
Boley CAD	Harlem	6 lots / 35.82 acres
Sarnovsky CAD	Trenton	5 lots / 30 acres

• ZONING MAP/TEXT AMENDMENTS

- PJ Land Development LLC Orange Twp. 2.5 acres from PC to PC
- NewGen Tennis Facility Orange Twp. 31.6 acres from PC to PC
- Highland Realty Development Berkshire Twp. 87.7 acres from PIND to PRD
- Abdul Azar Orange Twp. 5 acres from FR-1 to SFPRD

SUBDIVISION	PROJECTS	<u>Township</u>	Lots/Acres
<u>Preliminary</u> • Hidden Rav	ines Crossing	Orange	1 lot / 31.13 acres
Preliminary / Final • Lanetta Sub	d., Lot 1233, Div. #1	Genoa	2 lots / 4.812 acres
Piatt Preserv	ve Extension, Section 1 ve Extension, Section 2 nd District, Section 7	Berlin Berlin Liberty	33 lots / 22.659 acres 24 lots / 17.0105 acres 35 lots / 15.169 acres

•	Liberty Grand District, Section 9	Liberty
•	Evans Farm, Section 3	Orange

38 lots / 13.56 acres 18 lots / 13.254 acres

Variance / Extension

- Pulte Homes, Nelson Farms Liberty Twp. requesting variance from Sec. 102.03 and 204.04 and a 1-year additional extension
- GSCS Holdings LLC, The Nest at Hoover Genoa Twp. requesting a 1-year extension
- Director's Report
 - 1.) **Development Team Meeting –** hosted on April 20, discussion on multiple projects included details of the Business Park and road network/development process;
 - 2.) Delaware Township Comp Plan attended on April 27, then finalized the Comp Plan map and other data, cover, table of contents. Uploaded to website, attending on May 25 to initiate;
 - 3.) Attended (virtually) the May **Transportation Advisory Committee** meeting at MORPC on May 4;
 - 4.) Kingston Township Working on setting up Survey site;
 - 5.) Berlin Township finalizing details waiting for township to schedule open house or next steps;
 - 6.) Ostrander Da-Wei working on background maps, scheduling meeting with Neighborhood Design Center and working on finalizing the contract;
 - 7.) 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** (first draft sent out).

4. Old Business

• Wage Comparability Study – finalizing agreement with Marc Fishel.

Miss Boni made a motion to Approve a contract with Marc Fishel for a wage study not to exceed \$2,500.00. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

5. Adjourn

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

The next regular Executive Committee meeting will be Wednesday, June 22, 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)

11-20.1 Piatt Preserve Extension, Section 1 – Berlin Twp. - 33 lots / 22.659 acres

Conditions

Applicant: DR Horton / Engineer: Watcon
Subdivision Type: Single Family Residential
Location: east side of Gregory Rd., north of Cheshire Rd.
Zoned: R-3/PRD / Preliminary Approval: 08/27/20
School District: Olentangy / Utilities: Del-Co Water, central sanitary sewer

Staff Comments

The Piatt Preserve Extension Preliminary Plan was conditionally approved on August 27, 2020, and all conditions have been met

The applicant is now requesting Final Plat approval of the Piatt Preserve Extension, Section 1 subdivision. The subject site is 22.659 aces in size, includes 33 single-family lots that range from 0.257-0.401- acres in size and two reserves that total 6.455-acres in size.

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

Staff Recommendation

Staff recommends Final Approval of Piatt Preserve Extension, Section 1 to the DCRPC.

Commission / Public Comments

Mr. Weade made a motion for Final Approval of Piatt Preserve Extension, Section 1. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

11-20.2 Piatt Preserve Extension, Section 2 – Berlin Twp. - 24 lots / 17.0105 acres

Conditions

Applicant: DR Horton / Engineer: Watcon Subdivision Type: Single Family Residential Location: east side of Cheshire Rd., north of Carromore Dr. Zoned: R-3/PRD / Preliminary Approval: 08/27/20 School District: Olentangy / Utilities: Del-Co Water, central sanitary sewer

Staff Comments

The Piatt Preserve Extension Preliminary Plan was conditionally approved on August 27, 2020, and all conditions have been met

The applicant is now requesting Final Plat approval of the Piatt Preserve Extension, Section 2 subdivision. The subject site is 17.0105-aces in size, includes 24 single-family lots that range from 0.257-0.404- acres in size and two reserves that total 8.0659-acres in size.

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

Staff Recommendation

Staff recommends Final Approval of Piatt Preserve Extension, Section 2 to the DCRPC.

Commission / Public Comments

Mr. Weade made a motion for Final Approval of Piatt Preserve Extension, Section 2. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

30.19.7 Liberty Grand District, Section 7 – Liberty Twp. - 35 lots / 15.169 acres

Conditions

Applicant: M/I Homes / Engineer: EMH&T Subdivision Type: Planned Residential Community Location: east of Steitz Rd., north of Eagle's Landing Dr. Zoned: POD-18 / Preliminary Approval: 11/21/19 School District: Olentangy / Utilities: Del-Co Water, central sanitary sewer

Staff Comments

The Liberty Grand District Preliminary Plan was approved on November 21, 2019. To date, of the 11 proposed subdivision sections, the final plats for Sections 1-6 have been approved.

The applicant is now requesting Final Plat approval of the Liberty Grand District, Section 7 subdivision. The subject site is 15.169-aces in size, includes 35 single-family lots that range from 0.149-0.204- acres in size and two lots dedicated as open space that total 8.108-acres in size.

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

Staff Recommendation

Staff recommends Final Approval of Liberty Grand District, Section 7 to the DCRPC.

Commission / Public Comments

Mr. Weade made a motion for Final Approval of Liberty Grand District, Section 7. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

30-19.9 Liberty Grand District, Section 9 – Liberty Twp. - 38 lots / 13.56 acres

Conditions

Applicant: M/I Homes / Engineer: EMH & T Subdivision Type: Planned Residential Community Location: east side of Steitz Rd., north of Boone Dr. Zoned: POD-18 / Preliminary Approval: 11/21/19 School District: Olentangy / Utilities: Del-Co Water, central sanitary sewer

Staff Comments

The Liberty Grand District Preliminary Plan was approved on November 21, 2019. A Draft Final Plat has been submitted for Section 8, which is currently under review.

The applicant is now requesting Final Plat approval of the Liberty Grand District, Section 9 subdivision. The subject site is 13.56-aces in size, includes 38 single-family lots that range from 0.149 to 0.292 acres in size and one lot dedicated as open space that totals 4.166 acres.

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

Staff Recommendation

Staff recommends Final Approval of Liberty Grand District, Section 9 to the DCRPC.

Commission / Public Comments

Mr. Weade made a motion for Final Approval of Liberty Grand District, Section 9. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

12-16.3 Evans Farm, Section 3 – Orange Twp.- 18 lots / 13.254 acres

Conditions

Applicant: Reserve at Evans Farm / Engineer: Kleingers
Subdivision Type: Planned Residential Community
Location: East side of Old State Rd., south of Hidden Cove Circle
Zoned: Single Family Planned Residential (SFPRD) / Preliminary Approval: 05/30/19
School District: Olentangy District / Utilities: Del-Co Water, central sanitary sewer

Staff Comments

The Evans Farm, Section 3 Preliminary Plan was approved on May 30, 2019 and a 12-month extension was approved on May 27, 2021.

The applicant is now requesting Final Plat approval of the Evans Farm, Section 3 subdivision. The subject site is 13.254-aces in size, includes 18 single-family lots that range from 0.25-0.96-acres in size and three lots dedicated as open space that total 3.696-acres in size.

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 Evans Farm, Section 3 to the DCRPC.

Commission / Public Comments

Mr. Weade made a motion for Final Approval of Evans Farm, Section 3. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VARIANCE / EXTENSION

07-05.1-3.V Pulte Home- Liberty Twp. - Requesting a variance from Sec. 102.03 and 204.04 and a 1-year additional extension for Nelson Farms.

Applicant: Pulte Homes / Engineer: EMH & T Preliminary approval: 05/25/06 Extensions granted: 10/25/12 (to begin 3/13 for 1 year), then variances on 03/27/14, 02/26/15, 05/25/17, 04/26/18, 02/28/19, all for 1-year extensions, and 05/28/20 for a 2-year extension.

<u>Request</u>

Pulte Homes is requesting a variance to sections 102.03 and 204.04 regarding the expiration and extension of the Preliminary Plan. The applicant is requesting a 1-year extension beyond the time limit allowed in the Subdivision Regulations to complete the platting of a subdivision (five years after the first plat is recorded) in the Nelson Farms subdivision in Liberty Township. To-date, Section 3 remains unplatted.

The proposed subdivision is located on the west side of SR 315, north of Home Road.

Facts

- 1. The Subdivision Regulations require that a Subdivision be completely platted within five years of the first Section being recorded;
- 2. Nelson Farms, Sections 1-3 received Preliminary approval on March 25, 2006;
- 3. Section 1, Phase A was recorded March 2008, giving the remaining sections until March 2013 to be recorded;
- 4. The project was given extensions in October 2012, and March 2014;
- 5. Section 2, Phase A was recorded January 13, 2014;
- 6. Variances for extensions were granted March 2014 and March 2015;
- 7. Section 2, Phase B was recorded September 16, 2015;
- 8. A one-year extension for the remainder of the subdivision by variance was approved May 2017;
- 9. Section 2, Ph. C, Pt. 1A was recorded March 13, 2018;
- 10. A one-year extension was granted April 2018 to expire May 2019;
- 11. Section 2, Ph. C, Pt. 1B was recorded July 26, 2018;
- 12. Section 2, Ph. C, Pt. 2 was recorded October 17, 2018,
- 13. A one-year extension was granted February 2019 (begin May 2019) to expire May 2020,
- 14. A 2-year extension was granted May 28, 2020, and
- 15. The remaining land was sold to Pulte Homes in April, 2022.

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 recently purchased Nelson Farms from Rockford Homes. Street, storm, and waters plans are currently being reviewed by the County Engineer, and sanitary plans are being reviewed by the Delaware County Sanitary Engineer. The final plat will be submitted to the Delaware County Engineer on 6/6/22."

Staff comments: Plans for remaining sections are in for Final Engineering review and draft plat review. Based on progress being made, staff concurs with this request.

Staff recommendations

DCRPC staff recommends, based on the Findings of Fact, the *Variance* request from Sec. 102.03 & 204.04 for **Nelson Farms, Section 3** and a one-year *Extension* of the Preliminary Plan be *Approved*.

Commission / Public Comments

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

Mr. Nelson made a motion for Approval of the Variance request from Sec. 102.03 & 204.04 for Nelson Farms, Section 3 and a one-year Extension of the Preliminary Plan based on the Findings of Fact. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

08-20 The Nest at Hoover – Genoa Twp. – requesting a 1-year extension

Applicant: Pat Shively Preliminary approval: 05/28/20

Staff Comments

The applicant is requesting a 1-year extension for The Nest at Hoover. This is their first request.

Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for The Nest at Hoover to the RPC.

Commission / Public Comments

Mr. Vidor made a motion for Approval of a 12-month Extension for The Nest at Hoover. Mrs. Holt seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

ZONING MAP/TEXT AMENDMENTS

21-22 ZON PJ Land Development LLC – Orange Twp. – 2.5 acres from PC to PC

<u>Request</u>

The applicant, PJ Land Development LLC., is requesting to rezone 2.5-acres from PC to PC to allow the vacant property to be developed with a Tidal Wave Auto Spa car wash.

Conditions

Location: 6519 Columbus Pike, South side of Lew Center Dr., east of Columbus Pike (3 parcels) Present Zoning: Planned Commercial (PC) / Proposed Zoning: Planned Commercial (PC) Present Use(s): Vacant / Proposed Use(s): Car wash (Tidal Wave Auto spa) School District: Olentangy District / Utilities Available: Del-Co Water and central sanitary sewer Critical Resources: None / Soils: BoA, GwB



Introduction

The applicant is requesting to rezone 2.5-acres (after dedication of ROW) within the PC district to a new development plan in the PC district to allow for a commercial car wash and ancillary activities associated with the operation. Provided this rezoning is approved, all three parcels associated with this request will be combined and the development will be completed in one phase. Development will include a dual-lane pay kiosk with canopy, drive-through car wash building, 24 canopy-covered parking spaces, a double-sided vacuum and vending structure and an enclosed dumpster. The site is proposed to have two access points; a right-in-only entrance from US 23 and one full-access point from Lewis Center Road. Provided this rezoning is approved, the applicant is prepared to start construction immediately and complete the project in approximately 20 weeks.

Comprehensive Plan

Orange Township's 2018 Comprehensive Plan includes the subject site in the New North – Subarea 13, which is recommended for planned commercial and office district uses. The request keeps with the Plan's recommendation as the car wash use is permitted in the PC district.

Issues

Traffic and access:

Two access points are proposed; one right-in only entrance from US-23 and one full-access point from Lewis Center Road. Both points of ingress and egress are proposed as far from the US-23 and Lewis Center Road intersection as possible.

A Traffic Study was submitted by the applicant, and no access will be granted by ODOT. The County Engineer's office has indicated that it would allow a right-in/right-out/left-in at Lewis Center Road. This is an obvious limitation for the site, but one that would impact any future use that may be proposed.

The site to the south was recently redeveloped as an outdoor furniture and structure store. As part of that development, the previous driveway was improved within an existing access easement, and is located along the eastern end of the proposed canopy structure. Before any development takes place on this site, the applicant will need to coordinate with the development to the west to relocate this existing drive to a shared driveway along the eastern edge of the site.

Drainage:

A storm water management plan was submitted for review. Based on the car wash use and limited size of the site, the applicant is proposing a subsurface infiltration bed and includes multiple water quality filters throughout the site. This will be reviewed in detail during the engineering phase.

Signage:

A signage plan was included with the submission and provides details for the following: 1 monument sign, 1 car wash menu sign, multiple way finding signs and a face-lit wall sign. Signage is reasonable and no divergences from the current regulations are requested.

Lighting:

A lighting plan was in included with the submission, with LED down lighting type fixtures proposed throughout the site, not to exceed 20 feet in height.

Sanitary Treatment:

The site has access to public sanitary sewer, but the current line is across US 23.

Divergences

Six divergences have been requested from the Orange Township Zoning Resolution:

- 1. Section 14.06(b(10)) The combined sight acreage must be a minimum of 5 acres in size.
 - The total sight acreage after dedication of ROW is 2.5 acres.
- 2. Section 14.06(f) Plat required. (Actual section referencing Plat required is 14.06(<u>e</u>))
 - The three lots will be combined provided this rezoning request is approved.
- 3. Section 21.01(d) Parking in front of the main structure may be permitted only if not more than 40% of the front setback area outside of the ROW is occupied by parking.
 - The applicant requests to reduce the parking setback along US-23 from 48 feet to 1 foot.
- 4. Section 21.01(d) Parking in front of the main structure may be permitted only if not more than 40% of the front setback area outside of the ROW is occupied by parking.
 - The applicant requests to reduce the parking setback along Lewis Center Road from 42 feet to 38 feet.
- 5. Section 21.09(a) No building or use shall be located closer to US-23 than 80 feet, measured from the road ROW line to the nearest use or improvement.
 - The proposed setback along US-23 is 42 feet and 7 inches.
- 6. Section 21.09(b) No building or use shall be located closer to Lewis Center Road than 70 feet, measured from the road ROW line to the nearest use or improvement, or as approved in Development Plan.
 - The proposed setback along Lewis Center Road is 38 feet and 7 inches.

Staff Comments: The Delaware County Subdivision Regulations do not require a lot to be platted when only combining the lots, unless otherwise required by zoning. It does not appear that the divergence to parking setbacks is required as all parking spaces are located completely to the side or rear of the main car wash building.

The residentially developed properties that are adjacent and to the east of the site are located in the Westview Acres subdivision. Staff recommends providing adequate screening and buffering along the entire east side of the development area to protect the adjacent, residentially zoned properties from noise, light trespass and any other nuisances emanating from the proposed use.

Staff Recommendations

Staff recommends <u>Conditional Approval</u> of the rezoning request by PJ Land Development LLC. from PC to PC to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to*:

- 1.) Screening and buffering should be provided along the entire east side of the subject site to adequately protect the adjacent properties from noise, light trespass and any other nuisances emanating from the proposed use;
- 2.) All points of ingress and egress must be approved by ODOT and the Delaware County Engineer's office prior to approval of a Certificate of Zoning Compliance; and

3.) Coordinate with the development to the south to relocate their current driveway to a shared drive along the eastern edge of the site.

Commission / Public Comments

Mr. Jack Reynolds, Attorney, Smith & Hale, was present. He stated that they agree with staff recommendations. They will continue to work with the County Engineer's office regarding ingress and egress points and will provide additional landscaping along the eastern boundary line to fully screen the neighboring property owners. The developer also agrees that the drive was and should be the shared access point that aligns with the Kroger shopping center to the north.

Mrs. Holt expressed concern about the development not meeting the required setbacks on the north and west side and lack of screening. Mr. Sanders stated the applicant is currently not showing any screening for that area. Mr. Reynolds stated that he was not sure how the Township would define a drive isle. Whether they included that as part of a parking lot or just a drive aisle. If it's a drive aisle then they won't need the variance. Mrs. Holt felt the proposed use was excessive for the site and does not provide enough screening. Mr. Shafer was also concerned with the close proximity to US 23 and lack of screening.

Mr. Matlack made a motion to recommend Conditional Approval of the rezoning request by PJ Land Development LLC, based on the following recommendations:

- 1.) Screening and buffering should be provided along the entire east side of the subject site to adequately protect the adjacent properties from noise, light trespass and any other nuisances emanating from the proposed use;
- 2.) All points of ingress and egress must be approved by ODOT and the Delaware County Engineer's office prior to approval of a Certificate of Zoning Compliance;
- 3.) Coordinate with the development to the south to relocate their current driveway to a shared drive along the eastern edge of the site; and
- 4.) Enhanced screening on the western property line along US 23.

Mr. Irvine seconded the motion. HAND VOTE: 11 for Conditional Approval, 4 Opposed, 1 Abstained (Orange Twp.). Motion carried.

22-22 ZON NewGen Tennis Facility – Orange Twp. – 3.736 acres from PC to PC

<u>Request</u>

The applicant, NewGen Tennis Facility, is requesting to rezone 3.736-acre from PC to PC to allow the lot to be developed into an indoor and outdoor recreational facility.

Conditions

Location: South side of Home Rd., east side of Green Meadows Dr. Present Zoning: Planned Commercial (PC) / Proposed Zoning: Planned Commercial (PC) Present Use(s): Vacant / Proposed Use(s): Recreational facility School District: Olentangy District / Utilities Available: Del-Co Water and central sanitary sewer Critical Resources: Drainage course / Soils: BoA, BoB, GwB, PwA



Introduction

The applicant is requesting to rezone 3.736-acres within the PC district to a new Planned Commercial development plan to allow for an indoor and outdoor recreational facility that will include six covered pickle ball courts, five covered tennis courts, three tennis courts under roof, one office and service building, one office only building, paved parking, and an 8-foot wide walking path surrounding the site.

Additional permitted uses that could operate on site are noted in the Development Text, which include: medical offices, laboratories, schools, child care, wholesale storage and temporary non-residential structures. Provided this rezoning is approved, the 3.736-acre site must be successfully platted, separating it from the parent parcel. The site is proposed to have one access point to Green Meadows Drive and the development would occur in two phases. Phase one would include the pickle ball courts, five tennis courts, parking area and the eastern office and service building. Phase two would include three tennis courts and the office to the west at a date yet to be determined.

Comprehensive Plan

Orange Township's 2018 Comprehensive Plan includes the subject site in the US 23 Northern Corridor – Subarea 9, which is recommended for planned commercial and office uses. One of the Plan's goals is to encourage more and safer pedestrian connections and paths. The recreational use keeps with the Plan's

recommendation as the recreational use, and the other potential uses are permitted in the PC district. However, there has been no attempt to make a pedestrian connection to the sidewalks along Home Road.

<u>Issues</u>

Traffic and access:

The plan shows a single access point to Green Meadows Drive. Based on the County Engineer's desire to limit the number of individual accesses on Green Meadows Drive between this site and Home Road, the access point should be moved so that it is located at the northern edge of the site with cross access provided to the site to the north. Depending on the future development to the north, the shared access may not be needed, but should be provided as an option.

Additionally, Orange Township Fire will likely require access to the rear of the site, or all the way to the railroad. The multi-use path could be upgraded so that it serves as a fire apparatus road, subject to consultation with the Fire Department.

Drainage:

An underdrain network will drain to an existing roadside ditch.

Signage:

A single two-sided sign is proposed near the entrance and will have a total sign area (per side) of 25.4 square feet.

Lighting:

No lighting plan was submitted and lighting details are not identified on any plan sheets. The applicant indicated that there will be no night-time operations and lighting is not needed. Staff recommends a lighting plan be included and approved in case lighting is provided in the future.

Sanitary Treatment:

The site plan identifies a sanitary connection across Green Meadows Drive. However, a letter from the Delaware County Sanitary Engineer's office confirming service is available was not included with the submission.

Staff Recommendations

Staff recommends <u>Conditional Approval</u> of the rezoning request by NewGen Tennis Facility from PC to PC to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to*:

- 1.) A sidewalk or path should be constructed along the frontage of the 3.736-acre site, provided the location is approved by the Delaware County Engineer's office or located outside the right-of-way;
- 2.) Shift the access point to the northern edge of the site and provide a shared access to the next parcel north;
- 3.) Include a lighting plan with approved fixtures; and
- 4.) Consult the Fire Department on the need for access along the full length of the development.

Commission / Public Comments

Ms. Rebecca Mott, Plank Law Firm, stated that they agree with staff comments and have already met with the Township and presented moving the curb cut to the northern lot line and sharing an easement with the rest of the acreage. The seller is already entitled to two full curb cut access points into the 30 acres, so it makes sense to share the access point. She stated that they have met with the Township Fire Department and have agreed to a

paved drive and some form of turnaround at the rear of the lot. Additional parking is also being considered near the rear of the sight possibly even reconfiguring the smaller building in order to add additional ADA parking spaces which was a recommendation from the initial Township meeting. A lighting plan was submitted to the Township about a week after the initial filing.

Mrs. Lewis made a motion to recommend Conditional Approval of the rezoning request by NewGen Tennis Facility subject to staff recommendations:

- 1.) A sidewalk or path should be constructed along the frontage of the 3.736-acre site, provided the location is approved by the Delaware County Engineer's office or located outside the right-of-way;
- 2.) Shift the access point to the northern edge of the site and provide a shared access to the next parcel north;
- 3.) Include a lighting plan with approved fixtures; and

4.) Consult the Fire Department on the need for access along the full length of the development. Mr. Vidor seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

23-22 ZON Highland Realty Development – Berkshire Twp. – 87.7 acres from PIND to PRD

<u>Request</u>

The applicant, Highland Realty Development, is requesting to rezone 87.7-acres from PIND to PRD to allow the development of a single-family residential development known as Plumb Creek.

Conditions

Location: South side of Dustin Rd., North side of Plumb Road, west of I-71

Present Zoning: Planned Institutional District (PIND) / Proposed Zoning: Planned Residential District (PRD) Present Use(s): One single-family home, vacant / Proposed Use(s): Single family homes, patio homes Existing Density: 1 du/ 66.78 gross acres / Proposed Density: 1.6 du/ gross acre

Number of units requested: 141

School District: Big Walnut District / Utilities Available: Del-Co Water and central sanitary sewer Critical Resources: Drainage courses and wetlands / Soils: BeA, BeB, PwA, GaB, CaC2, AmD2





Introduction

The applicant is requesting to rezone 87.7-acres from the PIND district to the PRD district to allow for a conservation style, single-family residential subdivision that will include 141 lots and 33-acres of dedicated open space. The parcel was rezoned to Planned Institutional (PIND) in 1999 but no further development occurred.

Of the 141 lots, 47 lots (sub-area A) include typical single-family detached homes with 65' of frontage and 94 lots (sub-area B) include patio style single-family homes with 55' of frontage. The subdivision will gain access from both Dustin Road and Plumb Road, and provide two stub streets to the west for future connections and include either sidewalks or trails along all subdivision roads.

Comprehensive Plan

Berkshire Township's 2017 Comprehensive Plan includes the subject site in Sub Area 9, which is recommended for continued agricultural uses or, when sewer is available, single-family development with a maximum density of 1.25 dwelling units per net developable acre, or conservation subdivisions at the density of the underlying zoning. The Plan's goals and objectives related to natural resources include: preserving the rural character, natural resources, and a high degree of environmental quality; linking planned developments with green spaces and paths; and permitting conservation-style subdivisions in all residential zones.

The intent of the Comprehensive Plan is to locate higher densities closer to the Interstate interchange and provide lower densities south of Cheshire Road. Lands on either side of I-71 south of Cheshire have been developed generally between 1.25 and 1.45 dwelling units per acre. Densities in Berlin Township to the west have been developed at even lower densities with larger lot sizes. The proposed patio home approach, with lot frontages of 55 feet, is out of character given the surrounding development.

The applicant indicates that the proposed net density is 1.93 dwelling units per acre based on 73.14-acres of developable area. However, the 14.29-acres of land located in highway easement along I-71 was included with that calculation. Some zoning resolutions include the phrase "existing and proposed rights-of-way" in the Net Developable Acreage calculation, but Berkshire's code lists "Right of way for streets and utilities (15% of gross acreage when estimating density)." It also includes "Utility rights-of-way and easements for currently-existing utilities."

If only reviewing the land area included with the development, the actual net density is 2.38 dwelling units per acre, which is 1.13 dwelling units higher than is recommended. Staff generally supports a conservation-style development for this site, as well as making a connection to the property to the west. However, a similar development that more closely adhered to the recommendations of the adopted plan would be better suited for this property.

Issues

Traffic and access:

One access point to Dustin Road, one access point to Plumb Road and two stub streets for future connections are provided. A traffic study will be required and all access points and related improvements must be approved by the Delaware County Engineer's office.

A five-foot concrete sidewalk will be installed within the ROW along all public streets.

Drainage:

Four storm water drainage basins are proposed and all storm water management must be approved by the Delaware County Engineer's office and will be reviewed during the engineering phase.

Signage:

Two development identification signs are proposed at the two main entrances to the site, outside of the ROW. The signs will not exceed 32 square feet per side.

Lighting:

Street lights will be cut-off type, located at the entries and at the corners of all intersections.

Sanitary Treatment:

The site plan indicates the site will be served by public sanitary service. However, no letter from the Delaware County Sanitary Engineer's office was included with the submission verifying the site can be serviced. Staff is aware of current discussions by the County to provide sewer to a larger area from the Lewis Center area in Genoa Township north toward Plumb Road, allowing this site to be incorporated in that service area.

Open Space:

The PRD district requires a minimum of 25% of the gross acreage shall be dedicated open space. Of the total net developable area, 44% will be dedicated as open space and owned and maintained by an HOA. Open space is inclusive of all entry features, signage, landscaping, storm water controls, community parks, wooded areas, streams and preserves. The proposal indicates a walking path through the central open space, as well as along the eastern side of the site. There are certainly other opportunities for trails through the western open space as well.

Environmental:

The existing Site Conditions exhibit that was submitted identifies multiple wetlands on site and at least one wetland will be impacted by development. It is unclear what category of wetlands are on site and if the OEPA would allow filling or impacts to these wetlands to occur.

Divergences:

Five divergences have been requested from the Berkshire Township Zoning Resolution:

- 1. Section 11.08(3) The perimeter PRD setback is 50 feet from property lines.
 - Limited lots along both stub street 'D' and 'E' have a perimeter setback of 30 and 45 feet.
- 2. Section 11.08(11) The minimum front setback for homes is 40 feet from the ROW, or as approved per plan.
 - The proposed minimum front setback is 25 feet to allow for a conservation style development.
- 3. Section 11.08(12) The minimum lot size is 10,000 square feet for single-family detached dwellings.
 The proposed minimum lot size is 7,150 square feet in sub-area A and 8,450 square feet in sub-area B.
- 4. Section 11.08(13) The minimum lot width at the building line is 80 feet for single-family detached dwellings.
 - The proposed minimum lot width is 55 feet in sub-area A and 65 feet in sub-area B.
- 5. Section 11.08(14) The minimum side yard is 12.5 feet on each side.
 - The proposed side yard is 7.5 feet for a total building separation of 15 feet.

Staff Comments: Staff is in support of the request to reduce the perimeter setback along the western property line as the adjacent lot to the west is vacant and has the potential for development. Staff is not in support of the request to reduce the perimeter setback along the northern property line as the adjacent property to the north is developed with a single family home and street 'E' could potentially be moved to allow the required 50 foot perimeter setback to be met.

Staff is in support of the request to reduce the front setback for houses and reduce side yard setbacks somewhat, as this will help to increase acreage dedicated to open space and no other reviewing agencies expressed any concerns.

Staff is not in support of the request to reduce the minimum lot size or lot width as this would be out of character for the area and based on the number of lots proposed, the net density is much higher than recommended by the Berkshire Township Comprehensive Plan, even if the I-71 easement acreage is allowed to be utilized for the density calculation.

Also, a better layout might be achieved if the smaller lots were reduced in number and concentrated more in the southeastern part of the site, providing larger lots to the north and west. The larger lots should be the predominant housing approach, rather than account for only one third of the lots.

Staff Recommendations

Staff recommends **Denial** of the rezoning request by Highland Realty Development from PIND to PRD to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, based on the density request, the request for a reduction in the minimum lot size, and the request for a reduction in the required frontage.

Commission / Public Comments

Mr. Gary Smith, G2 Planning and Design, Mr. Justin Wollenberg, Terrain Evolution, and Mr. Chris Bradley, Highland Realty Development were all present to answer questions from the Commission. With regards to the density, Mr. Smith said that they knew they had land under I-71 but didn't know how to treat it in the calculation. They had discussions with the Township Administrator and Zoning Officer on how to account for it. He stated they are open to changing quite a bit of the project to single family as he understands lot size and density may be an issue. They are open to adjusting the plan but feel having almost 90% of the lots in this development directly adjacent to open space is a positive feature.

Mr. Bradley mentioned that they are taking on a huge infrastructure cost to extend the sewer line to service this area and future development. It took about 6 months to get the easement in place. He expressed disappointment in the recommendation and hoped for more collaboration with staff. Mr. Sanders explained that the RPC has a sketch plan process at the county level that can offer technical advice.

Mr. Irvine made a motion for Denial, based on staff recommendation. Mr. Vidor seconded the motion. VOTE: Majority For Denial. 1 Abstained (Berkshire Twp.) Motion carried.

24-22 ZON Abdul Azar - Orange Twp. - 5 acres from FR-1 to SFPRD

<u>Request</u>

The applicant, Abdul Azar, is requesting a 5-acre rezoning from FR-1 to SFPRD for the development of a single-family subdivision of 10 lots, to be named Azar Village.

Conditions

Location: 2460 E. Orange Rd. Present Zoning: Farm Residential (FR-1) / Proposed Zoning: Single Family Residential (SFPRD) Present Use(s): residential / Proposed Use(s): 10 lot single family subdivision, Azar Village Number of units requested: 10 School District: Olentangy Utilities Available: Del-Co Water and central sanitary sewer Critical Resources: drainage course / Soils: BoA, GwB, GwC2





Introduction

The Development Plan indicates a fairly straightforward design, based on the size and shape constraints of the site. A single road accesses the site, extending to a T-turnaround. The road provides access to 10 lots, each of which has at least 75 feet of frontage and 132 feet of depth. A 0.168-acre reserve of open space is provided along Orange Road. A larger 1.009-acre reserve is located at the southern end of the site, which is also the location of overhead powerlines. One drawing indicates a retention pond located within this reserve.

The site is located between The Woods at Cross Creek, with a minimum lot size of 80' x 120', and athletic facilities for Olentangy Orange Middle School.

Comprehensive Plan

Orange Township's 2018 Comprehensive Plan indicates that the recommendations within Planning Area 6 include single-family at a maximum density of 2 dwelling units per acre when sewer is available. The use and density does conform to the recommendations in the Comprehensive Plan and are generally similar to surrounding development.

Issues

Traffic and access: No feasibility letter is included from DCEO. A traffic study will be required which will indicate whether a left turn lane is warranted.

Access options are limited, and the proposed access is generally in the same location as the current driveway. Sight distance appears to be met at this location. The engineering phase will identify additional work that will need to be accomplished, such as guardrail removal and school speed limit sign. The guardrail was installed because the multi-use path was directly adjacent to the street to push it away from the existing house. With the house being removed as part of the redevelopment of the site, staff recommends moving the multi-use path to the same distance from the road, (16 feet), the guardrail would not be necessary.

Additionally, the road shows a T-turnaround rather than a cul-de-sac. Permanent T-turnarounds are not allowed by the Engineer's office, short of a variance from that office. Orange Township Fire Department also typically requires a full cul-de-sac rather than a T. This issue should continue to be discussed and clarified.

Drainage: One of the engineering exhibits indicates stormwater management at the southern end of the site. This appears to be the higher point of the site, so it may be a challenge to locate a basin in this location.

Sanitary Treatment: Sanitary access letter is not included. An existing sewer line is stubbed to the western property line along Orange Road.

Open Space / **Health:** Open space is minimal, but reasonable for such a small number of homes. The engineering plans do not indicate a sidewalk, which staff recommends and will be a subdivision requirement.

Divergences

Two divergences are requested:

1. Front yard setback for the parcel at Orange Road is requested to be reduced from 130 to 105 feet. The applicant states that the front setback cannot be met but the request will be similar to the setback of the lot directly [west].

Staff Comment: Section 21.09 provides that front setbacks from Orange Road (and other Class B roads) is 70 feet, or as approved in the Development Plan. The adjacent plat for Woods at Cross Creek indicates a 60' building line from the right-of-way line of Orange Road. Staff doesn't feel a divergence is needed, but agrees with the proposed plan showing a reserve with 55' of width and an additional building setback of 12.5 feet.

2. Reduction in the minimum lot depth from the required 135 feet to 130 feet. The applicant states that the roadway is shifted west from the current property line to create a small area of open space buffer between the road and school athletic fields so that trees and an existing fence can be retained. Application further notes that during engineering of the road, the required ROW may be reduced, (although 60-feet is the requirement of DCEO).

Staff Comment: A 5-foot reduction is minimal and reasonable, given the proposed buffering as noted. However, the reduction could result in future variance requests for backyard structures. For reference, the minimum lot depth of the subdivision directly west is 120 feet.

Staff Recommendations

Staff recommends <u>Conditional Approval</u> of the rezoning request by Abdul Azar from FR-1 to SFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to*:

- 1.) Approval of the divergences, if needed;
- 2.) Continuing to work with the County Engineer's office on an approved turnaround;
- 3.) Including a sidewalk as part of the street cross-section; and
- 4.) Reconstructing the multi-use path to pull it away from the road.

Commission / Public Comments

Mr. Joe Clase, Plan 4 Land was present to represent the applicant. He stated the applicant is looking into putting a sidewalk on the west side of the street and possibly a pedestrian connection to the school at the rear (south end) of the site. They were also in agreement to reconstruct the trail at the front of the property.

Mr. Matlack made a motion for Conditional Approval of the rezoning request by Abdul Azar, based on staff recommendations #1-4. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

SUBDIVISION PROJECTS

Preliminary

15-22 Hidden Ravines Crossing – Orange Twp. - 1 lot / 31.13 acres

Conditions

Applicant: JLP Orange LLC. / Engineer: CEC Inc.
Subdivision Type: Commercial and Multi-Family
Location: East side of US 23, south of Orange Centre Dr.
Current Land Use: Vacant
Zoned: Planned Commercial / Zoning Approval: April 20, 2022
Utilities: Del-Co water and central sanitary sewer / School District: Olentangy





Staff Comments

Hidden Ravines is a mixed use development located at the southeast corner of US-23 and Orange Centre Dr.

The subdivision was successfully rezoned to the PC zoning district on April 20, 2022 and includes eight multi-family residential buildings, clubhouse, pool, a large commercial building, gas station and three smaller commercial buildings that front along US-23.

There are two OEPA environmental covenant areas at the northeast and northwest corners of the site that may never be developed, which total 2.13-acres. Since all development will occur on a single parcel, the purpose of the subdivision plat is to construct the extension of Orange Centre Drive and dedicate right-of-way and easements for stormwater management.

As with any project on a state route, the applicant will need approval for access from ODOT. This approval does not supersede that approval, but allows other improvements to move forward.

A technical review was held on May 17, 2022, after which the applicant has addressed all of the required changes unless noted below.

Staff Recommendation

Staff recommends Conditional Preliminary Approval of Hidden Ravines Crossing to the DCRPC, subject to:

- 1.) The Plat must dedicate (in fee) additional ROW along US-23. The width of the ROW must match the width in front of the parcel directly to the south (Walmart); and
- 2.) Provide an easement to Orange Township for future pedestrian access along Highfield Drive.

Commission / Public Comments

Mr. Seth Transue, CEC, was present to represent the applicant.

Mr. Matlack made a motion for Conditional Preliminary Approval of Hidden Ravines Crossing, subject to staff recommendations. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final

14-22 Lanetta Subdivision, Lot 1233, Div. #1 – Genoa Twp. - 2 lots / 4.812 acres

Conditions

Applicant: Kluchurosky & Rohrkemper / **Consultant:** Scioto Land Surveying **Subdivision Type:** Single Family Residential

Location: 7816 Lanetta Lane

Zoned: Rural Residential (RR)

Utilities: Del-Co Water, private on-lot treatment systems and central sanitary sewer School District: Westerville





Staff Comments

The subject site is part of the Lanetta subdivision, which was originally platted in 1979. The applicant is now requesting to create one new buildable lot in the subdivision. The minimum lot size for a property zoned Rural Residential is 2-acres, however a variance was granted by the Township to reduce the permitted lot size to 1.072-acres as proposed.

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

Staff Recommendation

Staff recommends *Preliminary and Final Approval* of Lanetta Subdivision, Lot 1233, Division #1 to the DCRPC.

Commission / Public Comments

Ms. Karen Coffman, Scioto Land Surveying Service, was present to represent the applicant.

Mr. Irvine made a motion for Preliminary and Final Approval of Lanetta Subdivision, Lot 1233, Division #1. Mr. Weade seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

STAFF AND MEMBER NEWS

• Mr. Brad Fisher, Senior Planner, was introduced. His first day with RPC was May 9, 2022.

Having no further business, Mr. Nelson made a motion to Adjourn the meeting at 7:30 p.m. Mrs. Lewis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, June 30, 2022, 6:30 PM at the <u>Hayes Services Building, 145 N. Union St., Conference Room 235</u>, Delaware, Ohio 43015.

Dave Stites, Chairman