

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, June 30, 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 May 26, 2022 RPC Minutes
- Executive Committee Minutes of June 22, 2022
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
09-17.2	Howard Farms, Section 2	Berlin	25 lots / 13.811 acres
09-17.3	Howard Farms, Section 3	Berlin	26 lots / 43.84 acres
09-21	JES CAD	Brown	4 lots / 12.15 acres
11-22	Orange Centre Dvlpt., resubdivision of lots 7518 & 7519	Orange	1 lot / 2 acres

VARIANCE/EXTENSION

10-19.V	Armenian Estates CAD - Genoa Twp. - Sec. 102.03, 204.04 - additional extension
21-22.V	Boley CAD - Harlem Twp. - Sec. 306.02 - lots on a CAD
18-19.V	Clark Shaw Reserve South - Liberty Twp. - Sec. 102.03, 204.04 - additional extension

ZONING MAP/TEXT AMENDMENTS

25-22 ZON	JAF Acquisitions, LLC. / Addison Properties - Delaware Twp. - 47.25 acres - FR-1 to PRD
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SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
18-22	BEF Subdivision, Lots 447 & 448, Div. #1	Berkshire	2 lots / 6 acres
33-19	Berlin Farm West (fka Longhill Farms)	Berlin	434 lots / 278.81 acres
19-22	Painter Farm	Concord	8 lots / 26.84 acres
20-22	H/S Warren Estate CAD	Kingston	2 lots / 8.789 acres
<u>Preliminary / Final</u>			
16-22	Sheffield Park, Sec. 1, Ph. B, Lot 6903, Division #1	Genoa	3 lots / 1.823 acres

OTHER BUSINESS

- Consideration for Approval: Ostrander Comprehensive Plan contract

ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: David Weade, Meghan Raehl, Mark Maroscher, Duane Matlack, Gary Merrell, Sarah Holt, Joe Shafer, Matt Kurz, Dave Stites, Eric Gayetsky, Jeffrey Warner, Michele Boni, Herb Ligocki, Bonnie Newland, and Mike Datillo. *Alternates:* Cheryl Friend, Glynnis Dunfee, Eric McPeek, Tiffany Jenkins, Barry Bennet, and Richard Lehner. *Staff:* Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the May 26, 2022 RPC Minutes**

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

▪ **June 22, 2022 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from May 18, 2022**

Miss Boni made a motion to Approve the minutes from May 18th. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

- Financial / Activity Reports for May

REGIONAL PLANNING RECEIPTS		MAY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,665.00	\$7,585.00
Fees A (Site Review)	(4202)	\$1,105.00	\$3,805.00
Insp. Fees (Lot Line Transfer)	(4203)		\$2,700.00
Membership Fees	(4204)		\$204,312.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$3,224.48
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$4,113.00	\$94,554.00
Charges for Serv. B (Final. Appl.)	(4231)	\$18,100.00	\$32,458.50
Charges for Serv. C (Ext. Fee)	(4232)	\$600.00	\$1,200.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$600.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$1,200.00	\$3,000.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$470.00	\$9,610.00
Soil & Water Fees	(4243)	\$700.00	\$4,500.00
Commissioner’s fees	(4244)	\$359.00	\$359.00
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)		
TOTAL RECEIPTS		\$29,612.00	\$368,707.98

Balance after receipts	\$1,284,220.14
Expenditures	- \$ 36,837.46
End of May balance (carry forward)	\$1,247,382.68

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

- June RPC Preliminary Agenda

- SKETCH PLANS

	<u>Township</u>	<u>Lots/Acres</u>
• Mulberry Estates	Genoa	6 lots / 15.5 acres
• Anthony CAD on SR 605	Trenton	5 lots / 64.187 acres

- ZONING MAP/TEXT AMENDMENTS
 - JAF Acquisitions, LLC. - Delaware Twp. - 47.25 acres - FR-1 to PRD

- SUBDIVISION PROJECTS

	<u>Township</u>	<u>Lots/Acres</u>
<u>Preliminary</u>		
• BEF Subdivision, Lots 447 & 448, Div. #1	Berkshire	2 lots / 6 acres
• Berlin Farm West (fka Longhill Farms)	Berlin	434 lots / 278.81 acres
• Painter Farm	Concord	8 lots / 26.84 acres
• H/S Warren Estate CAD	Kingston	2 lots / 8.789 acres

- Preliminary / Final
 - Sheffield Park, Sec. 1, Ph. B, Lot 6903, Div#1

	Genoa	3 lots / 1.823 acres
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- Final

• Howard Farms, Section 2	Berlin	25 lots / 13.811 acres
• Howard Farms, Section 3	Berlin	26 lots / 43.84 acres
• JES CAD	Brown	4 lots / 12.15 acres
• Orange Centre Dvlpt., resubd. of lots 7518 & 7519	Orange	1 lot / 2 acres

Variance / Extension

- Armenian Estates CAD – Genoa Twp. – Sec. 102.03, 204.04 – additional extension
- Boley CAD – Harlem Twp. – Sec. 306.02 – lots on a CAD
- Clark Shaw Reserve South – Liberty Twp. – Sec. 102.03, 204.04 – additional extension

- Director’s Report
 - **Elected office and Director** meeting – attended on May 23;
 - **Delaware Township Comp Plan** – attended Zoning Commission on May 25, voted to forward their Comp Plan to the trustees, met with the Trustees on June 20, they will adopt at their next meeting;
 - Attended (virtually) the **Transportation Advisory Committee** meeting at MORPC on June 1;
 - **Kingston Township** – Survey finalized and “live,” postcards went out and 163 responses to date;
 - **Troy Township** – attended Zoning Commission on June 8 to talk about selected items, trying to move a number of draft changes forward;
 - **Ohio to Erie Trail Forum** by Health District – attended on June 8;
 - **Retired Teachers** – spoke to a group of Delaware County Retired Teachers at a luncheon on June 10;
 - **Ostrander** – website established, leadership team met virtually, Neighborhood Design Center starting to schedule public input session throughout the summer, Brad working on demographic background;
 - **Berlin Business Park Utilities** meeting – attended quarterly meeting on June 21;
 - **Porter Township** – met with Zoning Commission on June 21 to discuss updating their Plan and discussed some minor zoning issues; and
 - **Berlin Township** – waiting for township to schedule open house or next steps.

4. Old Business

- **Wage Study** – Chairman Stites noted that Mr. Fischel had begun collecting information.

5. Adjourn

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

The next regular Executive Committee meeting will be Wednesday, July 20, 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)

09-17.2 Howard Farms, Section 2 – Berlin Twp. - 25 lots / 13.811 acres

Conditions

Applicant: Homewood Corp. / **Engineer:** EMH & T

Subdivision Type: Single Family Residential

Location: south of Cheshire Rd., west of Howard Farms Dr.

Zoned: R-4/PRD / **Preliminary Approval:** 04/27/17

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

Staff Comments

The overall Howard Farms Preliminary Plan was approved on April 27, 2017. The applicant is now requesting Final Plat approval of Howard Farms, Section 2 subdivision. The subject site is 13.811-acres in size, includes 25 single-family lots that range from 0.335-0.558- acres in size and two reserves that total 2.397-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 Howard Farms, Section 2 to the DCRPC.

Commission / Public Comments

Mr. Merrell made a motion for Final Approval of Howard Farms, Section 2. Ms. Raehl seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-17.3 Howard Farms, Section 3 – Berlin Twp. - 26 lots / 43.84 acres

Conditions

Applicant: Homewood Corp. / **Engineer:** EMH & T

Subdivision Type: Single Family Residential

Location: south of Cheshire Rd., west of Howard Farms Dr.

Zoned: R-4/PRD / **Preliminary Approval:** 04/27/17

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

Staff Comments

The overall Howard Farms Preliminary Plan was approved on April 27, 2017. The applicant is now requesting Final Plat approval of Howard Farms, Section 3 subdivision. The subject site is 43.84-acres in size, includes 26 single-family lots that range from 0.335-0.639- acres in size and three reserves that total 31.494-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 **Howard Farms, Section 3** to the DCRPC.

Commission / Public Comments

Mr. Merrell made a motion for Final Approval of Howard Farms, Section 3. Ms. Raehl seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-21 JES CAD – Brown Twp. - 4 lots / 12.15 acres

Conditions

- Applicant:** Steve & Julie Lisano / **Consultant:** Plan 4 Land
- Subdivision Type:** Single Family Residential, Common Access Driveway
- Location:** west side of Hogback Rd., north of Howard Rd.
- Zoned:** FR-1 / **Preliminary Approval:** 03/25/21
- School District:** Buckeye Valley / **Utilities:** Del-Co Water, private on-lot treatment systems

Staff Comments

The JES CAD Preliminary Plan was approved on March 25, 2021. The applicant is now requesting Final Plat approval of the JES CAD, which is a 4-lot Common Access Driveway subdivision located on the west side of Hogback Road between Howard Road and Pugh Road. Lot sizes range from 2.688 to 3.651-acres. The CAD itself is approximately 600 feet long, there is a 30 foot wide tree preservation easement along the western, southern and northeastern property lines and there is an existing wetland on lot 4.

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 **JES CAD** to the DCRPC.

Commission / Public Comments

Mr. Merrell made a motion for Final Approval of JES CAD. Ms. Raehl seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

11-22 **Orange Centre Dvlpt., re-subdivision of lots 7518 & 7519 – Orange Twp. - 1 lot / 2 acres**

Conditions

Applicant: MGS Partners / **Engineer:** CEC

Subdivision Type: Planned Commercial

Location: south side of E. Orange Rd., west of Highfield Dr.

Zoned: PC / **Preliminary Approval:** 03/31/22

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

Staff Comments

The Orange Centre Development, re-subdivision of lots 7518 and 7519 Preliminary Plan was approved on March 31, 2022.

The applicant is requesting Final Plat approval to create a 2-acre developable commercial site, which will gain access to Highfield Drive through an existing access easement. This access easement continues along the inside eastern property line and along the outside of the northern property line to provide access from the remainder lots 7518 and 7519 to Highfield Drive.

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 Orange Centre Dvlpt., resubdivision of lots 7518 & 7519 to the DCRPC.

Commission / Public Comments

Mr. Merrell made a motion for Final Approval of Orange Centre Dvlpt., resubdivision of lots 7518 & 7519. Ms. Raehl seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VARIANCE / EXTENSION

10-19.V Armenian Estates CAD – Genoa Twp. – Sec. 102.03, 204.04 – additional extension

Applicant: Tigran Safaryan / **Consultant:** Plan 4 Land

Preliminary approval: 06/27/19

Extensions granted: 06/24/21

Request

The applicant is requesting a second 1-year extension for the Armenian Estates CAD via variance request.

The proposed subdivision is located on the east side of Westerville Rd., east of Jaycox Rd.

Facts

1. The Subdivision Regulations require that a Final plat be submitted within 2 years of Preliminary plan approval;
2. Armenian Estates received Preliminary approval on June 27, 2019; and
3. The project was given a 1-year extension on June 24, 2021.

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.

***Applicant's Response:** "This project is under construction. The request is due to supply shortage and labor delays that have caused the project to take longer than expected. It is expected to be finished by the end of 2022 to be platted, if not before."*

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.

***Applicant's Response:** "Yes, this property was split in two after preliminary plan approval to allow construction of the rear residence before the driveway was finalized."*

- 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.

***Applicant's Response:** "The site improvements are almost entirely complete, but not able to be finalized for a few more months. Strict enforcement would mean that we need to start the plan approval process over and jeopardize the ability to wrap up the project in the next few months."*

- 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: "The development is otherwise compliant with other development standards and no standards have been modified that would have effected this development, if it was approved today."

Staff Comments

Final Engineering plans were recently approved by the Delaware County Engineer's office and a draft plat is under review. Based on progress being made, staff concurs with this request.

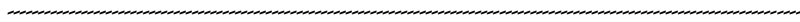
Staff recommendations

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

Commission / Public Comments

Mr. Joe Clase, Plan 4 Land was present.

Mr. Matlack made a motion to Approve the Variance request for Armenian Estates based on the Findings of Fact and a 1-year extension of the Preliminary Plan. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

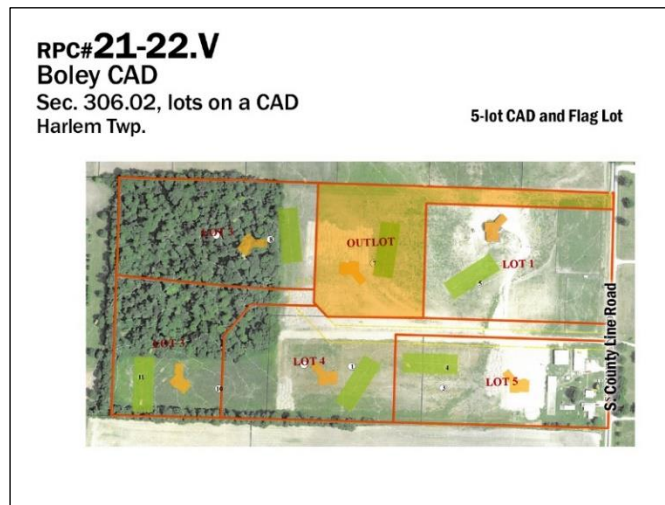
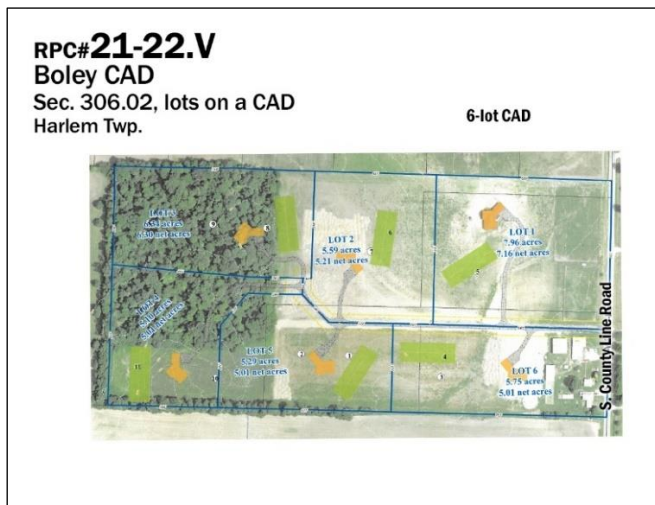


21-22.V Boley CAD – Harlem Twp. – Sec. 306.02 – lots on a CAD

Request

David and Laura Boley are requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations for the Boley CAD Subdivision to permit six lots in a Common Access Driveway subdivision.

The proposed subdivision is located on 35.82-acres on the west side of S. County Line Rd., between Robins Rd. and Evans Rd.



Facts

1. The applicant seeks to create a six-lot subdivision, utilizing a Common Access Driveway;
2. The site is 35.82 acres and consist of parcels 31644001072000, 31644001072001, and 31644001072002;
3. A CAD would enter the site and travel west, providing frontage for six lots;
4. The land is zoned AR-1, with a minimum 5-acre lot size;
5. Del-Co Water is available to the site with an existing 8-inch line running across the frontage of the site; and
6. Relevant section of the Subdivision Regulations:

“306.02 Number of Lots. The CAD may serve and provide access for up to three (3) lots as shown on the CAD subdivision plat. Two (2) additional lots contiguous to the CAD at the point of access to the public or private road by the CAD and which would meet the current applicable zoning requirements as free-standing lots may, at the discretion of the Commission, be accessed by the CAD.”

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.

Applicant’s Response: “Six lots would be permitted without the CAD. The proposed sixth lot being on the CAD would promote better public health, safety and welfare.”

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.

Applicant’s Response: “Due to existing improvements onsite, the wooded area at the rear of the site and the existing lot configuration, this proposed development is unique.”

- 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.

Applicant’s Response: “This site is surrounded by developed lots that provide limited opportunities for public road connections. The CAD would provide a more practical development style to limit new access points on South County Line Road and eliminate two access points for the existing residences.”

- 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: “The development is otherwise compliant with other development standards.”

Staff Comments

There are currently 3 access drives at the S. County Line Road ROW serving the overall site (4 lots). The existing lot to the north that is part of this CAD request could potentially develop a single-family home and add an additional fourth access point to S. County Line Road. The proposed CAD will allow for the removal of 2 of these access points and not allow for any additional access points, thus improving the general safety for the area.

Per the Subdivision Regulations, three lots may be served by the CAD and two additional lots added provided those two lots are contiguous to the CAD at the point of access to the public/private ROW and meet the AR-1 zoning frontage requirements. The applicant has demonstrated that a five-lot CAD could be created adjacent to a sixth flag lot. Incorporating this sixth lot into the CAD will create a more cohesive development, reduce the number of curb-cuts on the road, and provide for more typical lot shapes. Lots are all larger than 5 acres, which is in character with the surrounding developed lots.

Staff Recommendations

DCRPC staff recommends *Approval* of the variance request from Sec. 306.02 of the Subdivision Regulations for Boley CAD to allow a total of 6 lots on a CAD, based on the Findings of Fact.

Commission / Public Comments

Mr. Joe Clase with Plan 4 Land was present.

Mr. McPeck made a motion for Approval of the Variance request for 6 lots in the Boley CAD subdivision. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

18-19.V Clark Shaw Reserve South – Liberty Twp. – Sec. 102.03, 204.04 – additional extension

Applicant: Rockford Homes / **Engineer:** Terrain Evolution

Preliminary approval: 06/27/19

Extensions granted: 06/24/21

Request

The applicant is requesting a second 1-year extension for the Clark Shaw Reserve South subdivision via variance request. The proposed subdivision is located on the north side of Hyatts Rd., west of Sawmill Parkway.

Facts

1. Section 204.04 of the Subdivision Regulations require that a Final plat be submitted within 2 years of Preliminary plan approval;
2. Clark Shaw Reserve South received Preliminary approval on June 27, 2019;
3. The project was given a 1-year extension on June 24, 2021, and
4. Section 102.03 of the Subdivision Regulations state that the maximum total extensions not to exceed one year.

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.
Applicant's Response: "Granting a variance for the extension of the Preliminary Subdivision Plan Approval beyond the expiration date will not be detrimental to the public health, safety and welfare, and not injurious to other properties."
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
Applicant's Response: "The variance request is based on similarity in price point and close proximity between our two subdivisions Clark Shaw Moors and Clark Shaw Reserve, and our absorption rate based on our homebuilding process. Rather than flood the market with similar priced lots we prefer to sell out or get close to selling out of Clark Shaw Moors then break ground in Clark Shaw Reserve at a later date. Unfortunately, due to the development cost increases because of the current market climate and the volatile raw materials market, lot and base house pricing have increased tremendously. Clark Shaw Reserve with smaller lots are very similar now to Clark Shaw Moors pricing and if Rockford Homes were to develop Clark Shaw Reserve we will effectively flood the market and slow down the completion of both subdivisions."
- 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.
Applicant's Response: "The hardship is not based on the property itself, but more so the market place and style of custom built homes that are proposed. This style of residential home construction and the attention we provide to our customers requires a lengthier process than one year."

- 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:** "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 the regulations, or the desirable development of the neighborhood and community."*

Staff Comments

Staff notes that the Clark Shaw Reserve South subdivision will make a connection to the Courtyards at Hyatts to the east and potentially to the Clark Shaw Reserve to the north if platted. However, those subdivisions do not rely on Clark Shaw Reserve South to be completed in order to gain access to the road ROW, therefore the variance and 1-year extension request will not be detrimental to the community.

Staff recommendations

DCRPC staff recommends, based on the Findings of Fact, the *Variance* request from Sec. 102.03 & 204.04 of the Subdivision Regulations for **Clark Shaw Reserve South** to allow a one-year *Extension* of the Preliminary Plan be *Approved*.

Commission / Public Comments

Mr. Matt Gerken with Terrain Evolution was present to represent the applicant.

Miss Boni made a motion to Approve the Variance request for a 1-year extension of Clark Shaw Reserve South. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

ZONING MAP/TEXT AMENDMENTS

25-22 ZON JAF Acquisitions, LLC. / Addison Properties – Delaware Twp. – 47.25 acres – FR-1 to PRD

Request

The applicants are requesting to rezone 47.25-acres from FR-1 to PRD to allow for the development of a 132-lot single-family residential community that will include 14.6-acres of open space, a community building and pool and 2 basins. The development is proposed to be completed in 2 phases.

Conditions

Location: west side of Berlin Station Rd., south of Kingsbury Rd.

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

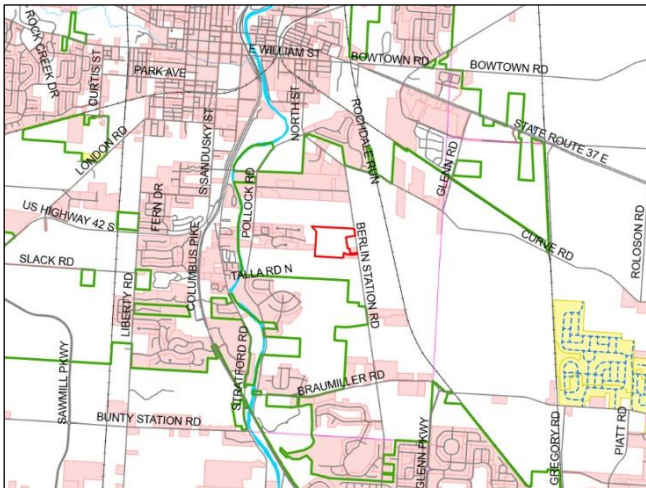
Present Use(s): vacant / **Proposed Use(s):** 132 single-family house lots, community building and pool

Existing Density: 1 du/acre / **Proposed Density:** 2.79 du/acre

Number of units requested: 132

School District: Delaware City / **Utilities Available:** Del-Co Water and city sanitary sewer

Critical Resources: stream/drainage course / **Soils:** BoA, LyD2, PwA, GwB



Introduction

The site is located on the west side of Berlin Station Road, south of Kingsbury Road and just east of the Riverby

Estates subdivision. The site includes 2 parcels, one of which was platted in the Rister Subdivision in 1979. Both lots are vacant and owned by the applicant. There are 132 single-family residential lots proposed, with a gross density of 2.79 du/acre and a net density of 3.4 du/acre. Lots are designed at two general lot sizes: 46 lots at 53' x 130' (6,890 s.f.) and 86 lots at 60' x 130' (7,800).

The site will be served by public streets, with one access point at Berlin Station Road, one emergency access drive and 3 stub streets to the west and north. Five-foot-wide sidewalks will be located on both sides of all streets. The northern-most stub street will include a temporary cul-de-sac.

Comprehensive Plan

A Comprehensive Plan has not been adopted by Delaware Township, however a Plan is near completion.

The City of Delaware Comprehensive Plan shows this general area as recommended for “Suburban Residential” uses. The Plan makes the following recommendations for the planning area:

- Use landscaping buffers between adjacent neighborhoods and new development in this area and adjacent neighborhoods where appropriate.
- Encourage walkability and connectivity by extending the Community Network into the area and integrating neighborhood-scale parks.
- Encourage the use of alleys and rear loaded garages whenever feasible to increase the walkability of new neighborhoods by removing driveways and curb cuts from residential streets.
- Require infill projects to match the size, scale, and setback of existing homes.

The City’s approach in this area so far has been lots larger than the 50-foot lots seen in parts of Glenross near Cheshire. Nearby Terra Alta within the city limits includes lots that range from a smaller lot of 62' x 150' (9,300 s.f.) to a bit larger at 70' x 160' (11,200 s.f.). The proposed small lot sizes are therefore a concern. The Riverby development to the west includes lots of around 1/3 acre with 100 feet of frontage (15,000 s.f.). Since the Township desires densities even lower than that, with 1/3-acre lots, during this period prior to adoption of a Comprehensive Plan, staff recommends that the lots be developed at a size at least comparable to the city’s, with a minimum of 60 feet of frontage for the smallest lots.

No buffers have been provided between the proposed lots and the existing developed parcels which front on Berlin Station or the surrounding vacant parcels that have the potential for development. A buffer would be appropriate along the rear of lots 5-13 and 17 as they back up to a existing residential uses. Terra Alta, to the southwest, provides a 30-foot Tree Preservation Area on individual lots where they are adjacent to Preservation Park property. A similar no-build area should be provided along the northern property line and landscaped as part of the initial development.

Issues

Traffic and access:

A single access to Berlin Station Road is proposed at the northeast corner of the site. One emergency access drive is proposed at the southeast corner of the site and three stubs are proposed to the west and north. One road stub provides access to the Preservation Parks property. The applicant indicated during informal discussions that the park may use this as an access, but a letter from Preservation Parks should be provided as to whether this is public or emergency. A Traffic Impact Study will be required by DCEO to determine the

necessary improvements to Berlin Station Road. Based on the number of lots, the entrance street(s) need to be designed as Collector streets. The access shown as an emergency access may need to be designed as a full access, given the number of lots in the subdivision. This should continue to be discussed with the County Engineer's office.

Drainage:

The subdivision streets will include a curb and gutter and there will be two stormwater basins. No feasibility letter from DCEO is included, but the drainage will be reviewed during the subdivision phase.

Signage:

One monument sign with landscaping will be at the entrance to Berlin Station Road. No detail was provided, but the sign shall conform to the existing resolution.

Lighting:

No lighting plan was included with the submission.

Sanitary Treatment:

The Development Text states that the development will be served by the City of Delaware sanitary sewer trunk as shown on Exhibit B. Staff notes that no letter or written confirmation has been included from the City confirming sanitary sewer will be provided or if there is sewer capacity for the proposed development.

Open Space / Health

Sidewalks are indicated and could connect to future development to the west and Berlin Station Road to the east. However, it's unclear how the open space/reserve areas will be usable space for the residents. Open space is proposed at a total of 4.6-acres. However, the open space and reserve areas are not clearly defined. Cluster Box Units for mail delivery are not indicated. If proposed or required, locations should be shown on the plan.

Preservation Parks owns the adjacent property to the southwest, which includes the Hickory Woods Park. If supported by Preservation Parks, a trail connection should be made between the subdivision and the park, or included with any road connection.

Divergences

Two divergences from the Zoning Resolution have been requested:

1. **Per Section 21.01(C) – Driveways:** No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one of which is more than one hundred (100) feet and the other not less than forty (40) feet from said intersection.
 - The request is to allow the following lots to have driveways that are located closer than 100 feet from an intersection: 1, 7, 8, 15, 21-23, 39-41, 58, 60, 74-75, 89, 124-126 and 132.

Staff Comment: The small lot size is driving this request. If lots were larger, the extent of this request would not be as severe. Lots 15, 41, 58, 60, 75, and 89 are already larger and could probably accommodate this requirement without a variance. Several township codes require this spacing to be 40 feet, where Delaware Township's language requires 100'. Staff recommends revising the plan so that driveways can be 40 feet from intersections.

2. **Per Section 21.01(D) – Parking Area Location:** No parking lot or parking areas shall be located nearer than six feet to the side or rear line of the tract on the structure is located, and parking in front of the main structure may be permitted only if not more than forty (40%) percent of the front setback area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served unless otherwise approved as part of a development plan for a Planned District.
 - The request is to allow the parking area to be forward of the community building/ clubhouse and pool.

Staff Comment: Although the clubhouse and pool location is labeled on a 2-acre site in the middle of the development, there is no other detail provided. If the proposed parking consists of a single aisle of double-sided parking, this request may be reasonable. If the parking lot is larger, then locating it in front only pushes the building back from the street, making it a less cohesive part of the neighborhood. Staff recommends more detail for this item.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by JAF Acquisitions LLC. and Addison Properties LLC. from FR-1 to PRD to the DCRPC, Delaware Twp. Zoning Commission and Delaware Twp. Trustees, subject to:

- 1.) The applicant providing a written statement from the sewer provider (City of Delaware) confirming sanitary access to the subdivision and agreed capacity. If this cannot be resolved, staff would recommend **Denial**.
- 2.) A buffer should be provided along the rear of lots 5-13, 17, and along the backs of lots along the northern property line;
- 3.) Lots should be larger, with a minimum of 60 feet of frontage;
- 4.) Identify in the Development Text who will own and maintain all reserves and open space, and include the location of any Cluster Box Units;
- 5.) The emergency access drive should be constructed to County standards and serve as a full access drive to provide a second access point to the subdivision, assuming concurrence of DCEO;
- 6.) Provide additional detail for the location and design of the clubhouse and pool, including parking (staff does not recommend this divergence without more detail);
- 7.) Identify the street tree species on the Landscaping Plan; and
- 8.) Provide a trail connection to the Hickory Woods Park provided Preservation Parks concurs.

Commission / Public Comments

Mr. Weade questioned what would happen if the lots are sold and developed and in the future it is annexed. Wouldn't it take a majority of the owners to agree to annexation? Mr. Sanders said that he believes there would be an agreement before the City would allow a direct tap into their trunk line.

Mr. Matlack made a motion for Conditional Approval of the rezoning request by JAF Acquisitions LLC and Addison Properties LLC., subject to staff recommendations #1-8. Miss Boni seconded the motion. VOTE: Majority For, 2 Opposed (Berlin and Berkshire Townships). Motion carried.

SUBDIVISION PROJECTS

Preliminary

18-22 BEF Subdivision, Lots 447 & 448, Div. #1 – Berkshire Twp. - 2 lots / 6 acres

Conditions

Applicant: Kautilya Group, Gary Patel / **Engineer:** Tebbe Civil Engineer

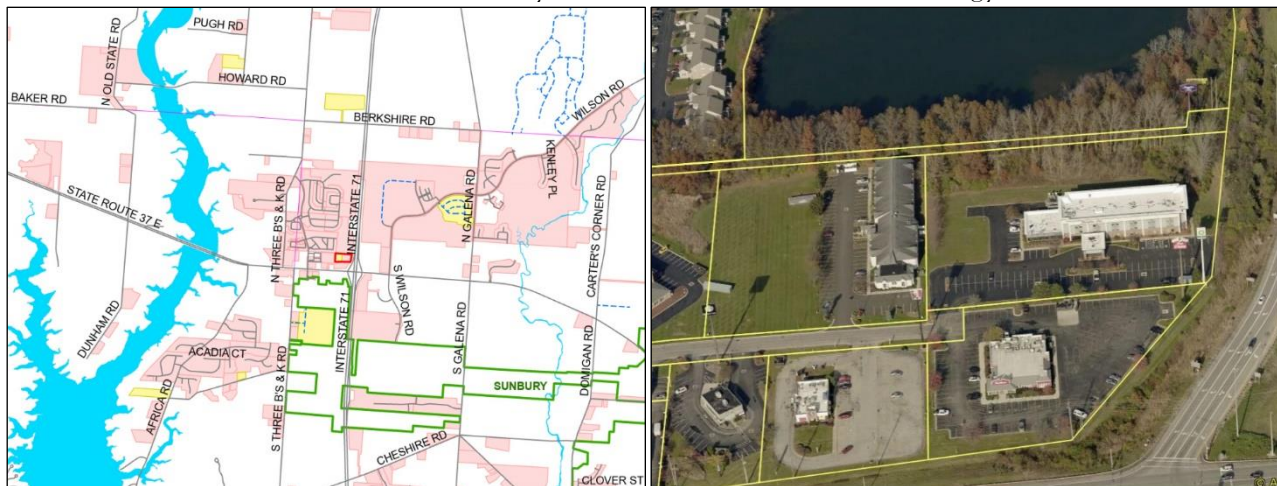
Subdivision Type: Commercial (Hotel)

Location: East side of US 23, south of Orange Centre Dr.

Current Land Use: Vacant

Zoned: Planned Commercial & PMUD/ **Zoning Approval (PC) :** April 20, 2022

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



Staff Comments

BEF Subdivision is an 8-lot subdivision recorded in November 1995. The applicant would like to split lots 447 and 448 in order to construct two hotels on the newly divided lots.

The lot to be created out of Lot 447 is zoned PC, which may require a rezoning to allow for the split and the additional hotel use. Additionally, the proposed lot would be landlocked and an access easement will need to be identified on the Final Plat in order to gain access to the frontage street. The lot to be created out of Lot 448 is zoned PMUD. Since both new lots will gain access from the private frontage drive, proof that both lots can legally gain access to the drive must be submitted prior to Final Plat approval.

A technical review was held on June 21, 2022, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **BEF Subdivision, Lots 447 & 448, Div. #1** to the DCRPC, subject to:

- 1.) *The applicant must successfully rezone the site to allow for the split and intended use prior to filing for Final Plat;*
- 2.) *A shared access easement must be identified on the plat when filing for Final Plat; and*
- 3.) *At the time of filing a Final Plat, proof that the proposed lots may gain access from the private drive must be*

included with the submission or through signature on the plat.

Commission / Public Comments

Mr. Mike McNeal with Tebbe Engineers was present to answer questions from the Commission.

Mr. Matlack made a motion for Conditional Preliminary Approval of BEF Subdivision, Lots 447 & 448, Div. #1. Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.

33-19 Berlin Farm West (fka Longhill Farms) – Berlin Twp. - 434 lots / 278.81 acres

Conditions

Applicant: M/I Homes / **Engineer:** EMH & T

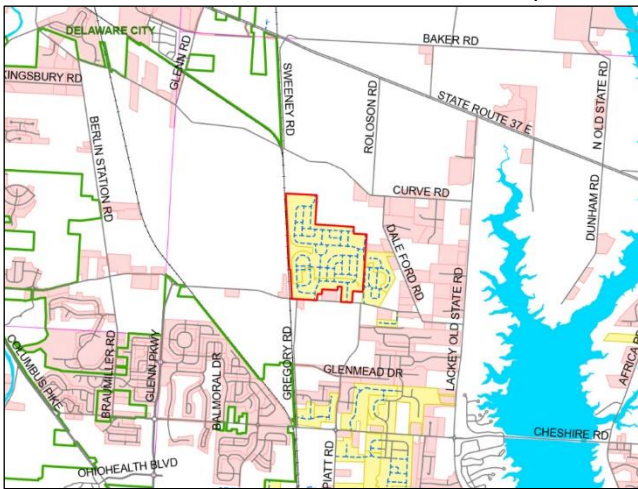
Subdivision Type: Planned Single Family Residential

Location: North side of Berlin Station Rd., east of CSX Railroad

Current Land Use: Vacant, former agricultural

Zoned: R-3, PRD / **Zoning Approval:** April 20, 2022

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



Staff Comments

Berlin Farm West (formerly known as Longhill Farms with 482 lots) is a revision of the previous proposal with a reduction in lots to 434. It is located on the north side of Berlin Station Road between Piatt Road and the railroad tracks. Roloson-Piatt Road is planned to be extended from Berlin Station Rd. by Delaware County starting in 2022. The preliminary plan identifies the project would be completed in 8 phases, includes a sub-area 'A' to the east of reserve 'E' and sub-area 'B' to the west of reserve 'E' and contains 2 typical lot types. There are 3 main entrances to the subdivision - one from Berlin Station Road and two from future Piatt Road - each serving a distinct section of the subdivision.

The area served by the entrance from Berlin Station Road (sub-area 'B') is characterized by lots that have typical dimensions of 75 feet wide and 150 feet deep - about a quarter acre. These homes are served by multiple loop roads with a proposed road connection to the north. The area served by the two entrances to Piatt Road (sub-area 'A') is characterized by lots that have a typical dimensions of 80 feet by 150 feet. The lots in this section are around the same size at a quarter acre.

There are 11 reserves that make up 110.9 +/- acres, which is 39.8 percent of the site. Within this open space there is a dog park with 14 parking spaces, the "North Gardens," an 8-foot wide path, swimming pool and pavilion with 25 parking spaces, 2 playgrounds, the "Market Garden," shelter, 8 retention ponds, fishing deck and a tractor feature. Part of these reserves are utilized to buffer the entire subdivision from adjacent properties. Sidewalks are provided on both sides of all streets.

A technical review was held on June 21, 2022, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Berlin Farm West** to the DCRPC.

Commission / Public Comments

Mr. Joe Looby, EMH & T, was present along with Mr. Andy Gottesman, M/I Homes.

Ms. Holt questioned the rear setbacks of the lots that back up to the railroad. Mr. Gottesman stated that the railroad is not a very active one. Mr. Looby confirmed the setback is 150-200 feet.

Mr. Shafer made a motion for Preliminary Approval of Berlin Farm West. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed, 2 Abstained (Berlin and Orange Twp.'s). Motion carried.

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19-22 Painter Farm - Concord Twp. - 8 lots / 26.84 acres

Conditions

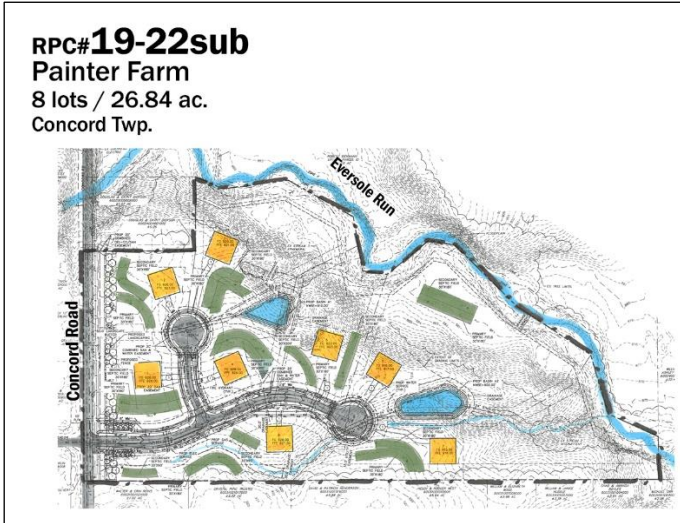
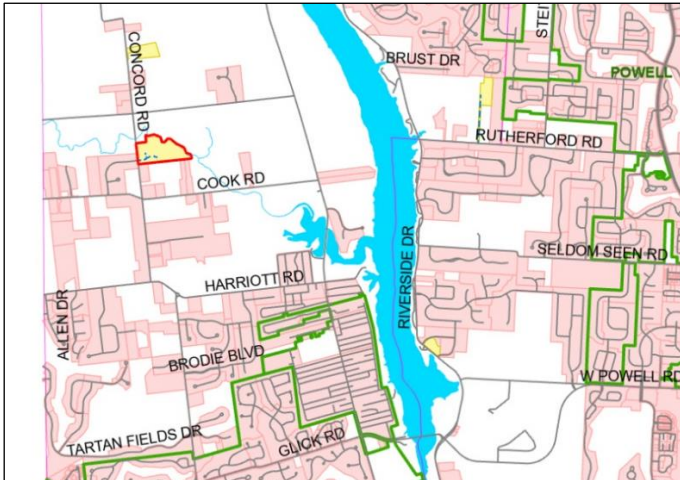
Applicant: Stavroff Land Development / **Engineer:** Kimley-Horn

Subdivision Type: Single Family Residential

Location: East side of Concord Rd., south of Merchant Rd.

Current Land Use: Vacant / **Zoned:** FR-1

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



Staff Comments

Painter Farm is a single-family residential development that is located on the east side of Concord Road, south of Merchant Road. The subdivision includes eight single-family residential lots via a private street. There are two cul-de-sacs both providing frontage to 4 lots each. Lot sizes range from 1.55-6.0-acres in size. The road is designed as a low volume, low density road with a paved shoulder. The applicant indicated they may request a zoning variance to reduce the required road frontage below 200 feet. This would have no impact on the proposed lot layout but would allow lots on the cul-de-sacs to be closer to the road and provide more developable area.

A technical review was held on June 21, 2022, after which the applicant has addressed all of the required

changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Painter Farm** to the DCRPC.

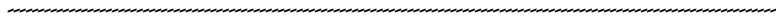
Commission / Public Comments

Mr. Kevin McCauley with Stavroff, was present.

Mr. Gayetsky questioned the floodplain buffer along the northeastern border. Mr. Fisher stated that there is floodplain but the applicant is not providing a specific buffer other than the regulatory floodplain.

Mr. McCauley stated that lot 6 is a 6-acre lot. Lots over 5 acres need 300 feet of frontage so it would push the house back into a significant grade falloff.

Mr. Weade made a motion for Preliminary Approval of Painter Farm. Ms. Raehl seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.



20-22 H/S Warren Estate CAD – Kingston Twp. - 2 lots /8.789 acres

Conditions

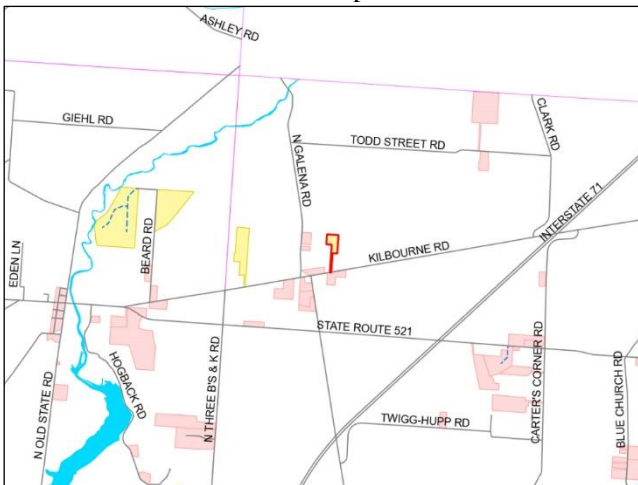
Applicant: Tamara and Ronald Warren / **Consultant:** Plan 4 Land

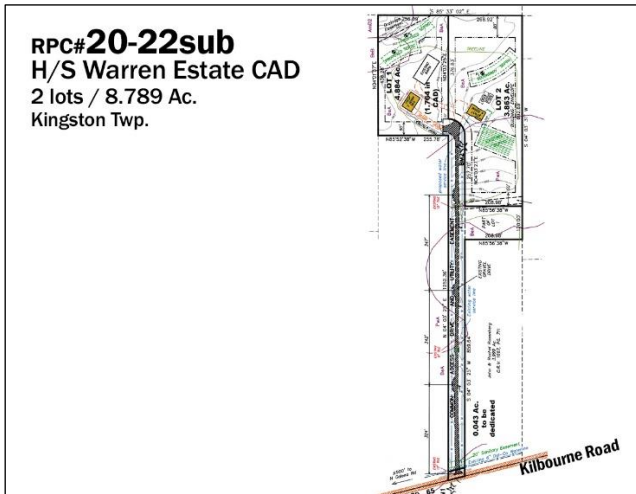
Subdivision Type: Single-Family Residential, Common Access Driveway

Location: North side of Kilbourne Rd., east of N. Galena Rd.

Current Land Use: Single family residence / **Zoned:** FR-1

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





Staff Comments

H/S Warren Estate CAD is a 2-lot CAD that is located on the north side of Kilbourne Road, east of N. Galena Road. The property is an existing lot of 8.789-acres which is utilized as a single-family residential property. The proposed CAD extends approximately 1,200 feet north from Kilbourne Rd. where it provides frontage for an additional lot of 3.863 acres. There are 3 proposed pull off areas.

A technical review was held on June 21, 2022, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of H/S Warren CAD to the DCRPC.

Commission / Public Comments

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

Mr. Matlack made a motion for Preliminary Approval of H/S Warren CAD. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed, 1 Abstained (Kingston Twp.). Motion carried.

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Preliminary/Final

16-22 Sheffield Park, Sec. 1, Ph. B, Lot 6903, Division #1 – Genoa Twp. - 3 lots /1.823 acres

Conditions

Applicant: Drew Berlin / **Engineer:** Advanced Civil Design

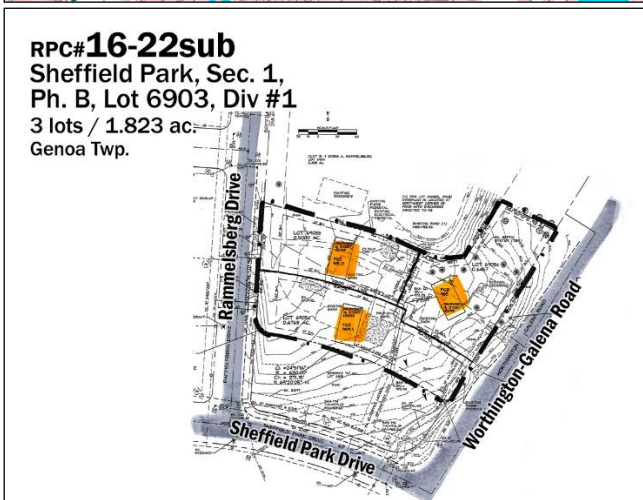
Subdivision Type: Single Family Planned Residential

Location: west side of Worthington Rd., east of Rammelsburg Dr.

Current Land Use: House, barn

Zoned: Planned Residential / **Zoning Approval:** 2002

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



Staff Comments

Sheffield Park, Section 1, Phase B was recorded in 2003 and is located on the west side of Worthington Road, just south of Lewis Center Road. The subdivision included 36 buildable lots, one of which was the 1.823-acre subject site that houses the original farmhouse and collection of outbuildings that were in existence at the time.

The applicant is proposing to divide the site into three lots. Lots 7747 and 7748 will be new, developable lots and lot 7749 will include the existing home. Note 25 on the plat indicates that a zoning variance (ZC-2013-1

0) was approved in 2014 to allow a 10 foot side yard setback, to reduce the front setback for lot 7749 to allow for modification or replacement of the existing home at a minimum of its current setback, lots 7747 and 7748 will be part of the Sheffield Park HOA and the existing barns shall be removed prior to recording the Final Plat. The proposal does not require any public road or improvements to be made and the sanitary connection has been approved by the Sanitary Engineer's office.

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 Sheffield Park, Section 1, Phase B, Lot 6903, Division #1* to the DCRPC.

Commission / Public Comments

Miss Boni made a motion for Preliminary and Final Approval of Sheffield Park, Section 1, Phase B, Lot 6903, Division #1. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

OTHER BUSINESS

- Consideration for Approval: Ostrander Comprehensive Plan contract

A contract has been finalized between the Village of Ostrander and DCRPC to provide Comprehensive Planning Services. The total amount of the contract is up to \$50,000 with up to \$25,000 granted through the DCRPC Grant Program to utilize the Neighborhood Design Center for public input and design services.

Mr. Merrell made a motion to Approve the contract between the Regional Planning Commission and the Village of Ostrander for Comprehensive Planning Services. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Having no further business, Ms. Raehl made a motion to adjourn the meeting at 7:10 p.m. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, July 28, 2022, 6:30 PM at the Hayes Services Building, 145 N. Union St., Conference Room 235, Delaware, Ohio 43015.