

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, July 28, 2022 at 6:30 PM

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

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of June 30, 2022 RPC Minutes
- Executive Committee Minutes of July 20, 2022
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
17-20.3.A	Hyatts Meadows, Sec. 3, Ph. A	Liberty	3 lots / 34.471 acres
03-21	T Riverwood Farm CAD	Liberty/Orange	6 lots / 51.683 acres

ZONING MAP/TEXT AMENDMENTS

26-22 ZON	The Champion Companies – Berkshire Twp. – 25 acres – PMUD Art. 16
27-22 ZON	HM Latitude LLC – Orange Twp. – 24.019 acres from SFPRD to SFPRD

SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
22-22	Brenner CAD	Brown	2 lots / 17.34 acres
23-22	Liberty Trails	Liberty	17 lots / 30.984 acres

(T = Tabled)

EXTENSIONS

13-15	Clarkshaw Moors – Concord Twp. – requesting 1 year extension
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OTHER BUSINESS

POLICY / EDUCATION DISCUSSION

RPC STAFF AND MEMBER NEWS

ADMINISTRATIVE BUSINESS

▪ Call to Order

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

▪ Roll Call

Representatives: Meghan Raehl, Mark Maroscher, Ric Irvine, Duane Matlack, Jeff Benton, Dustin Kent, Sarah Holt, Jill Love, Joe Shafer, Dave Stites, Jeffrey Warner, Joe Proemm, James Hatten, Dan Boysel, Josh Vidor, Bonnie Newland, Mike Dattilo and Doug Price. *Alternates:* Jesse Mann, Tyler Lane, Julie McGill, Mike Love, Barry Bennet, and John Gumney. *Staff:* Brad Fisher and Stephanie Matlack.

▪ Approval of the June 30, 2022 RPC Minutes

Mr. Matlack made a motion to Approve the minutes from June 30th. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ July 20, 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, Joe Shafer, and Michele Boni. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from June 22, 2022

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

3. New Business

- Financial / Activity Reports for June

REGIONAL PLANNING RECEIPTS		JUNE	YTD TOTAL
General Fees (Lot Split)	(4201)		\$7,585.00
Fees A (Site Review)	(4202)	\$900.00	\$4,705.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$2,800.00
Membership Fees	(4204)		\$204,312.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$3,224.48
Assoc. Membership	(4206)		
General Sales	(4220)	\$8.00	\$8.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$47,500.00	\$142,054.00
Charges for Serv. B (Final. Appl.)	(4231)	\$7,600.00	\$40,058.50
Charges for Serv. C (Ext. Fee)	(4232)	\$400.00	\$1,600.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$900.00	\$1,500.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$3,600.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$3,000.00	\$12,610.00
Soil & Water Fees	(4243)	\$950.00	\$5,450.00
Commissioner's fees	(4244)	\$192.00	\$551.00
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		\$62,150.00	\$430,857.98

Balance after receipts	\$1,309,532.68
Expenditures	<u>\$ 43,235.48</u>
End of June balance (carry forward)	\$1,266,297.20

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

- July RPC Preliminary Agenda

- SKETCH PLANS

	<u>Township</u>	<u>Lots/Acres</u>
• Cartolano CAD	Porter	3 lots / 30+ acres

- ZONING MAP/TEXT AMENDMENTS
 - The Champion Companies - Berkshire Twp. - 25 acres - PMUD Art. 16
 - HM Latitude LLC - Orange Twp. - 24.019 acres from SFPRD to SFPRD

- SUBDIVISION PROJECTS

	<u>Township</u>	<u>Lots/Acres</u>
<u>Preliminary</u>		
• Brenner Subd.	Brown	2 lots / 17.34 acres
• Liberty Trails	Liberty	17 lots / 30.984 acres

- Final
 - Hyatts Meadows, Sec. 3, Ph. A
 - Riverwood Farm CAD

	Liberty	3 lots / 34.471 acres
	Liberty/Orange	6 lots / 51.683 acres

- Extension
 - Clarkshaw Moors - Concord Twp. - requesting 1 year extension

- Director's Report
 - United Way Housing Study** – met virtually with the consultant doing the study (also performed a housing study for Dublin recently);

- 2) **Delaware Township Comp Plan** – attended Trustee meeting on June 20, they will adopt at their next meeting;
- 3) **Kingston Township** – Survey has 325 responses to date;
- 4) **Troy Township** – Created draft of an amended sign code and forwarded for their review;
- 5) **Sunbury Trails** - June 27 attended Stakeholder meeting, the Zoning Commission and July 7 walkabout with MORPC and city as part of their technical assistance grant through MORPC;
- 6) **Ostrander** – continuing work. NDC sent out postcards and surveys received huge response to date. Public input throughout the summer, Brad working on demographic background;
- 7) **Berlin Township** – amended plan with new photos, updated maps, and renumbered Figures; and
- 8) **Trail Grant Committee** – met on July 14 and reviewed 5 requests – will forward two to the Commissioners by first week of August.

4. Other Business

- Mr. Sanders noted that Jack Jennings has retired from the DCEO Map Room and he is working with Bill Stillions to ensure a smooth transition.

5. Adjourn

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 9:41 a.m. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, August 17, 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)

17-20.3.A Hyatts Meadows, Sec. 3, Ph. A – Liberty Twp. - 3 lots / 34.471 acres

Conditions

Applicant: Olentangy Falls Ltd. / **Engineer:** EMH & T

Subdivision Type: Planned Residential Community

Location: south side of Alicia Kelton Dr., north of Hyatts Rd.

Zoned: Planned Residential (PRD)

Preliminary Approval: 09/17/20

Utilities: Del-Co Water, central sanitary sewer

School District: Olentangy

Staff Comments

The Hyatts Meadows Preliminary Plan was approved on September 17, 2020. The applicant is now requesting Final Plat approval of the Hyatts Meadows, Section 3, Phase A subdivision.

The subject site is 34.471-acres in size, includes 3 developable lots and 1 reserve that is 32.676-acres and intended for future development. The Final Plat for Section 1 has been recorded and a Draft Plat for Section 2 was reviewed by staff in 2021.

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 Hyatts Meadows, Section 3, Phase A to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Hyatts Meadows, Section 3, Phase A. Mr. Boysel seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

03-21 T Riverwood Farm CAD - Liberty/Orange Twp. - 6 lots / 51.683 acres

Conditions

Applicant: Wills Creek Development Services LLC.

Engineer: EP Ferris

Staff Comments

The applicant has requested a 60-day tabling to resolve conservation easement issues.

Staff Recommendation

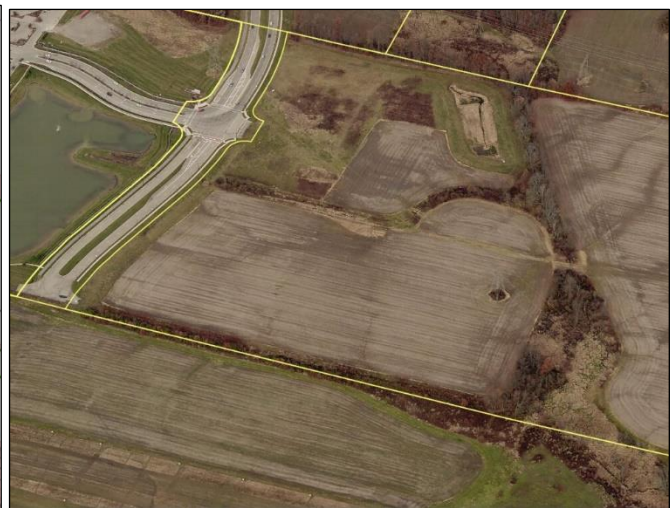
Staff recommends *Approval* of a 60-day Tabling of the **Riverwood Farm CAD** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Approval of a 60-day table of Riverwood Farm CAD . Mr. Boysel seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

ZONING MAP/TEXT AMENDMENTS

26-22 ZON The Champion Companies – Berkshire Twp. – 25 acres – PMUD Art. 16



RPC#26-22zon
Champion Companies
"The District at Berkshire"
25 acres / PMUD Art 16 overlay
Berkshire Twp.



RPC#26-22zon
Champion Companies
"The District at Berkshire"
25 acres / PMUD Art 16 overlay
Berkshire Twp.



Staff Comments

The request is for adoption of the PMUD Art. 16 Overlay for the 25-acre subject site. Staff provided an administrative review to the township on July 6, 2022. A summary of the proposal is in the paragraph below. In order to formally adopt the overlay, the Berkshire Township Zoning Commission approves the application and development plan, which will remove the underlying zoning district.

Project Overview

The Development Plan calls for 300 multi-family units in 12, 3-story buildings, 5 parking garage buildings, a clubhouse, swimming pool, and dog park. There are three types of structures. Type A has 12 one bed and 12 two bed units, type B has 24 two bed units and type C has 12 one bed and 24 two bed units. The proposed 300 multi-family units are below the permitted 700 units in the combined area of the northeast and southeast quadrant of the overlay as no other multi-family residential projects have been developed in this quadrant. Based on the acreage of the property, the proposed units will also result in a density (12 units/acre) that is within the maximum and minimum thresholds of the overlay (8 units minimum to 12.5 units maximum).

There is no formal action required of the RPC – the Township approved the amendment on July 7, 2022.

27-22 ZON HM Latitude LLC – Orange Twp. – 24.019 acres from SFPRD to SFPRD

Request

The applicant, HM Latitude LLC, is requesting a 24.019-acre rezoning from SFPRD to SFPRD for the construction of Aurora Farms, an 85 unit condominium complex.

Conditions

Location: east side of North Road, south of Shanahan Rd.

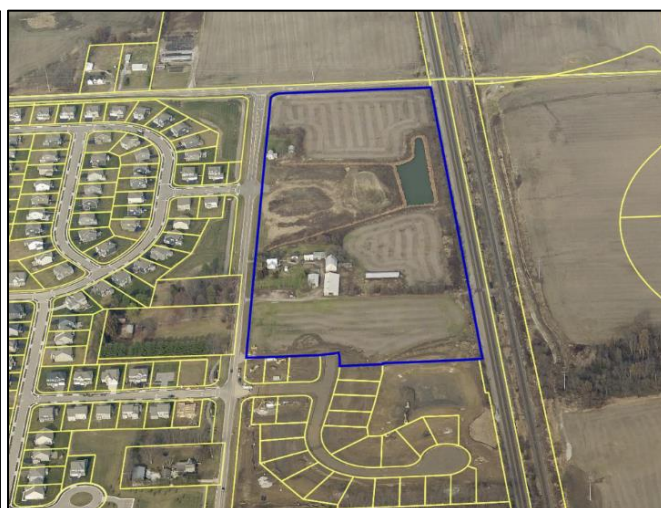
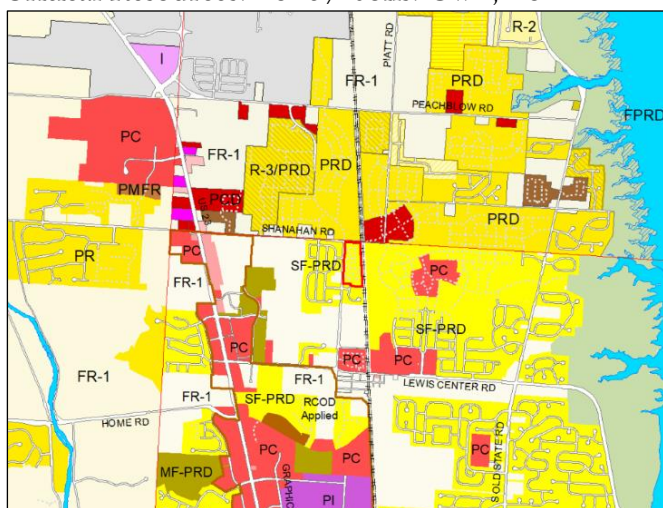
Present Zoning: Single Family Planned Residential (SFPRD) / **Proposed Zoning:** Single Family Planned Residential (SFPRD)

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

Existing Density: 1.43 units / gross acre / **Proposed Density:** 3.54 units / acre

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

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





Introduction

The applicant is requesting to rezone 24.019-acres that is currently zoned SFPRD and permits single-family residential uses to SFPRD to allow for single-family and two-family condominiums served by private streets. The development will include 85 total condominium units, 12 two-family units and 61 detached units, all of which include a two-car attached garage. The site plan also proposes one detention basin, 10-foot wide multi-use paths, 4-foot wide sidewalks, landscaping, and 6.5-acres (27.06%) of open space. Provided this rezoning is approved, the applicant intends to start construction in the summer of 2023 and construct in one phase.

History

Under the existing zoning, approved in 2014, the subject acreage constituted Sections 2 and 10 of North Farms, a single-family subdivision. A total of 43 single-family homes were planned for this acreage. There was a request to rezone the site in 2020 and 2021 to MFPRD to allow for an apartment use. At that time, staff had concerns about the overall use and development. Those requests were subsequently denied by the Orange Township Board of Trustees.

Process

As noted in the review for the previous MFPRD proposals, staff remains concerned about the impact on the existing sections of North Farms. The current residents had a reasonable expectation that the remainder of the subdivision would be built as planned and should continue to be provided input in whether this change should be approved.

Additionally, multi-family uses within this vicinity have traditionally been limited to single and multi-unit condos closer to US 23 with impacts from the high school stadium, existing single-unit condos behind the Kroger Marketplace center, and future Evans Farm townhomes and live/work units, which are designed to be walkable and integrated into other uses. Recently a 400-unit development with a combination of apartments and condos was approved at the corner of Shanahan and U.S. 23.

Comprehensive Plan

Orange Township's 2018 Comprehensive Plan includes the subject site in the New North – Subarea 13, which is recommended for Single-Family Planned Residential uses that do not exceed 2 units per acre. The current zoning conforms to the recommendations while the proposed zoning does not. Although it is a residential

proposal, the gross density is 3.54 dwelling units per acre and includes two-family dwelling units.

Issues

Traffic and access:

The site plan submitted identifies one connection to North Road that intersects with Farnham Street to the west and one limited connection to Hibbing Lane that will be emergency access only. All streets are proposed to be private, 26 feet in width and allow for parking on one side of the street.

The approved preliminary plan for the subject site included a similar connection to North Road and an extension to Hibbing Lane with full access. The proposed development does not allow full access through the Hibbing Lane extension, thereby requiring all traffic for the 85 units to utilize the singular North Road entrance. The DCEO notes that if Hibbing is not built as a full connection, a cul-de-sac will be required at the end of the public street.

Open Space / Health:

The minimum required open space is 20 percent and 27.06 percent has been provided. Most of the open space is occupied by a storm water basin, earthen mounds with tree/shrub plantings for screening visibility and general landscaping. Internal sidewalks, multi-use paths and sidewalks along North Road and Shanahan are identified on the plan.

Divergences

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

1. Section 10.03(a) – Permitted Uses – Single-Family Dwelling.
Staff Comment: The applicant stated that the request is to allow 12 duplexes (24 units), which will be offered at a lower price than other units due to the location of the units in relation to the railroad tracks. Staff notes that the hardship noted by the applicant is partly due to another divergence request, exceeding the permitted density. If the two dwelling unit per acre requirement were met (which is also recommended by the Comprehensive Plan), dwelling units would not need to be located as close to the railroad tracks as proposed.
2. Section 10.06(d) – Effect of Approval – A recorded plat is required for all uses proposed in a SFPRD and must be in accordance with the Delaware County Subdivision Regulations.
Staff Comment: Staff notes that per section 5311.02 of the ORC, a condo style development only requires a declaration be filed and no plat is required. Additionally, this type of development is exempt from the Subdivision Regulations, though a plat can provide all the required easements in one location.
3. Section 10.07(a) – Intensity of Use – The maximum density is two dwelling units per gross acre.
Staff Comment: The request would allow for a gross density of 3.54 dwelling units per acre (du/acre), which exceeds the maximum by 1.54 du/acre. The applicant stated that a typical single-family subdivision is not feasible on this site and the proposed density of condos would be economically feasible and sustainable. Staff isn't opposed to an increase in the number of units if those units are developed with the community in mind. To accommodate the extra residents that come with increased densities, more useable open space could be provided, and the development should tie into Hibbing Lane to provide continuity.
4. Sections 10.07(a)(1)) – Intensity of Use – Maximum units on any single acre shall not exceed 3.
Staff Comment: The request would allow for a maximum of 8 du on a single acre and the applicant stated this

is a cluster development with the majority of the units clustered in the center of the site. Staff isn't opposed to this requested divergence either. Regulations regarding a permitted number of units on "any given acre" is meant to achieve an even distribution of units among a property, and prevent the over loading of units in one area. This development is well-distributed and any increase is the result of ample buffering. However, based on the distribution of units and overall development design, this does not appear to be a cluster style development, which typically provides increased greenspace as the trade-off for clustering.

- 5-8. Sections 10.07(c), (d), (e) and (g) – Lot Width/Depth, Side and Rear Yard Setback – Lot width of 75 feet or more at the front line of the dwelling and 60 feet wide along an approved street. Lot depth must be at least 135 feet, side yard must be a minimum of 12.5 feet and rear yard must be a minimum of 35 feet. It appears that if these were platted lots, the typical single-family lot would have a lot width of approximately 50 feet and a lot depth of approximately 120 feet. The Building Setback Dimensions table on Exhibit C-1 identifies units being setback 20 feet from the private streets, a 10 foot separation between units, and a 40 foot setback between the rear of units; which would provide a 20 foot rear yard setback if the lots were platted.

Staff Comment: This is a condo development where these requirements may not be applicable based on the lack of lot lines. However, staff believes that proposed units should still be setback 12.5 feet from other units and all units be setback 35 feet from what is determined as a rear lot line. Lot sizes that are adjacent to existing single-family parcels to the west should be larger to create a better transition with North Farms.

9. Section 10.07(f) – Building Setback – No building or structure shall be located closer to the ROW line than 30 feet for all adjacent public or private streets.

Staff Comment: The request is to reduce the building setback from ROW line from 30 feet to 20 feet for all internal private streets. Staff is generally in support of this variance provided the Delaware County Engineer's office has no concern with site distance being impeded for residents entering and exiting the drives.

10. Section 21.03 – Structure Separation – No principal structure shall be located closer than 25 feet to another principal structure unless the adjacent walls of both structures are masonry in which said principal structures shall be no closer than 15 feet. No principal structure shall be located closer than 15 feet to another principal structure unless one of said structure has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

Staff Comment: The request is to reduce the structural separation from 15 feet, while using a fire wall, to 10 feet. Provided the proposed separation is approved by the Fire Department, staff has no concerns. Ensure that overhangs, window wells, and utility structures do not encroach on this separation.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by HM Latitude LLC from SFPRD to SFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, subject to:

- 1.) Decrease the density by making the "lots" adjacent to North Road larger, providing a transition to the single-family homes to the west;
- 2.) Increase the amount of useable open space areas;
- 3.) Consider making the Hibbing Lane street extension a full access connection and not emergency access only – otherwise, a cul-de-sac at the end of Hibbing is required by DCEO;
- 4.) Consider removing the 12 duplexes, which would be in keeping with the spirit and intent of the Orange Township Zoning Resolution requirements and Comprehensive Plan recommendations; and

5.) Support for divergences as noted in this report.

Commission / Public Comments

Mr. Jack Reynolds, attorney with Smith and Hale LLC., was present along with Mr. Todd Faris, Faris Planning and Design. He explained that the new owners of the property hired Mr. Faris and himself to prepare a plan to include a condominium community but with single family houses. He mentioned that of the 85 lots, 61 are stand alone single-family houses. Mr. Reynolds stated there have been informal meetings with the Development Commission and with the neighboring residents of North Farms.

Mr. Love stated that 4' sidewalks are hard to be ADA compliant and recommends 5' sidewalks.

Mrs. Raehl stated concerns about Shanahan Road and the ability to handle the increase in traffic and infrastructure with the proposals they have seen. She asked if a traffic study has been conducted on the increased traffic as a result in the increase of density of this plan? Mr. Love stated the Engineer's office has seen more of a Traffic Memo versus a study. He explained that there is a project to widen Shanahan Rd. to three lanes. Mrs. Raehl said this plan may be up and running before the roads are in place.

Mrs. Raehl expressed concern with the language in the staff recommendation that the Township "consider" the removal of the duplexes along with making Hibbing Lane a full access connection. Mr. Fisher explained that part of that language is because it is a condo style development which is exempt from subdivision regulations. If they move forward with this as condos, they will not come back before the Commission.

Mrs. Holt asked if the rest of the development has private roads. Mr. Fisher responded that the rest of the subdivision is public. Mrs. Holt said that usually HOA's that are in charge of private roads do not take as much care due to the cost of maintenance. You have the concept of offering something more affordable because it is a duplex and up against the railroad and yet you are offsetting any potential affordability with a big financial responsibility for the private roads. There will be an outcry ten years from now as the roads start to fall apart. She stated she didn't want to set somebody up, whether it's the future residents or the future government agency that then has to deal with that. She was uncomfortable with the number of divergences and that the proposal doesn't fit with the comprehensive plan or a cluster development.

Mr. Faris stated that they would need divergences either way because the Orange Twp. code does not allow attached units in single-family and multi-family doesn't allow detached units.

Mr. Shafer made a motion to recommend Conditional Approval of the rezoning request by HM Latitude LLC., subject to:

- 1.) Decrease the density by making the "lots" adjacent to North Road larger, providing a transition to the single-family homes to the west;***
- 2.) Increase the amount of useable open space areas;***
- 3.) Make the Hibbing Lane street extension a full access connection and not emergency access only – otherwise, a cul-de-sac at the end of Hibbing is required by DCEO;***
- 4.) Remove the 12 duplexes, which would be in keeping with the spirit and intent of the Orange Township Zoning Resolution requirements and Comprehensive Plan recommendations; and***
- 5.) Increasing sidewalk width to 5' per suggestion of DCEO, and***
- 6.) Support for divergences as noted in this report, understanding that conditions of this***

recommendation should prevail in the instance of conflict.

Mr. Matlack seconded the motion. VOTE: Majority For, Few Opposed. Motion carried.

SUBDIVISION PROJECTS

Preliminary

22-22 Brenner CAD – Brown Twp. - 2 lots / 17.34 acres

Conditions

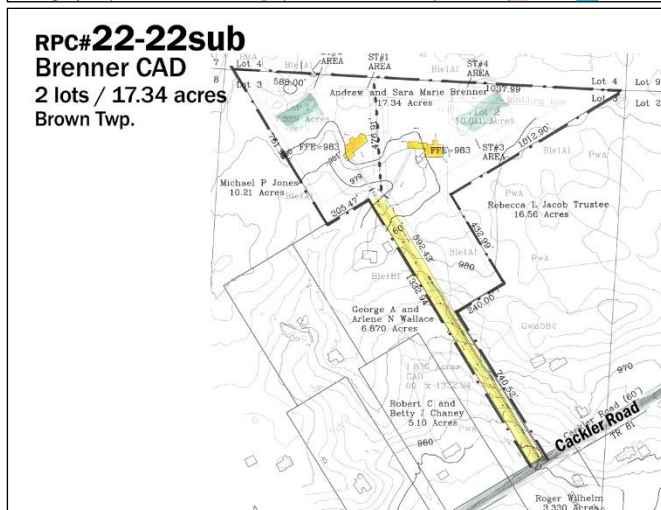
Applicant: Andrew & Sara Marie Brenner / **Surveyor:** Landmark Survey

Subdivision Type: Single Family Residential, Common Access Driveway

Location: north side of Cackler Rd., west of Leonardsburg Rd.

Current Land Use: Vacant / **Zoned:** Farm Residential (FR-1)

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



Staff Comments

The request is for Preliminary Plan approval to create a 2 lot CAD. The subject site is located on the north side of Cackler Road, between US-42 and Leonardsburg Road. The site is 17.34-acres in size and is vacant, agricultural land. The CAD extends approximately 1,340 feet from the Cackler Road ROW.

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

Staff Recommendation

Staff recommends Preliminary Approval of **Brenner CAD** to the DCRPC.

Commission / Public Comments

Mr. Andrew Brenner was present to answer questions from the Commission.

Mr. Irvine made a motion for Preliminary Approval of Brenner CAD. Mrs. Raehl seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Brown Twp.). Motion carried.

Commission / Public Comments

Mr. Andy Brenner, applicant, was present to answer questions from the Commission.

Mr. Irvine made a motion for Preliminary Approval of Brenner CAD. Mrs. Raehl seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Brown Twp.). Motion carried.

23-22 Liberty Trails – Liberty Twp. - 17 lots / 30.984 acres

Conditions

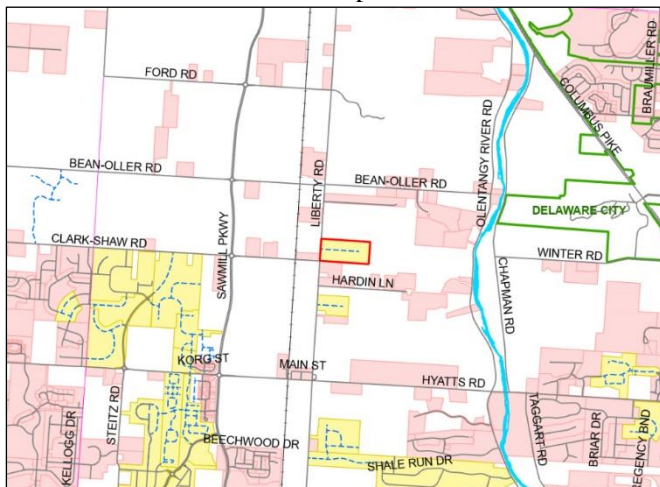
Applicant: Bart Barok, Sox Real Estate / **Engineer:** Terrain Evolution

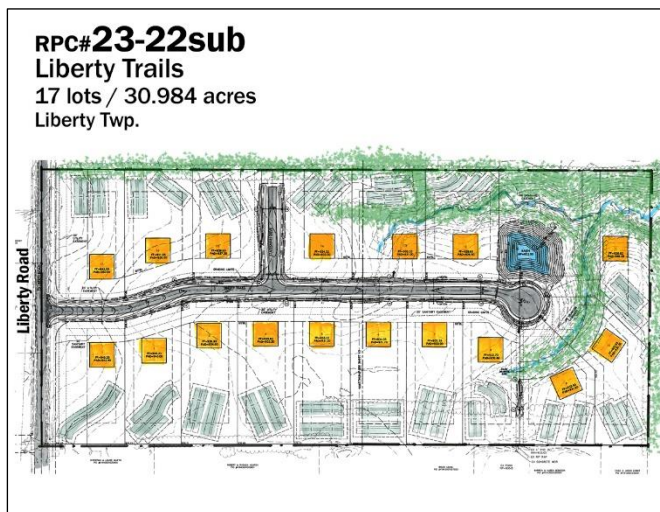
Subdivision Type: Single Family Residential

Location: east side of Liberty Rd., north of Clark Shaw Rd.

Current Land Use: Vacant / **Zoned:** Farm Residential (FR-1)

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





Staff Comments

The request is for Preliminary Plan approval to create a 17-lot single-family subdivision. The subject site is located at the northeast corner of Liberty Road and Clark Shaw Road. The development will include one point of access to Liberty Road, a cul-de-sac terminating at the east side of the property, a stub street to the north, two streams, 3 wetlands, and a cluster mailbox unit.

There are two existing streams that cross lots 9-13 with a 60 foot wide (30 feet from center) proposed drainage easement that will encompass these streams. A site assessment letter and map, completed by Civil & Environmental Consultants (CEC) was included with the application materials. This assessment identifies 2 streams and 3 wetlands on site. CEC determined that some of these natural features on site are “potentially jurisdictional” and must be reviewed by USACE and impacts to these features must be approved by the OEPA.

There is one reserve located between lots 11 and 12, which includes a stormwater basin. The proposed basin does not meet zoning setback requirements and the applicant stated that any required zoning variances will be resolved with the township prior to filing for Final Plat. No sidewalks or pedestrian paths are proposed in this subdivision. The applicant also acknowledged that a variance is required to the Liberty Township Zoning Resolution and the Subdivision Regulations to not provide sidewalks. Staff notes that any variances needed must be addressed prior to Final Plat approval.

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

Staff Recommendation

Staff recommends Conditional Preliminary Approval of **Liberty Trails** to the DCRPC, subject to:

- 1.) Per Section 204.02 of the Subdivision Regulations, Sidewalks or bike/pedestrian paths shall be required on at least one side on any street. A note must be placed on the Final Plat indicating the location, design and proposed ownership and maintenance of the sidewalk or path; and
- 2.) The applicant must submit OEPA approval of proposed impacts to the natural features on site with the Final Plat.

Commission / Public Comments

Mr. Bart Barok, Sox Real Estate, was present. He stated that they will be in front of the Liberty Twp. BZA on August 16th for the variances listed in the staff report. He explained that the need for the sidewalk variance is due to the larger lot size, which is in keeping with the area

Mr. Vidor said if the homes are larger why would you want to remove the sidewalks or a path? Mr. Barok said that there is no trail system in Liberty Twp. that connects to this area. There will be a set of street trees installed along the road to maintain the rural character. Mr. Vidor questioned if the property to the north is farmland now but could potentially be developed in the future, why would we not want to be set up for future development. Mr. Shafer also stated that he struggled with removing the sidewalk requirement.

Mr. Barok understands that if the BZA approves the elimination of the sidewalk that they would still need to request a variance for the same to the Regional Planning Commission.

Mr. Mann made a motion for Conditional Preliminary Approval of Liberty Trails, subject to:

- 1.) Per Section 204.02 of the Subdivision Regulations, Sidewalks or bike/pedestrian paths shall be required on at least one side on any street. A note must be placed on the Final Plat indicating the location, design and proposed ownership and maintenance of the sidewalk or path; and***
- 2.) The applicant must submit OEPA approval of proposed impacts to the natural features on site with the Final Plat.***

Mrs. Holt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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EXTENSIONS

13-15 Clarkshaw Moors – Concord Twp. – requesting 1 year extension

Applicant: Rockford Homes

Engineer: Civil Design

Preliminary approval: 08/27/15

Staff Comments

The applicant is requesting a 1-year extension for the Clarkshaw Moors subdivision. The applicant states that the engineering plans for the last section are approved and they will be installing Section 6A this fall and the last section 6B in the spring/summer of 2023.

Staff Recommendation

Staff recommends ***Approval*** of a 12-month Extension for the Clarkshaw Moors subdivision to the RPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Price made a motion to Approve a 12-month Extension for Clarkshaw Moors subdivision. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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*Having no further business, Mr. Boysel made a motion to adjourn the meeting at 7:20 p.m. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 25, 2022, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

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Dave Stites, Chairman

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Stephanie Matlack, Executive Administrative Assistant