

# 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, September 29, 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 August 25, 2022 RPC Minutes
- Executive Committee Minutes of September 21, 2022
- Statement of Policy

### CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
22-22	Brenner Subdivision	Brown	2 lots / 17.34 acres
13-15.6.A	Clarkshaw Moors, Sec. 6, Ph. A	Concord	19 lots / 8.311 acres
10-18.5	Vinmar Village, Section 5	Genoa	30 lots / 31.85 acres
07-21	The Grove	Genoa	30 lots / 19.849 acres
04-21	Woodtown Farms CAD	Harlem	3 lots / 34.188 acres
11-21	Woodtown Estates CAD	Harlem	3 lots / 34.188 acres
07-05.3.A	Nelson Farms, Section 3, Phase A	Liberty	18 lots / 16.239 acres
07-05.3.B	Nelson Farms, Section 3, Phase B	Liberty	15 lots / 10.96 acres
03-21	T Riverwood Farm CAD	Liberty/Orange	6 lots / 51.683 acres

(T=Table)

### ZONING MAP/TEXT AMENDMENTS

29-22 ZON	Berkshire Twp. Zoning Commission - Berkshire Twp. - Zoning Resolution text amendments
30-22 ZON	9944 Partners LLC. - Berkshire Twp. - 12.15 acres from A-1 to PCD
31-22 ZON	Black Opal Properties, LLC. - Orange Twp. - 40.664 acres from FR-1 to MFPRD
20-22 ZON	APN Group - Berlin Twp. - 49.06 acres from FR-1 to PRD,R-3
32-22 ZON	Berlin Twp. Zoning Commission - Berlin Twp. Comprehensive Plan update

### SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Plat Vacation</u>			
27-22	Little Riga Estates, plat vacation	Scioto	4 lots / 5 acres
<u>Preliminary</u>			
21-22	Highborne Estates CAD (fka Boley CAD)	Harlem	6 lots / 35.82 acres

### 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:* David Weade, Laura Borso, Mark Maroscher, Ric Irvine, Duane Matlack, Dustin Kent, Tiffany Maag, Joe Shafer, Dave Stites, Eric Gayetsky, Jeffrey Warner, Jim Hatten, Ed Snodgrass, Josh Vidor, Mike Dattilo, and Doug Price. *Alternates:* Cheryl Friend, Brad Stanton, Mike Love, Randy Ormeroid, Brett Weimken, and John Grumney. *Staff:* Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack

### ▪ Approval of the August 25, 2022 RPC Minutes

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

### ▪ September 21, 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, and Tiffany Maag. Absent: Joe Shafer and Michele Boni. Staff: Scott Sanders and Stephanie Matlack.

#### 2. Approval of Executive Committee Minutes from August 17, 2022

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

#### 3. New Business

- Financial / Activity Reports for August

REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,025.00	\$9,020.00
Fees A (Site Review)	(4202)	\$300.00	\$5,005.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$3,600.00
Membership Fees	(4204)		\$204,312.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$3,224.48
Assoc. Membership	(4206)		
General Sales	(4220)		\$8.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,737.50	\$146,691.50
Charges for Serv. B (Final. Appl.)	(4231)	\$14,008.60	\$55,967.10
Charges for Serv. C (Ext. Fee)	(4232)		\$1,800.00
Charges for Serv. D (Table Fee)	(4233)	\$600.00	\$1,400.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$1,800.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$3,900.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$1,720.00	\$19,460.00
Soil & Water Fees	(4243)	\$375.00	\$6,150.00
Commissioner's fees	(4244)	\$321.00	\$890.00
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)		
<b>TOTAL RECEIPTS</b>		<b>\$20,787.10</b>	<b>\$463,228.08</b>

Balance after receipts	\$1,245,185.44
Expenditures	<u>\$ 37,694.10</u>
End of August balance (carry forward)	\$1,207,491.34

*Mr. Merrell 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*

- September RPC Preliminary Agenda

- SKETCH PLANS
 

	<u>Township</u>	<u>Lots/Acres</u>
• Clarkshaw Crossing	Liberty	390 lots / 169.1 acres
- ZONING MAP/TEXT AMENDMENTS
  - Berkshire Twp. Zoning Commission – Berkshire Twp. – Zoning Resolution text amendments
  - 9944 Partners LLC. – Berkshire Twp. – 12.15 acres from A-1 to PCD
  - Black Opal Properties, LLC. – Orange Twp. – 40.664 acres from FR-1 to MFPRD
  - APN Group – Berlin Twp. – 49.06 acres from FR-1 to PRD,R-3

- SUBDIVISION PROJECTS
 

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

- Highborne Estates CAD (fka: Boley CAD)
 

Harlem	6 lots / 35.82 acres
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Plat Vacation

- Little Riga Estates
 

Scioto	4 lots / 5 acres
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Final

- Brenner Subdivision
 

Brown	2 lots / 17.34 acres
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- Clarkshaw Moors, Sec. 6, Ph. A
 

Concord	19 lots / 8.311 acres
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- Vinmar Village, Section 5
 

Genoa	30 lots / 31.85 acres
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- The Grove
 

Genoa	30 lots / 19.849 acres
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- Woodtown Farms CAD
 

Harlem	3 lots / 34.188 acres
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|--------------------------------------|----------------|------------------------|
| • Woodtown Estates CAD               | Harlem         | 3 lots / 34.188 acres  |
| • Nelson Farms, Section 3, Phase A   | Liberty        | 18 lots / 16.239 acres |
| • Nelson Farms, Section 3, Phase B   | Liberty        | 15 lots / 10.96 acres  |
| • Riverwood Farm CAD <i>(Tabled)</i> | Liberty/Orange | 6 lots / 51.683 acres  |
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- Director's Report
    - Attended MORPC **Transportation Advisory** and **Attributable Funds** meetings virtually on August 31;
    - **Kingston Township Comp Plan** – met August 17 to discuss final steps;
    - **Berlin Township Comp Plan** –Zoning Commission approved the text on September 13, still waiting on approval of some language before sending to trustees;
    - **Liberty Township Comp Plan** – working on information to present at initial meeting: review the 4 quad meetings and present a PowerPoint showing current projects throughout the County;
    - **Ostrander** – Brad is leading continuing work. NDC has almost completed their public input report, now setting up the steering committee for remainder of work;
    - **Zoning Codes** – Actively communicating with several township on zoning code updates – **Troy, Harlem, Delaware;**
    - **Trail Grant Committee** – working on receiving evidence of completed projects and attended Commissioner session to recommend and get approval for 2022 grants, worked on agreements with communities;
    - **ODOT** – attended several open house-type meetings to discuss potential US 23 improvements, provided an exhibit showing all current development along the route;
    - **Office Space** – staff walked through the building on 9/9. Walls are up, most had drywall on at least one side;
    - **Scanned** the last of the old Lot Splits. Cleared out some old files, including “dead” subdivisions older than 2012. Intern is currently boxing all subdivision files from the basement. We’ll have everything from the basement in boxes and have a better idea of the long term storage space needed. After seeing the building renovation in person, I’m not concerned that we won’t have enough long-term storage space.

- 2023 Budget – Preliminary Discussion

Carryforward 2022	\$1,055,902
Projected Revenue EOY 2022	\$ 523,504
Projected Expenses EOY 2022	\$ 516,159
Estimated carryforward into 2023	\$1,063,247

2023 Budget proposes continuing the \$0.45 dues credit, 4% salary increase, purchases of planner laptop, new monitors for all staff and moving expenses.

Proposed Revenues 2023	\$440,038
Proposed Expenditures 2023	\$599,425
Proposed carryforward into 2024	\$903,859

Commissioner Merrell recommended Mr. Sanders meet with County Administrator, Tracie Davies to discuss anticipated contributions by the RPC for utilities, furniture expenses at new Byxbe office.

#### 4. Adjourn

*Having no further business, Mrs. Maag made a motion to adjourn the meeting at 9:50 a.m. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**The next regular Executive Committee meeting will be Wednesday, October 19, 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)

22-22 Brenner Subdivision – 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.

**Zoned:** FR-1 (Farm Residential) / **Preliminary Approval:** 07/28/22

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

### Staff Comments

Brenner Subdivision was given Preliminary approval on July 28, 2022. The applicant is now requesting Final Plat approval.

The subject site is 17.337-acres in size and a Common Access Driveway will serve as access for both lots.

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 **Brenner Subdivision** to the DCRPC.

### Commission / Public Comments

*Mr. Price made a motion for Final Approval of the Brenner Subdivision. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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13-15.6.A Clarkshaw Moors, Sec. 6, Ph. A – Concord Twp. - 19 lots / 8.311 acres

### Conditions

**Applicant:** Rockford Homes / **Engineer:** Advanced Civil Design

**Subdivision Type:** Single Family Planned Residential

**Location:** South of Clark-Shaw Rd., east of S. Section Line Rd.

**Zoned:** Planned Residential (PRD) / **Preliminary Approval:** 8/27/15

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

### Staff Comments

The Clarkshaw Moors Preliminary Plan was approved on August 27, 2015. The applicant is now requesting Final Plat approval of the Clarkshaw Moors, Section 6, Phase A subdivision. The subject site is 8.311-acres in size, includes 19 developable lots and 2 reserves. The Final Plat for Sections 1 and 2 were recorded in 2017, Section 3 in 2018 and Section 4 in 2019. Section 5 will be recorded in 2 phases. The Final Plat for Phase B has been submitted and is currently under review. Once Phase B has been recorded,

the Clarkshaw Moors subdivision will connect to Hyatts Road through the Heather Ridge subdivision to the south.

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 **Clarkshaw Moors, Section 6, Phase A** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Clarkshaw Moors, Section 6, Phase A. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.*

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10-18.5            **Vinmar Village, Section 5 – Genoa Twp. - 30 lots / 31.85 acres**

**Conditions**

**Applicant:** The Reserve at Vinmar LLC / **Engineer:** Advanced Civil Design

**Subdivision Type:** Single family planned residential

**Location:** East of SR 3, north of Talavera Dr.

**Zoned:** Planned Residential (PRD) / **Preliminary Approval:** 04/26/18

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

**Staff Comments**

The Vinmar Village Preliminary Plan was approved on April 26, 2018. The applicant is now requesting Final Plat approval of the Vinmar Village, Section 5 subdivision. The subject site is 31.85-acres in size, includes 30 developable lots and 4 reserves. The Final Plat for Section 1 was recorded in 2015, Section 2 in 2016, Section 3 in 2017 and Section 4 in 2019. This is the final phase of the Vinmar Village subdivision, which will make a road connection to the south, provide a future connection to the north and provide a trail connection to the Ohio to Erie Trail.

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 **Vinmar Village, Section 5** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Vinmar Village, Section 5. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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07-21                    The Grove – Genoa Twp. - 30 lots / 19.849 acres

**Conditions**

**Applicant:** Romanelli & Hughes / **Engineer:** EMH & T

**Subdivision Type:** Condominium community

**Location:** East side of Worthington Rd., south of Big Walnut Rd.

**Zoned:** Planned Residential (PRD) and Suburban Residential (SR) / **Preliminary Approval:** 02/25/21

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

**Staff Comments**

The Grove Preliminary Plan was approved on February 25, 2021. The applicant is now requesting Final Plat approval of The Grove subdivision. The subject site is 19.849-acres in size, includes 30 developable lots and 1 reserve. The site will be served by a private loop style drive, and will be developed in one phase.

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 **The Grove** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of The Grove. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

04-21                    Woodtown Farms CAD – Harlem Twp. - 3 lots / 34.188 acres

**Conditions**

**Applicant:** 365Land LLC / **Engineer:** Gandee Heydinger Group

**Subdivision Type:** Single Family Residential, Common Access Driveway

**Location:** North side of Woodtown Rd., west of Miller-Paul Rd.

**Zoned:** Agricultural Residential (AR-1) / **Preliminary Approval:** 04/29/21

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

**Staff Comments**

The Woodtown Farms CAD Preliminary Plan was conditionally approved on April 29, 2021. The one condition of approval was met in December, 2022. The applicant is now requesting Final Plat approval to create a three lot CAD Subdivision.

The subject site is located on the north side of Woodtown Road, between Brookview Drive and Miller-Paul Road. The site is 34.188-acres in size, with lots sizes being 5.422, 5.423 and 23.302-acres. The common access driveway (CAD) gains access from Woodtown Road and is part of the 23.302-acre lot.



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 **Woodtown Farms CAD** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Woodtown Farms CAD. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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11-21                      **Woodtown Estates CAD – Harlem Twp. - 3 lots / 34.188 acres**

**Conditions**

**Applicant:** 365Land LLC / **Engineer:** Gandee Heydinger Group

**Subdivision Type:** Single Family Residential, Common Access Driveway

**Location:** North side of Woodtown Rd., west of Miller-Paul Rd.

**Zoned:** Agricultural Residential (AR-1) / **Preliminary Approval:** 04/29/21

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

**Staff Comments**

The Woodtown Estates Preliminary Plan was conditionally approved on April 29, 2021. The one condition of approval was met in December, 2022. The applicant is now requesting Final Plat approval to create a three lot CAD Subdivision.

The subject site is located on the north side of Woodtown Road, between Brookview Drive and Miller-Paul Road. The site is 33.713-acres in size, with lots sizes being 7.308, 8.887 and 17.477-acres. The common access driveway (CAD) gains access from Woodtown Road and is part of the 17.477-acre lot.

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 **Woodtown Estates CAD** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Woodtown Estates CAD. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**07-05.3.A Nelson Farms, Section 3, Phase A – Liberty Twp. - 18 lots / 16.239 acres**

**Conditions**

**Applicant:** Pulte Homes / **Engineer:** EMH & T

**Subdivision Type:** Single Family Residential

**Location:** East side of Liberty Rd., south of Hyatts Rd.

**Zoned:** Planned Residential (PR) / **Preliminary Approval:** 05/25/06

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

**Staff Comments**

The Nelson Farms Preliminary Plan was approved on May 28, 2006. The applicant is now requesting Final Plat approval of the Nelson Farms, Section 3, Phase A subdivision. The subject site is 16.239-acres in size, includes 18 developable lots and 2 reserves. The Final Plat for Section 1 was recorded in 2008 and a Draft Plat for Section 3, phase B was reviewed by staff in June, 2022.

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 Nelson Farms, Section 3, Phase A to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Nelson Farms, Section 3, Ph. A. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**07-05.3.B Nelson Farms, Section 3, Phase B - Liberty Twp. - 15 lots / 10.96 acres**

**Conditions**

**Applicant:** Pulte Homes / **Engineer:** EMH & T

**Subdivision Type:** Single Family Residential

**Location:** East side of Liberty Rd., south of Hyatts Rd.

**Zoned:** Planned Residential (PR) / **Preliminary Approval:** 05/25/06

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

**Staff Comments**

The Nelson Farms Preliminary Plan was approved on May 28, 2006. The applicant is now requesting Final Plat approval of the Nelson Farms, Section 3, Phase B subdivision. The subject site is 10.96-acres in size, includes 15 developable lots and no reserves.

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 **Nelson Farms, Section 3, Phase B** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Final Approval of Nelson Farms, Section 3, Ph. B. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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03-21      T      Riverwood Farm CAD - Liberty/Orange Twp.'s - 6 lots / 51.683 acres

**Conditions**

**Applicant:** Wills Creek Development / **Engineer:** EP Ferris

**Tabled:** 07/28/22 – 09/29/22

**Staff Comments**

The applicant has requested a 90-day tabling in order to resolve conservation easement issues.

**Staff Recommendation**

Staff recommends *Approval of a 90-day tabling* of **Riverwood Farm CAD** to the DCRPC.

**Commission / Public Comments**

*Mr. Price made a motion for Approval of a 90-day tabling of Riverwood Farm CAD. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## ZONING MAP/TEXT AMENDMENTS

29-22 ZON      Berkshire Twp. Zoning Commission – Berkshire Twp. – Zoning Resolution text amendments

### Request

The Berkshire Township Zoning Commission intends to amend Article 16 – Planned Mixed-Use District (PMUD) of the Berkshire Township Zoning Resolution and zoning map to allow for the use of New Car Dealers (NAICS code 441110). The specific area to allow auto sales only includes a portion of PID 41723001005000 and all of 41723001004000. The total land area includes approximately 48-acres, including ROW.

**Staff response:** Staff is concerned that this amendment is so finitely defined that it will potentially benefit a single end user. While this may be the desire, and the township may not wish to allow multiple dealerships in the area, staff believes uses should be allowed more broadly and provided as an option to a more general area.

### Staff Recommendation

Staff recommends **Conditional Approval** of the Text Amendments to the Berkshire Township Zoning Resolution to the Berkshire Township Zoning Commission, Berkshire Township Trustees and the DCRPC, subject to:

1. The update on page 16-4 should be updated to read, “New Car Dealers limited to Sub area 3A – bounded by Route 36 & 37 to the North, Wilson Road to the West and 1,400 feet East of the Wilson Road and Route 36 & 37 intersection; and
2. Include other land area within the PMUD to allow for the New Car Dealers use, such as the area in Sub area 3A, at the northeast corner of Wilson Road and Route 36 & 37.

### Commission / Public Comments

**Mr. Matlack made a motion to recommend Conditional Approval of the Text Amendments to the Berkshire Township Zoning Resolution, subject to staff recommendations #1-2. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.**

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**30-22 ZON      9944 Partners, LLC. – Berkshire Twp. – 12.15 acres from A-1 to PCD**

**Request**

The applicant, 9944 Partners, LLC. is requesting to rezone the subject site from the Agricultural District (A-1) to the Planned Commercial and Office District (PCD) to allow for all permitted uses identified in Section 15.02 of the Berkshire Township Zoning Resolution; multi-family residential uses shall not be permitted.

**Conditions**

**Location:** east side of Domigan Road, south of SR 37

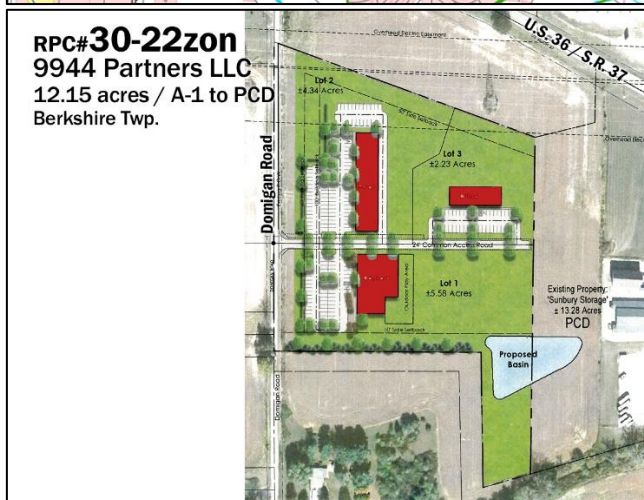
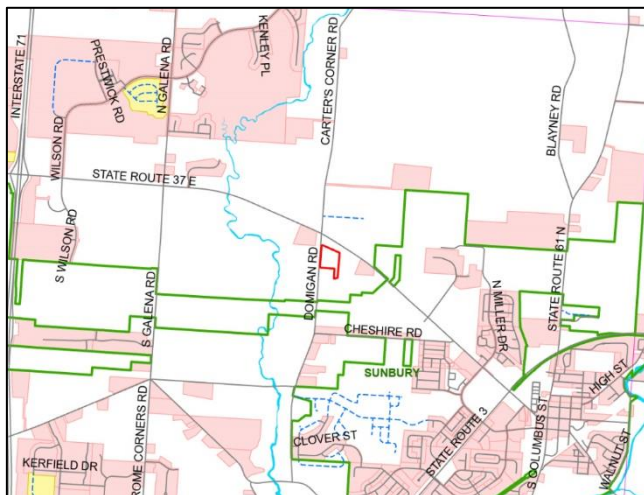
**Present Zoning:** Agricultural (A-1) / **Proposed Zoning:** Planned Commercial (PCD)

**Present Use(s):** vacant / **Proposed Use(s):** commercial / office use

**School District:** Big Walnut Local School District

**Utilities Available:** Del-Co Water and On-site treatment systems

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



**Introduction**

The applicant seeks to rezone roughly 12 acres in two vacant parcels to a Planned District to create three commercial building sites. General permitted uses include Retail, Office and a Daycare. The site is located on Domigan Road just south of US 36/SR 37, and is currently an active agricultural field.

### **Comprehensive Plan**

Berkshire Township's 2017 Comprehensive Plan recommends this area for Planned Office uses, with other commercial details including a limitation of low level, downward-cast commercial lighting for offices. Staff notes that the proposed use and lighting design as identified in the Development Text conform to the recommendations of the Plan.

### **Issues**

#### **Permitted Uses:**

Section 1.01 of the Development Text includes all uses outlined in Section 15.02 of the Zoning Resolution, with the exception of Multi-family residential uses. Examples of uses include: greenhouse, furniture store, food and beverage store, miscellaneous retailers, telecommunications, car rental, hospital, hotels/motels and public administration.

#### **Traffic and access:**

The Development Plan identifies a 24-foot-wide common drive that will provide access from Domigan Road to all proposed uses, stubbing to the east.

#### **Open space/Maximum impervious surface:**

**Required:** 50%/ 6.075-acres of net developable area, **Proposed:** 67%/8.16-acres

#### **Setbacks:**

Side yard, rear yard and perimeter: 50 feet

Building from Domigan Road: 100 feet from ROW

Pavement from Domigan Road: 60 feet from ROW

Interior from Common Access Drive: 20 feet for parking, 30 feet for buildings

Interior from lot lines: 10 feet for parking, 20 feet for buildings

#### **Drainage:**

A stormwater detention basin is proposed on lot 1, and encroaches onto the neighboring property to the east. The property to the east is developed with Sunbury Storage and also zoned PCD. With no easement identified, and no commitment of working with the neighboring property, it's unclear if the pond would be permitted as designed.

#### **Signage:**

One monument multi-tenant entry sign, located outside of the ROW is indicated. An elevation of the sign, size and construction details were not provided.

#### **Lighting:**

No lighting plan was provided, however the Development Text indicates that cut off type lighting will be used to prevent light spill-over onto adjacent properties.

#### **Sanitary Treatment:**

On-site waste water treatment is noted for all three lots.

### **Divergences**

Three divergences from the Zoning Resolution have been requested:

1. **Per Section 15.05(A(8)) - Minimum Side Yards:** for non-residential structures shall equal  $\frac{1}{3}$  the sum of the height and depth of the structure, but in no case shall be less than one 100 feet from any Residential Zoning District or PRD, or as approved per plan.
  - The request is to use a clearly defined setback, rather than a calculation based on the sum of the height and depth of a structure. Proposed perimeter setbacks from the north, east and south is 50 feet for buildings and pavement.

***Staff Comment:** Staff notes that as depicted on the site plans submitted, the office building on lot 3 is setback approximately 85 feet from the eastern side lot line (adjacent a vacant PCD lot) and all other lots meet the required minimum 100 foot setback to a lot zoned for residential uses. Based on the proposed lot configurations and development pattern, a deviation to allow for an 85 foot side yard setback is acceptable.*

2. **Per Section 15.05(A(9)) - Minimum Rear Yard:** for non-residential structures shall equal  $\frac{1}{3}$  the sum of the height and width of the structure, but in no case shall be less than 100 feet from any Residential Zoning District or PRD, or as approved per plan.
  - The request is to use a clearly defined setback, rather than a calculation based on the sum of the height and depth of a structure. Proposed perimeter setbacks from the north, east and south is 50 feet for buildings and pavement.

***Staff Comment:** Similar to staff's comment regarding the first divergence, and depending on how the Township determines side yard vs rear yard for these lots, a deviation to allow for an 85 foot rear yard setback may be acceptable.*

3. **Per Section 15.05(A(10)) – Perimeter Area:** No building or parking shall be constructed within 100 feet of the perimeter property line of the overall tract, or as approved per plan.
  - The request is to reduce the perimeter setbacks on all sides from 100 feet to 50 feet for buildings and pavement.

***Staff Comment:** Regarding the perimeter setback for buildings, based on the site plans submitted, staff is in support of a reduced perimeter setback to 85 feet. Regarding the perimeter setback for parking, a 50 foot setback appears to be appropriate, provided a landscape buffer is included to the south as shown on the landscaping plan submitted. There is a high voltage power line easement to the north that takes up approximately half of the neighboring property and there is 17 percent more dedicated open space than what is required that abuts all adjacent properties.*

### **Reviewing Agency Comments**

**Public Health:** Provided a letter indicating that a permit must be filed for each use to fully review the proposed on-site wastewater treatment system based on the proposed use.

**Fire Department:** Provided a letter indicating that if plans for the development continue, the proposal must go through the plan review process. To date, the development and uses have not been approved.

**DCEO:** There is a current CIP project to improve the intersection of US-36/Domigan Rd. in 2023. A Traffic

Access Study will be required as part of any future development plan.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by 9944 Partners, LLC. from A-1 to PCD to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to:*

- 1.) *Narrow the permitted uses in the Development Text to the proposed uses based on the most current NAICS codes as required in section 15.02 of the Zoning Resolution; not to include every permitted use in the PCD. Exhibit D1 identifies Retail, Office and Daycare (624410). At a minimum, the proposed permitted uses should be identified by the first 2 digits of the NAICS code;*
- 2.) *The proposed basin crosses property lines, and is included on the neighboring Sunbury Storage property that is zoned PCD. Staff recommends the applicant work with DCEO to determine drainage detail;*
- 3.) *Provide proof that parking/improvements are permitted in any AEP easements, if proposed;*
- 4.) *Identify the shared access easement area on the Preliminary Plan and Final Plat;*
- 5.) *Provide signage elevations to ensure conformance with Sec. 22.03(C) are met;*
- 6.) *Per Sec. 23.03(A(1)) of the Zoning Resolution, perimeter landscaping must be provided along the northern and southern property lines as those lots are zoned to allow for residential uses. Also, proposed mounding should be identified on the plan or that reference removed; and*
- 7.) *The development and site will be platted to allow for the proposed reconfiguration as required in Sec. 15.09(D) of the Zoning Resolution and the Subdivision Regulations.*

### **Commission / Public Comments**

Mr. John Guthrie, 9944 Partners, along with Mr. Gary Smith, G2 Planning and Mr. Mike Williamson, Terrain Evolution were present. Mr. Guthrie noted that he owns the adjacent property to the east (Sunbury Storage). Mr. Smith stated that they would work with the Township on permitted uses.

Mr. Weade clarified that the adjacent properties to the north and south are zoned agricultural.

***Mr. Matlack made a motion to recommend Conditional Approval of the rezoning request by 9944 Partners LLC., subject to staff recommendations:***

- 1.) *Narrow the permitted uses in the Development Text to the proposed uses based on the most current NAICS codes as required in section 15.02 of the Zoning Resolution; not to include every permitted use in the PCD. Exhibit D1 identifies Retail, Office and Daycare (624410). At a minimum, the proposed permitted uses should be identified by the first 2 digits of the NAICS code;*
- 2.) *The proposed basin crosses property lines, and is included on the neighboring Sunbury Storage property that is zoned PCD. Staff recommends the applicant work with DCEO to determine drainage detail;*
- 3.) *Provide proof that parking/improvements are permitted in any AEP easements, if proposed;*
- 4.) *Identify the shared access easement area on the Preliminary Plan and Final Plat;*
- 5.) *Provide signage elevations to ensure conformance with Sec. 22.03(C) are met;*
- 6.) *[Per Sec. 23.03(A(1)) of the Zoning Resolution, perimeter landscaping must be provided along the northern and southern property lines as those lots are zoned to allow for residential uses. Also, proposed mounding should be identified on the plan or that reference removed]; (It was noted during the meeting that the bordering land is zoned agriculture (A-1)); and*
- 7.) *The development and site will be platted to allow for the proposed reconfiguration as required in Sec. 15.09(D) of the Zoning Resolution and the Subdivision Regulations.*



**Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.**

**31-22 ZON      Black Opal Properties, LLC. – Orange Twp. – 40.664 acres from FR-1 to MFPRD**

### Request

The applicant, Onyx + East is requesting to rezone the subject site from FR-1 to MFPRD to allow for the development of a 158 condominium and 4 estate lot subdivision to be constructed in one phase.

### Conditions

**Location:** south of Lewis Center Rd., west of North Rd.

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

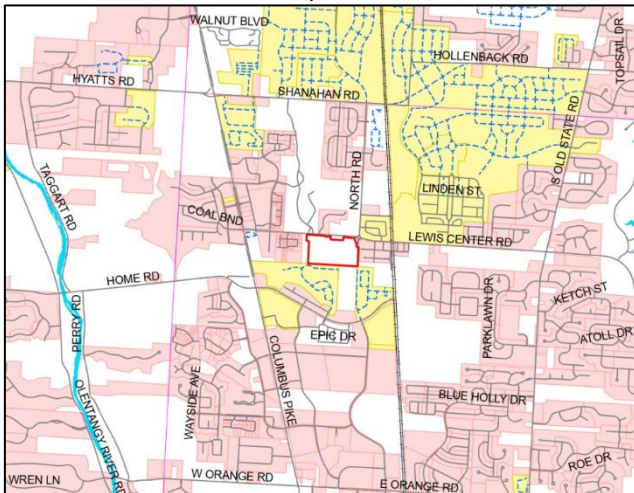
**Present Use(s):** vacant / **Proposed Use(s):** condominium and estate lot development

**Existing Density:** 1.98 du / acre **Proposed Density:** 3.98 du / acres

**Number of units requested:** 158 condominium units and 4 single family estate lots

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

**Critical Resources:** 100-year Flood Plain, wetland, Slopes + 20% / **Soils:** LsA, LyD2, GwB



**RPC#31-22zon**  
**Black Opal Properties "Aldeia"**  
40.664 acres / FR-1 to MFPRD  
Orange Twp.



### **Introduction**

The applicant seeks to rezone four lots to MFPRD to develop 158 detached condominium units and 4 estate lots. The site is made up of three vacant lots and one lot that includes a single-family home, all of which total 40.664-acres, fronting on Lewis Center Road and on the proposed Green Meadows Drive extension in Orange Township.

### **Comprehensive Plan**

Orange Township's 2018 Comprehensive Plan identifies the site being located in Sub area 9. The Plan encourages the extension of Green Meadows Drive to be built by developers and may support density bonuses if major infrastructure improvements are made. Staff notes that the proposed development conforms to the Plan recommendations.

### **Issues**

#### **Density:**

Permitted: 4 du/acre, Proposed: 3.98 du/acre

Per DCEO and our typical approach toward platting, lots 159-162 may not be part of the subdivision as they do not utilize the proposed subdivision streets. Those lots will need to be split prior to the filing of the plat. Additionally, the subdivision is bisected by Big Run stream and a drainage course that completely disconnects lots 159-162 from the overall subdivision. The combined acreage of these lots is 8.91. If removed from the subdivision, the total acreage of the developable area is 31.754. The actual gross density would be 4.98 du/acre.

In this design, the density of the overall acreage is essentially being "transferred" from the large lot area to the condo area, when the condos do not have access or enjoyment of the area on those 8.91 acres. There is an ideological question of whether this is appropriate, because while it makes the actual developable area denser as evidenced by the divergences, it does preserve those large lots from further development. To lessen this issue, staff recommends the denser part of the development include land on both sides of the stream, or at least the floodplain, ensuring protection of the area.

#### **Lot Dimensions and configuration:**

The frontage of the lots along Lewis Center Road range from 150 feet to 326 feet. Access points will be determined during the No Plat lot split process. Based on the geometry of Lewis Center Road, some access points may need to be combined.

Condominium units gaining access from the Green Meadows Road entrance range from 32 feet to 46 feet. The larger units along the north, west, and south perimeter are served with typical front-load driveways. The more narrow interior units are serviced with rear alleys, allowing a building design where the garage door is not a major feature of the front elevation.

The Zoning Resolution requires a 30-foot rear yard setback within the MFPRD district. This is fairly minimal and doesn't allow for buffering or landscaping. The application package indicates several of the units along the southern property line will meet this minimal setback. Additionally, a stormwater line is proposed along the rear of those units, suggesting that the site will be cleared to the property line and those areas regraded.

The landscape plan shows no landscaping in this area but the Illustrative Plan (copied in this report) shows “existing trees” along the border. These likely indicate trees on the undeveloped land to the south. Development to the south is likely to be residential, but staff recommends additional landscaping be provided along the southern parcel. This will likely require a larger setback to accommodate the stormwater line.

**Traffic and access:**

Two full access points are provided from the proposed Green Meadows Drive extension and all internal streets will be private. The four estate lots will gain access from Lewis Center Road.

**Drainage:**

The site will drain to three stormwater basins, eventually outletting to Big Run to the north and west.

**Signage:**

Two double-sided monument sign are proposed at each of the entrances to the development. Four potential sign design themes were submitted, but the exact size of the sign face and structure was not provided.

**Lighting:**

Section 21.12 of the Zoning Resolution requires a Lighting Plan to be submitted. However, no plan was included with this submission. The Development Text states that exterior lighting will be down-lighting, off street parking areas will be illuminated, and lighting details for individual homes will be provided with zoning permits.

**Sanitary Treatment:**

The 158 condominium units will be served by public sewer and the four estate lots will be served by on-site wastewater treatment systems.

**Open Space / Health:**

- Required open space: 20% (8.133-acres), Proposed: 30.05% (12.22-acres)
- There is extensive floodplain on-site, however all development is outside of these areas.
- Sidewalks are provided throughout the development, but not on both sides of all streets. A nature trail is located around the northwest basin and a bike bath is located along the frontage of Green Meadows Drive.

**Divergences**

Four divergences from the Zoning Resolution have been requested:

1. **“Section 11.03(A) – Permitted Uses:** Multi-family residential structures of any type having two (2) or more dwelling units per structure, including but not limited to attached, modular, patio, common wall or any reasonable variation on the same theme.”
  - The request is to permit residential structures with one dwelling unit per structure. The applicant stated that the proposed development is compatible with the purpose of the MFPRD because it will promote variety and flexibility of land development while preserving and enhancing the health, safety, and general welfare of the inhabitants of Orange Township. The MFPRD allows the applicant to develop a unique condominium concept that offers the character of a single-family neighborhood but without the constraints of platted lots. It is through this

flexibility that the applicant may develop a property that responds to the increased urbanization and population growth of Orange Township by responding to the demand for well-organized residential areas.

**Staff Comment:** Staff is in support of this divergences as condominiums do not fit into the SFPRD zoning district.

2. **“Section 11.03 – Permitted Uses:** The Applicant requests a divergence to permit a sales office or a rental office within a permanent structure such as a clubhouse or community building. The sales office or rental office shall comply with all standards set forth within Section 11.04(b) and/or (c) respectively.”
  - Staff notes that per section 11.04 of the Zoning Resolution, the BZA must approve a Conditional Use to allow for a sales or rental office, therefore a divergence does not appear to be required; a Conditional Use must be applied for and approved by the BZA.

**Staff Comment:** Staff is in support of this divergence, whether requested as a divergence or Conditional Use provided all criteria for Model Homes (sales office) found in Sec. 11.04 are met.

3. **“Section 11.07(b) – Maximum Units on Any Single Acre:** The maximum number of dwelling units on any single acre shall not exceed eight (8).”
  - The request is to increase the maximum density for a single acre from 8 dwelling units to 12 dwelling units. The applicant stated that this development incorporates cluster housing strategies to maximize open space areas. Additionally, the site is impacted by a stream corridor protection zone which limits the site’s developable areas. The development does not exceed the total permitted density of 4 dwellings per acre and the majority of the development is compliant with Section 11.07(b). However, the cluster design and the site’s natural features require the development to exceed the permitted maximum units on any single acre in limited areas.

**Staff Comment:** As the DCEO stated, the estate lots may not be part of the condominium subdivision and therefore will have a density of 4.98 du/acre. An additional divergence may be required, depending what, if any additional acreage north of Big Run is included with the condominium development. Based on the proposed conservation style development, protection of the stream and floodplain, providing a bike path and walking paths, and extending Green Meadows Road, Staff is generally in support of this divergence.

4. **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.
  - The request is to reduce the minimum separation of principal structures to 12 feet from another principal structure.

**Staff Comment:** Staff is in support of this divergence provided a fire wall is provided as required and the Fire Department approves the proposed development.

### **Reviewing Agency Comments**

#### **DCEO:**

- A Traffic Access Study was submitted on September 8, 2022 and is currently under review.
- The 4 lots in the northwest area cannot be part of the subdivision. All lots within a subdivision must take access from within the subdivision. These 4 lots will need to be divided prior to the plat being recorded. DCEO doesn't envision that there will be 4 individual driveways on Lewis Center Road (to be determined during the NPA process).
- The two locations of the proposed intersections appear to be acceptable. Exact locations TBD.
- Streets appear to be private. Traffic access memo will be required.
- Coordination is ongoing with the developer and the current property owner regarding: site drainage, the Green Meadows road extension, drainage, and ROW needed for the Green Meadows extension.

#### **DCRSD:**

Public sanitary sewer will be available to serve the site provided that the development obtain sanitary service via the proposed 8" sanitary sewer on the Slate Ridge property to the south. Extensions from the existing sanitary sewer will be necessary to provide service to the proposed development

**Fire Department:** Provided a letter indicating that if plans for the development continue, the proposal must go through the plan review process. To date, the development and uses have not been approved.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Black Opal Properties, LLC. from FR-1 to MFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 1.) *Given the numerous divergences, the lack of buffering along the southern border, and the questions regarding transferring development from the large frontage lots, staff recommends reducing the size of those frontage lots and applying the allowable 4 units per acre to the area being developed with the condominium product;*
- 2.) *A Lighting Plan must be submitted, as well as a detailed signage plan;*
- 3.) *Continued discussion with the County Engineer's office regarding the responsibility for the extension of Green Meadows Drive;*
- 4.) *Provide additional setback and landscaping along the southern perimeter of the site; and*
- 5.) *The four lots fronting on Lewis Center Road must be divided prior to the plat which will create the lot and dedicate Green Meadows Drive.*

### **Commission / Public Comments**

Ms. Annie Richardson, Onyx + East, was present to answer questions from the Commission. She asked if the Commission had a recommendation for the buffer on the southern border given that the area is proposed for residential. Mr. Sanders stated that particular district in Orange's language doesn't have a perimeter setback. He asked they submit more information to the Township to review.

Ms. Richardson also noted there are ongoing conversations with the County Engineer's office regarding the extension of Green Meadows and how the right-of-way dedication proceeds. She stated that the four estate lots are not planned to be in the condominium association but were hoping to get them all zoned in one process. Mr. Sanders questioned if the lot split acreage should be included in the acreage to determine the density.

*Mr. Vidor made a motion to recommend Conditional Approval of the rezoning request by Black Opal Properties, LLC., subject:*

- 1.) Given the numerous divergences, the lack of buffering along the southern border, and the questions regarding transferring development from the large frontage lots, staff recommends reducing the size of those frontage lots and applying the allowable 4 units per acre to the area being developed with the condominium product;*
- 2.) A Lighting Plan must be submitted, as well as a detailed signage plan;*
- 3.) Continued discussion with the County Engineer's office regarding the responsibility for the extension of Green Meadows Drive;*
- 4.) Provide additional setback and landscaping along the southern perimeter of the site; and*
- 5.) The four lots fronting on Lewis Center Road must be divided prior to the plat which will create the lot and dedicate Green Meadows Drive.*

*Mr. Shafer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained. Motion carried.*

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20-22 ZON APN Group – Berlin Twp. – 49.06 acres from FR-1 to PRD,R-3

### Request

The applicants, APN Group LLC are requesting to rezone the subject site from FR-1 to PRD, R-3 overlay for an 86-lot single-family development to be known as Peachblow Crossing.

### Conditions

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

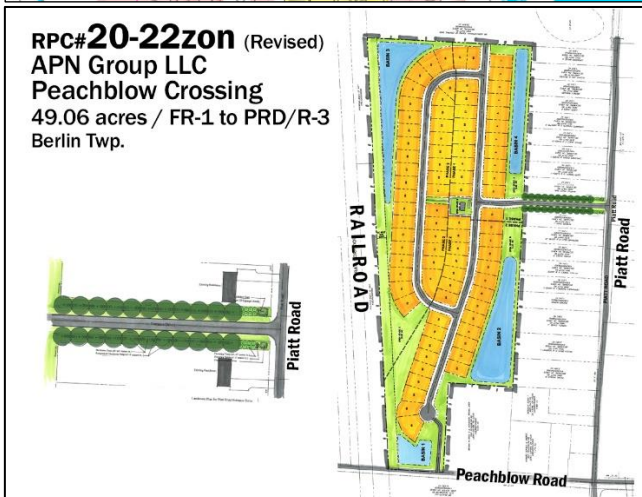
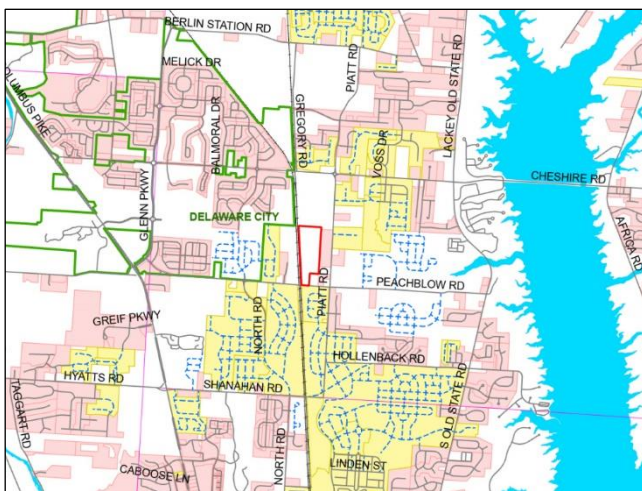
**Present Zoning:** Farm Residential (FR-1)/ **Proposed Zoning:** Planned Residential, R-3 overlay

**Present Use(s):** One single-family house / **Proposed Use(s):** 86 single-family house lots

**Existing Density:** 1 du / acre **Proposed Density:** 1.75 du / acre (gross), 2.03 du/acre (net)

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

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



### Introduction

The applicant seeks to rezone two lots to the PRD, R-3 overlay to develop 86 single-family lots on 49.06-acres. The larger lot to the west is an active agricultural field and the smaller lot is developed with a single-family home that will be removed to allow for the proposed roadway to gain access to Platt Road. The site is located between the railroad to the west, Peachblow Road to the south and Platt Road to the east. The Sri Venkateswara Temple is developed on the adjacent property to the north and Broadmeadows Subdivision

(platted in 1965) is adjacent to the east, between the subject site and Piatt Road.

### **Comprehensive Plan**

Berlin Township's most recent Comprehensive Plan recommends the area west of Piatt Road as residential at a density of 1.85 units per net developable acre. The proposal is for 1.75 dwelling units per gross acre (49.06-acres), or 2.03 dwelling units per net acre (41.7-acres). The proposal exceeds the recommended density by 9 units.

### **Zoning Designation**

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

					Proposal
Code Designation	FR-1	R-2	R-3	R-4	R-3
Density in code	1 du/ac	1.25 nda	1.85 nda	1.5 nda	2.03 nda
Lot Size (w/PRD)	43,560 sf	21,780 sf	10,890 sf	14,520 sf	8,651-17,313 sf
Frontage	150'	100'	80'	90'	80'
Open Space req.	40%	20%	20%	20%	39.3%

As noted in some previous project reviews, staff has supported smaller lots in the past in certain circumstances, particularly in Evans Farm. The chief reason is to support a mix of uses and walkability. Sidewalks may make this project walkable, but there is no mix of uses and open space is almost entirely dedicated for the four detention basins.

### **Issues**

**Traffic and access:** A Traffic Access Study was submitted to the DCEO on June 15, 2022 and was not approved at that time. No access was permitted on Peachblow Road, and the previous access point has now been amended to be emergency access only. DCEO recently completed a minor widening on Piatt Road.

The only full access road is from Piatt Road, which circulates through the site in a single loop and is terminated at a cul-de-sac to the south. An emergency access only drive extends from the southern cul-de-sac to Peachblow Road. No cross-sections are provided to indicate the road design, however these are public roads that must be built to County standards. The Development Text states that sidewalks will be installed along all public streets and pass through open space as identified on the Development Plan.

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

**Signage:** Signage is minimal with a single post with cross-arm sign on the north side of the entrance to Piatt Road. The sign is 2-sided, 20 sq. ft. per side, with 1 up-light on either side at ground level.

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



Resolution.

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

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

Open space totaling 19.28-acres (39.3% of total area) exceeds the required 20% but is shown as mostly retention. A community children's play area and cluster mailbox will be installed in the centrally located open space. A 60-foot wide open space strip adjacent to the railroad tracks is the location of an existing gas line with related easement.

**Development Standards:**

The Development Plan indicates that the project will meet the Frontage width, Side-yard, and Rear-yard setback requirements (80', 12.5', and 25')

The Minimum Lot Size in an R-3/PRD development is 10, 890 sq. ft., or a quarter-acre. The Development text proposed is 10,800 sq. ft. and the Development Plan indicates 8,651 sq. ft.

**House design:** No conceptual building designs are included; staff assumes these will be provided at the Final Development Plan review. The text notes that "There shall be no exact repeat of a home...within 3 lots in each street direction" and "25% of the total number of SF residences shall contain side load garages."

**Divergences**

Three divergences from the Zoning Resolution have been requested:

1. **Section 11.08(J) – Permitted Density:** Permitted net density of 1.85 du/acre shall not be exceeded.
  - The request is to allow a net density of 2.03 du/acre, 9 more units than what is permitted. The applicant stated that based on the proximity to the railroad, City of Delaware, and development pattern of developments to the west, the proposed density is appropriate. Additionally, the rural character along Piatt Road and Peachblow Road is maintained with no development within 300 feet of existing ROW, required open space is exceeded, improvements will be made to current rights-of-ways, and walkable amenities are provided.

***Staff Comment:** Staff concurs with the general design and the changes from the first submission, but supports the Township's Comprehensive Plan, which can be met by removing 9 lots.*

2. **Section 11.08(Q) – Setbacks:** Required front setback is 70 feet from a Class C (Dead-end roads or streets ending at a cul-de-sac) road street centerline.
  - The request is to reduce the required front setback from 70 feet to 30 feet. The applicant states that the front setback, coupled with the substantial open space reflects the desired principles of cluster housing. Also, the front setback will match other pedestrian-scaled communities in the

area and provide room on each lot for vehicles to park and not impede the use of sidewalks.

**Staff Comment:** Staff disagrees with the interpretation that cluster style development has been attempted. A true cluster style development reserves usable open space for its residents. Of the 19.28-acres of open space provided, only approximately 4.7-acres are accessible and usable, not including the gas line easement area. However, if the required lot size and density were met, Staff does not believe this deviation request would be of concern as there would be more of an attempt to meet the spirit and intent of the Zoning Resolution.

3. **Section 11.08(R) – Lot Size** (reduced when open space is met): Required lot size is 10,890 sq. ft.
- The request is to reduce the required minimum lot size to 10,800 sq. ft. The applicant stated that the front setback and lot area, coupled with the substantial overage of open space reflects the desired principles of cluster housing. Also, the lot depths have been reduced to 135 feet to allow for greater open space, reducing the proposed minimum lot size to 10,800 sq. ft.

**Staff Comment:** Staff notes that the Development Plan shows multiple lots below the requested 10,800 sq. ft. minimum. Lots below this request include 36, 37, 38, 42, 54 and 55, with the smallest lot identified on the Development Plan as 8,651 sq. ft.

#### **Reviewing Agency Comments**

**DCEO:** The submitted Traffic Study was not approved 6/15/2022 - no full access to Peachblow Road will be permitted.

#### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by APN Group LLC from FR-1 to PRD, R-3 to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

- 1.) The total number of lots be reduced to meet the required net density of 1.85 du/acre;
- 2.) Update the Development Plan to ensure all lots meet the minimum lot size of 10,800 s.f. as requested.
- 3.) Work with the neighboring property owner to the north to potentially provide a public or private roadway extension to Piatt Road, provided DCEO approves of the extension; and
- 4.) Provide as much of a buffer and screening as possible along the railroad.

#### **Commission / Public Comments**

Mr. Tony Eyerman was present to represent APN Group LLC. He stated that they would work with the Township on density and that the six lot sizes are a drafting error and is in the process of correcting. They have also been in conversations with the neighboring property to the north about extending the drive. Lastly, the applicants understand the impact of the railroad and are working on buffering and screening.

Mr. Love explained that the County Engineer's office is not in support of a public road stubbing to a property that a future public road would never happen on. In this case the County Engineer would require a temporary T turnaround (as the County does not allow permanent T turnarounds).

**Mr. Price made a motion to recommend Conditional Approval of the rezoning by APN Group LLC, subject to staff recommendations:**

- 1.) The total number of lots be reduced to meet the required net density of 1.85 du/acre;
- 2.) Update the Development Plan to ensure all lots meet the minimum lot size of 10,800 s.f. as

*requested.*

*3.) Work with the neighboring property owner to the north to potentially provide a public or private roadway extension to Piatt Road, provided DCEO approves of the extension; and*

*4.) Provide as much of a buffer and screening as possible along the railroad.*

*Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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32-22 ZON      Berlin Twp. Zoning Commission – Berlin Twp. Comprehensive Plan update

**Request:**

At its September 27, 2022 meeting, the Berlin Township Zoning Commission initiated the update to its Comprehensive Plan. For several months, DCRPC staff has been working with the Zoning Commission on an update. This amendment updates all the background chapters and maps from the 2011 Plan. Many of the recommendations from the prior plan did not change, although the maps updated the latest version of the zoning map and current platted subdivisions. The main change within the update is the incorporation of information from the two zoning overlays that will enable the Berlin Business Park. These are the Berlin Industrial Overlay (BIO) and Berlin Commercial Overlay (BCO). The plan's text and map references the uses and densities as defined in the overlay, bringing the Zoning Resolution and Comprehensive Plan into agreement. The plan also includes conceptual road connections which were referenced as part of the overlay adoption process. These will be used as development plans are reviewed to ensure an overall road network can be achieved.

**Staff Recommendations**

Staff recommends **Approval** of the amendments to the 2022 Berlin Township Comprehensive Plan to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees.

**Commission / Public Comments**

*Mr. Ormeroid made a motion to recommend Approval of the amendments to the 2022 Berlin Township Comprehensive Plan. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## SUBDIVISION PROJECTS

### Plat Vacation

27-22 Little Riga Estates, plat vacation – Scioto Twp. - 4 lots / 5 acres

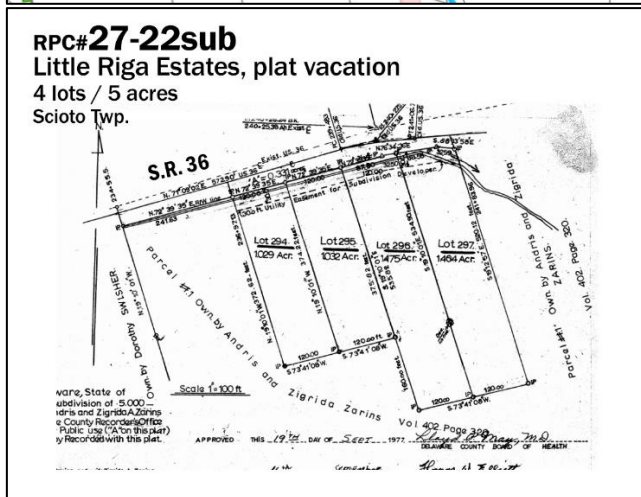
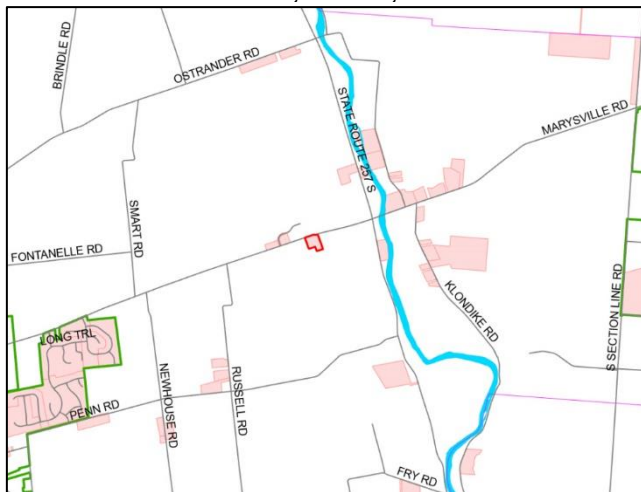
**Applicant:** Zigrida Zarins / **Surveyor:** Tim Burkholder, Grand Lakes Surveying

**Location:** South side of US 36, west of SR 257

**Zoned:** Farm Residential (FR-1)

**Utilities:** Del-Co Water, private on-lot treatment system

**School District:** Buckeye Valley



### Staff Comments

The Little Riga Estates plat was recorded in 1977. The plat includes four lots of 1.029, 1.032, 1.475 and 1.464 acres. A 30-foot-wide utility easement runs along the frontage of each lot to allow for utilities. These lots are zoned Farm Residential District and vacating the plat will not impact the existing or future development of these properties. The applicant wishes to reconfigure the western lots to allow for a single-family home to be constructed. This process will vacate the plat and subsequently create a 5.315 and 16.809-acre sized lots, leaving a 79.230-acre residual lot to the east.

The applicant has presented to the RPC Office a survey and legal description, a requirement for vacating

platted lots.

### Staff Recommendation

Staff recommends *Final Approval* of the vacation of Little Riga Estates lots to the DCRPC.

### Commission / Public Comments

Mrs. Zarins, the applicant, was present to answer questions from the Commission.

*Mr. Weade made a motion for Final Approval of the vacation of Little Riga Estates lots. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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### Preliminary

21-22                      Highborne Estates CAD (fka Boley CAD) – Harlem Twp. - 6 lots / 35.82 acres

### Conditions

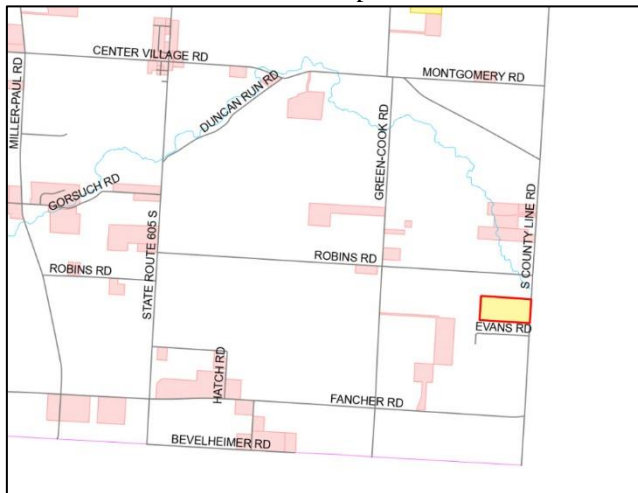
**Applicant:** David and Laura Boley / **Consultant:** Plan 4 Land

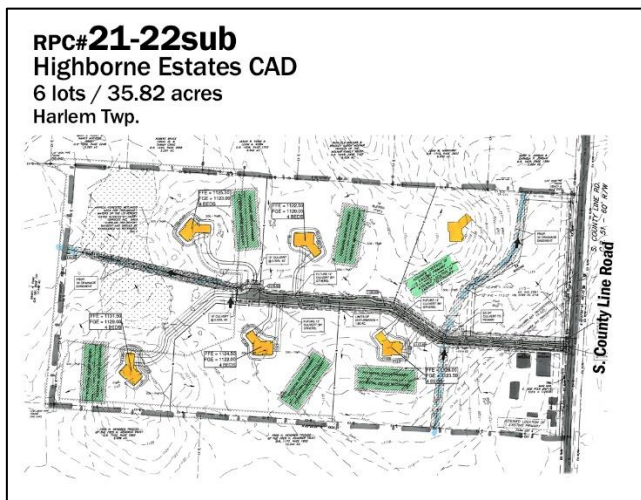
**Subdivision Type:** Single family residential, Common Access Driveway

**Location:** West side of S. County Line Rd., north of Evans Rd.

**Current Land Use:** Vacant / **Zoned:** Agricultural (AR-1)

**Utilities:** Del-Co water and private on-lot treatment system / **School District:** Johnstown-Monroe





### Staff Comments

The request is for Preliminary Plan approval of the Highborne Estates 6-lot Common Access Driveway subdivision, located on the west side of S. County Line Road between Robins Road and Evans Road. The CAD extends west from S. County Line Road for approximately 1,140 feet, providing access to all 6 lots. The majority of the CAD falls within all of the lots, with Lot 3 serving as the terminus.

All lots exceed the 5-acre minimum lot size and pull-offs are provided at 2 locations along the CAD, not including the T-turnaround in accordance with CAD regulations. The lots will all utilize on-site treatment systems, and be served by Del-Co water. A variance to allow 3 additional lots on the CAD was approved by the Regional Planning Commission on June 30, 2022.

*A technical review was held on September 20, 2022, after which the applicant has addressed all of the required changes.*

### Staff Recommendation

Staff recommends *Preliminary Approval* of **Highborne Estates CAD** to the DCRPC.

### Commission / Public Comments

Mr. Joe Clase, Plan 4 Land, was present to represent the applicant.

*Mr. Price made a motion for Preliminary Approval of Highborne Estates CAD. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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*Having no further business, Mr. Price made a motion to adjourn the meeting at 7:15 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, October 27, 2022, 6:30 PM at Hayes Services Building, 145 N. Union St., Conference Room 235 Delaware, Ohio 43015*

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Dave Stites, Chairman

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Stephanie Matlack, Executive Administrative Assistant