

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, January 26, 2023 at 6:00 PM
Frank B. Willis Building, 2079 US 23 North, Conference Room,
Delaware, Ohio 43015

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of December 22, 2022 RPC Minutes
- Executive Committee Minutes of January 18, 2023
- Statement of Policy

ZONING MAP/TEXT AMENDMENTS

01-23 ZON SREI Fund IV LLC. - Harlem Twp. - 67.929 acres - AR-1 to PRCD
02-23 ZON T & R Properties - Berlin Twp. - 44.176 acres from FR-1 to PRD
03-23 ZON Delaware Township Zoning Commission - Zoning Resolution General Review and Update

SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
01-23	The District at Berkshire	Berkshire	1 lot / 25 acres
02-23	Berlin Mixed Use Development	Berlin	4 lots / 109.641 acres
03-23	Clarkshaw Crossing (254 lots+136 units)	Liberty	254 lots / 132.5 acres
04-23	Azar Village	Orange	10 lots / 5.005 acres

OTHER BUSINESS

- Consideration for Approval: Liability Insurance, \$8,801.00

ADMINISTRATIVE BUSINESS

▪ Call to Order

Chairman Stites called the meeting to order at 6:00 p.m.

▪ Roll Call

Representatives: David Weade, Ric Irvine, Duane Matlack, Gary Merrell, Barb Lewis, Sarah Holt, Jill Love, Joe Shafer. *Dave Stites, Jeffrey Warner, Joe Proemm, James Hatten, Ed Snodgrass, Dan Boysel, Herb Ligocki, Mike Dattilo and Doug Price. Alternates:* Jacob Bon, Keith Holewinski, Glynnis Dunfee, Brad Stanton, Mike Love, and Brett Weimken. *Arrived after roll call:* Murray Neff. *Staff:* Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.

▪ Approval of the December 22, 2022 RPC Minutes

Mr. Price made a motion to Approve the minutes from the December 22nd meeting. Mr. Boysel seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ January 18, 2023 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, and Joe Shafer. Michele Boni was absent. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from December 14, 2022

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

3. New Business

- Financial / Activity Reports for December

REGIONAL PLANNING RECEIPTS		DECEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,255.00	\$14,145.00
Fees A (Site Review)	(4202)	\$300.00	\$6,805.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$6,500.00
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)	\$600.00	\$154,601.70
Charges for Serv. B (Final. Appl.)	(4231)	\$600.00	\$96,797.70
Charges for Serv. C (Ext. Fee)	(4232)		\$2,400.00
Charges for Serv. D (Table Fee)	(4233)		\$1,600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$2,225.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$6,900.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$100.00	\$25,770.00
Soil & Water Fees	(4243)	\$325.00	\$7,750.00
Commissioner's fees	(4244)	\$3.00	\$1,715.00
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		\$4,783.00	\$534,753.88

Balance after receipts	\$1,163,729.69
Expenditures	- \$ 86,014.26
End of December balance (carry forward)	\$1,077,715.43

Mrs. Maag 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

- January RPC Preliminary Agenda

- SKETCH PLANS

	<u>Township</u>	<u>Lots/Acres</u>
• Beechwood Estates	Brown	17 lots / 70.633 acres
- ZONING MAP/TEXT AMENDMENTS
 - 01-23 ZON SREI Fund IV LLC. – Harlem Twp. – 67.929 acres – AR-1 to PRCD
 - 02-23 ZON T & R Properties – Berlin Twp. – 44.176acres – FR-1 to PRD
 - 03-23 ZON Delaware Twp. Zoning Commission – Zoning Resolution General Review and Updates

- SUBDIVISION PROJECTS

	<u>Township</u>	<u>Lots/Acres</u>
• The District at Berkshire	Berkshire	1 lot / 25 acres
• Berlin Mixed Use Development	Berlin	4 lots / 109.641 acres
• Clarkshaw Crossing *254 lots + 136 units)	Liberty	254 lots / 132.5 acres
• Azar Village	Orange	10 lots / 5.005 acres

- Director's Report

- 1.) **Troy Township Zoning Code** – met December 14, hopefully finalizing a set of amendments after many months of discussion, possible Comprehensive Plan update in 2023;
- 2.) **Delaware Township Zoning Code** – delivered “final” draft copies to Township;
- 3.) **Berlin Township Comp Plan** – pending at Trustees, may be some changes;
- 4.) **Village of Ostrander** – January 12, Brad attended meeting with Village Steering Committee;

- 5.) **Liberty Township Comp Plan** – meeting on January 19, starting with land use on January 19;
- 6.) **Harlem Township Zoning Code** – first meeting to discuss Zoning Code changes on February 13;
- 7.) **Kingston Township Comp Plan** – sent final changes to committee to discuss final steps/adoption;
- 8.) **Zoning Inspector roundtable** – January 31;
- 9.) **Working on an Intel Impact** area meeting in February;
- 10.) **Other efforts for 2023:**
 - Zoning Commission resources – transcribing/editing Pete’s presentation from last year;
 - Organizing a handbook with all prior handouts;
 - County Planning Directors Association is assembling resources from around the state;
 - APA Ohio is revising its “Planning and Zoning in Ohio” handbook and we should make it available to communities;
 - Expanding our online zoning information to show basic details within each district (frontage, lot size, setbacks, density, etc.); and
 - Updating the Trail Plan with workshop/meeting in the summer.

4. Other Business

- Consideration for Approval: Planning Contract for Harlem Twp. Zoning Code update, \$5,000.00

Mr. Shafer made a motion to Approve the Planning Contract for the Harlem Township Zoning Code update. Mrs. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Recommendation of Approval: Liability Insurance, \$8,801.00

Mr. Merrell made a motion to Recommend Approval of the Liability Insurance expense for \$8,801.00 Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The Committee discussed increasing the expenditure limits of the Director and Executive Committee. Currently any expenditure over \$2,500.00 requires Commission approval. Mr. Sanders will present draft language to Article VII, Section 3 (b) to the Executive Committee for review at the February meeting.

- Fee schedule - printing

The Committee discussed the current fee structure for paper copies and wall maps requested by dues paying members.

5. Adjourn

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

The next regular Executive Committee meeting will be Wednesday, February 15, 2023 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.

ZONING MAP/TEXT AMENDMENTS

01-23 ZON SREI Fund IV LLC. – Harlem Twp. – 67.929 acres – AR-1 to PRCD

Property Owner: SREI Fund IV, LLC., **Consultant:** Joe Clase, Plan 4 Land

Request

The request is to apply the standards of the PRCD overlay to 67.929-acres of land currently zoned AR-1 for the development of The Estates at Duncan Run, a 26-lot conservation subdivision.

Conditions

Location: east side of Harlem Rd., south of Gorsuch Rd.

Present Zoning: Agricultural (AR-1) / **Proposed Zoning:** Planned Residential Conservation District (PRCD)

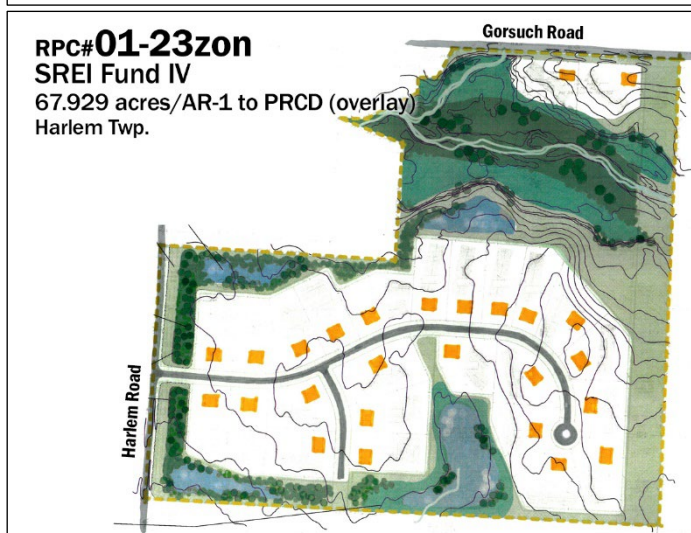
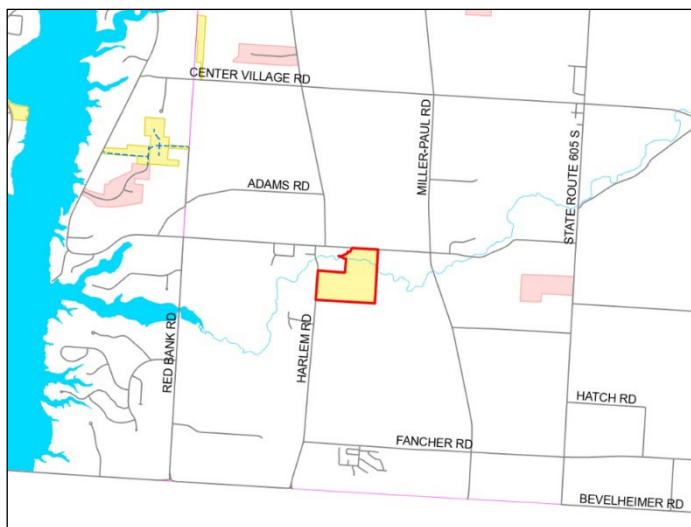
Present Use(s): vacant / **Proposed Use(s):** single family planned conservation subdivision

Existing Density: 1 du / 5 acres **Proposed Density:** 0.38 du / acre

Number of lots requested: 26 / **School District:** Big Walnut Local School District

Utilities Available: Del-Co Water and private on-lot treatment systems

Critical Resources: floodplain/ **Soils:** BeA, BeB, CeB, PwA, CeC2, SkA



Introduction

The applicant seeks to apply the Planned Residential Conservation District standards to the property for a 26-lot residential conservation subdivision on 67.929-acres. The PRCD was created by Harlem Township in 2014 as an optional overlay for all lands zoned AR-1 and FR-1 on the amendment date. Provided the development plan is approved, this will be the first PRCD utilized in Harlem Township.

The site is located southeast of Harlem Road and Gorsuch Road, with frontage provided for the development along each road. The area south of Duncan Run is currently an active agricultural use and the area to the north is undeveloped grassland. Other than roadways, the site is surrounded by single-family residential and agricultural uses. High-voltage power lines are located along the eastern edge of the development, all of which are located in the dedicated open space.

The development is proposed in two phases; phase 1 includes the two lots along Gorsuch Road and phase 2 includes all other lots. Additional phases may occur and include no less than 10 lots per phase.

Comprehensive Plan

Harlem Township's 2021 Comprehensive Plan includes the site in subarea B and supports the utilization of the PRCD standards at a density of 1 du/acre with 50% reserved open space. The Plan also includes short- and long-term goals, which include: prohibit development in the 100-year floodplain, require road stubs to all undeveloped lands with planned districts, preserve natural resources, maintain a 2-net acre minimum lot size when sanitary sewer is not available, require multi-use paths along all existing roadways for planned districts, and require a 100-foot stream buffer from Duncan Run.

Staff notes that sanitary sewer is not available to the site and lot sizes are below 2-net acres. However, this is a conservation style development that will protect the floodplain and natural resources by including them in a reserve, provide a road stub to the southern vacant lot, include a multi-use path that surrounds the 24 lots south of Duncan Run, and include a 100-foot stream buffer from Duncan Run.

Issues

Density:

Permitted: 27 lots on the net 46-acres. Proposed: 26 lots.

Tract size:

Min: 25-acres. Proposed: 67.929.

Lot Dimensions and Configuration:

Lot sizes range from 1-acre to 1.38-acres, minimum lot width at building line exceeds the permitted percentage range of 80 to 100 feet, minimum front setback is 60 feet, minimum side yard is 12.5 feet, minimum rear yard is 30 feet, and a perimeter setback of 50 feet.

Traffic and access:

All subdivision roads will be public. One point of ingress/egress is proposed along Harlem Road, with a future secondary access stubbed to the south and a cul-de-sac terminating to the rear of the subdivision. Lots 1 and 2 are proposed to have their own driveways gaining access from Gorsuch Road.

Street trees are required along at least one side of subdivision streets, every 50 lineal feet. The applicant confirmed this requirement would be met.

Drainage:

The development will drain to 5 stormwater ponds and eventually outlet to the Duncan Run stream to the north and a drainage course to the south.

Signage and Lighting:

None proposed.

Sanitary Treatment:

Served by on-site wastewater treatment systems.

Open Space / Health:

Min. Required/Proposed: 50% of gross acreage (34.04-acres), all owned/maintained by HOA.

A multi-use path surrounds the subdivision, is located in the dedicated open space, and crosses Duncan Run leading up to Gorsuch Road. It's unclear how the path will cross the stream.

Reviewing Agency Comments:

DCEO:

- Lots 1 and 2, located on parcel number 31632004014002 may not be part of the platted subdivision as they do not gain access from the subdivision roadway. These must be split prior to platting the remainder of the site.
- A Traffic Access Study is required and the location of proposed intersection has not been determined.

RPC Staff:

- Per section 13.07(j) of the Harlem Township Zoning Resolution and section 204.02(i) - Proposed Features - of the Delaware County Subdivision Regulations, a sidewalk or path is required on at least one side of any subdivision street.
- As noted by the DCEO, lots 1 and 2 may not be part of this subdivision as they are not served by the subdivision streets. Provided lots 1 and 2 are not included, all zoning requirements would still be met; total acreage of the site would be 65.529, open space is 52%, gross density is 0.366 du/acre and a net density is 0.52 du/acre.
- Lots 15-19 are impacted by poorly drained soils based on the Delaware County Soils Survey. Care should be taken when locating on-site septic systems and homes with below grade floor elevations on these lots.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by SREI Fund IV, LLC. from AR-1 to PRCD to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *Lots 1 and 2, which front on Gorsuch Road may not be part of this subdivision and must be divided prior to platting;*
- 2.) *A sidewalk must be provided along at least one side of all subdivision streets; and*
- 3.) *A Traffic Access Study must be submitted and approved by the DCEO prior to approval of a Final Plat.*

Commission / Public Comments

Mr. Joe Clase, Plan 4 Land, was present to answer questions from the Commission.

Mr. Matlack made a motion to recommend Conditional Approval of the rezoning request by SREI Fund IV, LLC., subject to staff recommendations #1-3. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

02-23 ZON T & R Properties – Berlin Twp. – 44.176 acres from FR-1 to PRD

Developer: T & R Properties

Architects/Planners: Randall Woodings, Kontogiannis & Associates

Request

The applicant, T & R Properties on behalf of the owners Patty Lynn Chapman & David John Reed et al, is requesting a 44.176-acre rezoning from FR-1 to PRD for the development of a 368-unit apartment project to be called The Residences at Berlin Township.

Conditions

Location: south side of SR 36/37, west of Lackey Old State Rd.

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

Present Use(s): vacant / **Proposed Use(s):** multi-family apartments

Existing Density: 1 du/acre / **Proposed Density:** 8.33 du / acre

Number of units requested: 368 / **School District:** Olentangy

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: streams / **Soils:** BoA, BoB, PwA, GwB, GwC2, LyE2





Introduction

The applicant seeks to rezone two parcels to Planned Residential Development to construct a 368-unit multi-family residential development in a single phase. The project will include the extension of Reed Parkway from its current terminus. It is divided into two development areas, each having an internal private road system. The area on the south side of Reed includes two access points. The area north of Reed includes one main access, with a second drive traveling north and turning west to access a future extension of Plunkett Road. Within the development, 28 total residential buildings will include 144 one-bedroom units, 176 two-bedroom units and 78 townhomes, 688 parking spaces, club house, pickleball courts, swimming pool, landscape mounding, and three stormwater ponds.

The site is located south of US-36/37, west of Lackey Old State Road, and is currently vacant agricultural land that includes a stream that is partially surrounded by woods.

The applicant notes that the plan will meet the PRD standards or ask for related variances, while also honoring the Berlin Industrial Overlay's (BIO) location of multi-family, as well as the BIO's setbacks, mounding, and parking standards.

Comprehensive Plan

The 2010 Berlin Township Comprehensive Plan includes the site in Planning Area One - US 36 Corridor, and identifies that a future traffic light at Lackey Old State Road and U.S. 36 may be installed when warrants are met. (ODOT is looking at other ways of managing access along this route.) General recommendations for all subareas include: encourage the development of parks and leisure trails as part of all new developments, consider the overall housing mix with rezoning requests, encourage the conservation of natural resources as part of a subdivision's open space, and include multiple entrances and internal connectivity. In general, the request conforms to the Plan's recommendations as a large amount of open space is being provided, along with amenities, most of the natural resources are located within the open space, and street connections are being made with multiple points of ingress/egress.

The Township currently is in the adoption process of an update to its Comprehensive Plan. The Berlin Industrial Overlay (Article 19 - BIO) was adopted in 2020 as a 519.021(A) overlay. It has been noted that

because overlays send a much stronger signal for the way a community wants to see development take place, such overlays can be considered as small Comprehensive Plan updates.

For this reason, the draft Comprehensive Plan incorporates the land uses and densities defined in the overlay(s). The subject parcels are recommended for multi-family residential uses. They are further defined in the BIO as “R-4” (which is different from the R-4 designation in Article 10). The R-4 subareas in the overlay are intended for development “at a maximum of four (4) dwelling units per net developable acre.” Further, the BIO states that such buildings “may contain no more than four dwelling units per building...” and limits building height to 25 feet, although the Resolution has a maximum building height of 35 feet throughout other districts.

These standards were created for the BIO after much consideration of the neighboring properties and the overall number of multi-family units allowed in the BIO and BCO. Buildings in the subject site were intended to be smaller and less dense to create a buffer between the future industrial uses and existing homes. Staff doesn’t have any issue with buildings that have more than 4 units within them, and the units directly adjacent to existing homes are limited to four per building.

Issues

Acreage/Density

The various residential zoning districts in the Berlin Zoning Resolution utilize **Net Developable Acreage** in the calculation of the number of permitted dwelling units. Net Developable Acreage is defined as subtracting 15% for streets and easements, jurisdictional wetlands, floodplains, slopes greater than 20%, and bodies of water. This is noted in the R-2, R-3, R-4, and TPUD districts. There is no density defined in the PRD since it is not a standalone district. Therefore, the application does not reference Net Developable Acreage. For the sake of simplicity, this report will use a flat 15%.

The application includes conflicting acreage information that must be clarified as it impacts the density of the overall plan. The township application form lists the requested acreage as 17.545 acres (west) and 26.631 acres (east). These match the acreages of developed lots indicated on the future plat prepared by Advanced Civil Design with the road already subtracted. The total of 44.17 acres generates a density of 8.33 units per gross acre.

However, the Development Text states 63-acres are being rezoned allowing for a density of 5.84, which is the total acreage of the two existing parcels as indicated in the Auditor’s parcel data (26 acres and 37 acres).

Using the measuring tool in the Auditor’s website, the current parcels measure out at 26 acres (west) and 23 acres (east), for a total of 49 acres, or 41.65 net acres. That acreage generates a density of 7.51 units per gross acre or 8.84 units per NDA.

For the purposes of this report, staff will use 49 gross acres and 8.84 NDA as the density.

The Development Plans and the draft subdivision plat indicate that approximately 2.75 acres just east of the 5.01-acre Clifton Jackson parcel on 36/37 will be combined into that frontage parcel. If that is the case, the eastern parcel is reduced to 21 acres, for a total acreage of 47 acres, or 39.95 net acres. This generated a density of 7.82 units per gross acre or 9.21 units per NDA.

Development Standards

The language of the Planned Residential District in the Berlin Zoning Resolution notes that it “shall be overlaid” on one of the other residential districts. The residential districts provide the Development Standards that the proposal should follow.

	PRD	TPUD Transitional Planned Unit Dev.	BIO (R-4) Berlin Industrial Overlay	Proposed
Min Tract	20-acres	10-acres	10-acres (<i>Residential</i>)	44.176-acres
Max Density	underlying	4 du/nda	4 du/nda	8.84 du/nda
Multi-Family Use	✗	✓	✓	Multi-Family
Max Building Height	35 ft	35 ft	25 ft, one-story	35 ft, two-story
Min Open Space	40%	10%	25%	60.55%
Setbacks	50' perimeter	Per plan	Adjacent to existing residential: 250'	South: 80' Perimeter: 250' North 40' West: 40'
Square footage of 1-bedroom	800 s.f. (attached)	800 s.f.	800 s.f.	750-800 s.f.

Staff response

1. The tract size exceeds the minimum, but the acreage needs to be clarified as noted in the report;
2. The density exceeds the maximum, which needs to be clarified based on the correct acreage;
3. Multi-family is only allowed in a TPUD when used either alone or overlayed on a PRD;
4. The BIO limits the maximum building height for this area specifically in a response to the existing homes to the east;
5. Open space exceeds the minimum;
6. Setbacks are sufficient; and
7. Staff doesn't support reducing the unit size of 1-bedroom units.

Traffic and access:

A Traffic Impact Study was submitted to the DCEO on January 3, 2023 and has not been approved to date.

As noted previously, Reed Parkway will be extended and stub to the west, and South Plunkett Road will be built as part of the proposed subdivision, gaining access from U.S. 36/S.R. 37. Internal drives are private with an additional access built north of the site running parallel with 36/37 to Plunkett.

Drainage:

Catch basins and stormwater sewers are located throughout the site, draining to four stormwater ponds and ultimately draining off site to Big Run to the east.

The drainage outlet off site meanders between two lots that are developed with single-family homes. If a drainage easement does not exist, one should be considered to ensure these lots will not be impacted by the increase in water flow crossing these properties.

Signage:

Three development signs are proposed; one at the northeast corner of the site next to the private drive, near US-36/37, and one at each entrance off of Reed Parkway. Conceptual identity pillar and sign details are provided

and appear to meet the standards.

Lighting:

The Development Text states the proposal will comply with the standards. No lighting plan was included.

Sanitary Treatment:

The site will be served by sanitary sewer. The site currently does not have access to an active sewer line, however the County Sanitary Engineer's office is working on a project to build a new pump station and extend the sanitary sewer line from The Pines subdivision near the intersection of Lackey Old State and Berlin Station Road to the site in 2023.

Environmental:

There are three drainage courses, a stream with steep slopes greater than 20 percent and some woods that surround the southern stream. Care should be taken to protect the southern stream and woods that may serve as a wildlife corridor that leads from Alum Creek. The Wetland Delineation Report submitted indicates that there may be a wetland on site. The Delaware Soil and Water Conservation District (and potentially OEPA) must approve any impacts to this wetland area.

Divergences

No divergences are requested, as required by Section 11.09. However, based on the request the following divergences may be required:

1. Section 11.03 of the Zoning Resolution – The net density of the underlying zoning shall be used to determine the number of units allowed.
Staff Comment: The PRD in the Berlin Zoning Resolution is intended to be used with an underlying district (FR-1, R-2, etc.). Whether the intent is to use the underlying FR-1 density with the PRD, or a TPUD, then a divergence in density is required, to two varying degrees. The density could be lowered by including additional open space north of Reed Parkway.
2. Section 11.04(B) of the Zoning Resolution – Permitted Uses – Single-family dwellings in R-2, R-3, and R-4 PRDs, or “multi-family buildings [...] in TPUD PRDs.”
Staff Comment: The request is for a rezoning to a PRD assumed to be utilized with underlying FR-1. There is no other reference within the application to the TPUD, which is intended as a stand-alone district for multi-family uses. It appears that the TPUD should have been requested for this use, not the PRD. A divergence to density would still be required with the TPUD if density exceeds 4 du/acre.
3. The PRD, TPUD, and BIO define the minimum 1-bedroom unit at 800 square feet.
Staff Comment: The request is for a minimum 1-bedroom unit size of “750-800 square feet.” Staff recommends conformance with the 800 square foot minimum in the code.
4. The Development Text states that model units will be permitted at certain times within one of the newly constructed buildings.
Staff comment: A Conditional Use from Section 11.06(A) of the Zoning Resolution may be required to allow for a model home (unit). Additionally, if the applicant amends the request to be to the TPUD, they should be aware that Section 13.06(K) only allows for up to 20 percent of multi-family units to be rental or lease units. All other dwellings must be for sale to individual owners.

Reviewing Agency Comments:

DCEO:

- Evidence of an adequate drainage outlet is required.
- A Traffic Study submitted on January 3, 2023 is currently under review and must be approved prior to approval of a Final Plat.
- A roundabout is recommended at Reed Parkway and Plunkett Road.
- If additional ROW is requested by ODOT, this must be conveyed on the plat.
- It's recommended that a public road connection be made with the adjacent property to the west (PID #41821002006000) at the north end of the site. *Staff notes that a private connection is shown from Plunkett to the parcel noted by DCEO on the related Preliminary Plan – (02-23).*

DCSE: Confirmed sanitary sewer service capacity is available. There is currently a project underway to extend service from the south along Lackey Old State Road, and the construction of a pump station adjacent to the southeast corner of the project, both of which should be completed this year.

Del-Co Water Company: Confirmed water service is available.

Staff Recommendations

Staff recommends **Conditional Approval** of this rezoning request by T & R Properties to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to the following:*

1. *Clarification of the acreage being submitted for rezoning;*
2. *Clarifying whether the land with frontage on 36/37 is being rezoned as part of this development plan;*
3. *Amending the request to Transitional Planned Unit Development (TPUD);*
4. *Minimum 1-bedroom unit being increased to 800 s.f. as defined in the code; and*
5. *Utilizing the density of 4 units per net developable acre as defined in the Berlin Industrial Overlay and draft Comprehensive Plan.*

Staff cannot recommend approval of the rezoning from FR-1 to PRD based on the deficiencies noted in this report. Staff supports the goals of the Berlin Industrial Overlays and agrees that the general multi-family use, layout, and road design are appropriate for the site.

Commission / Public Comments

Mr. R.J. Sabatino was present along with their architect and engineer to answer questions from the Commission. He stated the industrial portion of the project will follow the BIO requirements. He explained that the multi-family code does not allow for more than 4 units and believes “that is not a realistic expectation for any multi-family developer”. Mr. Sabatino stated the Township recommended proceeding with the PRD classification. He explained that the land to the north is included in this project and does have frontage on 36/37 , however, they are not proposing any development there but was used in the density calculations.

Mrs. Holt commented that the 4 dwelling units per acre is generous given the surrounding land uses.

Mr. Warner asked if the northern piece is to be included in the calculations shouldn't it be shown on the plan? Mr. Sabatino stated that it is shown on another exhibit.

Mr. Price made a motion to recommend Conditional Approval of the rezoning request by T & R Properties, subject to staff recommendations 1-5. Mr. Matlack seconded the motion. VOTE: Majority For, 2 Opposed (Berkshire Twp. and Dublin), 1 Abstained (Berlin Twp.). Motion carried.

03-23 ZON Delaware Township Zoning Commission – Zoning Resolution General Review and Update

Request

DCRCP staff has been working for several years with the Delaware Township Zoning Commission on changes to its Zoning Resolution. In early 2022, Delaware Township adopted a new Comprehensive Plan, which generated interest in making sure the two documents were compatible completing the project.

Amendments include formatting, clarifying several definitions and terms, additional language related to Agritourism, Small Wind Farms, Marijuana regulation, Accessory Dwelling Units, Fencing, and Residential Facilities. Significant amendments were made to the Development Plan details and Procedural steps in the Planned Residential District and Planned Commercial and Office District sections.

The County Prosecutor's office is currently reviewing the amendments prior to Trustee review.

Staff Recommendations

Staff recommends **Approval** of the Delaware Township Zoning Resolution General Review and Update to the DCRPC, Delaware Twp. Zoning Commission and Delaware Twp. Trustees.

Commission / Public Comments

Mr. Shafer made a motion to recommend Approval of the Delaware Township Zoning Resolution General Review and Update. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

SUBDIVISION PROJECTS

Preliminary

01-23 The District at Berkshire – Berkshire Twp. - 1 lot / 25 acres

Conditions

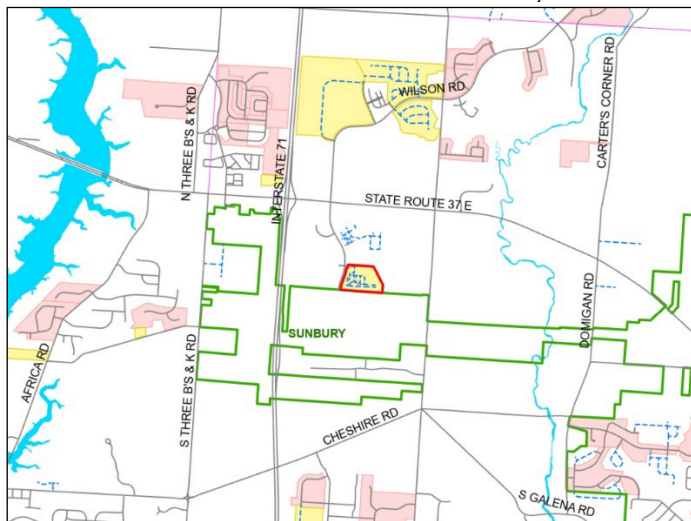
Applicant: Berkshire Land Holdings LLC / **Engineer:** Advanced Civil Design

Subdivision Type: Multi-Family

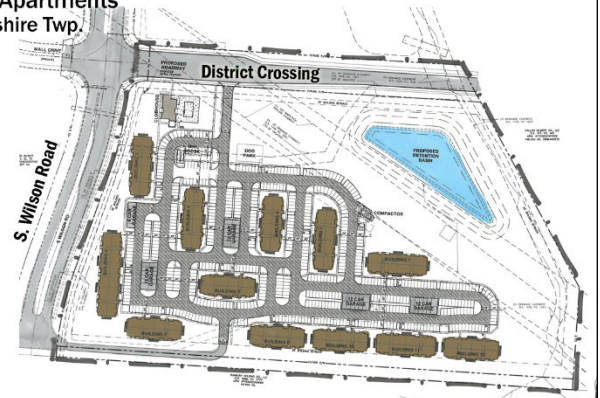
Location: East side of S. Wilson Rd., south of SR 36/37 / **Current Land Use:** Vacant

Zoned: PMUD Art. 16 / **Zoning Approval:** July 6, 2022

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



RPC#01-23sub
The District at Berkshire
1 lot / 25 acres
300 Apartments
Berkshire Twp.



Staff Comments

The District at Berkshire is a 25-acre, single lot, multi-family development that is located on the east side of South Wilson Road, south of US-36/37. The subdivision includes 12 residential buildings with 300 units, five parking garages, clubhouse, pool, dog park, one stormwater pond and a new roadway extending off of South Wilson Road. The new roadway has a boulevard style entrance, providing the main point of access to the sites private drive. An emergency access drive is located at the southwest corner of the site. Access to Wilson Rd. is being finalized by the Township and County.

High-voltage powerlines bisect the property from the southeast to the northwest and all residential development is located outside of the powerline easement area. There is a stream and drainage course that runs along the eastern edge of the site and bisects the northern portion of the site from east to west. An existing drainage easement covers this stream, which travels under South Wilson Road.

This is the first development to occur within the PMUD in the southeast quadrant and all development standards have been met.

A technical review was held on January 17, 2023, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **The District at Berkshire** to the DCRPC.

Commission / Public Comments

Mr. Mark Mann, Advanced Civil Design, was present to represent the applicant.

Mr. Merrell made a motion for Preliminary Approval of The District at Berkshire. Mrs. Holt seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.

02-23 Berlin Mixed Use Development – Berlin Twp. - 4 lots / 109.641 acres

Conditions

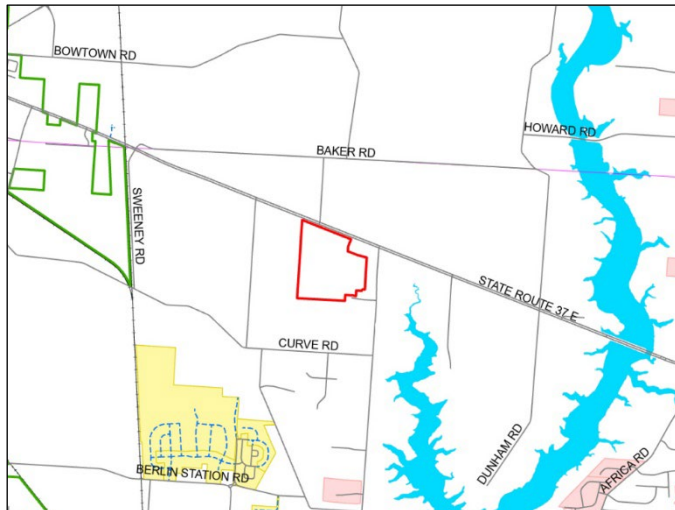
Applicant: T & R Properties / **Engineer:** Advanced Civil Design

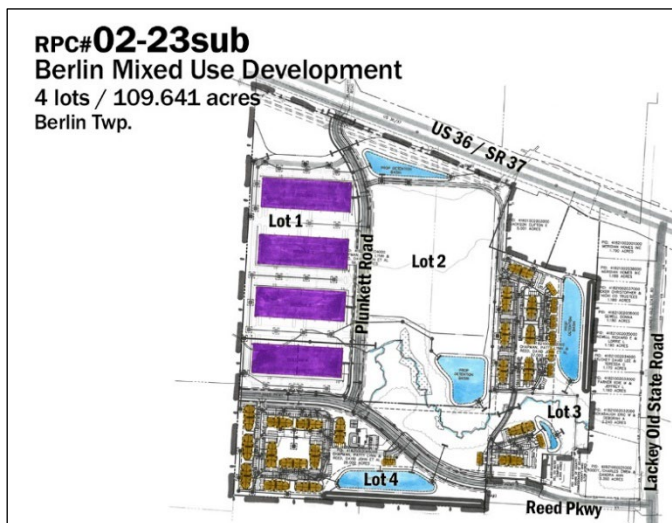
Subdivision Type: Industrial and Multi-Family

Location: South side of US 36/37, west of Lackey Old State Rd / **Current Land Use:** Vacant

Zoned: FR-1, (BIO not applied) / **Zoning Approval:** Pending

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





Staff Comments

Berlin Mixed Use Development is a combination of multi-family residential uses on 47.176-acres and industrial uses on 30.85-acres. Reed Parkway will be extended from Lackey Old State Road, terminating and stubbing to the western property. South Plunkett Road will extend from the new Reed Parkway north to US-36/37, and both roadways will be public. The industrial uses will gain access from both new roadways and a private drive will stub to the western parcel just north of building 1. The multi-family use to the east will gain access from a private drive that connects to both Reed Parkway and South Plunkett Road and the multi-family use to the west will gain access directly from Reed Parkway.

The industrial site will include 4 industrial buildings, parking areas, and two stormwater ponds. The multi-family site will include the following: 368 units within 28 buildings, 144 one-bed units, 176 two-bed units, 48 townhomes, 688 parking spaces (210 garage spaces/478 surface spaces), clubhouse, pickleball courts, swimming pool, public roads and private drives, mounding along the northeast corner and southern edge of the site, and three stormwater ponds. All lots are to be served by public sanitary sewer once a line is extended to the site, which is expected in 2023.

Open space areas are included throughout, with the industrial site providing 14.74 percent and the residential site providing 60.55 percent. Critical resources include wooded areas, streams, drainage courses, and wetlands, which are mostly preserved in the dedicated open space. Sidewalks are included along both sides of all roads providing connectivity between both multi-family sites and amenities. No development is proposed at this time on Lot 2, the centrally located 34.619-acres, which includes a stream, wetland and wooded area.

A technical review was held on January 17, 2023, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends Conditional Preliminary Approval of **Berlin Mixed Use Development** to the DCRPC, subject to:

1. The multi-family portion of the site must be successfully rezoned and the industrial portion of the site must receive approval of a Development Plan in accordance with Article 21 of the Zoning Resolution to allow for the proposed

development prior to construction and eventual approval of a Final Plat.

Commission / Public Comments

Mr. R.J. Sabatino was present to answer questions from the Commission.

Mr. Matlack made a motion for Conditional Preliminary Approval of Berlin Mixed Use Development, subject to:

- 1. The multi-family portion of the site must be successfully rezoned and the industrial portion of the site must receive approval of a Development Plan in accordance with Article 21 of the Zoning Resolution to allow for the proposed development prior to construction and eventual approval of a Final Plat.***

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

03-23 Clarkshaw Crossing (254 lots+136 units) – Liberty Twp. - 254 lots / 132.5 acres

Conditions

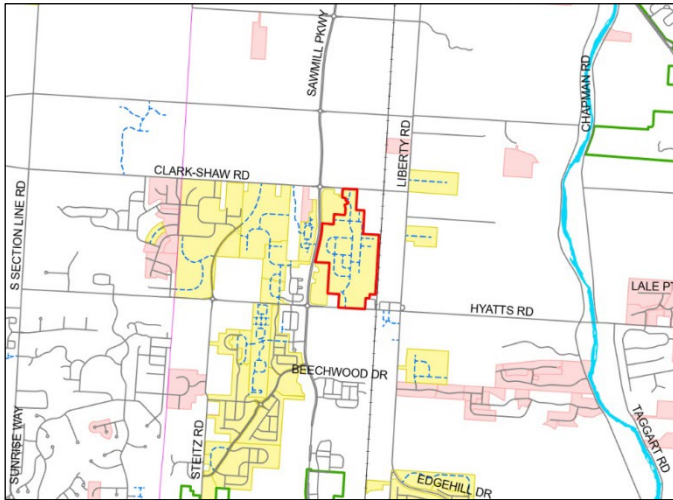
Applicant: M/I Homes / **Engineer:** EMH & T

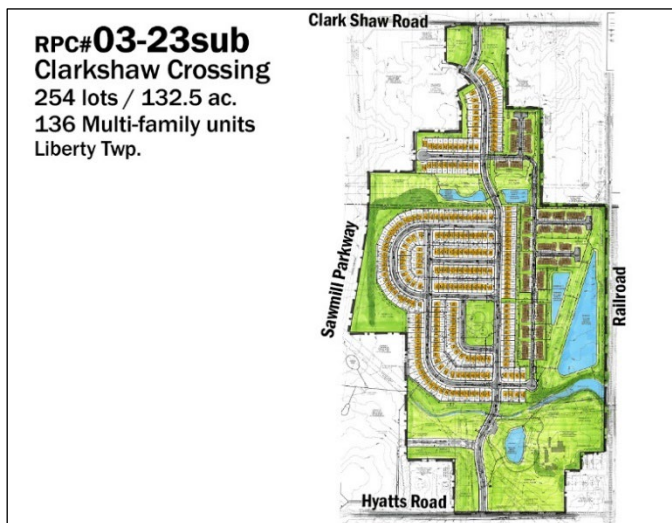
Subdivision Type: Single-Family and Multi-Family

Location: North side of Hyatts Rd., east of Sawmill Parkway / **Current Land Use:** Vacant

Zoned: POD 18D / **Zoning Approval:** November 16, 2022

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





Staff Comments

Clarkshaw Crossing is a residential subdivision with 254 single-family lots and 136 multi-family condominium style units. All single-family lots will front on public ROW and the multi-family units will be served by private drives. The two main points of ingress/egress are to Clarkshaw Road and Hyatts Road, with reserve "L" dedicated for future access to the western parcel. The minimum lot area is 4,800 square feet and typical lot geometry is 40 feet wide by 120 feet deep. Ample open space is provided throughout, not only buffering adjacent residential lots but also the proposed condominium units from the railroad to the east. The entire development includes sidewalks along all public roads and private drives, playground, dog park, multi-use path, five stormwater ponds, and existing farm structures may be preserved.

A technical review was held on January 17, 2023, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Clarkshaw Crossing** to the DCRPC.

Commission / Public Comments

Mr. Joe Looby, EMH & T and Mr. Andy Gottesman, M/I Homes were present to answer questions from the Commission.

Mr. Shafer made a motion for Preliminary Approval of Clarkshaw Crossing. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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04-23 Azar Village – Orange Twp. - 10 lots / 5.005 acres

Conditions

Applicant: Aaron Azar / **Consultant:** Plan 4 Land

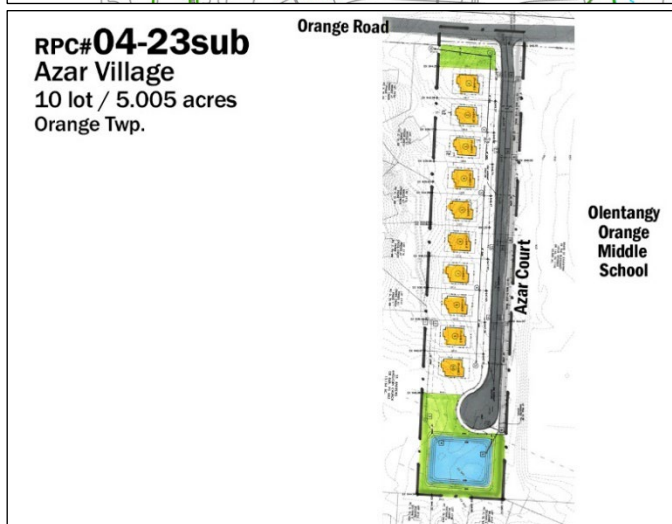
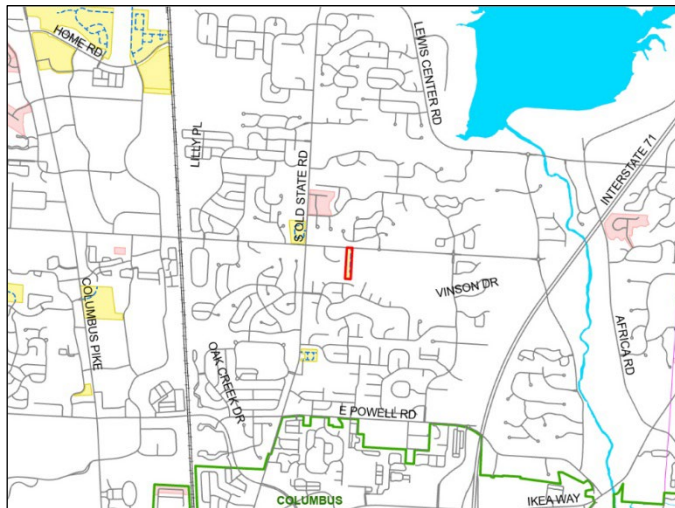
Subdivision Type: Planned residential

Location: South side of E. Orange Rd., east of S. Old State Rd.

Current Land Use: single family home

Zoned: Single Family Planned Residential (SFPRD) / **Zoning Approval:** September 20, 2022

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



Staff Comments

Azar Village is a 10-lot single-family residential subdivision that will gain access off of E. Orange Road and is just west of, and adjacent to the Olentangy Orange Middle School. All 10 lots will gain access from Azar Court, which terminates with a cul-de-sac. The typical lot size is 0.232-acres and typical dimensions being 75 feet wide by 137 feet deep. A high-voltage powerline bisects the southern portion of the subdivision and a stormwater pond is just south of the cul-de-sac. A 10-foot-wide multi-use path runs along the eastern and southern border of the subdivision that will connect to an existing path along E. Orange Road. This path may connect to the middle school to the east and a future trail to the west. There is also an existing guard rail

that is located along the entire E. Orange Road frontage, other than where the entrance to Azar Court will be located.

A technical review was held on January 18, 2023, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Azar Village** to the DCRPC.

Commission / Public Comments

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

Chairman Stites asked if the guardrail issue had been addressed. Mr. Clase stated that they are working through final engineering and will either relocate or remove the guardrail. Chairman Stites questioned if the issue with getting utilities to the site had been worked out. Mr. Clase said they are currently pursuing an easement from the school for water on the east side of the drive and sewer on the west side.

Mr. Price made a motion for Preliminary Approval of Azar Village. Mr. Boysel seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

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OTHER BUSINESS

- Consideration for Approval: Liability Insurance, \$8,801.00

Mrs. Holt made a motion for Approval of the Liability Insurance payment of \$8,801.00. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Having no further business, Mr. Boysel made a motion to adjourn the meeting at 6:45 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, February 23, 2023, 6:00 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.