

# 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, February 23, 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 January 26, 2023 RPC Minutes
- Executive Committee Minutes of February 15, 2023
- Statement of Policy

### CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
24-21.1	Berkshire Crossing, Sec. 1, Lot 1817, Div. #1	Berkshire	48 lots / 20.237 acres

### VARIANCE / EXTENSIONS

04-20.V	Slate Ridge Commercial – Emil’s Way – Orange Twp. - requesting additional 2 year extension
05-21	4910 Rutherford Road CAD – Concord Twp. – requesting 1 year extension

### ZONING MAP/TEXT AMENDMENTS

04-23 ZON	Genoa Twp. Zoning Commission – Zoning Code and Comp. Plan updates
05-23 ZON	Kingston Twp. Zoning Commission – Comprehensive Plan update
06-23 ZON	M/I Homes –Liberty Twp. - POD18 – Clarkshaw Crossing

### OTHER BUSINESS

- Appointment of the Nominating Committee [for Executive Committee elections]
- Initiation of Bylaws Amendment

**ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Meghan Raehl, Steve Lisano, Ric Irvine, Duane Matlack, Barb Lewis, Dustin Kent, Tiffany Maag, Sarah Holt, Joe Shafer, Mike Cannon, Dave Stites, Eric Gayetsky, Jeffrey Warner, James Hatten, Ed Snodgrass, Herb Ligocki, Mike Dattilo, and Doug Price. Alternates: Chery Friend, Brad Stanton, Mike Love, and Brett Weimken.

▪ **Approval of the January 26, 2023 RPC Minutes**

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

▪ **February 15, 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, Joe Shafer, and Michele Boni. Staff: Scott Sanders and Stephanie Matlack.

**2. Approval of Executive Committee Minutes from January 18, 2023**

*Mr. Merrell made a motion to Approve the minutes from the January meeting as presented. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**3. New Business**

- Financial / Activity Reports for January

REGIONAL PLANNING RECEIPTS		JANUARY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,870.00	\$2,870.00
Fees A (Site Review)	(4202)	\$600.00	\$600.00
Insp. Fees (Lot Line Transfer)	(4203)		
Membership Fees	(4204)	\$154,926.00	\$154,926.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$45,052.10	\$45,052.10
Charges for Serv. B (Final. Appl.)	(4231)	\$5,300.00	\$5,300.00
Charges for Serv. C (Ext. Fee)	(4232)	\$200.00	\$200.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$600.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$100.00

Soil & Water Fees	(4243)	\$900.00	\$900.00
Commissioner’s fees	(4244)	\$147.00	\$147.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)	\$76.62	\$76.62
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$211,071.72</b>	<b>\$211,071.72</b>

Balance after receipts	\$1,288,787.15
Expenditures	<u>\$ 39,219.10</u>
End of January balance (carry forward)	\$1,249,568.05

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

- February RPC Preliminary Agenda
  - SKETCH PLANS *(none)*
  - ZONING MAP/TEXT AMENDMENTS
    - 04-23 ZON Genoa Twp. Zoning Commission – Zoning Code and Comp. Plan updates
    - 05-23 ZON Kingston Twp. Zoning Commission – Comprehensive Plan update
    - 06-23 ZON M/I Homes – Liberty Twp. – POD18 – Clarkshaw Crossing
  - SUBDIVISION PROJECTS
 

	<u>Township</u>	<u>Lots/Acres</u>
Preliminary <i>(none)</i>		
Final		
• Berkshire Crossing, Sec. 1, Lot 1817, Div. #1	Berkshire	49 lots / 20.237 acres
- Director’s Report
  - **Zoning Inspector roundtable** – January 31, in-person and through Zoom, well attended with 13 townships;
  - **January 23** – Brad attended Orange Township’s Active Transportation Plan stakeholder meeting, Scott attended a county Intel planning meeting;
  - **Harlem Township Zoning Code** – initial meeting on February 13, also attended a **Strategic Plan open house** on January 23 and then performed a staff review for the Strategic Plan the township is considering in response to the impact of Intel;

- **February 7** – Attended the Affordable Housing Preliminary Report rollout of the Delaware County Housing Alliance;
- **Troy Township Zoning Code** – no update, starting to gather information for Comprehensive Plan update;
- **Village of Ostrander Comp Plan** – Brad continuing to present material;
- **Liberty Township Comp Plan** – continuing to work on recommendations – meeting on February 16;
- **Kingston Township Comp Plan** – on RPC agenda for February;
- **Delaware Township Zoning Code** – attending Trustee meeting on February 28;
- **Berlin Township Comp Plan** – pending at Trustees, will be continued amendments.

#### 4. Old Business

- Fee Schedule – map printing costs  
The Executive Committee agreed that RPC should provide limited map printing services for member communities outside of agreed contract costs as part of their paid membership.
- By-Laws Update
  - [Article VII, Sec. 3]
    - b) **Minor Expenditures** – All expenditures, commitments or contracts for expenditures or disbursements up to **\$5,000.00** ~~\$1,000.00~~ shall be authorized by the Executive Director or in his/her absence by the Assistant Director. All expenditures, commitments, or contracts for expenditures or disbursements between **\$5,000.01** ~~\$1,000.01~~ and **\$10,000.00** ~~\$2,500.00~~ shall be authorized in writing by the Executive Director, or in his/her absence by the Assistant Director, and the Chairperson or Vice-Chairperson of the Executive Committee of the Commission.
    - c) **Major Expenditures** – All expenditures, commitments or contracts for expenditures or disbursements in excess of **\$10,000.00** ~~\$2,500.00~~ shall be approved by a majority of the Executive Committee and then presented to the Regional Planning Commission for their approval.
  - Update all department names as needed

*Miss Boni made a motion to recommend Approval of the changes to the By-Laws. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

#### 5. Other Business

## 6. Personnel

- Planning / GIS Intern - Naomi Thompson - started 01/04/23

*At 9:57 a.m., Miss Boni made a motion to go into Executive Session per ORC 121.22 (G) (1) for the consideration of employment of a public employee. Mr. Shafer seconded the motion. Motion carried.*

*At 10:25 a.m. Mrs. Maag made a motion to return to regular session, seconded by Mr. Merrell. Motion carried.*

## 7. Adjourn

*Having no further business, Mr. Shafer made a motion to adjourn the meeting at 10:26 a.m. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, March 22, 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.

CONSENT AGENDA (Final Plats)

24-21.1           Berkshire Crossing, Sec. 1, Lot 1817, Div. #1 – Berkshire Twp. - 48 lots / 20.237 acres

**Conditions**

**Applicant:** AMH Development / **Engineer:** CESO, Inc.

**Subdivision Type:** Single Family Residential

**Location:** South side of Wilson Rd., west of N. Galena Rd.

**Zoned:** PMUD Art. 17

**Preliminary Approval:** 08/26/21

**Utilities:** Del-Co Water, central sanitary sewer

**School District:** Big Walnut

**Staff Comments**

The Berkshire Crossing Preliminary Plan was approved on August 26, 2021 as a residential subdivision with 104 single-family lots. This request is to plat Section 1 of that project, which contains 48 single-family lots with two points of access to Wilson Road. Additionally, 8.776-acres of open space along Wilson Road and in the center of the development is being provided. The only modification from the Preliminary Plan is a secondary access point (Sidra Drive) being added along Wilson Road, with two lots being removed to accommodate for this road addition.

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 Berkshire Crossing, Sec. 1, Lot 1817, Div. #1 to the DCRPC.

**Commission / Public Comments**

No one was present to represent the applicant.

*Ms. Holt made a motion for Final Approval of Berkshire Crossing, Sec. 1, Lot 1817, Div. #1, seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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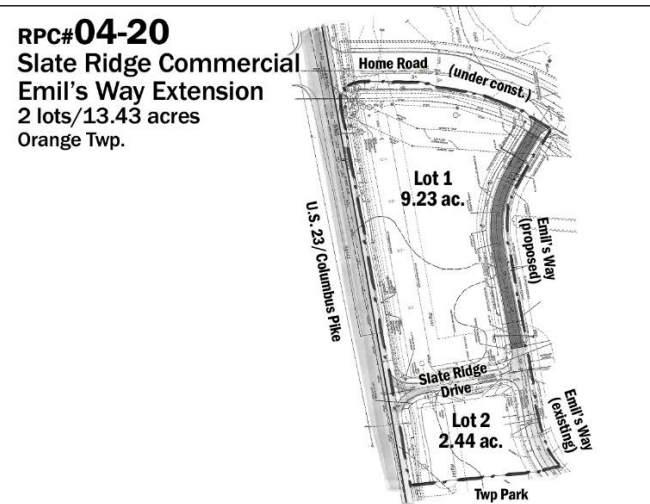
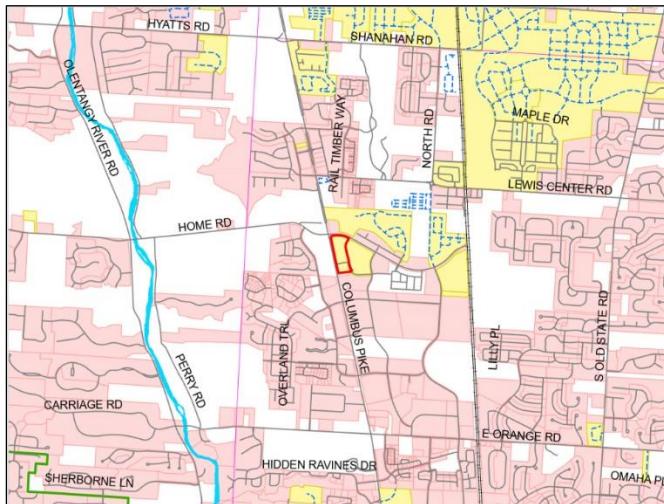
## VARIANCES / EXTENSIONS

04-20.V      Slate Ridge Commercial – Emil’s Way – Orange Twp. - requesting additional extension

**Applicant:** Kerbler Farms / **Engineer:** Kleingers

**Preliminary approval:** 02/27/20

**Extensions:** 03/31/22 – 02/28/23



### Request

The applicant, Kerbler Farms, is requesting their second Preliminary Plan extension, a two-year extension via Variance for Slate Ridge Commercial – Emil’s Way. The site is located at the southeast corner of US-23 and Home Road. The proposed development will connect the existing Emil’s Way to Home Road once the project is complete.

### Facts

- 1) Section 204.04 of the Subdivision Regulations states that the Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval;
- 2) Slate Ridge Commercial – Emil’s Way received Preliminary approval on February 27, 2020;
- 3) The applicant received a one-year extension in March 2022 to February 2023; and
- 4) Section 102.03 of the Subdivision Regulations state that the maximum total extension may not to exceed one year.

### Criteria for a Variance

The burden is on the applicant to demonstrate in writing, each of the following:

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.

- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.
- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

***Applicant's Response:*** "This is needed due to delays in project commencement as well as DCEO advisement to record Final Plat only after construction has been completed and accepted."

***Staff comments:*** Staff notes that the Slate Ridge Commercial – Emil's Way Extension subdivision will make the final connection between Emil's Way and Home Road if platted. This road connection will only impact the applicant's property; therefore, the variance and a 1-year extension request will not be detrimental to the community.

#### **Staff Recommendation**

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 102.03 & 204.04 and a one-year extension for **Slate Ridge Commercial – Emil's Way** be *Approved*.

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

No one was present to represent the applicant.

Mr. Love noted the road would only have to be built first if it were private.

***Mrs. Lewis made a motion for Approval of the Variance request for Slate Ridge Commercial – Emil's Way, based on the Findings of Fact along with a one-year extension. Ms. Holt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

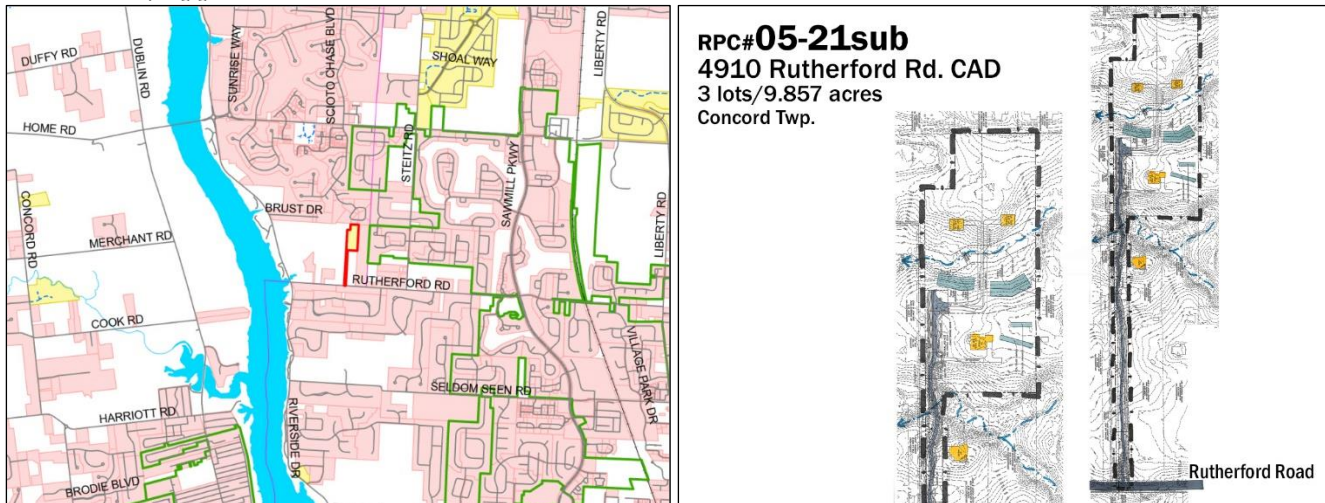
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05-21                    4910 Rutherford Road CAD – Concord Twp. – requesting 1 year extension

**Applicant:** Nicholas Petitti / **Consultant:** Kimley Horn

**Preliminary approval:** 02/25/21



**Request**

The applicant, Nicholas Petitti, is requesting a one-year extension for 4910 Rutherford Road CAD in order to allow for construction and certification of construction to be completed. The site is located on the north side of Rutherford Road, between Riverside Drive and Steitz Road. The applicant received Preliminary Plan and variance approval on February 25, 2021 to create a 3-lot CAD that will also provide access to a fourth lot with an existing home that is not included with the CAD.

**Staff Recommendation**

DCRPC staff recommends a one-year extension for **4910 Rutherford Road CAD** be *Approved*.

**Commission / Public Comments**

Mr. Kevin Kershner, Kimley Horn, was present. He stated that with market conditions, the developer did not proceed with marketing immediately after preliminary approval. Construction is currently underway and they anticipate being completed in the next 2-3 months.

*Mr. Price made a motion for a one-year extension for 4910 Rutherford Road CAD. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## ZONING MAP/TEXT AMENDMENTS

### 04-23 ZON      Genoa Twp. Zoning Commission – Zoning Code and Comp. Plan updates

The Genoa Township Zoning Commission initiated amendments to the township’s Comprehensive Plan and Zoning Resolution on January 17th. The Zoning Commission will hold a public hearing on these items over the course of at least two meetings – February 15 and February 27. Genoa Township’s most recent amendments to the Zoning Resolution were 2020 and Comprehensive Plan were 2019. The requested amendments will ensure the two documents are compatible. **Comprehensive Plan amendments** are to planning area’s one through five and primarily affect acreage and densities. Also, seven “future revisions” have been removed as those have already been completed.

**Zoning Resolution amendments** include references to coal surface mining, or other surface mining, adult entertainment establishments, swimming pools, viticulture, dairying, animal/poultry husbandry, biodiesel and energy production, methane gas, medical marijuana, permanently sited manufactured homes, small wind farms and amateur radio service communications and structure uses as described in the ORC (additional ORC sections referenced). Other minor amendments (signs, densities and divergences) are also included to clean up language and explain that these updates will help align the Zoning Resolution with the most current Comprehensive Plan.

#### Staff Comments

Staff is in support of the proposed amendments as they will add clarification to the overall vision within the Comprehensive Plan, add Township authority over specific uses, and ensure that both documents complement each other.

#### Staff Recommendation

DCRPC staff recommends **Approval** of the Genoa Township Zoning Code and Comprehensive Plan amendments to the DCRPC, Genoa Twp. Zoning Commission, and Genoa Township Trustees.

#### Commission / Public Comments

*Mrs. Raehl made a motion to recommend Approval of the Genoa Township Zoning Code and Comprehensive Plan amendments. Ms. Holt seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.*

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**05-23 ZON      Kingston Twp. Zoning Commission – Comprehensive Plan update**

The Kingston Township Zoning Commission has been working for several years on an update to its Comprehensive Plan. The update was started in 2018, then paused for several years until work resumed last year. As a part of the most recent activity, staff worked with the township to create a survey which received a significant response rate. Naturally, residents appreciated the low-density, agricultural nature of the township and wanted to retain that as much as possible.

Staff estimates the current population of Kingston Township at 2,489 residents. Prior to 2018, development consisted of 2 to 10 new residential building permits each year. With recent Northstar development and several smaller Common Access Drive subdivisions, permits have averaged 25 per year. The plan updates general information and acknowledges existing development patterns. Sewer service is limited to the 773-acre Northstar area, as well as an additional 585 acres between S.R. 61 and Blue Church Road. Northstar includes 657 lots that are zoned but not developed, while the Blue Church acreage is part of a settlement that could provide 285 homes. Based on this “development pipeline” data as well as survey results, the plan recommends that areas outside current sewer service areas retain their FR-1 zoning status or be developed as Conservation Subdivisions at the underlying density.

**Staff Recommendation**

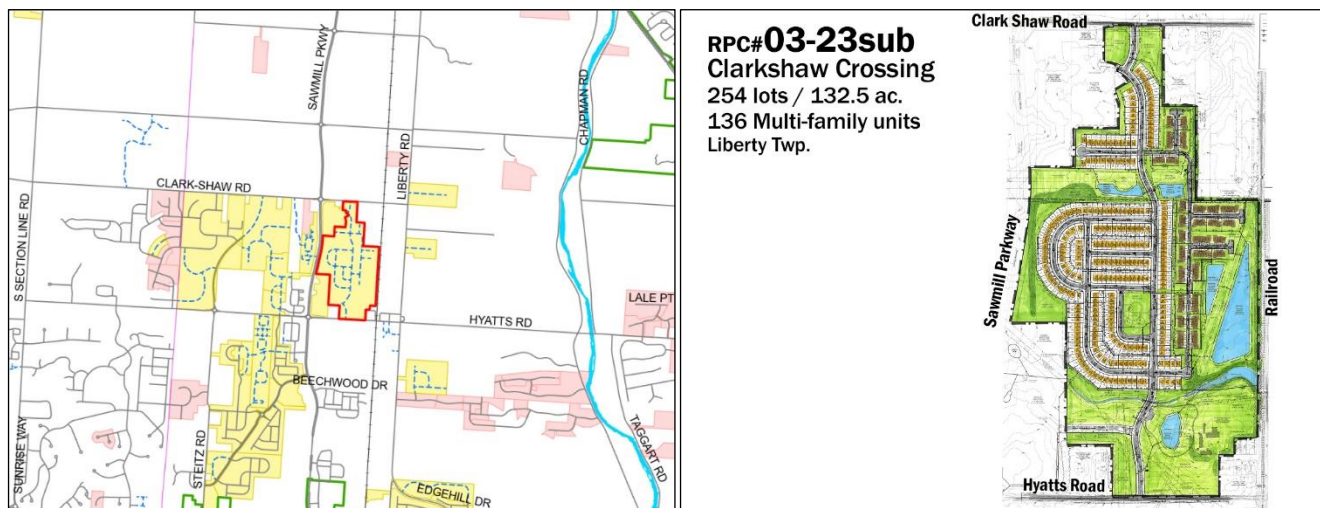
DCRPC staff recommends **Approval** of the Kingston Township Comprehensive Plan amendments to the DCRPC, Kingston Twp. Zoning Commission, and Kingston Township Trustees.

**Commission / Public Comments**

***Mr. Price made a motion to recommend Approval of the Kingston Township Comprehensive Plan amendments. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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06-23 ZON      M/I Homes -Liberty Twp. - POD18 – Clarkshaw Crossing



**Staff Comments**

The request is for adoption of the POD-18D Overlay for the 132.52-acre site. In order to apply the standards of the overlay, the Liberty Township Zoning Commission approves the application and development plan, which removes the underlying zoning district.

**Project Overview**

The Preliminary Plan for Clarkshaw Crossing residential subdivision was approved on January 26, 2023, and includes 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.

There is no formal action required of the RPC – the application became effective on November 16, 2022.

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## OTHER BUSINESS

- Appointment of the Nominating Committee [for Executive Committee elections]

Chairman Stites asked the Commission if they were opposed to suspending the appointment of a Nominating Committee and instead asking members to reach out to the Director or himself if they were interested in serving on the Executive Committee.

*Mr. Price made a motion to suspend the appointment of a Nominating Committee, seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- Initiation of Bylaws Amendment:

The Executive Committee is recommending changes to the expenditure amounts defined in Article VII, Sec. 3 of the Bylaws. Minor Expenditures authorized by the Executive Director would be increased from \$1,000 to \$5,000. Expenditures authorized with both the Executive Director and RPC Chair would increase from \$1,000.01 to \$2,500 to \$5,000.01 to \$10,000. Major Expenditures to be approved by the full commission would increase from \$5,000.01 to \$10,000.01 and above. All approved expenses would be within the approved budget.

The amendment will also include updated department references for the Building Safety office and the Delaware Public Health District. In accordance with the required process for amending the Bylaws, this change will be voted on by the full Commission at the March 30<sup>th</sup> meeting.

*Having no further business, Mr. Kent made a motion to adjourn the meeting at 6:25 p.m. Mrs. Raehl seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, March 30, 2023, 6:00 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

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Dave Stites, Chairman

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Stephanie Matlack, Executive Administrative Assistant