

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, May 25, 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 April 27, 2023 RPC Minutes
- Executive Committee Minutes of May 17, 2023
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
25-22	Mulberry Estates	Genoa	6 lots / 15.544 acres
20-14.4	Olentangy Falls East, Section 4	Liberty	32 lots / 32.736 acres
14-21	Ravine Run	Orange	14 lots / 15.738 acres

ZONING MAP/TEXT AMENDMENTS

13-23 ZON	Harlem Twp. Zoning Commission – Zoning Code amendments (Articles XXXII, XXXIII)		
14-23 ZON	DoG Distilling Co. – Orange Twp. – 3.282 acres - PC to PC		
15-23 ZON	N. Old State, LLC. – Berlin Twp. – 31.683 acres – BCO Art. 15 – Elysian at Alum Creek		

SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
08-23	Hyatts Plaza	Berlin	1 lot / 3.25 acres
09-23	T Beechwood Estates	Brown	17 lots / 70.633 acres

Preliminary / Final

07-23	Evans Farm Marketplace, Lots 8885 and 8886, Div. #1	Orange	6 lots / 8.712 acres
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EXTENSIONS

17-21	Hidden Creek Estates, Sections 2-4	Berkshire	88 lots / 69.528 acres
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OTHER BUSINESS

- By-Laws amendment discussion

ADMINISTRATIVE BUSINESS

- **Call to Order**

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

- **Roll Call**

Representatives: Jim Nelson, Meghan Raehll, Steve Lisano, Ric Irvine, Duane Matlack, Sarah Holt, Mike Cannon, Dave Stites, Staci Hood, Jeffrey Warner, Michele Boni, James Hatten, Dan Boysel, Herb Ligocki, Mike Datillo. *Alternates:* Tyler Lane, Glynnis Dunfee, Brad Stanton, Mike Love, Susan Dorsch and Barry Bennett. *Staff:* Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.

- **Approval of the April 27, 2023 RPC Minutes**

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

- **May 17, 2023 Executive Committee Minutes**

1. **Call to order**

Chairman Stites called the meeting to order at 8:30 a.m. Present: Dave Stites, Tiffany Maag, Joe Shafer, Michele Boni and Gary Merrell. Staff: Scott Sanders and Stephanie Matlack.

2. **Appointment of Officers**

- *Mrs. Maag made a motion to re-elect Dave Stites, Chair, Michele Boni, Vice-Chair, and Joe Shafer as 2nd Vice-Chair. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried. Mrs. Maag to remain Member-At-Large.*

3. **Approval of Executive Committee Minutes from April 19, 2023**

Mr. Shafer made a motion to Approve the minutes from the April 19th meeting. Mrs. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. **New Business**

- Financial / Activity Reports for April

REGIONAL PLANNING RECEIPTS		MARCH	YTD TOTAL
General Fees (Lot Split)	(4201)	\$4,715.00	\$8,710.00
Fees A (Site Review)	(4202)	\$600.00	\$1,500.00
Insp. Fees (Lot Line Transfer)	(4203)	\$900.00	\$1,300.00
Membership Fees	(4204)	\$32,732.00	\$210,376.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$292.91
Assoc. Membership	(4206)		
General Sales	(4220)	\$230.00	\$230.00
Charges for Serv. A (Prel. Appl.)	(4230)		\$47,852.10
Charges for Serv. B (Final. Appl.)	(4231)	\$1,700.00	\$15,700.00

Charges for Serv. C (Ext. Fee)	(4232)	\$600.00	\$1,200.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$900.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$900.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$6,780.00
Soil & Water Fees	(4243)	\$250.00	\$1,550.00
Commissioner’s fees	(4244)	\$21.00	\$405.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		\$116.62
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$42,948.00	\$298,012.63

Balance after receipts	\$1,249,948.50
Expenditures	<u>- \$ 38,800.80</u>
End of April balance (carry forward)	\$1,211,147.70

Miss Boni 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

- RPC Preliminary Agenda
- SKETCH PLANS

	<u>Township</u>	<u>Lots/Acres</u>
• Aldeia	Orange	5 lots / 39.44 acres
- ZONING MAP/TEXT AMENDMENTS
 - 13-23 ZON - Harlem Twp. Zoning Commission - zoning code update
 - 14-23 ZON - DoG Distilling Co. - Orange Twp. - 3.282 acres - PC to PC
 - 15-23 ZON - N Old State, LLC. - Berlin Twp. - 31.683 acres - BCO Art. 15
- SUBDIVISION PROJECTS

	<u>Township</u>	<u>Lots/Acres</u>
Preliminary		
• Hyatts Plaza	Berlin	1 lot / 3.25 acres
• Beechwood Estates	Brown	17 lots / 70.633 acres
Preliminary / Final		
• Evans Farm Marketplace, Lots 8885-8886, Division #1	Orange	6 lots / 8.712 acres

Final

- | | | |
|-----------------------------------|---------|------------------------|
| • Mulberry Estates | Genoa | 6 lots / 15.544 acres |
| • Olentangy Falls East, Section 4 | Liberty | 32 lots / 32.736 acres |
| • Ravine Run | Orange | 14 lots / 15.738 acres |

Extension

- | | | |
|--------------------------------------|-----------|------------------------|
| • Hidden Creek Estates, Sections 2-4 | Berkshire | 88 lots / 69.528 acres |
|--------------------------------------|-----------|------------------------|

- Director's Report

Meetings hosted or attended:

- Intel Working Group (host - Econ Dev) – 4/24;
- Delaware County Commissioners - State of the County – Brad and Scott on 4/25;
- Delaware Safety Action Plan (Active Transportation through MORPC) – Brad on 4/26;
- Health Behaviors Collaborative (Health District) – Brad on 5/9;
- Housing Land Use and Zoning subcommittee (Affordable Housing) – virtually on 5/1;
- Affordable Housing Task Force main group – attended 5/2;
- MORPC Transportation Advisory Committee – 5/3;
- SMART Columbus Digital Inclusion Engagement meeting – Brad on 5/10; and
- Leadership Delaware final luncheon – Brad and Scott on 5/16.

Project updates

- Harlem Township Zoning Resolution – amendment meeting on 5/8;
- Village of Ostrander Comprehensive Plan – 4/11 - Brad continuing to present material;
- Liberty Township Comp Plan – met on 4/20, continuing to work on recommendations;
- Kingston Township Comp Plan – created final document, uploaded to website;
- Berlin Township Comp Plan – received additional Trustee changes, updated and sent back to Zoning Commission;
- Village of Galena – continuing layout of their Comp Plan background chapters.

5. Old Business

- By-Laws amendments: Discussion of potential changes to the By-Laws regarding the officer election process. More discussion to take place at the May RPC meeting.

6. Adjourn

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 9:45 a.m. Mrs. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, June 21, 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)

25-22 **Mulberry Estates – Genoa Twp. - 6 lots / 15.544 acres**

Conditions

Applicant: Mark Inks / **Engineer:** CEC

Subdivision Type: Single Family Residential

Location: North side of Big Walnut Rd., west of S. Old 3 C Hwy.

Zoned: Rural Residential (RR) / **Preliminary Approval:** 08/25/22

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

Staff Comments

Mulberry Estates Preliminary Plan was approved on August 25, 2022 as a residential subdivision with 6 single-family lots, no open space, and a path connection to McNamara Park. The applicant is now requesting Final Plat approval.

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 **Mulberry Estates** to the DCRPC.

Commission / Public Comments

Mr. Matlack made a motion for Final Approval of Mulberry Estates. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

20-14.4 Olentangy Falls East, Section 4 – Liberty Twp. - 32 lots / 32.736 acres

Conditions

Applicant: Rockford Homes / **Engineer:** CEC
Subdivision Type: Single Family Planned Residential
Location: South side of Hyatts Rd., east of Benton Lane
Zoned: Planned Residential (PR) / **Preliminary Approval:** 09/25/14
Utilities: Del-Co Water, central sanitary sewer / **School District:** Olentangy

Staff Comments

Olentangy Falls East Preliminary Plan was approved on September 25, 2014 as a residential subdivision with 150 single-family lots. Section 4 is the final section to be completed, and includes 32 buildable lots, one large reserve, and makes a connection to two existing subdivision streets. The applicant is now requesting Final Plat approval.

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 Olentangy Falls East, Section 4 to the DCRPC.

Commission / Public Comments

Mr. Matlack made a motion for Final Approval of Olentangy Falls East, Section 4. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

14-21 Ravine Run – Orange Twp. - 14 lots / 15.738 acres

Conditions

Applicant: Cugini & Capoccia / **Engineer:** EMH & T
Subdivision Type: Single Family Residential
Location: northern extension of Meacham Court, north of Riverbend Ave.
Zoned: Single Family Planned Residential (SFPRD) / **Preliminary Approval:** 04/29/21
Utilities: Del-Co Water, central sanitary sewer / **School District:** Olentangy

Staff Comments

Ravine Run Preliminary Plan was approved on April 29, 2021 as a residential subdivision with 14 single-family lots, one reserve, a CAD, and a private drive extending off of Meacham Court. Ravine Run, while not part of the original plan for River Bend, acts an extension of the subdivision. The applicant is now requesting Final Plat approval.

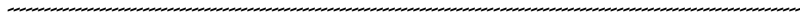
The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

Staff Recommendation

Staff recommends *Final Approval* of **Ravine Run** to the DCRPC.

Commission / Public Comments

Mr. Matlack made a motion for Final Approval of Ravine Run. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

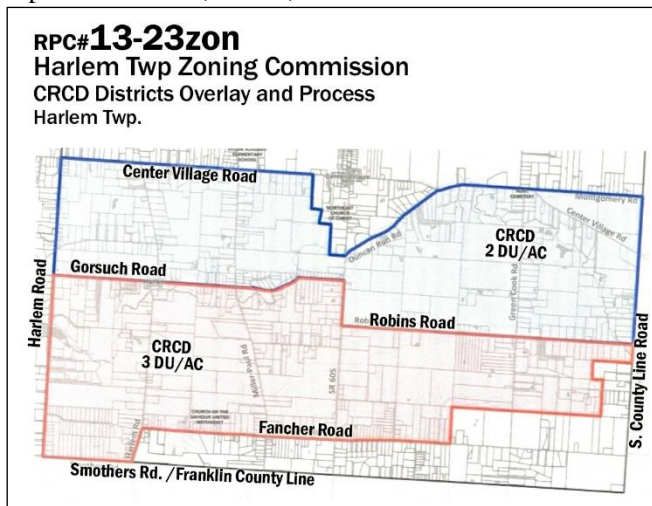


ZONING MAP/TEXT AMENDMENTS

13-23 ZON Harlem Twp. Zoning Commission – Zoning Code amendments (Articles XXXII, XXXIII)

Request

Harlem Township has forwarded proposed changes for the RPC to consider and provide recommendations. The Township is proposing a Cluster Residential Conservation District (CRCD) that will serve as an overlay to specific properties in the southern portion of Harlem Township; areas identified as sub-area A ‘2 DU/AC’ and sub-area B, ‘3 DU/AC’. The Township has also developed the CRCD overlay district procedures in a separate article (XXXII).



Staff Comments

Clustered Residential Conservation District (CRCD) sub-area A encompasses roughly 3,500 acres of land that is bound by Center Village Rd. and Montgomery Rd. to the north, S. County Line Rd. to the east, Robins Rd. and Gorsuch Rd. to the south, and Red Bank Rd. to the west. Much of this land area is undeveloped and noted as “2 DU/AC” above.

Clustered Residential Conservation District (CRCD) sub-area B encompasses roughly 3,500 acres of land south of sub-area A and north of the Delaware/Franklin County line. Much of this land area is also undeveloped and noted as “3 DU/AC” above.

Given that growth pressures continue to come north from the Columbus and New Albany areas, the City of Columbus has initiated the planning and construction of a tunnel which will bring sewer service to this part of Delaware County, and the recent announcement that Intel is making significant investments in Licking County just to the east, Harlem Township is taking a proactive step in updating its zoning code. Sewer will most likely be necessary to allow for the minimum permitted lot sizes ranging from 7,500 sq. ft. in sub-area B and 10,000 sq. ft. in sub-area A.

The proposed overlay in this location will help preserve the rural, residential character of the area and protect vast amounts of open space within the Township. The recently reviewed Mixed Use Overlay is located just south of sub-area B, which will buffer the CRCDD area from any future development in Franklin County. Examples of Permitted Uses include single-family detached dwellings, common wall single-family attached dwellings, and accessory buildings. The max dwelling units per NDA is 2 units in area A and 3 units in area B. For a property to be considered for the MU overlay the following standards must be met (but not limited to): Min 25-acre tract in both subareas, min 7,500 sq. ft. lots in sub-area B and 10,000 sq. ft. lots in sub-area A, 50% open space, 200-foot woodland buffer, protection of drainage paths, streams and floodplain, historic and archaeological sites, and provide pedestrian circulation and connections to other developments. Standards for building design, lighting, landscaping, parking, and signage is also identified in the CRCDD overlay.

Central sanitary sewer is not required for the utilization of this overlay. However, if sanitary sewer is proposed the DCSE office must verify sewer service and capacity needs can be met. The Zoning Commission may grant divergences from any standard or requirement in this Section with the exception of density, permitted uses and the percentage of required open space. The following are comments and suggestions:

Article XXXII (CRCDD Overlay – Procedures)

1. 31.03: Recommend moving the detailed “Fees” section into a General Regulations article and applying it to all zoning districts (professional consultation fees would only apply to Planned or Overlay districts). This could be a deterrent for any property owner or developer to choose to apply. Has the Township considered using County staff (RPC, DCEO, DCSE, DSWCD, etc.) to complete the Development Plan review as with other case types (rezoning, variance, conditional use, etc.)?

This Fee text is very similar to the PUD text, and it appears no PUD has been successfully applied. If the Fee text is left as written, Staff recommends breaking up this single paragraph.

2. 32.02(B) & (C): As noted in the prior review, consult with DCEO on the benefit of seeking third-party review of the traffic analysis and any conflict this may cause with DCEO recommendations. Also, consider language that allows the Zoning Commission and Trustees to require additional road connectivity or other features that are of concern.
3. 32.05: Reword first sentence in second paragraph to “Upon receipt of said application, the Harlem Township Board of Trustees shall...”. Currently, “shall” is in the sentence twice.

Article XXXIII (CRDC – Overlay)

1. Add “Red Bank Road” and “Hughes Road” to the Boundary Map to clearly delineate the boundary to the west.
2. Delete “Mixed -Use and” from the title of the Proposed Boundaries Map. This article does not reference the Mixed-Use Overlay. The Definition of certain words is referenced but not included in the information received. Staff recommends adding those words in the main Definitions section of the Resolution, rather than within the overlay Section as some amendments have done.
3. 33.03: third paragraph references “this article” for the approval procedure, but should reference the procedure in the other proposed Article (XXXII). Check other language within this section to ensure the references to procedure go back to XXXII.
4. 33.04(C): “Open Space” is a permitted use. These details are repeated in Section 33.07(B). Staff recommends referencing Section 33.07(B) for details.
5. 33.07(K): Requiring walking or bike paths to meander through developments may conflict with existing sidewalk requirements. Staff recommends using the words “may” or “should” to allow for flexibility.
6. 33.07(Q(5(i))): Staff supports the preservation of existing trees. However, the 200' woodland buffer from ROW is excessive, particularly with parking required behind or beside a building. Is there a setback from a private drive, or will that be determined by the applicant? Probably okay, but should provide some guidance.
7. 33.08: “Ownership and Maintenance of Common Open Space.” This is another section with a lot of detail that may be duplicated in the existing Conservation overlay and could be located in a general section. It could then be referenced by all the Conservation overlays and possibly the PRD as well.

Staff Recommendation

Staff recommends **Conditional Approval** of the text amendments to the Harlem Twp. Zoning Resolution to the DCRPC, Harlem Twp. Trustees and Harlem Twp. Zoning Commission, *subject to considering the recommendations within the report.*

Commission / Public Comments

Mr. Matlack made a motion to recommend Conditional Approval of the text amendments to the Harlem Twp. Zoning Resolution, subject to considering staff recommendations. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

14-23 ZON DoG Distilling Co. – Orange Twp. – 3.282 acres - PC to PC

Request

The applicant, DoG Distilling Company, is requesting a 3.282-acre rezoning from PC to PC to allow the operation of a distillery including a tasting room and bar.

Conditions

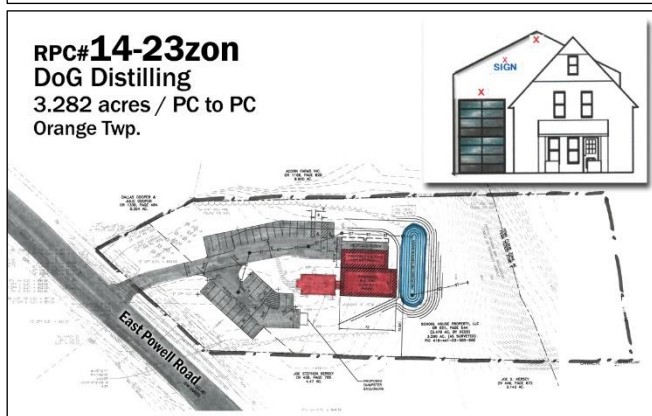
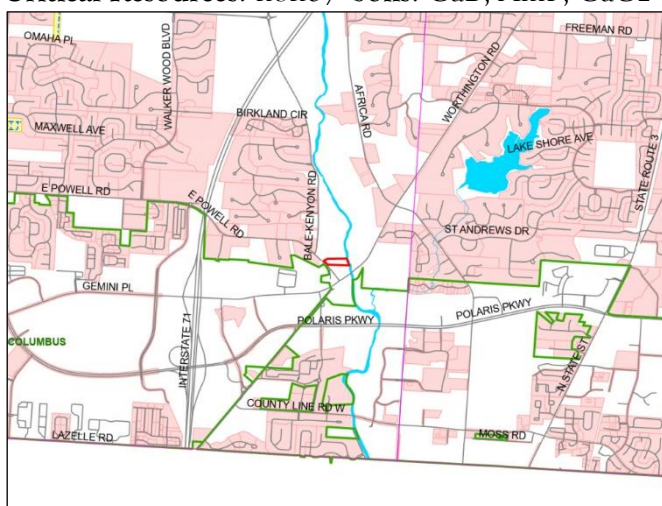
Location: 3773 E. Powell Rd., Lewis Center

Present Zoning: Planned Commercial & Office (PC) / **Proposed Zoning:** Planned Commercial & Office (PC)

Present Use(s): Christmas, pottery store / **Proposed Use(s):** Distillery, bar

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

Critical Resources: none / **Soils:** CaB, AmF, CaC2



Introduction

The request is to rezone the 3.282-acre property from Planned Commercial to Planned Commercial to allow for a distillery, tasting room and bar. The site is located on the east side of E. Powell Rd, just north of the Worthington Rd in Orange Township. The site and existing main structure originally served as a school house dating back to the 1870s and is currently zoned PC, allowing for a single-family residence and an art and pottery shop. The proposed development will include a tasting room inside the old school building, two service buildings, 31 parking spaces, a detention basin, and landscaped open space.

Comprehensive Plan

Orange Township's 2018 Comprehensive Plan shows this property in Subarea 7 – Lower Alum Creek Valley and identifies it as zoned PC. Recommendations include preserving the deep ravines as common open space as part of planned developments and not allowing development within the floodplain. Staff notes the proposal is supported by the plan as no development is proposed within the steep slope areas or floodplain.

Issues

Permitted Uses: Commercial and Office

Proposed: Commercial (tasting room & food service) and Manufacturing (distillery)

The Township should determine if a variance is required to allow for manufacturing of alcoholic liquors by distillation (SIC code 2085/NAICS code 312130) as this is not a commercial or office use.

Traffic and access

A single point of access is proposed, utilizing the existing driveway with access from E. Powell Road. The portion of Powell Road from Bale-Kenyon to Worthington Road was recently improved to a two-lane west-bound/one-lane east-bound/continuous turn lane section. Driveways in that area are minimal, so access in and out of the site should not require any improvements.

Drainage

The site is generally flat near E. Powell Road, sloping gently toward the east before a steep slope drops 32 feet into the basin and floodplain of Alum Creek. Approximately two-fifths of the site is in the floodplain. The Site Plan identifies storm sewers throughout the site, draining to a proposed detention basin and finally to Alum Creek.

Building and Site Design

Max permitted height: 50 ft. Proposed: 21 ft., 2 inches

Min Side yard setback required: 100 ft. Proposed: 40 ft. to the north, 75 ft. to the south

Staff notes that the adjacent properties to the north and south that could be impacted are vacant and the property owner to the north provided a letter in support of the reduced setback.

Parking location: Not more than 40 percent of parking may be located forward of the main structure. Based on the angle of ROW, 22 spaces, or 67 percent of spaces are forward of the main structure. A divergence may be required to exceed this requirement by 27 percent. Additionally, 60 percent of the area forward of the main structure shall be green space adjacent to E. Powell Road frontage. Staff notes that this calculation must be included under the Site Data table on the Site Plan.

The distillation building (production facility) will be constructed with steel siding and roof and include white block with black trim. The school building/tasting room will also be white with black trim, with a breezeway connecting these two buildings.

Four existing street lamps are located in the parking lot. These will remain and be painted black. Two path lights will be installed along the sidewalk, one in front and one in rear of the school house/tasting room. Additional parking lot lighting will be added as needed once parking lot size and location is confirmed.

Open Space / Health

Required Open Space: 25% (0.867-acres) Proposed: 85% (2.95-acres)

These numbers are based on the 3.47-acres identified on the Site Plan Site Data Table and not on the 3.282-acres listed on the application and in the Development Text. Staff notes that the application materials state the site is 3.282-acres. However, the Development Plan states the total acreage is 3.470, and the open space calculation is based on the larger acreage.

Divergences

Five divergences are requested:

1. Sec. 14.06(e): Plat Required – No use shall be established or changed and no structure shall be constructed or altered until any required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County.

Staff Comment: The applicant stated that they will not be splitting the current parcel, or recording any major easements for access or utilities.

2. Sec. 21.01(e): Required off-street Parking Spaces – Undetermined based on uses; production of liquor, tasting room, retail shop, and bar with food options.

Staff Comment: The Development Text submitted indicates 31 parking spaces will be provided, 2 of which are ADA compliant. Additional spaces may be provided in the future based on building expansions. However, the divergence request is to allow for a minimum of 17 parking spaces and the Zoning Site Plan submitted indicates 33 spaces will be provided.

3. Sec. 21.10 – Setback Requirements for Non-Residential Uses Abutting Residential District: Nonresidential buildings or Uses except parking shall not be located nor conducted closer than 100 feet to any lot line of a residential district.

Staff Comment: The applicant stated the entire width of the property is less than the combined setbacks from each side. Current structures on property are built within allowed setbacks of 58 feet from the north side for garage and 75 feet from the south side for school house. Setbacks proposed are 40 feet from the north side to accommodate a patio with overhang which is planned for phase 2 of building.

4. Sec. 21.12(e) – Max Height Requirements: The total height of exterior lighting fixtures shall not exceed a maximum height of 20 feet measured from the finished grade established not closer than 15 feet to the lighting fixture.

Staff Comment: Lighting fixtures are proposed at the peak of the production building at 25-28 ft. No lighting plan was submitted. However, a lighting plan will be completed at a future date TBD.

5. Sec. 22.03(c) – Commercial or Industrial Display Signs: All display signs shall be mounted on the building which houses the business establishment advertised by such signs, except as otherwise specifically authorized by the Zoning Resolution; no more than 15 feet above finished grade on main building, 12 feet above grade on wall of extension of main building, but may not be located on both buildings (main and extension).

Staff Comment: Sign to be located on the production building above the large glass garage door, 25 feet high.

Staff Recommendations

Staff recommends ***Conditional Approval*** of the rezoning request by DoG Distillery from PC to PC to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 1.) *Lights must be cut-off type and no light trespass onto neighboring properties is permitted;*
- 2.) *An Open Space plan clearly delineating open space areas must be submitted and update this acreage and percentage under the Site Data table on the Development Plan if necessary;*
- 3.) *Ensure site acreage is accurate and consistent on all plan sheets and in the Development Text. Update Site Data table numbers if acreage changes; and*
- 4.) *A lighting plan must be submitted.*

Commission / Public Comments

Representatives from DoG Distillery were present. They explained they are two couples with day jobs looking to open the distillery as a destination place and asset to the community. They stated that the parking space numbers will be worked out prior to Township review. Regarding the setback variance, currently the garage is at a 58' setback from the north side and 75' from the schoolhouse to the southside. Their request for 40' setback was submitted due to not having a builder / design finalized yet.

Mrs. Raehll expressed concern with the request for divergences regarding drainage, signage and lighting. A DoG Representative stated that the distiller will be right behind the large glass doors and they thought that would be a good place for the sign to be which required a divergence for it to be above the door due to the height of the door.

Mr. Matlack questioned if the flood plain was looked at with the 2022 map that is out now. He explained that that corridor of Alum Creek was expanded. Mr. Fisher stated he would double check that.

Mr. Love stated that this project would need to go through the commercial engineering plan review process.

Mr. Lane made a motion to recommend Conditional Approval of the rezoning request by DoG Distillery from PC to PC, subject to staff recommendations #1-4. Mr. Boysel seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

15-23 ZON N. Old State, LLC. – Berlin Twp. – 31.683 acres – BCO Art. 15 – The Elysian at Alum Creek

Request

The applicants, N. Old State LLC, are requesting a Development Plan approval for a 31.683-acre site to be included in the Berlin Commercial Overlay (BCO), Article 15. Approval of the Development Plan would allow for the development of The Elysian at Alum Creek. This is a review for compliance by the Regional Planning Commission and is an administrative process through Berlin Township.

Conditions

Location: east side of North Old State Rd., north of SR 36/37

Present Zoning: Farm Residential (FR-1) / **Proposed Zoning:** BCO/R-10

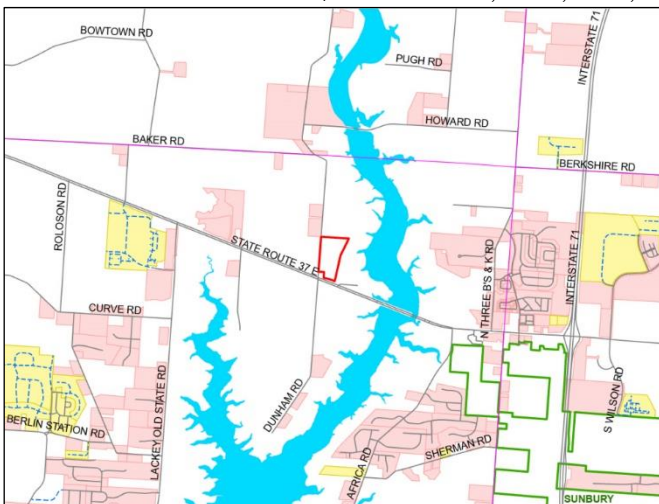
Present Use(s): vacant / **Proposed Use(s):** 250 multi-family units

Existing Density: 1 du / 1 acre **Proposed Density:** 7.89 du / 1 acre

Number of units requested: 250

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

Critical Resources: none / **Soils:** AmE, CaB, BeB, CaC2, AmD2, BoB, BoA



Introduction

The applicant seeks to apply the Berlin Commercial Overlay (BCO) standards to the property to allow for a 250-unit, apartment complex on 31.683-acres. The BCO was created by Berlin Township in 2020 as an optional overlay for specific properties that are identified on the BCO Zoning District Map. The subject site is located in the R-10 area and includes three properties. Provided the development plan is approved, this will be the first BCO property applied in Berlin Township.

The subject site is located on the north side of US 36/SR 37, with frontage on N. Old State Road, and is undeveloped. The site is proposed to be developed with 10 3-story apartment buildings, 6 detached parking buildings with 452 total parking spaces, 392 surface spaces and 60 garage spaces, swimming pool, club house, dog park, mail kiosk, and sidewalks. If approved, the development is expected to be constructed within 18 months. There is one adjacent property to the southwest that is zoned PID and used as a furniture manufacturer/retailer. The property to the north is zoned FR-1 and developed with a single-family home. Most of the property to the east is wooded USA lands and Alum Creek, with one property zoned FR-1 at the southeast corner that is developed with a single-family home and farm that serves as a wedding and event venue.

Comprehensive Plan

Berlin Township's 2010 Comprehensive Plan includes general recommendations that include encouraging development of parks and leisure trails as part of new developments, usable open space, conservation of natural resources (steep slopes, woodlands, wooded ravines, etc.), and provide multiple entrances. The 2023 version of the Comprehensive Plan has not been adopted yet. However, it acknowledges the 36/37 Corridor Planning Area within BCO overlays and recommends multifamily at 10 units per NDA.

The proposal would fully comply with the Plan recommendations if trails were provided throughout the open space, if feasible based on slopes, streams, and existing woods. However, there are sidewalks located along the entire N. Old State Road frontage and throughout the development site.

Issues

Density: The areas recommended for R-10 allows "apartment-style" buildings with more than four dwelling units per building, provided the overall density does not exceed 10 dwelling units per net developable acreage.

Traffic and access:

One access point to N. Old State Road and one emergency access drive off of N. Old State Road. The access point has been located after review by DCEO.

Drainage: (Drainage plan provided)

Storm sewers are located throughout the site, draining to a large stormwater pond in the northeast corner of the site, and finally draining to Alum Creek through a stream on site.

Signage: (Signage plan provided)

One wall sign on the clubhouse, one monument sign at the entrance, and two entrance columns with signage on one side.

Lighting: (Lighting plan provided)

Cut-off type, pole light fixtures will be located throughout the site.

Sanitary Treatment:

A sewer capacity letter from the DCRSD was included with the submission indicating that sewer capacity is available to serve the site. The nearest sanitary sewer is at Africa Road and US-36/37.

Open Space / Health:

Min Required: 25% (7.92-acres) Proposed: 54.46 % (17.35-acres) *Storm ponds not included.*

Minimum Required Central Green Open Space: 15% (4.75-acres) Proposed: 18.7% (5.94-acres)

Staff notes that it is unclear where the 18.7% of central (usable) green space is located. The central green space that is surrounded by parking is only 1 +/- acres in size.

Parking:

Min Required: 250 Max Permitted: 750 Proposed: 452

Reviewing Agency Comments

DCEO

- Verify that there are adequate drainage outlets that exist for the site.
- Erosion and sedimentation control (DESC) requirements will be required.

Del-Co Water Company

The site can be served by an existing 6-inch waterline. However, due to system restraints fire flow is not available to the site.

Divergences

One divergence is requested:

1. Sec. 15.05: R-10 Uses Building Material: The exterior cladding material for all R-10 uses shall be wood, EIFS, and native or cultured stone to keep consistent with the Artisan Design theme of the Berlin Business Park.

Staff Comment: The applicant stated that “A Divergence is being requested to allow for the use of Hardie plank (or other fiber cement board) as an Alternate Exterior Material to EIFS. This material is permitted in the commercial and industrial standard.” Staff is in support of this request based on the elevations provided.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by N. Old State, LLC to BCO/R-10 to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

- 1.) Provide trails/paths throughout the open space area if feasible;
- 2.) Continue to work with the Del-Co Water Company and the Berlin Township Fire Department to ensure the require fire flow or service will be provided; and
- 3.) A graphic showing all central green open space must be submitted.

Commission / Public Comments

Mr. Todd Faris, Faris Planning and Design along with Mr. Jordan Yates, with N Old State LLC, were present to represent the project. Mr. Faris explained that the developer would be bringing a larger water line to the site to

satisfy the fire department. They are currently finalizing the agreement. He explained that they would work with the Township Trail Committee. The open space graphic will be clarified with the Township submittal.

No Commission action was required.

SUBDIVISION PROJECTS

Preliminary

08-23 Hyatts Plaza – Berlin Twp. - 1 lot / 3.25 acres

Conditions

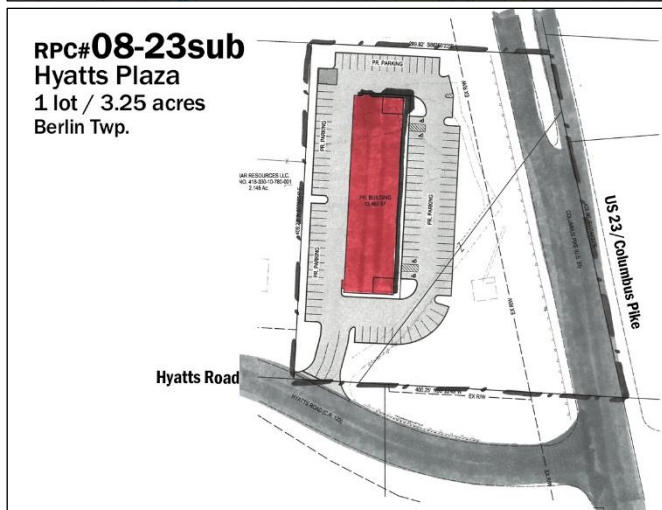
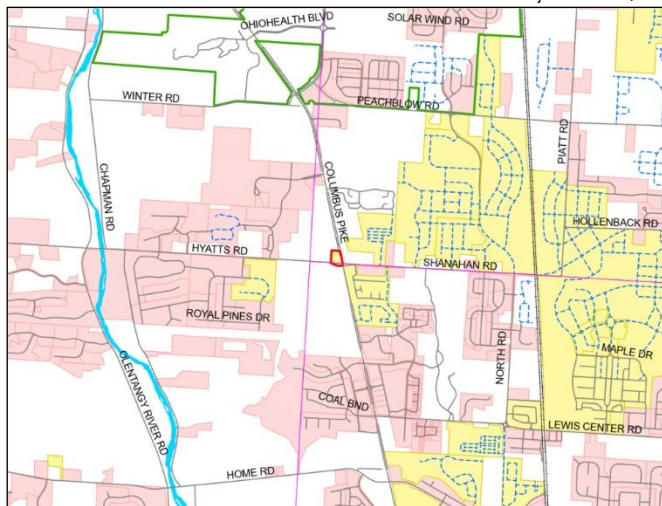
Applicant: Archall – John Oney / **Engineer:** ADR

Subdivision Type: Commercial

Location: West side of US 23, north of Hyatts Rd. / **Current Land Use:** Vacant

Zoned: Planned Commercial & Office (PCD) / **Zoning Approval:** July 8, 2019

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



Staff Comments

Hyatts Plaza is a commercial subdivision that will include a 13,460 sq. foot building with multiple tenant spaces. The site is located at the northwest corner of US-23 and Hyatts Road. There is one main point of ingress/egress to Hyatts Road, 100 surface parking spaces surround the building, surface water will be drained through an existing 108” culvert below US-23, and there is a powerline easement that bisects the entire frontage of the site (east to west). The property to the north is zoned PID and developed with the Terra Nova Community Church. The property to the west is zoned PCD, currently developed with two single-family homes, and approved to allow for an animal clinic and book store. A Delaware County sanitary lift station is under construction at the southeast corner of the PCD lot.

The site data table indicates that 102 parking spaces are required and only 100 are provided. A divergence to this standard is not noted on the cover sheet with other divergences, therefore the required number of parking spaces must be provided to the township.

Reviewing Agency Comments

Del-Co Water Company

- Construction cannot begin until Del-Co Water has received Ohio EPA approval. It is the developer’s responsibility to make the required submittals and obtain Ohio EPA approval.
- Obtain written approval from the fire department that has jurisdiction over this development.

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

Staff Recommendation

Staff recommends ***Conditional Preliminary Approval*** of Hyatts Plaza to the DCRPC, subject to:

1. Two parcels that make up the development site must be combined as part of the Final Plat process.

Commission / Public Comments

Mr. John Oney with Archall was present to answer questions from the Commission. He stated they think they can get 102 parking spaces without any additional changes but will continue to work out those details.

Miss Boni made a motion for Conditional Preliminary Approval of Hyatts Plaza, subject to staff recommendation. Mr. Boysel seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

09-23 T Beechwood Estates – Brown Twp. - 17 lots / 70.633 acres

Conditions

Applicant: Robert Johnson / **Engineer:** GHG Civil

Staff Comments

The applicant is requesting a 30-day Tabling in order to address road design.

Staff Recommendation

Staff recommends *Approval of a 30-day Tabling of Beechwood Estates* to the DCRPC.

Commission / Public Comments

Mrs. Holt made a motion for Approval of a 30-day Tabling of Beechwood Estates. Mrs. Raehl seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final

07-23 Evans Farm Marketplace, Lots 8885 & 8886, Div. #1 – Orange Twp. - 6 lots / 8.712 acres

Conditions

Applicant: BZ Evans LLC / **Engineer:** Kimley-Horn

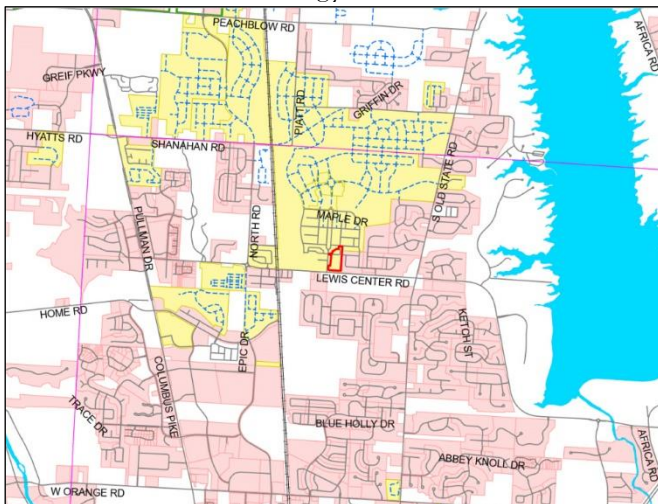
Subdivision Type: Planned Residential Community

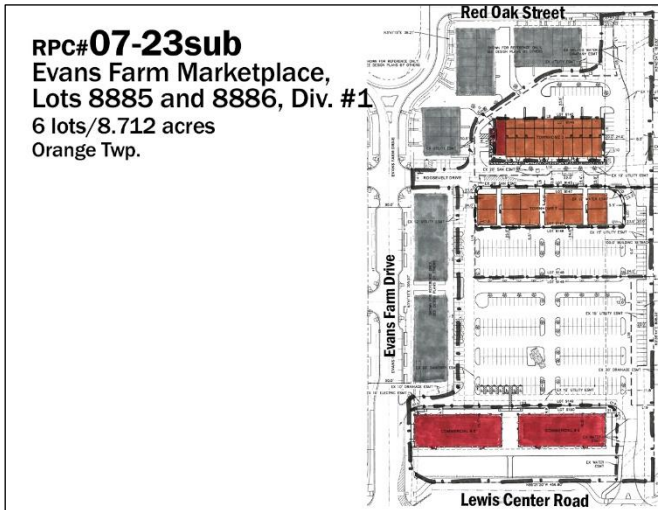
Location: east side of Evans Farm Dr., south of Red Oak St.

Zoned: Planned Commercial (PCD)

Utilities: Del-Co Water, central sanitary sewer

School District: Olentangy





Staff Comments

The applicant is requesting a combined Preliminary Plan and Final Plat approval for Evans Farm Marketplace, located east of Evans Farm Drive, between Lewis Center Road and Red Oak Street. Two access points are provided from Evans Farm Drive and one from Red Oak Street. The proposed commercial area is currently undeveloped and the apartments/residential areas are currently paved as parking areas.

The proposal is to reconfigure the commercial lot to the south, which is currently lot 8885, into a slightly different shape. The remainder of the site, Lot 8886, will be subdivided so that the townhomes will be on a parcel, apartments will be on a separate parcel, and the parking area will be separated for multiple ownership.

The property is being developed with 11 townhomes north of Roosevelt Drive, 38 units south of Roosevelt Drive, two commercial buildings just north of Lewis Center Road, and surface parking between the commercial buildings and townhomes. An access drive travels along the east side of the development, connecting Lewis Center Road and Red Oak Street.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

Staff Recommendation

Staff recommends Preliminary and Final Approval of Evans Farm Marketplace, Lots 8885 & 8886, Div. #1 to the DCRPC.

Commission / Public Comments

Mr. Kevin Kershner with Kimley Horn was present to represent the applicant.

Mr. Matlack made a motion for Preliminary and Final Approval of Evans Farm Marketplace, Lots 8885 & 8886, Div. #1. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

EXTENSIONS

17-21 Hidden Creek Estates, Sections 2-4 – Berkshire Twp. - 88 lots / 69.528 acres

Applicant: Homewood Corp. / **Engineer:** Hockaden

Preliminary approval: 05/27/21

Staff Comments

The applicant is requesting a 1-year extension for Hidden Creek Estates, Sections 2-4 subdivision.

Staff Recommendation

Staff recommends Approval of a 12-month Extension for Hidden Creek Estates, Sections 2-4 to the RPC.

Commission / Public Comments

Mr. Lane made a motion for Approval of a 12-month Extension for Hidden Creek Estates, Sections 2-4. Mrs. Dorsch seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

OTHER BUSINESS

- By-Laws amendment discussion

Chairman Stites explained that the Executive Committee is continuing to work on the election procedure for Executive Committee members and asked if any members had comments or suggestions as to how the process should work to please contact Scott Sanders, Director or himself.

Having no further business, Mr. Boysel made a motion to adjourn the meeting at 6:40 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, June 29, 2023, 6:00 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Dave Stites, Chairman

Stephanie Matlack, Executive Administrative Assistant