

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



AGENDA

Thursday, June 29, 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 May 25, 2023 RPC Minutes
- Executive Committee Minutes of June 21, 2023
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
13-15.6.B	Clarkshaw Moors, Sec. 6, Ph. B	Concord	18 lots / 6.197 acres
31-21	Trinity Lane CAD	Concord	3 lots / 7.78 acres
06-22	Oaks at Big Walnut	Trenton	14 lots / 58.213 acres

VARIANCE / EXTENSION

09-23.V	Beechwood Estates – Brown Twp. – Sec. 204.02 – sidewalk requirements
10-19.V	Armenian Estates CAD – Genoa Twp. – Sec. 102.03, 204.04 – additional extension
18-19.V	Clark Shaw Reserve South – Liberty Twp. – Sec. 102.03, 204.04 – additional extension

ZONING MAP/TEXT AMENDMENTS

16-23 ZON	Jaime & Jenna Perkins – Harlem Twp. – 5.004 acres – AR-1 to FR-1
17-23 ZON	Daniel Herschede – Harlem Twp. – 5.00 acres – AR-1 to FR-1
18-23 ZON	Troy Twp. Zoning Commission – Zoning Resolution text amendments

SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
09-23	T Beechwood Estates	Brown	17 lots / 70.633 acres
10-23	Aldeia	Orange	1 lot / 30.23 acres

Final

11-23	Orange Centre Dvlpt. Lots 7518 & 7519 Easement Vacation	Orange	1 lot / 2.0 acres
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OTHER BUSINESS

- Consideration for Approval: Vacation accrual changes

POLICY / EDUCATION DISCUSSION

RPC STAFF AND MEMBER NEWS

ADMINISTRATIVE BUSINESS

- Call to Order
- Roll Call
- Approval of the May 25, 2023 RPC Minutes
- June 21 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, Joe Shafer and Michele Boni. Tiffany Maag was absent. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from May 17, 2023

Miss Boni made a motion to Approve the Executive Committee minutes from May. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

- Financial / Activity Reports for May

REGIONAL PLANNING RECEIPTS		MAY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$3,485.00	\$12,195.00
Fees A (Site Review)	(4202)	\$300.00	\$1,800.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$1,600.00
Membership Fees	(4204)	\$2,542.00	\$212,918.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$317.99	\$610.90
Assoc. Membership	(4206)		
General Sales	(4220)		\$230.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$4,121.20	\$51,973.30
Charges for Serv. B (Final. Appl.)	(4231)	\$7,871.20	\$23,571.20
Charges for Serv. C (Ext. Fee)	(4232)	\$200.00	\$1,400.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$400.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$900.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$1,500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$4,590.00	\$11,370.00
Soil & Water Fees	(4243)	\$575.00	\$2,125.00
Commissioner's fees	(4244)	\$174.00	\$579.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		

Other Misc. Revenue (GIS maps)	(4730)	\$382.72	\$499.34
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$25,659.11	\$323,671.74

Balance after receipts	\$1,236,806.81
Expenditures	<u>\$ 39,252.07</u>
End of May balance (carry forward)	\$1,197,554.74

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

- SKETCH PLANS

	<u>Township</u>	<u>Lots/Acres</u>
• Peachblow Aquatics & Commerce Center	Berlin	2 lots / 10 acres
• Cheshire Mills	Berlin	6 lots / 10.97 acres
- RPC PRELIMINARY AGENDA
 - ZONING MAP/TEXT AMENDMENTS
 - Jaime & Jenna Perkins – Harlem Twp. – 5.004 acres – AR-1 to FR-1
 - Daniel Herschede – Harlem Twp. – 5.00 acres – AR-1 to FR-1
 - Troy Twp. Zoning Commission – Zoning Resolution text amendments
 - SUBDIVISION PROJECTS

	<u>Township</u>	<u>Lots/Acres</u>
Preliminary		
• Beechwood Estates	Brown	17 lots / 70.633 acres
• Aldeia	Orange	1 lot / 30.23 acres
Final		
• Orange Centre Dvlpt. Lots 7518 & 7519 Easement Vacation	Orange	1 lot / 2.0 acres
Consent		
• Clarkshaw Moors, Sec. 6, Ph. B	Concord	18 lots / 6.197 acres
• Trinity Lane CAD	Concord	3 lots / 7.78 acres
• Oaks at Big Walnut	Trenton	14 lots / 58.213 acres
Variance / Extension		
• Beechwood Estates – Brown Twp. – Sec. 204.02 – sidewalk requirements		
• Armenian Estates CAD – Genoa Twp. – Sec. 102.03, 204.04 – additional extension		
• Clark Shaw Reserve South – Liberty Twp. – Sec. 102.03, 204.04 – additional extension		

- Director's Report

Development Team Meetings

Hosted/scheduled by DCRPC, these meetings are generally quarterly and include RPC, DCEO, DCRSD, Building Safety, and Economic Development. Departments discuss project status throughout the County.

County Leadership Forum

Hosted/scheduled by County Administrator, these meetings are welcome to all Directors and Elected Officials of the County. General topics include personnel and benefit issues, security, building progress, etc. Attended on June 5.

Delaware City Safety Action Plan (MORPC)

Gain input regarding local road safety issues and opportunities and help identify key priorities for the plan. Focus on Safe Streets 4 All (SS4A). Currently analyzing crash history, existing road network and facilities for walking/biking, desirable destinations and demographic data. Stakeholder engagement to be completed in two workshops. Expected to be completed in September, 2023.

The Partnership for a Healthy Delaware County and Health Behaviors Collaborative (Delaware Public Health District)

The Partnership is a group of agency directors, organizations, businesses and residents representing multiple sectors of Delaware County that assesses the health of the community and develop an action plan to improve population health and drive policies, systems, and environmental change. The Collaborative acts as a subcommittee and is responsible for implementation of the four strategies that fall within the Health Behaviors priority area of the 2023-2028 Health Improvement Plan. Presenting funded projects from the 2023 Creating Healthy Communities (CHC) Mini Grant, as well as discussion of other project updates and activities that are related to the implementation of the CHIP Health Behaviors strategies. Scott and Brad both attended the main Partnership meeting on June 1.

Delaware County Housing Alliance (Affordable Housing)

Hosted by United Way, this effort includes **Task Force main group** meetings and a **Land Use and Zoning subcommittee**, both of which staff is involved with. This is an immediate-term effort (with long-term ongoing activities) that seek various tools to increase access and opportunities for affordable housing. Many social service agencies are involved. The effort included an initial study by a national consultant and information can be found at www.delcohousing4all.org. Attended Land Use and Zoning subcommittee on June 12.

Transportation Advisory Committee

Hosted by MORPC, these are monthly in-person meetings. Attended in person on May 31.

Active Transportation Committee

Hosted by MORPC, these are hybrid meetings that occur quarterly. Active transportation projects are shared – most activity is urban in nature, occurring in Columbus and suburbs. The Active Transportation Committee provides leadership and guidance in the realm of active transportation. The committee provides a forum to share information about best practices and collaborate on shared interests. The group consists of diverse representatives throughout Central Ohio including local governments, public agencies, non-profit organizations, and private interests. Staff attends occasionally. Attended online meeting on June 13.

Central Ohio GIS Users Group

Hosted by MORPC, these are hybrid meetings that occur quarterly. GIS tips, tools, projects, data, maps and apps are shared by various agencies. Staff attends occasionally.

Orange Township Active Transportation Plan (ODOT)

ODOT is providing a consultant for Orange Township to create an Active Transportation Plan with various recommendations for improvement to transportation infrastructure throughout the township. First Stakeholder meeting held in January, 2023, and second meeting on May 31.

SMART Columbus/Delaware County Digital Inclusion Plan

Hosted by Smart Columbus in partnership with BroadbandOhio, seeks to understand current barriers and

needs of area residents, employees and businesses around affordable, reliable internet, access to devices and digital skills training. Work includes collecting a full inventory of all the digital equity programs, activities, and offerings that are currently available in the Columbus Region – i.e. public Wi-Fi, discount internet programs, skills training programs, device access, onsite resident support, etc. The accuracy of this inventory will allow the state to assess where resources are needed.

DCRPC-Managed Projects

Harlem Township Zoning Resolution

Staff is working with the Zoning Commission on various updates in existing sections of the Zoning Resolution. Met on June 12.

Village of Ostrander Comprehensive Plan

Staff is working on a new plan. Brad met June 8, moving toward recommendations.

Liberty Township Comprehensive Plan

Staff is working on an update to the plan, which was last updated in 2018. Met on May 18, now working with township to secure a joint meeting with Steering Committee and Zoning Commission.

Berlin Township Comprehensive Plan

Staff is working on an update to the plan, which was last updated in 2014. Phone conference with BZC chair, trustees forwarded changes back to BZC.

Village of Galena

Staff is inserting existing language into a new format. Text update complete, working on maps.

Troy Township Comprehensive Plan

Staff is working on an update to the plan, which was last completed in 2004. Scott and Brad attended first meeting on June 5.

Troy Township Zoning Resolution

Staff is working with the Zoning Commission on various updates within the Zoning Resolution.

Project-specific/other meetings

Sunbury Parkway: ODOT is holding a stakeholder meeting and other study activity for the Sunbury Parkway interchange and extension. <https://PublicInput.com/SunburyParkway>. Attended Open House at Northgate Church on June 13.

US 23 Connect: The Route 23 Connect Study focuses on improvements along the U.S. 23 corridor between I-270 and Waldo. This ODOT-led study will develop concepts which will be evaluated to determine an action plan that will identify specific projects that can be advanced into development. Study concepts range in size and scope, aiming to provide safer and more efficient travel, including improved travel time reliability for through traffic. Public input meetings are taking place and online comments are encouraged. <https://publicinput.com/23connect> Open houses pushed to later in the year by ODOT.

Ohio American Planning Association:

Scott Sanders, Tiffany Maag, and Monica Conners will be presenting a session during the statewide APA conference in September. Project description and bios were submitted after selection.

County Engineer's Association of Ohio

Brad attended an all-day surveying conference hosted by CEOA on June 13.

Delaware County Township Association

Meets quarterly at various locations. Each one includes several speakers and provides a number of townships the opportunity to share updates. Attended on June 8.

Economic Development Strategic Plan

AECOM is working with Delaware County to develop a 5-year Economic Development Strategy, identifying strategies to support the County's goals around continuing to be a great place to live, work, and play.

Attended virtual introductory meeting with other county development agencies on June 13.

4. Old Business

- By-Laws amendments: Executive Committee officer election process discussed. Proposed amendments to be presented to the Executive Committee at the July 19th meeting. Recommendation to be emailed to all Representatives and Alternates by July 20th. Consideration for Approval to take place at the July 27th RPC meeting.

5. Other Business

- Consideration for Approval: Personal timesheet approval of Director in new payroll system.

Mr. Shafer made a motion to allow Mr. Sanders to continue to approve his personal time sheets for payroll purposes. Mr. Kille, Chief Deputy Auditor, will continue to approve time off requests. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Approval: Vacation accrual changes

Mr. Sanders explained that County Commissioners recently adjusted the accrual rate for vacation. The Committee was presented with those changes.

Current:

<u>Period</u>	<u>Available per year</u>	<u>Accrual rate/pay</u>
Less than 1 year of service completed	no vacation	3.1 hour
1 year of service, but less than 8 years completed	80 hours	3.1 hours
8 years of service, but less than 15 years completed	120 hours	4.6 hours
15 years of service, but less than 25 years completed	160 hours	6.2 hours
25 years or more of service completed	200 hours	7.7 hours

Proposed:

<u>Period</u>	<u>Available per year</u>	<u>Accrual rate/pay</u>
Less than 4years of service completed	80 hours	3.1 hour
4 but less than 9 years	120 hours	4.6 hours
9 but less than 14	160 hours	6.2 hours
14 but less than 19 years completed	180 hours	6.9 hours
19 years or more	200 hours	7.7 hours

Miss Boni made a motion to amend the current RPC vacation accrual rates to match those recently approved by the County Commissioners. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. Adjourn

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 10:25 a.m. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

13-15.6.B Clarkshaw Moors, Sec. 6, Ph. B – Concord Twp. - 18 lots / 6.197 acres

Conditions

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

Subdivision Type: Single Family Planned Residential

Location: south of Clark Shaw Rd., west of S Section Line Rd.

Zoned: Planned Residential (PR)

Preliminary Approval: 08/27/15

Utilities: Del-Co Water, central sanitary sewer

School District: Olentangy

Staff Comments

Clarkshaw Moors Preliminary Plan was approved on August 27, 2015 as a residential subdivision with 223 single-family lots, open space distributed throughout, sidewalks, walking paths within the open space, and road connections to the three surrounding subdivisions to the east, south and west. This is the final phase to be platted and 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 Clarkshaw Moors, Section 6, Phase B to the DCRPC.

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31-21 Trinity Lane CAD – Concord Twp. - 3 lots / 7.78 acres

Conditions

Applicant: Jim Aman / **Consultant:** Plan 4 Land
Subdivision Type: Single Family Residential, Common Access Driveway
Location: West side of Section Line Rd., north of Bean Oller Rd.
Zoned: Farm Residential (FR-1)
Preliminary Approval: 11/18/21
Utilities: Del-Co Water, private on-lot treatment systems
School District: Buckeye Valley

Staff Comments

Trinity Lane CAD Preliminary Plan was approved on November 18, 2021. The applicant is now requesting Final Plat approval to create a 3-lot CAD, with lot sizes ranging from 1.7 to 2.416-acres.

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 **Trinity Lane CAD** to the DCRPC.

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06-22 Oaks at Big Walnut – Trenton Twp. - 14 lots / 58.213 acres

Conditions

Applicant: DBR Ross Road LLC / **Engineer:** Gandee Heydinger
Subdivision Type: Single Family Residential
Location: west side of Ross Rd., north of Boston Rd.
Zoned: Rural Residential RR
Preliminary Approval: 02/24/22
Utilities: Del-Co Water, private on-lot treatment systems
School District: Big Walnut

Staff Comments

Oaks at Big Walnut Preliminary Plan was approved on February 24, 2022 as a residential subdivision with 14 single-family lots, sidewalks on one side of the subdivision streets, and a pedestrian path along the Ross Road frontage. The development is proposed in one phase and 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 **Oaks at Big Walnut** to the DCRPC.

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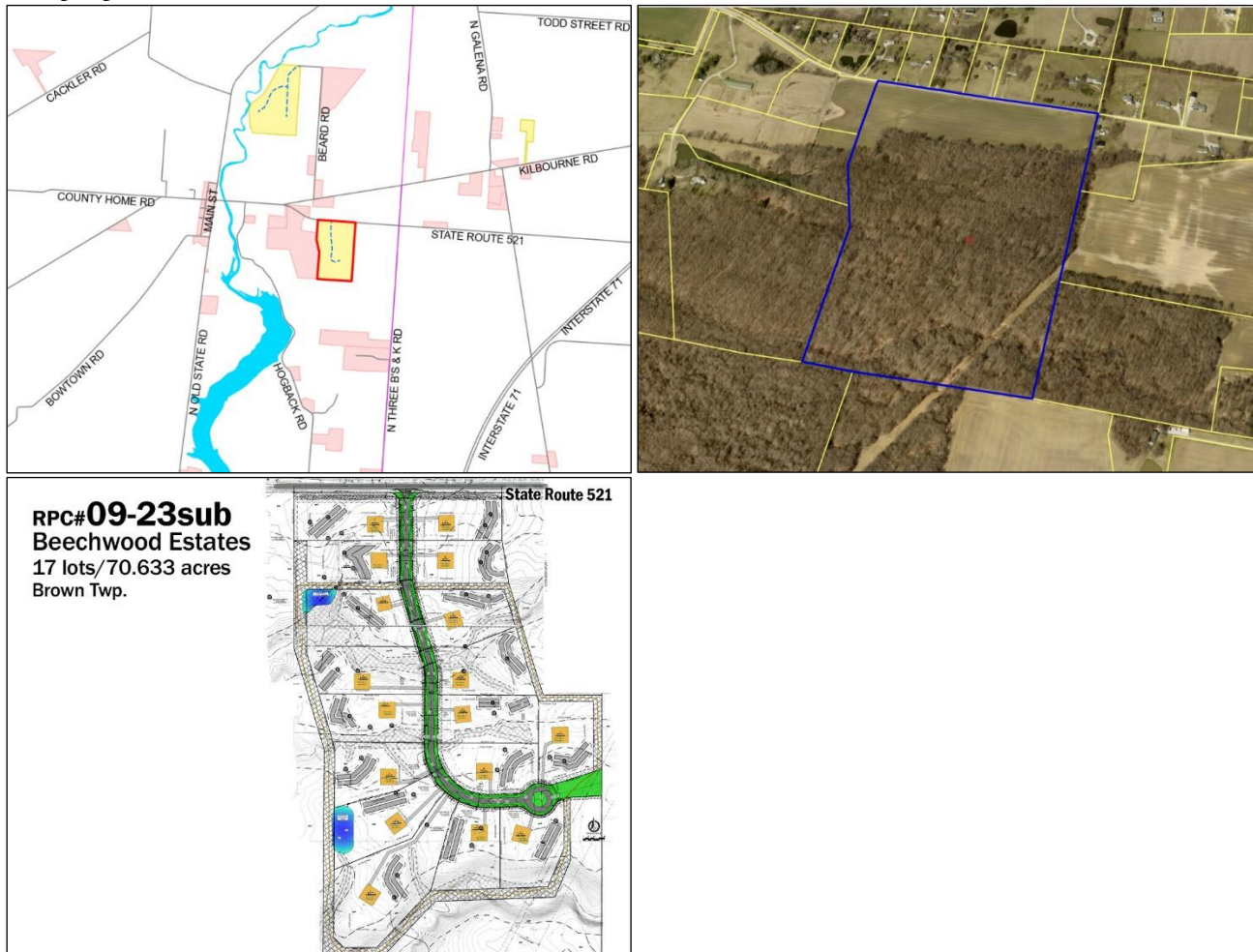
VARIANCE/EXTENSION

09-23.V Beechwood Estates – Brown Twp. – Sec. 204.02 – sidewalk requirements

Request:

The applicant is requesting a variance to Section 204.02 of the Delaware County Subdivision Regulations regarding the requirement of sidewalks.

The proposed subdivision is located on 70.633-acres on the south side of S.R. 521, west of 3 B's & K Rd.



Facts

1. The applicant seeks to create a 17-lot subdivision;
2. The site is 70.633 acres and consists of parcel 51810001102000;
3. The land is zoned FR-1, with a minimum 2-acre lot size; and
4. Relevant section of the Subdivision Regulations:

“204.02 Proposed Features. i.) Sidewalks or bike/pedestrian paths shall be required on at least one side on any street except in the case of a Common Access Driveway;”

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 comment: “We request a variance from the requirement for a Sidewalk to be installed along the proposed road. In coordination with Brown Township, see letter of support, and to maintain the rural feel of the development, through addition of a path system throughout the development, we request relief from this requirement. The path network will allow interconnectivity through the development, allow lots to get access to the cluster mailbox via the path network. This request is also in line with the most recent subdivision constructed in Brown Township (Oxford Woods) which does not include a sidewalk, but does not have a path network which is being proposed for this development.”

Staff comment: The first stated purpose of the Subdivision Regulations is “to secure and provide for the public health, safety, comfort and general welfare.” The sidewalk requirement was adopted to ensure that subdivisions that don’t go through the rezoning process (which typically end up including sidewalks as part of that process) also provide sidewalks on at least one side of the road. Not only do sidewalks provide a safe place for residents, including children, to walk, run, and play in this quickly-developing area, numerous studies have shown that good pedestrian network connectivity and walkability have a positive impact on land values.

The proposed path system (nature trail) does not adequately replace the requirement for a sidewalk on at least one side of the street, nor is it in the best interest of the public’s health, safety and welfare. Much of the path is shown either in or crossing multiple sections of Salt Well Run and proposed drainage easements. The path is also impacted by steep slopes. These areas include unpredictable conditions based on weather and may be difficult to traverse and maintain.

Staff agrees that Oxford Woods subdivision did not construct sidewalks to date. However, Oxford Woods Preliminary Plan (Sheet C301, received March 25, 2019) identified a sidewalk to be placed on both sides of the street, including along N. 3 B’s and K Road and was approved by DCRPC with these improvements.

Staff understands that the Brown Township Trustees are in support of this variance request and Staff

appreciates the Trustees providing their comments in this matter. However, Staff notes that the current Brown Township Comprehensive Plan includes Goals and Objectives to the linkage of planned developments by bike paths or walking paths in greenways so that new neighborhoods are all pedestrian-oriented and children can move safely between neighborhoods without having to be driven by automobile. This is not a planned development. However, Staff believes including sidewalks within this subdivision creates a more pedestrian-friendly and safer environment for the community. The Township letter indicated that there is a required threshold of 13 lots or more that would require a sidewalk; Staff wants to confirm that the Subdivision Regulations requires sidewalks on at least one side of the street with all subdivisions other than CADs.

Reviewing Agency Comments

DCEO

- 5-foot sidewalks must be provided.
- It doesn't appear that there is any physical obstruction to the roadway being extended, but please verify that a roadway could be extended through the electric easement and that there is nothing physically present that doesn't show up in an aerial view.

Brown Township Trustees

- Does not support the requirement that sidewalks be included as part of the development due to the remote location of the project.
- Does not support any future street connections to the east as this may become a cut through between SR 521 and 3 B's and K Road.
- Supports the proposed open space.

Staff Recommendation

DCRPC staff recommends *Denial* of the variance request from Sec. 204.02 of the Subdivision Regulations for **Beechwood Estates** to waive the sidewalk variance request, based on the Findings of Fact.

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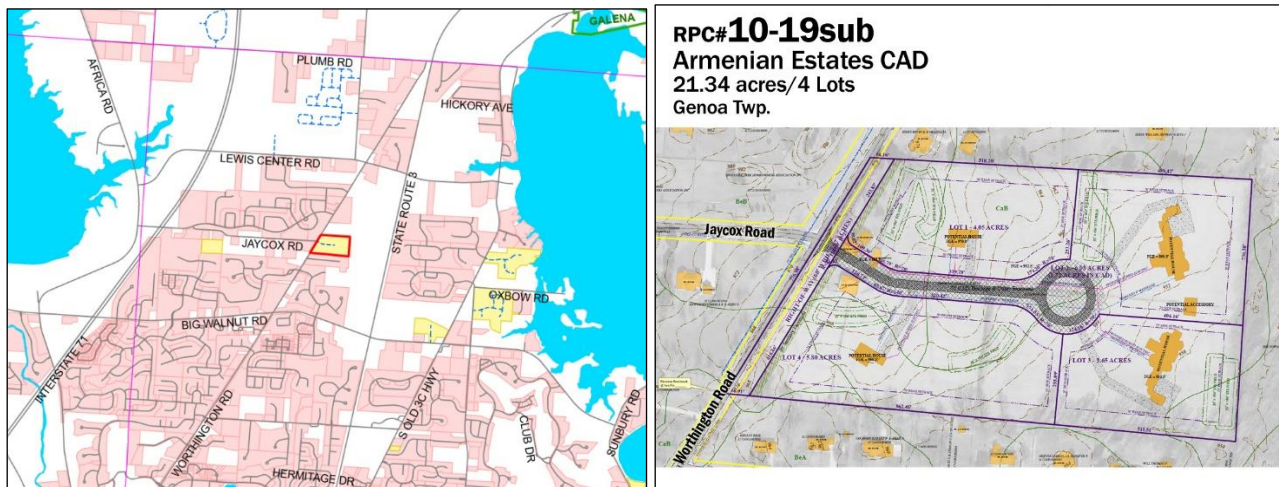
10-19.V Armenian Estates CAD – Genoa Twp. – Sec. 102.03, 204.04 – additional extension

Applicant: Tigran Safaryan / **Consultant:** Plan 4 Land

Preliminary approval: 06/27/19

Extensions granted: 06/24/21 -06/24/22, 6/30/22 -6/30/23

Variance approved: 06/30/22



Request

The applicant is requesting a third one-year extension for the Armenian Estates CAD via variance request.

The proposed subdivision is located on the east side of Worthington Rd., east of Jaycox Rd.

Facts

1. The Subdivision Regulations require that a Final plat be submitted within 2 years of Preliminary plan approval;
2. Armenian Estates received Preliminary approval on June 27, 2019;
3. The project was given a 1-year extension on June 24, 2021; and
4. A variance for an additional 2-year extension was approved on June 30, 2022.

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.

Applicant's Response: "This project is still under construction. The owner decided to build two homes on large lots prior to finalization on the roadway improvements being fully complete. Due to supply shortage and labor delays early in the project, the project is taking longer than expected. According to the owner it is expected to be finished in Fall 2023. The owner continues to take precautions during development to guarantee protection of public health, safety, and welfare of the area."

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.

Applicant's Response: "Yes, this property was split in two after preliminary plan approval to allow construction of the rear residences before the driveway was finalized."

- 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.

Applicant's Response: "The site improvements are almost entirely completed, and have progressed over the past

year, but have not been finalized for inspection. Strict enforcement would mean that we need to start the plan approval process over and jeopardize the ability to wrap up the project in the next few months.”

- 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: “The development is otherwise compliant with other development standards and no standards have been modified that would have affected this development, if it was approved today.”

Staff Comments

Final Engineering plans were approved by the Delaware County Engineer’s office in 2020 and a draft plat was also reviewed in 2020 with no major concerns by reviewing agencies. Based on progress being made, staff concurs with this request.

Staff recommendation

DCRPC staff recommends, based on the Findings of Fact, the Variance request from Sec. 102.03 & 204.04 for Armenian Estates and a one-year Extension of the Preliminary Plan be Approved.

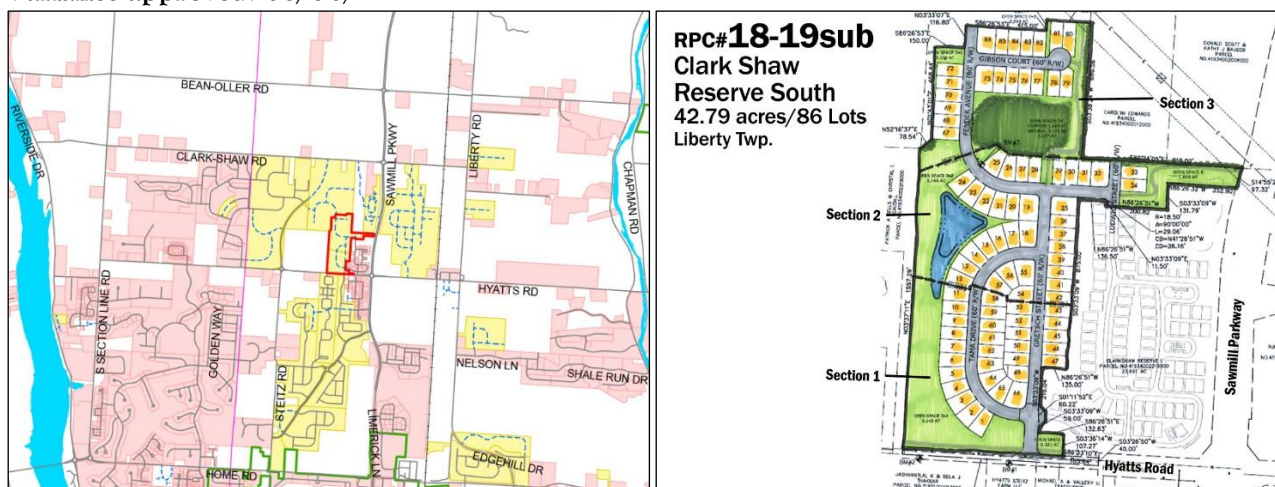
18-19.V Clark Shaw Reserve South – Liberty Twp. – Sec. 102.03, 204.04 – additional extension

Applicant: Rockford Homes / **Engineer:** Terrain Evolution

Preliminary approval: 06/27/19

Extensions granted: 06/24/21 - 06/24/22, 6/30/22 - 6/30/23

Variance approved: 06/30/22



Request

The applicant is requesting a third 1-year extension for the Clark Shaw Reserve South subdivision via variance request. The proposed subdivision is located on the north side of Hyatts Rd., west of Sawmill Parkway.

Facts

1. Section 204.04 of the Subdivision Regulations require that a Final plat be submitted within 2 years of Preliminary plan approval;
2. Clark Shaw Reserve South received Preliminary approval on June 27, 2019;
3. The project was given a 1-year extension on June 24, 2021; and
4. A variance for an additional 2-year extension was approved on June 30, 2022.

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: "We respectfully request a variance to the Delaware County Subdivision Regulations 102.03 and 204.04, in order to obtain an extension for the Clark Shaw Reserve South Preliminary Subdivision Plan. The Preliminary Subdivision Plan associated with the referenced subdivision was originally approved by Delaware County Regional Planning Commission June 27, 2019, and extensions were granted in June of 2021 and 2022. As a result, per Delaware County Subdivision Regulations, the Preliminary Subdivision Plan will now expire in June, 2023.

Our request to extend our PDP approval is based on similarity in price point and close proximity between our two subdivisions Clark Shaw Moors and Clark Shaw Reserve, and our absorption rate based on our homebuilding process. Rather than flood the market with similar priced lots we prefer to sell out or get close to selling out of Clark Shaw Moors then break ground in Clark Shaw Reserve at a later date. Unfortunately, due to the development cost increases because of the current market climate and the volatile raw materials market, lot and base house pricing have increased tremendously. Clark Shaw Reserve with smaller lots are very similar now to Clark Shaw Moors pricing and if Rockford Homes were to develop Clark Shaw Reserve we will effectively flood the market and slow down the completion of both subdivisions.

Adding more lots to the marketplace at the same time does not mean more lots will sell especially with our business model, Rockford Homes is not a nationwide production spec home builder, rather we allow custom changes to our houses. Our plans are just a jumping off point for many of our customers. This style of home building and the attention we provide to our customers requires a lengthier process. From the time of contract to occupancy permit our customized process can take up to a year, quality you can trust is not built in just a few months. Therefore, our

absorption rates in the majority of our communities across the county and surrounding five (5) counties are slower than typical nationwide homebuilders. The current time frame regulations of plan approval on our planned unit developments in Delaware County are typically hard for Rockford to develop and plat all lots before the designated expirations dates. Unfortunately, this requires our multiple requests for extensions. These time frames are more suited for production style builders versus our home building style. It is our hope that our request for extension can be approved versus denied. Fast development and home building does not equal quality communities. Rockford respectfully requests the maximum extension the commission will permit for our approval of the Clark Shaw Reserve subdivision for the reasons expressed above.

Granting a variance for the extension of the Preliminary Subdivision Plan Approval beyond the expiration date will not be detrimental to the public health, safety and welfare, and not injurious to other properties. Additionally, 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 the regulations, or the desirable development of the neighborhood and community.”

Staff Comments

Staff notes that the Clark Shaw Reserve South subdivision will make a connection to the Courtyards on Hyatts to the east and potentially to the Clark Shaw Reserve to the north if platted. Additionally, Rosewood Village received Preliminary Plan approval showing an emergency access drive connecting through Clark Shaw Reserve South. However, those subdivisions do not rely on Clark Shaw Reserve South to be completed in order to gain primary access, therefore the variance and 1-year extension request will not be detrimental to the community.

Staff recommendation

DCRPC staff recommends, based on the Findings of Fact, the *Variance* request from Sec. 102.03 & 204.04 of the Subdivision Regulations for **Clark Shaw Reserve South** to allow a one-year *Extension* of the Preliminary Plan be *Approved*.

ZONING MAP/TEXT AMENDMENTS

16-23 ZON Jaime & Jenna Perkins – Harlem Twp. – 5.004 acres – AR-1 to FR-1

Request

The applicants, Jaime and Jenna Perkins, are requesting a 5.004-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

Conditions

Location: 10518 Adams Rd., Galena, OH

Present Zoning: Agricultural (AR-1) / **Proposed Zoning:** Farm Residential (FR-1)

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

Existing Density: 1 du / 5 acres **Proposed Density:** 1 du / 2 acres

School District: Big Walnut Local School District

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

Critical Resources: none / **Soils:** BeA, CeB, PwA



Introduction

The applicant seeks to rezone a 5.004-acre site to the FR-1 District. The FR-1 District allows for one single-family dwelling on a lot not less than 2-acres in size. The site fronts on Adams Road, west of Harlem Road, and is currently developed with one single-family home. Based on the survey submitted, the current frontage of the parcel is 414.03 feet. No site plan or survey was submitted to show how the lot may be reconfigured. However, at least one new lot could be split from the parent tract with both lots meeting all applicable zoning requirements. Zoning requires 175 feet of frontage for lots between 2 and 3 acres in size and 210 feet of frontage for lots between 3 and 4 acres in size. Flag lots are allowed if separated by a full-frontage lot.

Comprehensive Plan

Harlem Township's 2021 Comprehensive Plan recommends preserving the Township's rural character and maintaining a 2-net acre minimum lot size for all lot splits and rezonings for residential developments that do not utilize sewer facilities. Staff believes the proposal conforms to these recommendations.

Issues

Traffic and access:

The site, and any new lots created if split will gain access from Adams Road.

Drainage:

Roadside drainage is located within 30-foot-wide highway easement.

Sanitary Treatment:

The site and any new lots created will be served by on-site wastewater treatment systems as sanitary sewer is not yet available in this area. No soils report showing where a primary and secondary septic system could be located on the new lot if split or where a secondary system could be located on the parent tract. Staff notes that much of the site includes poorly drained soil (Pewamo); therefore, a soils report should be reviewed and approved by the Delaware County Public Health District prior to the Township approving the rezoning request.

Staff Recommendation

Staff recommends **Conditional Approval** of the rezoning request by Jaime and Jenna Perkins from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *The applicant should ensure that a Primary and Secondary on-site treatment system can be placed on each site*

before Township zoning approval.

17-23 ZON Daniel Herschede – Harlem Twp. – 5.00 acres – AR-1 to FR-1

Request

The applicant, Daniel Herschede, is requesting a 5.00-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

Conditions

Location: 15675 Montgomery Rd., Johnstown, OH

Present Zoning: Agricultural (AR-1) / **Proposed Zoning:** Farm Residential (FR-1)

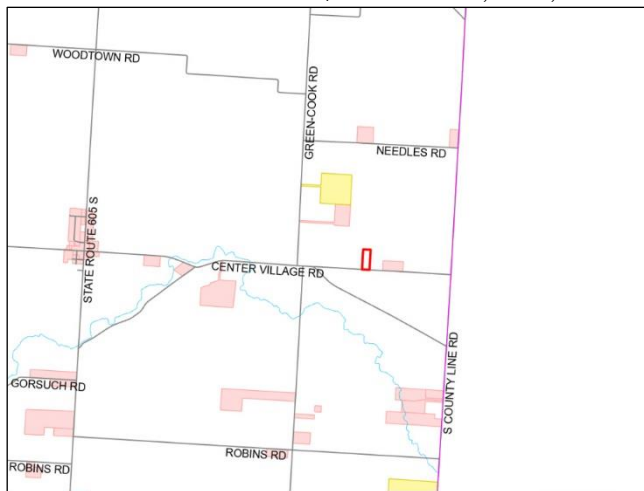
Present Use(s): One single-family house / **Proposed Use(s):** Two single-family house lots

Existing Density: 1 du / 5 acres **Proposed Density:** 1 du / 2 acres

School District: Big Walnut Local School District

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

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



Introduction

The applicant seeks to rezone a 5.00-acre site to the FR-1 District. The FR-1 District allows for one single-family dwelling on a lot not less than 2 acres in size. The site fronts on Montgomery Road, west of S. County Line Road, and is currently developed with one single-family home. Based on the survey submitted, the current frontage of the parcel is 292.92 feet. No site plan or survey was submitted to show how the lot may be reconfigured or where the existing onsite wastewater treatment system is located, which is not required. However, the applicant also owns the adjacent 3.49-acre lot to the east, which is also zoned FR-1, and at least one new lot could be created if reconfiguring these two lots with both lots meeting all applicable zoning requirements. Zoning requires 175 feet of frontage for lots between 2 and 3 acres in size and 210 feet of frontage for lots between 3 and 4 acres in size. Flag lots are allowed if separated by a full-frontage lot.

Comprehensive Plan

Harlem Township's 2021 Comprehensive Plan recommends preserving the Township's rural character and maintaining a 2-net acre minimum lot size for all lot splits and rezonings for residential developments that do

not utilize sewer facilities. Staff believes the proposal conforms to these recommendations.

Issues

Traffic and access:

The site, and any new lots created if split will gain access from Montgomery Road.

Drainage:

Roadside drainage is located within 30-foot-wide highway easement.

Sanitary Treatment:

The site and any new lots created will be served by on-site wastewater treatment systems as sanitary sewer is not yet available in this area. No soils report showing where a primary and secondary septic system could be located on the new lot if split or where a secondary system could be located on the parent tract. A soils report should be reviewed and approved by the Delaware County Public Health District prior to the Township approving the rezoning request.

Staff Recommendation

Staff recommends **Conditional Approval** of the rezoning request by Daniel Herschede from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to*:

- 1.) *The applicant should ensure that a Primary and Secondary on-site treatment system can be placed on each site before Township zoning approval.*

18-23 ZON Troy Twp. Zoning Commission – Zoning Resolution text amendments

Request

The Troy Township Zoning Commission has approved amendments to the Township's Zoning Resolution and requests Regional Planning Commission's review and comments prior to adopting these changes.

Amendments include retitling "Granny Flats" to "Accessory Dwelling Units (ADU)", defining these ADUs and providing new requirements for ADUs; removing "Apartment Hotel" from definitions, and prohibiting "Extended Stay and Transient Hotels" and redefining this use; adding "Small Solar Facilities" as specific permitted and non-permitted uses, updating the "Procedure on Application for Variance" section by adding a paragraph about fees, tabling and withdrawal processes; modifying certain signage sizes; removing manufactured homes related to "farm labor" as a conditional use in the FR-1 district; and, defining "Container Homes."

Staff Comments

Staff is generally in support of the amendments with minor changes as listed below. Including ADUs will follow a national trend for allowing seniors to age in place with family or friends. Each jurisdiction may view "Extended Stay" hotels differently as they are more typically termed as an apartment use and not permitting that use in the PCD is understandable, provided the use is permitted in another zoning district. The Township may consider including certain types of hotel uses in the Highway Service District (HSD) as the use will not be permitted at all if removed from the PCD. Example language for "Small Solar Facilities" has been created by Brosius, Johnson & Griggs law firm recently and permitting rooftop solar energy systems is one step toward

allowing residents to use alternative energy sources. Container homes are also a growing trend nationwide and defining them in the Zoning Resolution would make it clear to the public when filing permits for construction and for Township zoning staff when reviewing permits.

Additional Comments

Accessory Dwelling Unit (ADU)

Recommended ADU definition: “A habitable dwelling unit detached from a single-family dwelling, on a permanent frost-free foundation, connected to sanitary sewer and water services, that provides basic requirements for living, sleeping, eating, cooking, and sanitation and conforms to applicable building codes.”

Identify in each residential zoning district as either a permitted or not permitted use.

Consider striking the addition to pg. 53, “ADU may not become an income producing unit.” Unless the County Prosecutor’s office has provided guidance on how the Township will enforce this requirement.

It appears “ADU” is intended to replace the term “Granny Flat”. Therefore, “Granny Flat” should be removed/replaced in all eight instances that it shows up in the Zoning Resolution. “Granny Flat” definition should also be struck if replaced by ADU.

“Requirements: only ~~on~~ (one?) ADU is permitted on the parcel of primary one-unit dwelling; ADUs are not permitted with a two to four unit dwelling.” The allowance for an ADU is likely only applicable in the FR-1 district, unless it is written into future PRD Development Plans. Therefore, this requirement is unnecessary. At most, the language should limit ADUs to “parcels with a single-family residence only.”

“Be subordinate in size to the primary dwelling.” Strike this statement as there is already a permitted size in Sec. J(2) – 816 sq. ft.

“The ADU must maintain the look and feel of the original structure. It cannot have separate utilities and cannot be income producing” Strike the second sentence as it is already stated in the proposed #9 and J(1) statements.

(Staff will provide a marked-up version of this section along with the results of the RPC meeting.)

Extended Stay Hotels

Remove “Apartment Hotel” from Hotel definition. Staff also recommends amending the existing definition of Hotel or Motel to be more in keeping with ORC 3731.01 – Hotel Definitions; “Hotel” includes any structure consisting of one or more buildings containing any combination of more than five guestrooms, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations is offered for pay to persons, but such structure does not otherwise meet the definition of a transient hotel or an extended stay hotel. “Hotel” does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories.

15.02 (should be 15.03) Prohibited Uses add:

H) Extended Stay and/or Transient Hotels being any structure of one or more buildings containing any combination of more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised or held out to the public to be a place where temporary residence or sleeping accommodations are offered for pay. **Staff recommends** changing Transient Hotel to Residential Hotel and amending to the last sentence to: “...sleeping accommodations are offered for pay to persons for a minimum stay of more than 30 days.”

Small Solar Facilities

Amend Permitted Uses paragraph to read: Roof Mounted Solar Energy Systems (RMSES) are only permitted in the FR-1, PRD, PCD and PID zoning districts. The RMSES shall be designed to only provide energy for the property upon which it is located. However, excess energy may be sold as permitted by state and federal law. The permitted RMSES shall meet the following requirements:

- a) Shall not extend beyond the edge of roof on which it is located;
- b) May be mounted to a principal or accessory building;
- c) The height of the RMSES and building to which it is mounted may not exceed the ridgeline of the roof or hip, gable, and gambrel roofs.

Also, if the intent is to only allow roof mounted solar energy systems, **Staff recommends** amending the Non-Permitted Uses sentence to read: Ground and pole mounted, or any other solar energy system other than roof mounted solar energy systems are not permitted.

Container Homes

Container Homes should only be defined if the use is identified as a permitted use or structure type within the Zoning Resolution. The current Resolution does not address Container Homes. However, Staff is supportive of permitting Container Homes in residential districts. If the use is permitted, architectural element requirements may be worth including in the criteria for permitting. Example: “Must be cohesive with any existing buildings on site and with the general makeup of the community.”

Staff Recommendation

Staff recommends **Conditional Approval** of the Troy Township Zoning Resolution amendments to the DCRPC, Troy Twp. Zoning Commission and Troy Twp. Trustees, *subject to Staff comments as noted in this report.*

SUBDIVISION PROJECTS

Preliminary

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

Conditions

Applicant: Robert Johnson / **Engineer:** Gandee Heydinger Group

Staff Comments

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

Staff Recommendation

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

10-23 Aldeia – Orange Twp. - 1 lot / 30.23 acres

Conditions

Applicant: Onyx and East, LLC. / **Engineer:** Kimley-Horn

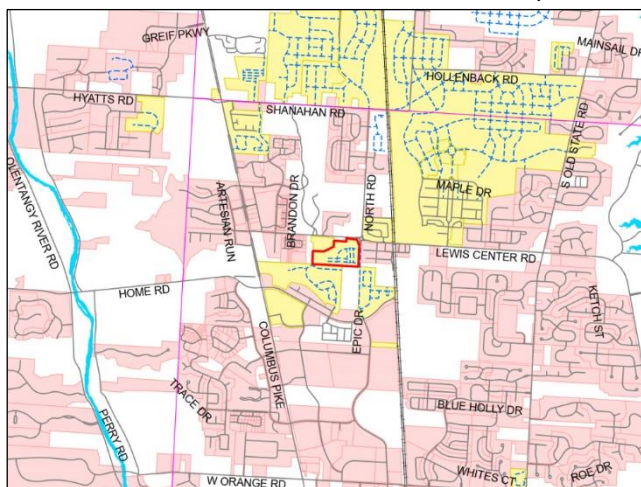
Subdivision Type: Multi-Family

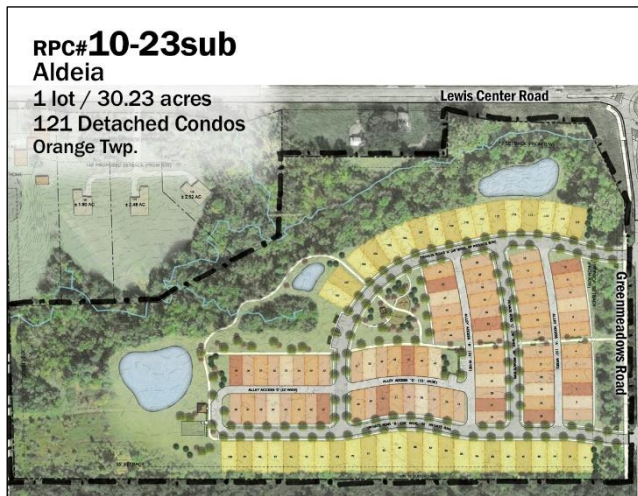
Location: South side of Lewis Center Rd., west of future Green Meadows Drive extension

Current Land Use: Vacant

Zoned: Single-Family Planned Residential (SFPRD) / **Zoning Approval:** April 15, 2023

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





Staff Comments

Aldeia is a residential subdivision with 117 single-family condominium units. All units will front on private drives and all units north of private road 'B' will have garage access from alleys. The two main points of ingress/egress are to a future extension of Green Meadows Drive, south of Lewis Center Road. The minimum setbacks are 100 feet from Green Meadows Drive, 35 feet from the southern boundary line which also includes a 15-foot preservation area, 70 feet from Lewis Center Road and 30 feet from the northern boundary line. Typical condominium unit sites are 43 feet wide for front load units and 32-38 feet wide for rear load alley units. Roughly 21-acres of open space is provided throughout with floodplain and wetlands protected. The entire development includes sidewalks along all private drives, playground, pavilion, dog park, cluster mailbox, multi-use path and two stormwater ponds. A three-lot CAD and one single-family home lot will either be separated from the parent tract and reconfigured prior to or after this subdivision is created, which is shown on sheet 1 of the Preliminary Plan.

A technical review was held on June 20, 2023, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Aldeia Subdivision** to the DCRPC.

Final

11-23 Orange Centre Dvlpt. Lots 7518 & 7519 Easement Vacation – Orange Twp. - 1 lot /2.0 acres

Conditions

Applicant: Central Ohio Commercial Properties

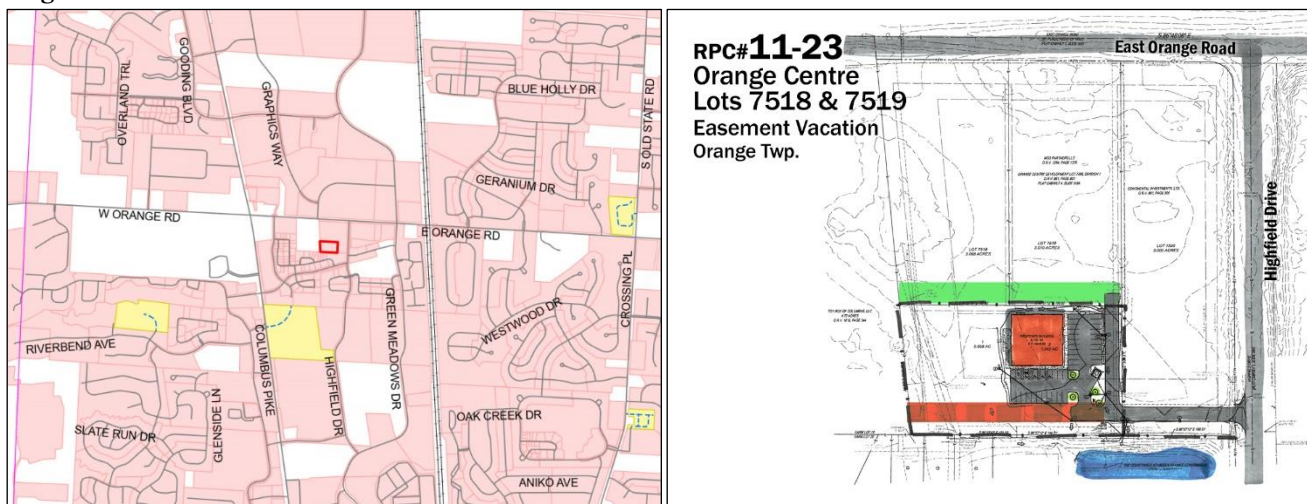
Subdivision Type: Commercial

Location: south side of Orange Rd., west of Highfield Dr.

Zoned: Planned Commercial (PC)

Utilities: Del-Co Water

Engineer: CEC



Introduction

Section 205.06 of the Subdivision Regulations allows for the vacation of easements created through platting which provide access beyond County agencies, such as to general utilities. The process requires notice and a meeting/decision of the Commission. Additionally, applications are discussed during the monthly Technical Review Committee meeting.

Staff Comments

The applicant is proposing to vacate a 0.236-acre ingress/egress easement in the Orange Centre Development. The easement was created by plat with the recording of Orange Centre Development on December 18, 2007. At that time the site was one, 9.078-acre lot (lot 7496). When the lots were reconfigured in 2022, a new easement was created north at the current development site. The existing easement would negatively impact a proposed parking lot. Based on the lot configurations on the current plat, it does not appear any neighboring properties will be impacted by the vacation of this easement.

The applicant has presented to the RPC Office a survey of the easements to be vacated, a requirement for approval.

Staff Recommendation

Staff recommends *Final Approval* of Orange Centre Dvlpt. Lots 7518 & 7519 Easement Vacation to the DCRPC.

OTHER BUSINESS

- Consideration for Approval: Vacation accrual changes

Current:

<u>Period</u>	<u>Available per year</u>	<u>Accrual rate/pay</u>
Less than 1 year of service completed	no vacation	3.1 hour
1 year of service, but less than 8 years	80 hours	3.1 hours
8 years of service, but less than 15 years	120 hours	4.6 hours
15 years of service, but less than 25 years	160 hours	6.2 hours
25 years or more of service completed	200 hours	7.7 hours

Proposed:

<u>Period</u>	<u>Available per year</u>	<u>Accrual rate/pay</u>
Less than 4years of service completed	80 hours	3.1 hour
4 but less than 9 years	120 hours	4.6 hours
9 but less than 14	160 hours	6.2 hours
14 but less than 19 years	180 hours	6.9 hours
19 years or more of service completed	200 hours	7.7 hours

POLICY / EDUCATION DISCUSSION

RPC STAFF AND MEMBER NEWS

The next meeting of the Delaware County Regional Planning Commission will be Thursday, July 27, 2023, 6:00 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.