

Delaware County Regional Planning Commission

1610 State Route 521
P.O. Box 8006, Delaware, Ohio 43015
740-833-2260 www.dcrpc.org
Scott B. Sanders, AICP Executive Director



MINUTES

Thursday, November 30, 2023 at 6:00 PM
Byxbe Campus Conference Room, 1610 SR 521,
Delaware, Ohio 43015

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of October 26, 2023 RPC Minutes
- Executive Committee Minutes of November 22, 2023
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
27-19.2	Liberty Grand Communities, Sec. 2	Liberty	2 lots / 32.648 acres
12-22	Slate Ridge Residential Lots 9089 & 9092 Amended	Orange	4 lots / 102.84 acres

ZONING MAP/TEXT AMENDMENTS

32-23 ZON	Weaver Custom Homes – Trenton Twp. – 87.62 acres – FR to RR
33-23 ZON	Sharon Wade and Gary Newhouse – Scioto Twp. – 32.086 acres from FR-1 and I to I
34-23 ZON	Connie and Devin Wesolowski – Harlem Twp. – 5.034 acres from AR-1 to FR-1
35-23 ZON	Davern Holdings LLC – Liberty Twp. – 2.26 acres from FR-1 to PC
36-23 ZON	Epcon Communities – Concord Twp. – 36.24 acres from FR-1 to PRD
37-23 ZON	Peachblowroad Ltd. – Berlin Twp. – 64.865 acres from FR-1 to TPUD
38-23 ZON	Peachblowroad Ltd. – Berlin Twp. – 19.412 acres from FR-1 to NCD
39-23 ZON	Peachblowroad Ltd. – Berlin Twp. – 8.221 acres from FR-1 to PCD

SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
21-23	Longshore CAD (fka Sarnovsky CAD)	Trenton	5 lots / 57.70 acres

OTHER BUSINESS

- Consideration for Approval: 2024 Budget
- Consideration for Approval: 2024 Meeting Schedule
- Consideration for Approval: Fee Schedule
- Consideration for Approval: Transfer of Health Dept., SWCD and County Commissioner’s fees
- Consideration for Approval: Transfer of Appropriations: \$3,000 from Services and Charges (5301) to Materials & Supplies (5201)

ADMINISTRATIVE BUSINESS

- **Call to Order**
 Vice Chair Ed Snodgrass called the meeting to order at 6:00 p.m.
- **Roll Call**
Representatives: Steve Lisano, Ric Irvine, Duane Matlack, Mike Cannon, David Willyerd, Staci Hood, Jeffrey Warner, Jim Hatten, Ed Snodgrass, Herb Ligocki, Kent Manley and Mike Dattilo. *Alternates:* Dean Mosier, Jerry Valentine, Dawn Huston, Monica Conners, Glynnis Dunfee, David Setzer, Mike Love, Paul Benson, and Michele Boni. *Arrived after roll call:* Walt Thompson (R). *Staff:* Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.
- **Approval of the October 26, 2023 RPC Minutes**
Mr. Matlack made a motion to Approve the minutes from the October 26th meeting, seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.
- **November 22, 2023 Executive Committee Minutes**

A. Call to order

Chairman Shafer called the meeting to order at 8:46 a.m. Present: Joe Shafer, Robin Duffee, Gary Merrell and Tiffany Maag. Ed Snodgrass was absent. Staff: Scott Sanders and Stephanie Matlack.

B. Approval of Executive Committee Minutes from October 17, 2023

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

C. New Business

1. Financial / Activity Reports for October

REGIONAL PLANNING RECEIPTS		October	YTD TOTAL
General Fees (Lot Split)	(4201)	\$820.00	\$19,165.00
Fees A (Site Review)	(4202)	\$1,200.00	\$4,800.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$4,600.00
Membership Fees	(4204)		\$212,918.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$257.75	\$8,945.39
Assoc. Membership	(4206)		
General Sales	(4220)		\$234.50
Charges for Serv. A (Prel. Appl.)	(4230)	\$7,165.00	\$86,236.30
Charges for Serv. B (Final. Appl.)	(4231)	\$2,839.70	\$44,210.90
Charges for Serv. C (Ext. Fee)	(4232)	\$600.00	\$2,800.00
Charges for Serv. D (Table Fee)	(4233)		\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$2,700.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$2,700.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$200.00	\$16,540.00
Soil & Water Fees	(4243)	\$1,025.00	\$4,950.00
Commissioner’s fees	(4244)	\$3.00	\$1,158.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		\$499.34
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$18,151.36	\$372,688.56

Balance after receipts	\$1,114,713.48
Expenditures	- \$ 41,793.72
End of October balance (carry forward)	\$1,072,919.76

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

2. RPC Preliminary Agenda November

a) Sketch Plans

- None for November

b) Zoning Map / Text Amendments

- Weaver Custom Homes - Trenton Twp. - 87.62 acres - FR to RR
- Sharon Wade and Gary Newhouse - Scioto Twp. - 32.086 acres from FR-1 to FR-1 and I
- Connie and Devin Wesolowski - Harlem Twp. - 5.034 acres from AR-1 to FR-1
- Davern Holdings LLC - Liberty Twp. - 2.26 acres from FR-1 to PC
- Epcon Communities - Concord Twp. - 36.24 acres from FR-1 to PRD
- Peachblowroad Ltd. - Berlin Twp. - 64.865 acres from FR-1 to TPUD
- Peachblowroad Ltd. - Berlin Twp. - 19.412 acres from FR-1 to NCD
- Peachblowroad Ltd. - Berlin Twp. - 8.221 acres from FR-1 to PCD

c) Subdivision Projects

Consent:

- | | <u>Township</u> | <u>Lots/Acres</u> |
|--|-----------------|-----------------------|
| ▪ Liberty Grand Communities, Sec. 2 | Liberty | 2 lots / 32.648 acres |
| ▪ Slate Ridge Residential Lots 9089 & 9092 Amended | Orange | 4 lots / 102.84 acres |

Preliminary:

- | | | |
|-------------------------------------|---------|---------------------|
| • Longshore CAD (fka Sarnovsky CAD) | Trenton | 5 lots / 57.7 acres |
|-------------------------------------|---------|---------------------|

3. Director’s Report

Transportation Advisory Committee

Hosted by MORPC, these are monthly in-person meetings. **Attended on November 1, followed by an Attributable Funds Committee meeting.**

Development Team Meeting
Met on November 8.

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 with Zoning Commission on November 13, FINAL version on several Articles.

Village of Ostrander Comprehensive Plan
Staff is working on a new Comp Plan. Brad met on November 9, nearing completion of project.

Liberty Township Comprehensive Plan
Staff is working on an update to the Comp Plan. Unable to meet in November.

Berlin Township Zoning Resolution
Staff is working on an update to the Zoning Resolution. Turned in draft for review, continuing to work.

Village of Galena
Staff is inserting existing language into a new format. Continue to update, call from new mayor.

Troy Township Comprehensive Plan
Staff is working on an update to the Comp Plan. Brad met with Steering Committee on October 2, continuing to make progress.

Porter, Orange, Shawnee Hills – starting review of Zoning Resolution and Comp Plan.

Project-specific/other meetings

Delaware County Transit Strategic Plan: Participated in a panel discussion as part of this process.

Prosecutor Training Session: Brad attended a couple of sessions.

Ohio Township Association Zoning Inspector Roundtable: Virtual on November 14, both attended.

4. Consideration for Recommendation of Approval – Merit Compensation policy to apply for 2023

Mr. Sanders presented the request to apply the approved Merit Compensation Policy for 2023. The most recent years the policy was applied and approved were 2017 and 2018. Mr. Sanders has completed over 52 hours of evening contract work, 42.25 of which is eligible for compensation. Further discussion will take place at the December Executive Committee meeting.

5. Consideration for Recommendation of Approval: Transfer of Appropriations: \$3,000 from Services and Charges (5301) to Materials & Supplies (5201).

Mr. Merrell made a motion to recommend Approval of a Transfer of Appropriations in the amount of \$3,000 from Services and Charges (5301) to Materials and Supplies (5201). Ms. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. Consideration for Recommendation of Approval - 2024 Budget

Mr. Sanders explained that minor changes were made to the Budget that was distributed at the last meeting, including the removal of the \$10,000 projected expenditure for Grants & Aide Program.

Ms. Maag made a motion to recommend Approval of the 2024 Budget as presented. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

7. Consideration for Recommendation of Approval: 2024 Meeting Schedule

The 2024 meeting schedule was presented. All monthly Commission meetings take place the last Thursday of each month except for October, November and December due to holiday schedules.

Ms. Maag made a motion to recommend Approval of the 2024 Meeting Schedule as presented. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

8. Consideration for Recommendation of Approval: 2024 Fee Schedule

Fee	Current	Proposed
Sketch Plan base fee	\$300	\$400
Subdivision base fee	\$400	\$500
Subdivision Per Lot fee	\$100	\$110
Table / Extension	\$200	\$300
Combination of Platted Lots	\$400	\$500
Amendment to Commission approved Prel. / Final	\$400	\$500
Variance	\$300	\$500
Zoning Review for Planned District	\$300	\$500

Mr. Sanders presented the Committee with the proposed fee schedule increase. The last increase in platting fees was 2007.

Ms. Maag made a motion to recommend Approval of the proposed fee schedule. Mr. Duffee seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

If approved by the Commission, the new fee schedule would be effective January 1, 2024.

9. Consideration for Recommendation of Approval: Transfer of fees, Health District (\$16,090), SWCD (\$5,075), County Commissioner's (\$1,176)

Mr. Merrell made a motion to recommend Approval of the transfer of fees RPC has collected on behalf of the Health District, Soil and Water Conservation District and County Commissioners. Ms. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The last submittal deadline is November 27th. A final total will be available at the Commission

meeting on 11/30/23.

At 9:53 a.m., Chairman Shafer made a motion to go into Executive Session per ORC 121.22 (G) (1) for the consideration of employment of a public employee. Mr. Merrell seconded the motion. Motion carried.

At 10:10 a.m. Mr. Duffee made a motion to return to regular session, seconded by Ms. Maag. Motion carried.

D. Adjourn

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

The next regular Executive Committee meeting will be Wednesday, December 13, 2023 at 8:45 a.m. at 1610 State Route 521, 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)

27-19.2 Liberty Grand Communities, Sec. 2 – Liberty Twp. - 2 lots / 32.648 acres

Conditions

Applicant: Liberty Grand II, LLC. / **Engineer:** EMH & T

Subdivision Type: Multi-Family Condominium

Location: north of Liberty Grand Blvd., south of Hyatts Rd., west of Sawmill Parkway

Zoned: POD-18

Preliminary Approval: 12/16/21

Utilities: Del-Co Water, central sanitary sewer

School District: Olentangy

Staff Comments

Liberty Grand Communities, Section 2 is a multi-family condominium development that includes 190 units located on the north side of Liberty Grand Blvd., south of Hyatts Rd. This will extend Hyatts Crossing Drive from the east to the proposed Sara Crossing subdivision to the west, and ultimately to the Liberty Grand District, Section 11. Preliminary approval was granted December 16, 2021 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 Liberty Grand Communities, Section 2 to the DCRPC.

Commission / Public Comments

Mr. Irvine made a motion for Final Approval of Liberty Grand Communities, Section 2. Ms. Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

12-22 Slate Ridge Residential Lots 9089 & 9092 Amended – Orange Twp. - 4 lots / 102.84 acres

Conditions

Applicant: Pulte Homes / **Engineer:** MS Consultants
Subdivision Type: Multi-family Condominium
Location: North side of Home Rd., east of Columbus Pike
Zoned: Single Family Residential (SFPRD)
Preliminary Approval: 03/31/22
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy

Staff Comments

Slate Ridge Residential Lots 9089 & 9092 Amended is a single-family detached condominium development that includes 219 units on four total lots, located on the north side of Home Rd., east of Columbus Pk. Preliminary approval was granted March 31, 2022 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 Slate Ridge Residential Lots 9089 & 9092 Amended to the DCRPC.

Commission / Public Comments

Mr. Irvine made a motion for Final Approval of Slate Ridge Residential Lots 9089 & 9092 Amended. Ms. Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

ZONING MAP/TEXT AMENDMENTS

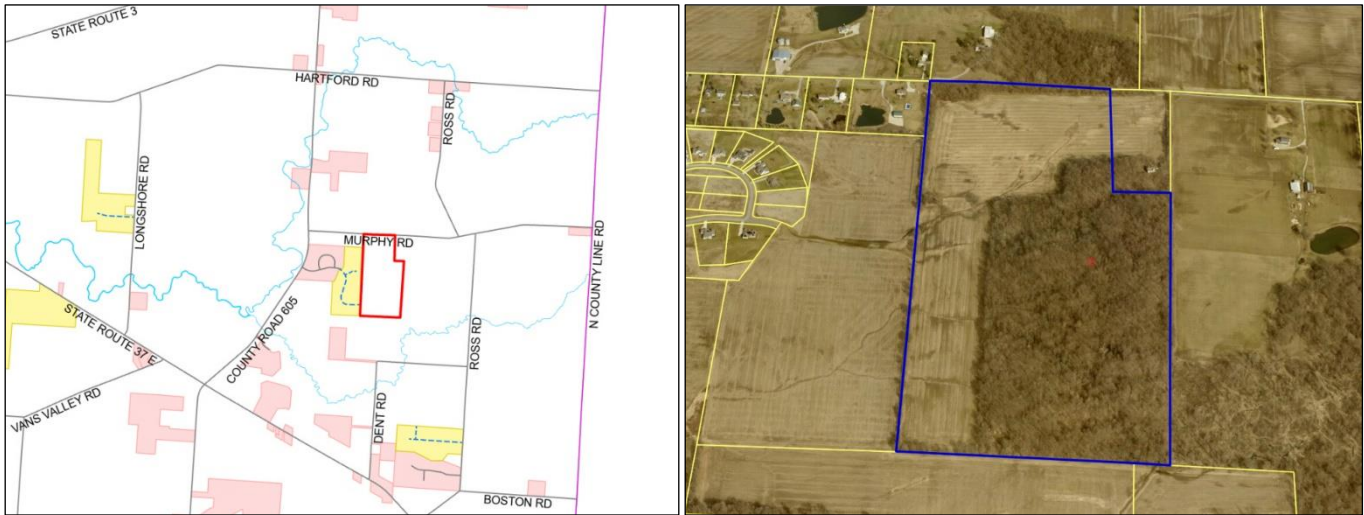
32-23 ZON Weaver Custom Homes – Trenton Twp. – 87.62 acres – FR to RR

Request

The applicant, Weaver Custom Homes, is requesting an 87.62-acre rezoning from FR to RR to allow the lot to be developed into residential lots.

Conditions

Location: 15550 Murphy Rd., Sunbury
Present Zoning: Farm Residential (FR) / **Proposed Zoning:** Rural Residential (RR)
Present Use(s): vacant / **Proposed Use(s):** single-family house lots
Existing Density: 1 du/5 acres **Proposed Density:** 1 du/3 acres
Number of units requested: *applicant did not specify*
School District: Big Walnut Local School District
Utilities Available: Del-Co Water and private on-lot treatment systems
Critical Resources: stream / **Soils:** BeA, BeB, CeB, CeC2, PwA, GaC2, McD2



Introduction

The applicant seeks to rezone the subject site from Farm Residential (FR) to Rural Residential (RR) to allow for future residential development. The previous owner split off a 7.228-acre sized lot in 2005 at the northeast corner of the site and constructed a home that same year. The current owner of the site also owns the 47.572-acre property that is adjacent to the west, proposed as Phase B in the Greyland Estates subdivision, zoned Planned Residential Conservation District (PRCD). The site has the potential to connect to the proposed Greyland Dr. E. stub in the Greyland Estates, Sec. 1, Phase B subdivision.

A substantial area of the northern grassed area includes poorly drained soil types and a drainage path that drains into the proposed stormwater pond in Phase B of Greyland Estates subdivision. The current FR district requires a minimum lot size of 5-acres with a minimum of 300 feet of road frontage; the site could develop with a gross density of 0.2 du/acre. If successfully rezoned to the RR district the minimum lot size would be 3-acres with a minimum road frontage of 250 feet; the site could develop with a gross density of 0.33 du/acre.

The Planned Residential Conservation District (PRCD) can be applied to both the FR and RR districts, which would protect 50% of the gross tract acreage, with a permitted density of 0.6 DU/Net Acre for on-site sewage disposal systems (no public sewer available), minimum lot size of 15,000 sq. ft. lots for single-family use, or create a yield plan with clustered 3-acre sized lots. All development standards could be met if a subdivision is proposed. This may be a viable option for any future development on this site.

Comprehensive Plan

Trenton Township's 2004 Comprehensive Plan includes the site in Sub Area I - Heartland, and shown as zoned FR. 1 DU/3-5 acres are recommended in this area to retain the rural character. Approximately 47-acres of the site is heavily wooded and has been for over 70 years based on aerial imagery. The Plan includes Goals and Objectives that recommend retaining wildlife corridors, linking Conservation Subdivisions with greenspace and paths, and retain ravines and surrounding vegetation. These things should be considered with any future development of the site. Otherwise, the request adheres to the Plan's recommendations.

Issues

Traffic and access:

As no Development Plan is required or proposed with this rezoning request, the site is assumed to take access

from Murphy Road. Any future development of the site would most likely be required (by the RPC and DCEO) to continue the road stub planned from Greyland Dr. E. to the west, in the Greyland Estates subdivision. The DCEO stated that a Traffic Study will be required for any future development of this site.

Drainage:

There is a drainage path that crosses the property just northwest of the existing woods, draining west through the Greyland Estates subdivision and finally into Rattlesnake Creek. Roadside drainage is provided along Murphy Road.

Sanitary Treatment:

Any development of this site will be served by on-site waste water treatment, which must be approved by Public Health.

Staff Recommendations

Staff recommends **Approval** of the rezoning request by Weaver Custom Homes from FR to RR to the DCRPC, Trenton Twp. Zoning Commission and Trenton Twp. Trustees.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Matlack made a motion to recommend Approval of the rezoning request by Weaver Custom Homes. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Trenton Twp.). Motion carried.

33-23 ZON Sharon Wade and Gary Newhouse – Scioto Twp. – 32.086 acres from FR-1 and I to I

Request

The applicants, Sharon Wade and Gary Newhouse, are requesting a 32.086-acre rezoning from FR-1 and Industrial (I) to Industrial (I).

Conditions

Location: 1297 Ostrander Rd.

Present Zoning: Farm Residential (FR-1) and Industrial (I) / **Proposed Zoning:** Industrial (I)

Present Use(s): Industrial, Cell tower / **Proposed Use(s):** Industrial

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

Critical Resources: none / **Soils:** BoA, Up, MoB, GwB



Introduction

The request is to rezone the balance of the site that is zoned FR-1 to match the eastern sliver (~ 2.34 acres) of the site that is currently zoned Industrial. The applicant also owns the property that is adjacent to the site to the west and the nearest residential use to the portion of the site that is zoned FR-1 is over 1,200 feet away.

Examples of permitted uses within the Industrial (I) district include: Wholesale business, Enclosed warehouse or storage activities, Enclosed manufacturing industries and Business Offices. Staff notes that the intended use to “recycle hard fill materials” is not a permitted use in the I district and a Conditional Use permit may be required. In addition to requirements imposed by state agencies for the placement of fill, the Board of Zoning Appeals may require such screening as is necessary to protect adjacent neighborhoods with a Conditional Use permit. Regardless of the intended use, if the site is successfully zoned to I, all required development standards must be met for all permitted uses.

Section 16.05(f) does expressly prohibit Telecommunications Tower as defined in The Ohio Revised Code, Sec. 519.211(B)(1). The Telecommunications Tower is also prohibited in the FR-1 district. The Township will need to determine how the cell tower is reviewed and permitted on the site that will change from FR-1 to I. Staff notes that the Planned Industrial (PI) district may be a better option for the intended uses, as “industrial service activities” and a Telecommunications Tower is permitted in this district.

Comprehensive Plan

Scioto Township’s 2005 Comprehensive Plan includes the site in subarea V and is recommended for residential development at 1 unit per 1.95 acres or Conservation Subdivisions at 0.7 units per net developable acre. However, a portion of the site and the property to the north have historically been zoned I and used in a similar capacity. Goals and Objectives include: retain wildlife cover and corridors where feasible, preserve a high degree of environmental quality, conserve surface and ground water quality around the streams that feed into the Scioto River and provide for dense landscape buffering between Industrial and residential uses.

The Plan does not support industrial uses on the sight. However, it also does not recognize the historic use of the site. The rezoning request will allow the applicant to legitimize the historic use and if a Conditional Use is approved, any concerns by the Township and nearby residents can be addressed. Additionally, any future use permitted in the I district would need to meet all applicable development standards, such as building height, setbacks, screening, on-site wastewater treatment, etc.

Issues

Traffic and access:

The site currently has two access points to Ostrander Road.

Drainage:

There are no streams or major drainage paths on site. However, the topography of the property naturally drains to the east, through residentially developed properties and out to the Scioto River. If an industrial type use were approved for this site, conditions should be put in place to ensure the historic industrial use and any future industrial use is not contaminating the soil, which could negatively impact water quality for neighbors and the river.

Sanitary Treatment:

On-site wastewater treatment is the only option at this time.

Development Standards for Industrial District

- Water, sanitary sewer and surface drainage must be addressed.
- Side yard setback for structures, outdoor storage and parking is 50 feet.
- Rear yard setback is 30 feet.
- Outdoor storage areas, service areas and loading docks must be screened at a height of at least 6 feet.
- Dust and erosion shall be minimized through landscaping or paving.

Staff Recommendations

Staff recommends **Denial** of the rezoning request by Sharon Wade and Gary Newhouse from FR-1 and I to I to the DCRPC, Scioto Twp. Zoning Commission and Scioto Twp. Trustees, *based on the findings in this report.*

Commission / Public Comments

No one was present to represent the applicant.

Ms. Boni asked if staff recommends the industrial use but that the applicant file a Planned Industrial rezoning? Mr. Sanders explained that the straight Industrial District opens the door to too many other uses. Mr. Fisher added that there are other Planning Industrial sites near this proposal.

Mr. Matlack made a motion to recommend Denial of the rezoning request by Sharon Wade and Gary Newhouse from FR-1 and I to I. Mr. Thompson seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

34-23 ZON Connie and Devin Wesolowski – Harlem Twp. – 5.034 acres from AR-1 to FR-1

Request

The applicants, Connie and Devin Wesolowski, are requesting a 5.034-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

Conditions

Location: 1500 Green-Cook Road, Harlem Township

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

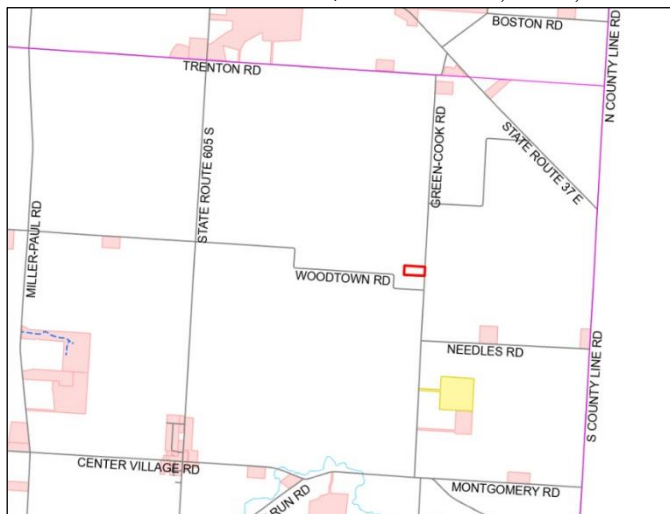
Present Use(s): One single-family house / **Proposed Use(s):** Future lot split

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:** CeB, PwA, BeA



Introduction

The applicant seeks to rezone the subject site from Agricultural (AR-1) to Farm Residential (FR-1) to allow for an additional residential lot to be developed. The site was developed with a single-family home in 1995 and the applicant purchased the property in 2018. All adjacent properties are zoned AR-1, with other nearby properties zoned FR-1. If rezoned to FR-1, one new lot could be subdivided and meet all applicable zoning requirements. Public sanitary sewer is not available at this time, therefore Public Health must approve an on-site wastewater treatment system prior to approving the site to be subdivided.

The FR-1 minimum lot size is 2 net acres (excluding road ROW) and the minimum road frontage is 175 feet if less than 3-acres and 210 feet if it's 3-acres but less than 4-acres. The site currently has 4.82 net developable acres (excluding road ROW) and has 311.12 feet of frontage along Green Cook Road, which will require any new lot to be a flag lot, with a minimum of 60 feet of frontage at the road right-of-way. The site could be subdivided and meet all applicable zoning requirements.

Comprehensive Plan

Harlem Township's 2021 Comprehensive Plan recommends maintaining a 2-net acre minimum lot size for all lot splits and rezonings, and residential developments that do not utilize sewer facilities. The request is

supported by the Plan.

Staff Recommendations

Staff recommends **Approval** of the rezoning request by Connie and Devin Wesolowski from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees.

Commission / Public Comments

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

Mr. Lisano made a motion to recommend Approval of the rezoning request by Connie and Devin Wesolowski from AR-1 to FR-1. Mr. Dattilo seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

35-23 ZON Davern Holdings LLC – Liberty Twp. – 2.26 acres from FR-1 to PC

Request

The applicant, Davern Holdings LLC, is requesting a 2.26-acre rezoning from FR-1 to PC to legitimize the current uses and allow for additional commercial uses.

Conditions

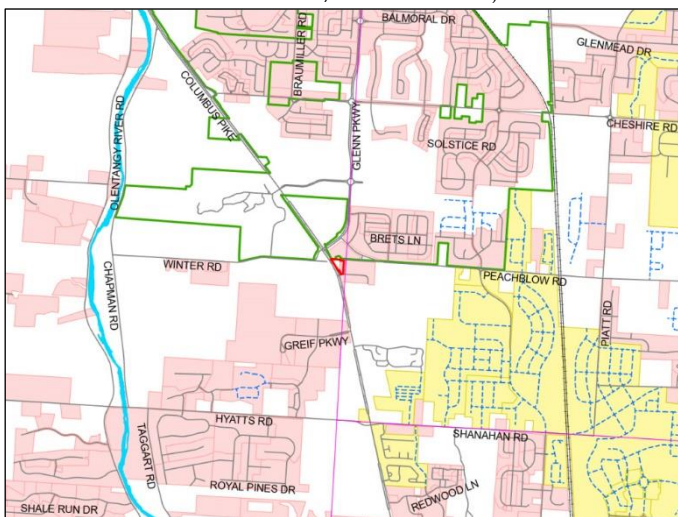
Location: 4819 Columbus Pike, Lewis Center

Present Zoning: Farm Residential (FR-1) / **Proposed Zoning:** Planned Commercial (PC)

Present Use(s): Bar / **Proposed Use(s):** Bar and future office space

School District: Olentangy / **Utilities Available:** Del-Co Water and private on-lot wastewater treatment system

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





Introduction

The request is to rezone the subject site from Farm Residential (FR-1) to Planned Commercial (PC). The site was originally developed in 1920, with multiple additions over time that have resulted in the existing development. The applicant purchased the property in 2018. The two vacant lots just east of the site (318 and 320) that are part of this application were platted in the Midway Gardens subdivision in 1960, but were never developed. Proposed uses include administrative offices for the Roof Detective, a bar, and the possibility of building a new in-line retail center or use as commercial office/retail space. Those uses, which coincide with the following NAICS Codes are proposed as options: 453, 52, 531, 54, 561 and 722, all of which are permitted in the PC district. Staff notes that a Development Plan and Development Text were not submitted with this application to allow for a complete review.

Comprehensive Plan

Liberty Township's 2018 Comprehensive Plan includes the site in subarea III – U.S. Route 23 Corridor and recommends this site for Planned Commercial and Office (PC) zoning. Development along the 23 Corridor should follow strict access management standards and maintain a minimum 125-foot structural setback from US-23 right-of-way. Staff would need a complete application including a detailed Development Plan and Development Text to ensure this request complies with the Plan's recommendations. However, PC uses are supported by the Plan.

Issues

Traffic and access:

There are two existing points of ingress and egress; one at the cul-de-sac/terminus of Old Peachblow Road and one at US-23 approximately 700 feet south east of the US-23 and Glenn Parkway intersection. ODOT is the authority for drive access on U.S. 23. Staff recommends coordination with ODOT to determine what (if any) impacts there are to the existing access point.

Drainage:

No drainage plan was provided. However, based on aerial imagery there are multiple stormwater outlet structures on the property.

Signage:

A signage plan was not provided. Staff notes that there are currently multiple wall signs and a pole sign on site.

Lighting:

No lighting plan was provided.

Sanitary Treatment:

No information provided. However, Delaware County Public Health confirmed that an on-site wastewater treatment system was approved by OEPA and is inspected by Public Health each year. The current system design was based on 680 gallons per day and appears to be located on lot 320 in the Midway Gardens subdivision. Any change in use will require approval by OEPA.

Zoning Requirements

Potentially non-conforming:

- Section 7.09.D requires a structure setback of 130 feet from US-23 street centerline. The current setback is approximately 80 feet.
- Section 20.05.J requires a minimum setback for free-standing signs of 15 feet from the right-of-way.

Required, but not addressed with the PC application:

- 7.02.B requires all parking areas and adjacent aisles or driveways to be paved with asphaltic material or cement within 6 months of change in use.
- 7.11.D.3 requires driveway to be a hard surface.
- 7.02.D requires tree islands in parking area; (1) shade tree for every ten (10) parking spaces or fractions thereof.
- See 7.02.E for number of required parking spaced based on the proposed use (restaurant/offices/retail).
- 15.07.Q requires parking to be screened and buffered from any and all residential properties. The entire east side of the site must meet this requirement.
- 15.07.H requires a commercial use to screen from adjacent residential areas. The entire east side of the site must meet this requirement (See Section 7.04).
- 15.07.P requires the connection to public sanitary sewer.
- 15.07.S requires a lighting plan to be approved with the Final Development Plan. No lighting plan or details were included.
- 15.09.A.7 requires signage information.
- 15.09A.9 requires the intended provisions for utilities including water, fire hydrants, sanitary sewer. It does not appear the site can be served by public sanitary sewer.
- 15.09.A.15 requires a letter from Fire.
- 20.05.J allows for free-standing signs with a specific height and setback from right-of-way based on the display area per sign surface. It's unclear if the existing sign meets these requirements.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Davern Holdings LLC from FR-1 to PC to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to:*

- 1.) Potential non-conforming development of the site is resolved with any change in use of the site if deemed necessary by Liberty Township;
- 2.) A complete Development Plan and Development Text is submitted to the Township that addresses all PC district requirements (note any required divergences) and General Development standards found in the Liberty Township Zoning Resolution;
- 3.) All updated application materials be submitted to ODOT for their review and approval;
- 4.) All updated application materials be submitted to OEPA for their review and comments, and any future development and change of use be approved by OEPA.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Manley questioned whether there has been any discussion of eliminating the current access on U.S. 23 and putting it strictly on Peachblow Rd? Mr. Love stated that ODOT is looking at access but hasn't looked at individual driveways. They are early in the 23 Connect study but are currently mainly focused on the intersections. Mr. Sanders explained that the Commission could add a recommendation to Liberty Twp.

Ms. Connors asked if a traffic study would be required because of the change of use. Mr. Love stated the County Engineer can not require a traffic study. He said the County would only look at it if they were platting a lot or building a new driveway, however most zoning codes require a traffic study. He said eliminating the full access might be difficult but it could become a right-in right-out only access. He suggested the applicant work with ODOT. Mr. Sanders noted that condition #3 covers this concern.

Ms. Hood stated that the applicant is just trying to get into compliance with what they have been doing so he can possibly lease the office spaces to generate more income.

Mr. Matlack stated that because this is a change of use the Ohio Building Code will require the building to be evaluated and receive a new certificate of occupancy. This will require building plans to be submitted to the Building Safety office and to the Fire Department for review.

Mr. Manley made a motion for Conditional Approval of the rezoning request by Davern Holdings LLC from FR-1 to PC, subject to:

- 1.) *Potential non-conforming development of the site is resolved with any change in use of the site if deemed necessary by Liberty Township;*
- 2.) *A complete Development Plan and Development Text is submitted to the Township that addresses all PC district requirements (note any required divergences) and General Development standards found in the Liberty Township Zoning Resolution;*
- 3.) *All updated application materials be submitted to ODOT for their review and approval;*
- 4.) *All updated application materials be submitted to OEPA for their review and comments, and any future development and change of use be approved by OEPA.*

Ms. Boni seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.

36-23 ZON Epcon Communities – Concord Twp. – 36.24 acres from FR-1 to PRD

Request

The applicant, Epcon Communities, is requesting a 36.24-acre rezoning from FR-1 to PRD for the development of 54 single family condominium homes called The Courtyards on Concord.

Conditions

Location: 10204 Concord Rd., north of Tartan Fields Dr.

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

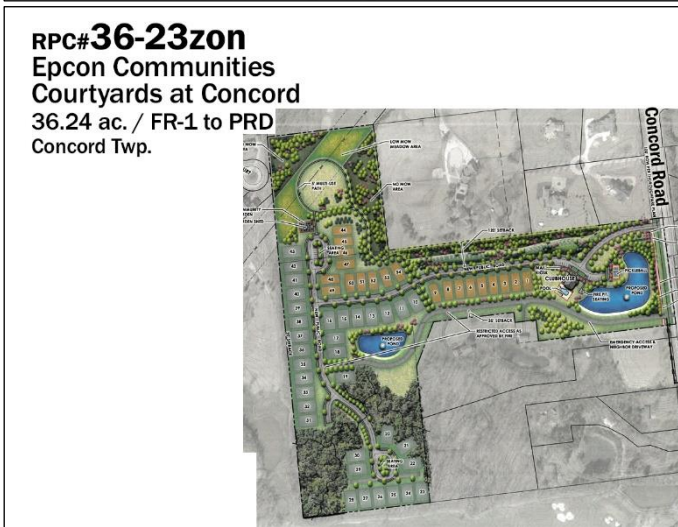
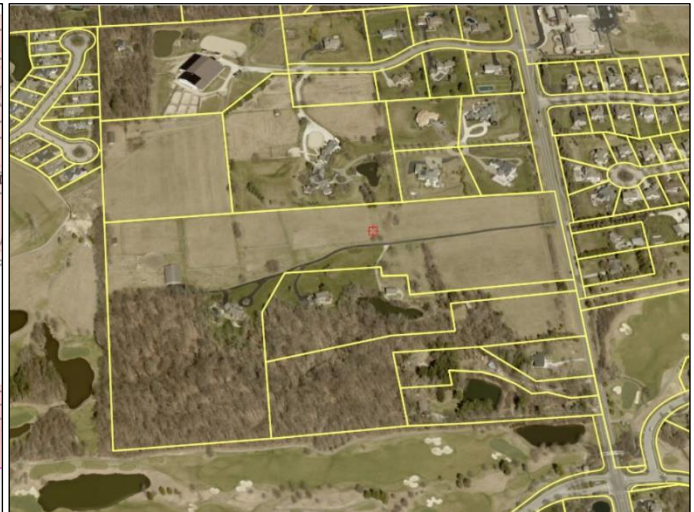
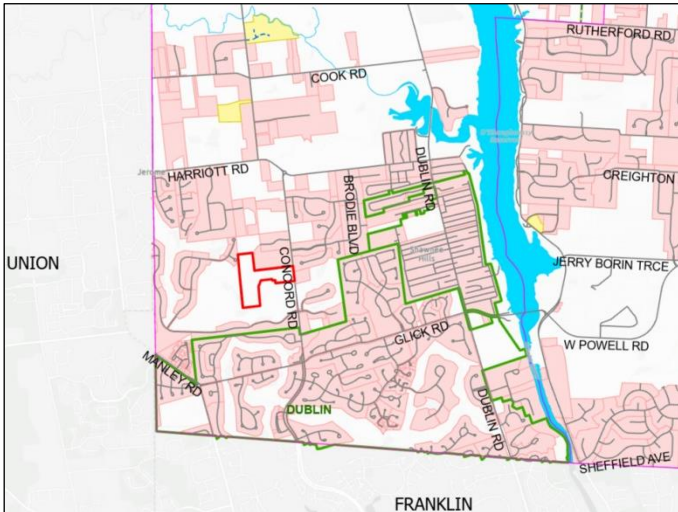
Present Use(s): One single-family house / **Proposed Use(s):** Two single-family house lots

Existing Density: 1 du/1.5 acres / **Proposed Density:** 1.48 du/acre (based on 36.471-acres on plan)

Number of units requested: 54

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

Critical Resources: stream / **Soils:** BoA, GwC2, RsA, LyD2, GwB



Introduction

The applicant is requesting to rezone 36.24-acres from FR-1 to PRD to allow for 54 detached single-family residential homes served by private streets in a condominium-style subdivision. The Development Plan identifies

an entry feature with signage, 4-rail horse fence along the Concord Road frontage, ample open space, two stormwater ponds, pickleball courts, fire pit, clubhouse with pool, cluster mailbox, 5-foot wide path meandering through the open space, 5-foot wide sidewalks on at least one side of each private street, a 10-foot wide multi-use path along Concord Road, a community garden, and abundant landscaping. Provided this rezoning is approved, the applicant intends to construct the development in two phases; phase one includes 30 units and phase two includes 24 units, with each phase anticipated to take 12-24 months to construct.

Comprehensive Plan

Concord Township's 2021 Comprehensive Plan includes the site in subarea II – Shawnee Heights, and is recommended for 1.5 du/acre within a PRD that is served by centralized sewer. General Recommendations include multiple entrances to developments, sidewalks and pedestrian connections, usable open space, conservation of natural resources and support stormwater Best Management Practices. The request is supported by the Plan.

Issues

Traffic and access:

The proposal indicates one full-access private drive gaining access from Concord Road and one emergency access drive that also serves as the driveway (two access points) to a single-family home located at 10202 Concord Road. Access to the overall development through the emergency access drive is restricted just to the west of the existing single-family home and south of unit 8. The Development Text and most plan sheets indicate private streets. Plan sheet C-1 indicates "New Public Road", which should be corrected.

Based on a 1978 survey (PB 13, Pg. 82) of the general area, it appears there is a 30-foot wide cross access easement over what currently serves as the driveway on this site. Additionally, the Redtail Estates CAD was platted in 2013 and identifies a 40-foot wide ingress/egress easement (D.V.565, Pg. 803) that provides access onto the subject site. The applicant should verify whether these easements will impact this development and/or the neighboring properties.

Drainage:

A Drainage Plan was submitted. A drainage path will be constructed and travel east/west along the northern property line within a 120-foot setback. There are two stormwater ponds, storm sewers throughout and a stream that crosses the southern portion of the development.

Signage and Lighting:

One entry sign is proposed and a lighting plan was submitted.

Sanitary Treatment:

Public sanitary sewer will be provided by Delaware County.

Open Space / Health:

The Development Text identifies 22-acres (60.7%) of open space, of which there are 10.36-acres of protected natural open space, 3.38-acres of perimeter screening in open space and 8.19-acres of public open space.

Zoning Standards:

Maximum permitted gross density: 1.5 du/acre

Proposed: 1.49 (based on 36.24-acres)

Front building line setbacks for dead-end roads (Class C) in PRD: 90 ft. **Proposed:** 67 ft. based on Exhibit C-1

Divergences

Two divergences are requested:

1. Section 11.06(f) – Request to not prepare or record a plat. As this is a condominium development, no plat is required.
Staff Comment: RPC staff typically recommends the filing of a plat so that a unified document can reflect the various easements and any common elements that are placed on separate parcels.
2. Section 11.07(b)(3) – Reduce structural separation from 20 feet to 12 feet. All homes feature outdoor courtyard spaces as a prominent design feature of patio-style homes and indoor to outdoor living. As designed, the separation between homes creates individual private courtyards. Larger separations do not allow the achievement of this courtyard home design goal.
Staff Comment: Staff has no concerns with these requests. There are other examples of condominium developments nearby in Concord Township with similar setbacks and less overall open space.
3. **Required but not requested:** Section 21.08 – Reduce front building line setback from 90 ft. to 67 ft.
Staff Comment: Staff has no concerns with this reduction, particularly with this being a private condominium development. There are examples of other nearby developments in Concord Township with similar front setbacks.

Staff Recommendations

Staff recommends **Approval** of the rezoning request by Epcon Communities from FR-1 to PRD to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees.

Commission / Public Comments

Mr. Todd Faris, Faris Planning and Design, was present to represent the applicant.

Mr. Manley asked if a common mail area is proposed. Mr. Faris stated there is a “mail kiosk” proposed by the clubhouse.

Mr. Love stated that the County Engineer will require a traffic study for this project

Mr. Matlack made a motion to recommend Approval of the rezoning request by Epcon Communities from FR-1 to PRD. Mr. Thompson seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

37-23 ZON Peachblowroad Ltd. – Berlin Twp. – 64.865 acres from FR-1 to TPUD

Request

The applicant, Peachblowroad Ltd., is requesting a 64.865-acre rezoning from FR-1 to TPUD to create a transitional planned unit development with condominiums and townhomes; The Cottages (124 condo lots) and The Village (110 townhome units).

Conditions

Location: south side of Peachblow Rd., east of US 23

Present Zoning: Farm Residential (FR-1) / **Proposed Zoning:** Transitional Planned Unit Development (TPUD)

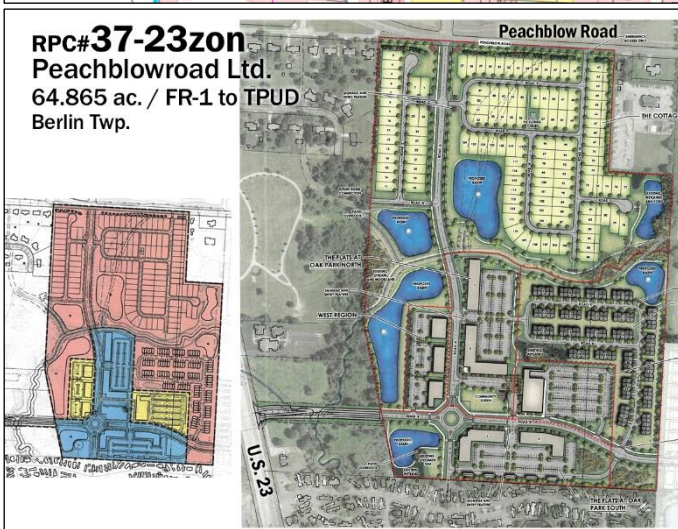
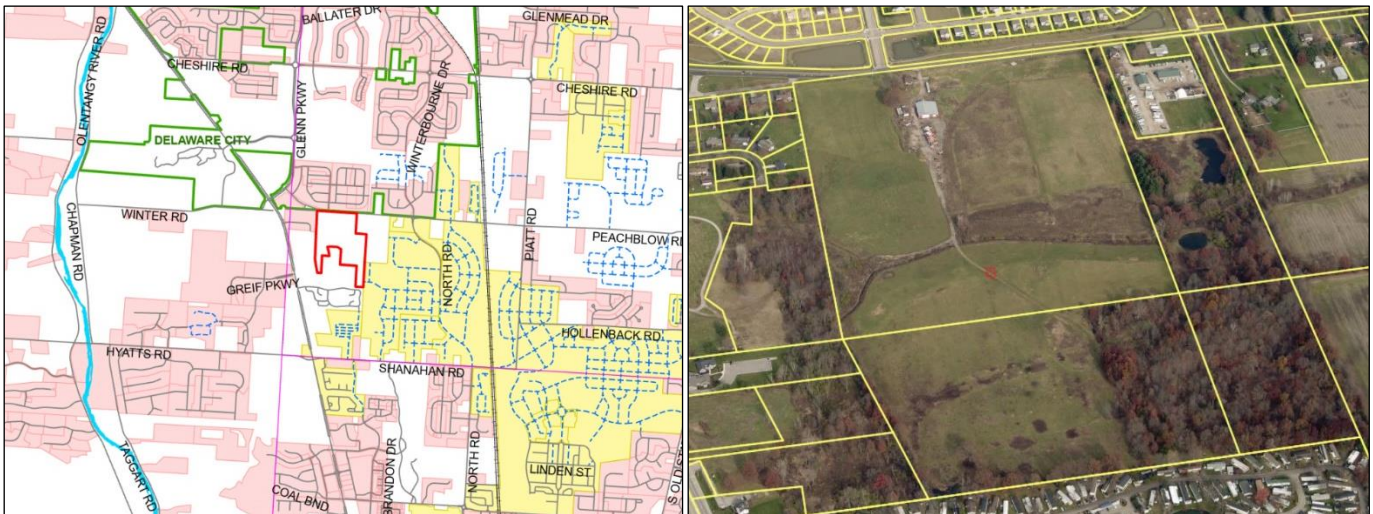
Present Use(s): vacant single-family, agricultural / **Proposed Use(s):** condominiums and townhomes

Existing Density: 1 du/acre / **Proposed Density:** 4.32 net du /acre

Number of units requested: 124 single-family detached condos and 110 townhomes (234 total)

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

Critical Resources: stream / **Soils:** BoB, GwC2, BoA



Introduction

The greater “Peachblow Development” on this site will include three general areas based on proposed use;

- **The Village at Oak Park (multi-family) and The Cottages at Oak Park (single-family) – zoned TPUD,**
- The Flats at Oak Park South (multi-family) – zoned NCD,
- East Region and the West Region (commercial) – zoned PCD.

(This rezoning request is indicated by the **red area** in the inset graphic above.)

The applicant is requesting to rezone 64.865-acres from FR-1 to TPUD to allow for 124 detached single-family residential homes in a condominium-style subdivision and 110 townhome units (22 buildings with 5 units in each), served by both public and private streets.

The Development Plan for the single-family area identifies a primary access point to Peachblow Road with internal public and private roads, signage and entry features, street trees, a buffer to adjacent land, mounding along the Peachblow Road frontage, open space, three large stormwater ponds, pickleball courts, cluster mailbox, 5-foot wide sidewalks on both sides of all streets and an 8-foot wide multi-use path. Typical lot dimensions are 54 feet wide by 120 feet deep.

The Development Plan for the multi-family units identifies an internal loop drive, one access drive from Road 'A' and one from Road 'B' with entry features, 22 townhome buildings, sidewalks on at least one side of each drive, and one large stormwater pond. Provided this rezoning is approved, the applicant intends to construct this development in six phases, with each phase anticipated to take 12-18 months to construct.

Comprehensive Plan

Berlin Township's 2023 Comprehensive Plan includes the site in Subarea 7a – the Southern Gateway, which is recommended for Planned Commercial zoning. The plan does not specifically call for a mix of uses including residential uses but the commercial recommendation allows for flexibility on the site. The southern part of this overall plan provides more commercial per acre than originally envisioned, the townhouse area includes 5 units per building which allows for commercial taxation. Finally, the single-family condos to the north will have a lower impact on the schools than the typical single-family parcel and they serve as a transitional use to the Belmont Place development to the north and existing homes on Conner Lane. The Plan also recommends incremental construction of roads; a connection to Peachblow Road that extends south to an extension of Greif Parkway and a connection to Conner Lane in the Midway Gardens subdivision to the west. This plan shows all these recommended roads. The Goals and Objectives of the Plan recommend preserving and maintaining wildlife corridors and maintain a diversity of housing types.

There is approximately 15-acres of wooded land at the southeast corner of this site. If additional wooded acreage were protected in this area, the development would adhere to the Plan recommendations. Additionally, if the number of townhome buildings were reduced in the wooded area that would allow for the density requirement to be met.

Issues

Traffic and access:

The Plan indicates one primary access point to Peachblow Road that extends a public road south through the overall development. There is also one emergency access drive at Peachblow Road that connects to the internal private road network in the Cottages at Oak Park. The Plan also indicates a non-loaded road stub to the west that could connect to Midway Gardens subdivision if approximately 375 feet of road were constructed on the

adjacent parcel. As depicted on plan sheet C-7, Road 'A' and 'B' will be public, all other roads will be private. Staff notes that Road 'D' should also be a public street.

Staff notes that the greater development for this site will only have one point of ingress/egress at Peachblow Road and all other points of access rely on future development off-site, unless the applicant intends on constructing the Greif Parkway extension. If this is the case, the application materials should reflect all proposed road improvements. Berlin Meadows is a subdivision that was proposed to the east of this property, however, that Preliminary Plan will expire in February, 2024. Staff recommends that either Road 'B' be connected to US-23 as part of this project to provide a second access point, or Road 'D' be connected to Conner Lane as a public street.

Drainage:

A drainage plan was submitted. The proposed TPUD development will include five large stormwater ponds, storm sewer structures throughout and a stream that crosses the site from east to west.

Signage:

A sign plan was submitted. Three entry sign columns are proposed, two at the east/west entrances along Road 'A' to the Cottages at Oak Park and one at the entrance along Road 'B' to the Village at Oak Park.

Lighting:

Street lights are proposed.

Sanitary Treatment:

Sanitary sewer will be served by Delaware County and accessible at the Greenery project to the south, which is currently 1,200 feet away and through the Worthington Arms manufactured home park.

Open Space / Health:

An open space plan was submitted, identifying seven defined open spaces. Ten percent open space is required, where 43.2 percent (28 acres) is proposed and distributed throughout the overall development. The open space contains entry features, street trees, 5-foot-wide sidewalks, 8 and 10-foot-wide paths, landscaping buffers, existing stream and wetland, pond overlook seating, and open lawn area.

Divergences

Two divergences are requested:

1. Section 13.06.09.a – The request exceeds the permitted density by 0.32 du/acre. Permitted density is 4.00 du/acre and 4.32 is proposed.

Staff Comment: Staff does not support this request and recommends not exceeding the permitted density.

2. Section 24.03 – Reduce the required structural separation from 25 feet to 10 feet for both the townhome structures and single-family homes to allow for preservation of open space, reduce lengths of public roadways, infrastructure, and maintenance, and provide yard space that is customary to home buyers for this housing market.

Staff Comment: Provided the Berlin Township Fire Department does not have concerns with this request, Staff

is in support of this request. No concerns were noted in the Fire Letter included with the submission.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Peachblowroad Ltd. from FR-1 to TPUD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

- 1.) Consider protecting additional acreage of wooded land;
- 2.) Reduce the proposed density to the permitted 4.00 du/acre; and
- 3.) Road 'B' should be connected to U.S. 23 as part of this project to provide a second access point or Road 'D' should be connected to Conner Lane as a public street.

Commission / Public Comments

Mr. Todd Faris, Faris Planning and Design was present to represent the applicant. He explained that they do have access to US 23 as they have worked that out with the property owners.

Mr. Love asked if there were street lights proposed on the north/south road. Mr. Faris stated not at this point. They have not gone through the final development plan yet. There will be ornamental lights and street lights at the round-a-bout. Mr. Faris stated they would adhere to the Township standards on lighting.

Mr. Manley asked if a light pollution study would be done to protect the current residential area. Mr. Love said the round-a-bout would be public lighting and would be worked out during final engineering. It will have to adequately light the intersection. They will be LED, which are directional and not produce much light pollution. The County Engineer would not have any authority in the commercial area. Mr. Faris explained that they will have residents in some of the buildings as well. They will work with the township and propose directional, low height lighting.

Mr. Manley asked about any planned screening. Mr. Faris stated that there was screening proposed for all three subareas including the trailer park to the south and future single family to the east.

Ms. Connors asked what the impact on the number of units by requesting the maximum height of 35'. Mr. Sanders asked if the reduction would bring the building down to two stories instead of three. Mr. Faris stated "no", that they would just not have the pitched roof on these buildings.

Mr. Love noted that the south leg of the round-a-bout would probably not be public, at least initially. Mr. Faris stated that he was under the impression that it would be public because there is an agreement that they need to provide access to the trailer park. Right now, it is being designed as a public roadway extension to the south so that frontage road can continue. Mr. Love stated that designed and constructed for public is different than making it public. He was not sure the Township would want to maintain that stub solely for access to a commercial area. Mr. Love also stated they would need to work with ODOT on the access point to US 23.

Mr. Matlack made a motion to recommend Conditional Approval of the request by Peachblowroad Ltd. from FR-1 to TPUD, subject to:

- 1.) Consider protecting additional acreage of wooded land;
- 2.) Reduce the proposed density to the permitted 4.00 du/acre; and
- 3.) Road 'B' should be connected to U.S. 23 as part of this project to provide a second access point or Road 'D' should be connected to Conner Lane as a public street.

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

38-23 ZON Peachblowroad Ltd. – Berlin Twp. – 19.412 acres from FR-1 to NCD

Request

The applicant, Peachblowroad Ltd., is requesting a 19.412-acre rezoning from FR-1 to NCD to create a neighborhood commercial district with commercial and multi-family apartments including The Flats North (103 units) and The Flats South (91 units).

Conditions

Location: south side of Peachblow Rd., east of US 23

Present Zoning: Farm Residential (FR-1) / **Proposed Zoning:** Neighborhood Commercial (NCD)

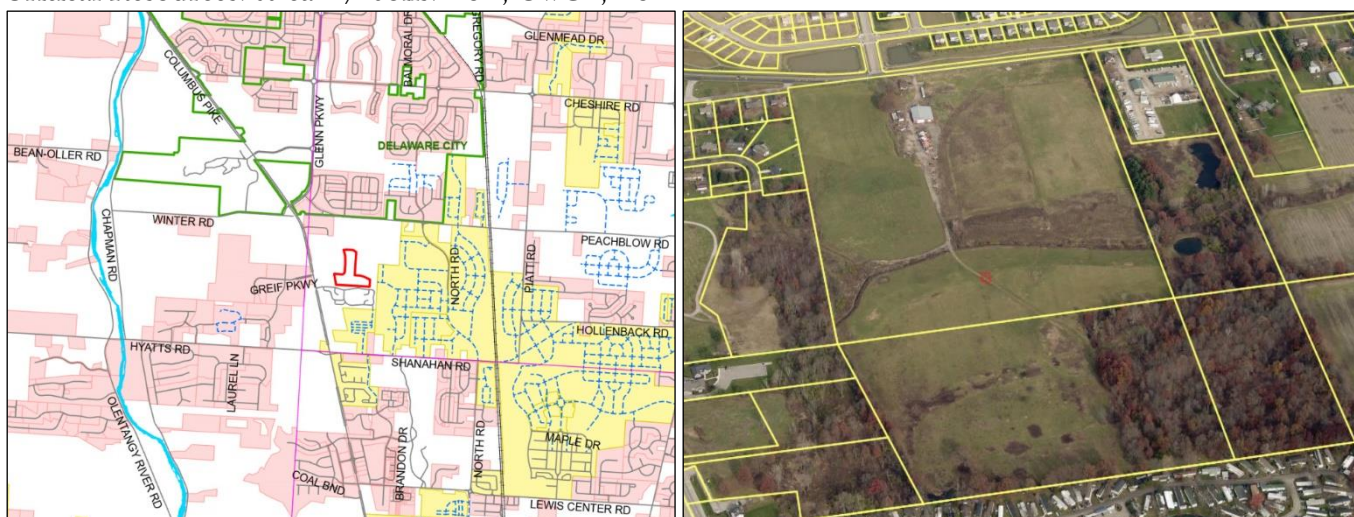
Present Use(s): vacant single-family, agricultural / **Proposed Use(s):** commercial and multi-family apartments

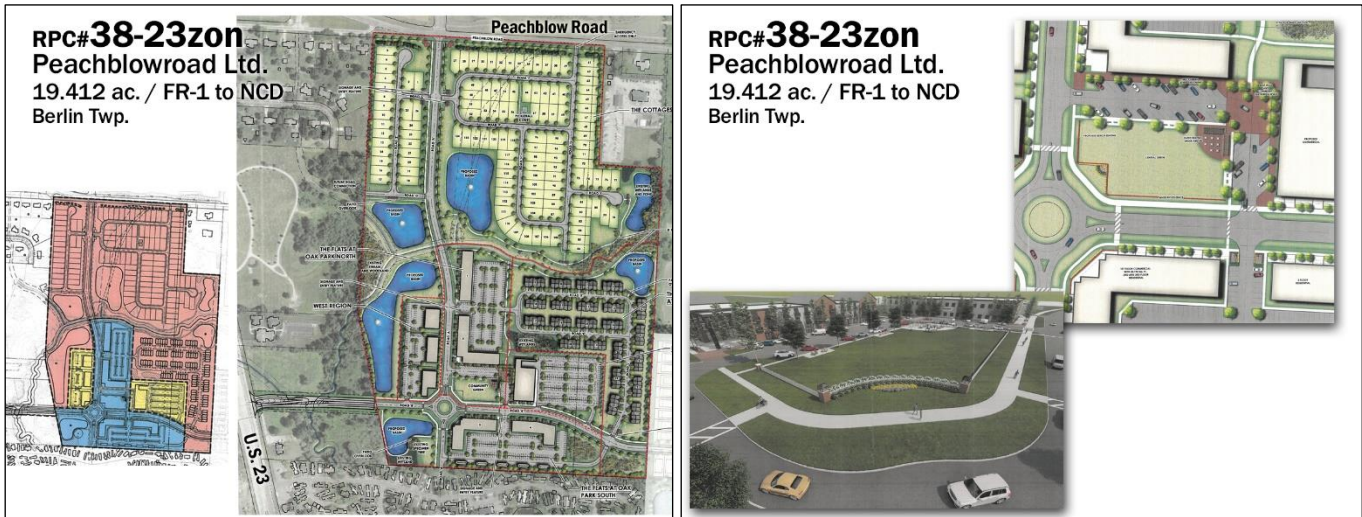
Existing Density: 1 du/acre **Proposed Density:** 11.76 du/net acre

Number of units requested: 194

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

Critical Resources: stream / **Soils:** BoB, GwC2, BoA





Introduction

The greater “Peachblow Development” on this site will include three general areas based on proposed use;

- The Village at Oak Park (multi-family) and The Cottages at Oak Park (single-family) – zoned TPUD,
- **The Flats at Oak Park South (multi-family) – zoned NCD,**
- East Region and the West Region (commercial) – zoned PCD.

(This rezoning request is indicated by the blue area in the inset graphic above.)

This rezoning request will allow for a mixed-use development that includes four mixed-use buildings, two public roads, surface parking lots, community green space, sidewalks, multi-use paths and five parking garages.

Construction will occur in two phases; phase one includes two mixed-use buildings that total 29,655 sq. ft. and have 103 residential units on 8.4-acres, phase two includes two mixed-use buildings that total 23,195 sq. ft. and have 91 units on 11-acres. All buildings are three stories tall, buildings labeled 1 & 4 on the Development Plan will have apartment residential units on all three floors (north building and east building) and buildings 2 and 3, flanking the Community Green, will have commercial on the first floor and apartment residential units on the second and third floors.

Comprehensive Plan

Berlin Township’s 2023 Comprehensive Plan includes the site in Subarea 7a – the Southern Gateway, which is recommended for Planned Commercial zoning. The Plan also recommends incremental construction of roads; a connection to Peachblow Road that extends south to an extension of Greif Parkway and a connection to Conner Lane in the Midway Gardens subdivision to the west. The Goals and Objectives of the Plan recommend preserving and maintaining wildlife corridors and maintaining a diversity of housing types.

There is approximately 15-acres of wooded land at the southeast corner of this site. Approximately 4.7-acres of woods is located in the proposed NCD and approximately 0.3-acres are being preserved. If additional wooded acreage were protected in this area, the development would better adhere to the Plan recommendations.

Issues

Mix of uses:

Staff supports the overall development concept as a unique mixed-use that will bring increased value and

investment to the area, resulting in a more diverse tax base for the township and larger area. The applicant is requesting use of the NCD for this subarea presumably because it allows Residential uses while the Planned Commercial does not. However, the Neighborhood Commercial District is a straight district that only allows residential use as a Conditional Use through the BZA. Also, as a straight district it does not require the approval of a Development Plan. While one has been submitted, it should be noted that zoning this area to NCD can open the door for other uses in the future. Staff recommends the proposals for PCD and NCD be combined into a single Planned Commercial and Office District rezoning, requesting the multi-family residential use as a divergence. This was the approach for the Evans Farm area in Orange Township.

Traffic and access:

One primary access point to Peachblow Road extends south past a round-a-bout and is stubbed to the south. A significant east/west road is stubbed to the eastern property line and the western property line. In order for the western stub to connect to U.S. 23, approximately 700 feet of road (shown as 4 lanes on the Plan) must be constructed but is not shown as part of this proposal. As depicted on plan sheet C-7, Road 'A' and 'B' will be public.

Drainage:

A drainage plan was submitted. The proposed NCD development will include one large stormwater pond and storm sewer structures throughout.

Signage:

Two permanent monument signs, wall and arm signage for each individual commercial space and two temporary signs to market the mixed-use buildings.

Lighting:

Street lights are proposed. However, a lighting plan for the commercial use and parking lots was not submitted.

Parking:

Article 24 requires three parking spaces for "all other residential" uses and five spaces per 2,000 sq. ft. of gross leasable area for "specialty retail stores (less than 65,000 sq. ft.)". The number of proposed parking spaces was not included in the Development Text or on the Plan. However, five parking garages are located at the southern boundary of the development and ample surface parking appears to be provided.

Sanitary Treatment:

Sanitary sewer will be served by Delaware County and accessible at the Greenery project to the south, which is currently 1,200 feet away and through the Worthington Arms manufactured home park.

Divergences

Five divergences are requested:

1. Section 12.06.C – Increase the permitted pitched/sloped roof buildings height from 35 feet to 45 feet. There may be a combination of pitched and flat roofed elements to vary the roof lines and provide architectural diversity. No building shall have more than 3 stories.

Staff Comment: Staff is supportive of the request for the two centrally located buildings (labeled as 1 and 2 on sheet C-7) as there is other development on this site that surrounds those buildings. A height of 45 feet for all

buildings would be out of character for the area.

2. Section 12.06.D – Reduce the permitted front building setback from 100 feet to 65 feet from the road centerline. This is to promote a sense of walkability in the area by having the commercial buildings closer to the road, with parking service areas at the rear. This will emulate a typical town square, historical, and pedestrian friendly environment.

Staff Comment: Staff is in support of this request as it will improve the walkability of the development.

3. Section 12.06.F – Reduce the rear yard setback from 30 feet to 25 feet. This is for the garages along the southern property line that abuts the Worthington Arms development. These garages provide a greater visual buffer to the south than vegetation or fences and this divergence will allow for a better buffer.

Staff Comment: Staff is in support of this request, provided the garages are no more than one-story and existing trees are preserved as much as possible.

4. Section 12.06.H – Increase the maximum gross lease-able area of a structure from 3,000 sq. ft. to 52,850 sq. ft. These are mixed use buildings with commercial area on the 1st floor of two of the buildings. The buildings shall contain multiple tenants in buildings 2 & 3 with apartment residential units on the 2nd and 3rd floors, buildings 1 & 4 contain 3 floors of apartment residential units.

Staff Comment: Staff again notes that the NCD allows for the residential component, where the PCD does not. The PCD allows for a maximum of 65,000 square feet under roof. This was originally intended to reduce single-story single-use big box development. However, these are mixed-use buildings with multiple tenants. With the proposed maximum being 12,150 less than what is permitted in the PCD, Staff is in support of this request.

5. Section 12.06.K – (1) Allow for non-permitted signs, including 2 permanent monument signs, along with wall and arm signage for each individual commercial space be allowed. This is to promote the residential areas along with the commercial spaces. (2) Also, increase the permitted temporary marketing signs from 1 to 2. There are two distinct areas/road frontages to market the mixed-use buildings from and the development will need signs at both entries as to promote the sale/leasing of the spaces.

Staff Comment: As long as the proposed signs meet the size requirement as described in the applicable sections of Article 25, Staff has no concerns with this request.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Peachblowroad Ltd. from FR-1 to NCD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

- 1.) Consider reducing the building height of buildings 3 and 4 to a maximum height of 35 feet;
- 2.) Consider combining the PCD and NCD proposals into a unified PCD request to avoid the issue of residential being a Conditional use approved by the BZA;
- 3.) A lighting plan should be submitted and reviewed by the Township during the Final Development Plan stage;
- 4.) Identify the total number of parking spaces provided for each use;

- 5.) Road 'B' be should be connected to U.S. 23 as part of this project to provide a second access point or Road 'D' should be connected to Conner Lane as a public street; and
- 6.) All signs should not exceed the maximum permitted size.

Commission / Public Comments

[also see Commission/Public Comments on case #37-23 ZON]

Mr. Todd Faris, Faris Planning and Design was present to represent the applicant. He explained this project is a walkable mixed use community with retail on the third floor. They have had several discussions with the Township and they really wanted a place in Berlin Township that was a destination.

Mr. Thompson commented that between the two projects presented there is a lot of drainage including a couple retention ponds backing up to a cemetery. Is there adequate area for all the run off from the parking lots and other development? Mr. Faris stated that a preliminary drainage study has been conducted on how much drainage is needed and where it goes. Mr. Love said that the drainage would likely go on maintenance. Mr. Faris said some of it is currently on County Drainage Maintenance now.

Mr. Matlack made a motion to recommend Conditional Approval of the rezoning request by Peachblowroad Ltd. from FR-1 to NCD, subject to:

- 1.) Consider reducing the building height of buildings 3 and 4 to a maximum height of 35 feet;***
- 2.) Consider combining the PCD and NCD proposals into a unified PCD request to avoid the issue of residential being a Conditional use approved by the BZA;***
- 3.) A lighting plan should be submitted and reviewed by the Township during the Final Development Plan stage;***
- 4.) Identify the total number of parking spaces provided for each use;***
- 5.) Road 'B' be should be connected to U.S. 23 as part of this project to provide a second access point or Road 'D' should be connected to Conner Lane as a public street; and***
- 6.) All signs should not exceed the maximum permitted size.***

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

39-23 ZON Peachblowroad Ltd. – Berlin Twp. – 8.221 acres from FR-1 to PCD

Request

The applicant, Peachblowroad Ltd., is requesting a 8.221-acre rezoning from FR-1 to PCD to create a total of 40,000 square feet of commercial space.

Conditions

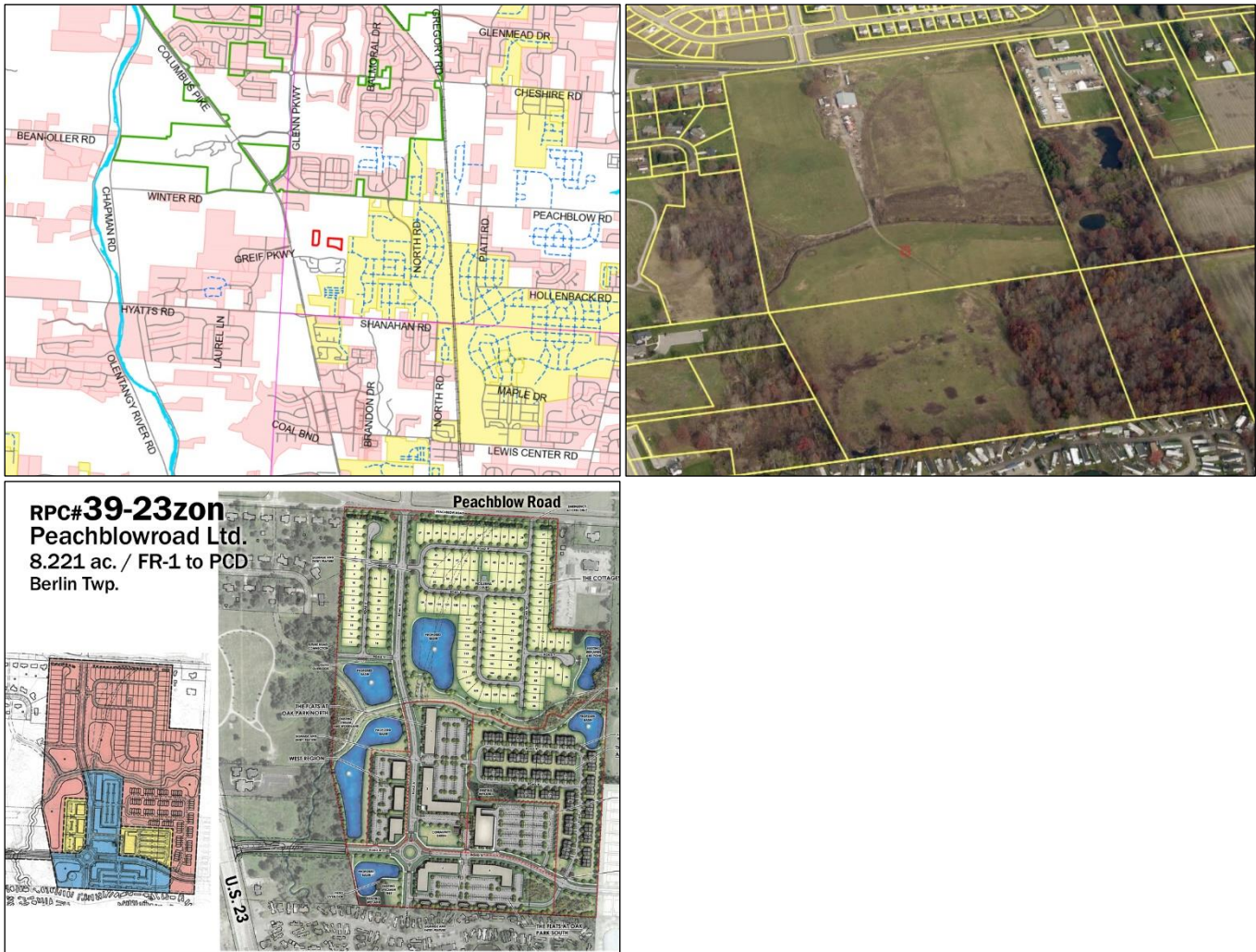
Location: south side of Peachblow Rd., east of US 23

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

Present Use(s): vacant single-family, agricultural / **Proposed Use(s):** stand-alone commercial buildings

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

Critical Resources: stream / **Soils:** BoB, GwC2, BoA



Introduction

The greater “Peachblow Development” on this site will include three general areas based on proposed use;

- The Village at Oak Park (multi-family) and The Cottages at Oak Park (single-family) – zoned TPUD,
- The Flats at Oak Park South (multi-family) – zoned NCD,
- **East Region and the West Region (commercial) – zoned PCD.**

(This rezoning request is indicated by the **yellow area** in the inset graphic above.)

This rezoning request will allow for commercial uses on a maximum of three commercial parcels in the “West Region” and on one commercial parcel in the “East Region.” The development includes three commercial buildings and surface parking spaces to the west and one commercial building and surface parking to the east, multi-use paths along the road frontage with access from the proposed Road ‘A’ and ‘B’. The out-lots in the west section shall be developed as users have final development plans approved and the east section shall be developed as one phase. Each building to the west will have a maximum foot print of 10,000 sq. ft., the building to the east is intended for a grocery store use and possibly one other use with a maximum foot print of 30,000 sq. ft. and no buildings will exceed the permitted height of 35 feet.

Comprehensive Plan

Berlin Township's 2023 Comprehensive Plan includes the site in Subarea 7a – the Southern Gateway, which is recommended for Planned Commercial zoning. The Plan also recommends incremental construction of roads; a connection to Peachblow Road that extends south to an extension of Greif Parkway and a connection to Conner Lane in the Midway Gardens subdivision to the west. The Goals and Objectives of the Plan recommend preserving and maintaining wildlife corridors and maintain a diversity of housing types.

There is approximately 15-acres of wooded land at the southeast corner of this site. Approximately 3.5-acres of woods is located in the proposed PCD and will be removed. If additional wooded acreage were protected in this area, the development would adhere to the Plan recommendations.

Issues

Design:

Staff understands that some of the uses may be conceptual in nature. The allowance for a large single retail use in the East Region should allow for flexibility in the final design. Any large use could be “wrapped” with other uses fronting on the Community Green, since the entrance to the large use would likely be from the east. Additionally, this large use is generating a significant parking area that could be reduced based on the final commercial mix. The building could be rotated to allow the building to buffer the parking from the road.

Traffic and access:

The “West Region” will gain access from both Road ‘A’ and ‘B’ and the “East Region” will gain access from Road ‘B’.

Drainage:

A drainage plan was submitted. The proposed PCD development will include storm sewer structures throughout.

Signage:

Entry signage will be located in front of all lots and a maximum of two wall signs may be placed on each commercial building.

Lighting:

Parking lights shall be down lights. A final lighting plan will be provided at the time of the final development plan submission.

Sanitary Treatment:

Sanitary sewer will be served by Delaware County and accessible at the Greenery project to the south, which is currently 1,200 feet away and through the Worthington Arms manufactured home park.

Open Space / Lot Coverage:

Required: 20 percent (1.64-acres) Proposed: 20 percent

The Development Text states that a minimum of 20 percent open space will be provided. The Site Data Table on Plan sheets C-1 and C-2 state 30.0 percent will be provided. All plan sheets should be updated to reflect the correct open space calculation.

Divergences

Three divergences are requested:

1. Section 17.05.b – Reduce the minimum tract size from 10-acres to 8.221-acres as the commercial parcels shall only be small single-user commercial parcels and do not need 10 acres to function.

Staff Comment: Staff is in support of this request as this rezoning is part of a larger development and surrounded by those other uses.

2. Section 17.05.f – Reduce the minimum side yard setback from 100 feet to 25 feet. This is to create a distinct walkable district flowing between the PCD, NCD, and TPUD portions of the full development, which large setbacks would create gaps and thus create less walkability. Buffers consisting of fences, dense vegetation, and other elements will be used.

Staff Comment: Staff is in support of this request. The “West Region” setbacks are really only applicable to the PCD lots with this rezoning request and all three of these lots are surrounded by stormwater ponds to the west and north (side and rear yard); no residential lots are near this development. The only building in the “East Region” will be approximately 50 feet from the north and west property line and approximately 100 feet from the nearest residential building, all of which are part of this greater development.

3. Section 17.05.g – Similar to the side yard setback divergence, the request is to reduce the rear yard setback from 100 feet to 25 feet.

Staff Comment: Staff is in support of this request.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Peachblowroad Ltd. from FR-1 to PCD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

- 1.) All plan sheets should be updated to reflect the correct open space calculation;
- 2.) Road ‘B’ be should be connected to U.S. 23 as part of this project to provide a second access point or Road ‘D’ should be connected to Conner Lane as a public street;
- 3.) Consider protecting additional acreage of wooded land; and
- 4.) Consider allowing flexibility in final layout of the large commercial building.

Commission / Public Comments

[also see Commission/Public Comments on case #37-23 ZON]

Mr. Todd Faris, Faris Planning and Design was present to represent the applicant.

Mr. Love asked if this project would be platted. Mr. Sanders confirmed it would be platted due to the dedication of the right of way and creation of the large lots.

Mr. Matlack made a motion for recommends Conditional Approval of the rezoning request by Peachblowroad Ltd. from FR-1 to PCD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, subject to:

- 1.) All plan sheets should be updated to reflect the correct open space calculation;

- 2.) Road 'B' be should be connected to U.S. 23 as part of this project to provide a second access point or Road 'D' should be connected to Conner Lane as a public street;
- 3.) Consider protecting additional acreage of wooded land; and
- 4.) Consider allowing flexibility in final layout of the large commercial building.

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

SUBDIVISION PROJECTS

Preliminary

21-23 Longshore CAD (fka Sarnovsky CAD) – Trenton Twp. - 5 lots / 57.70 acres

Conditions

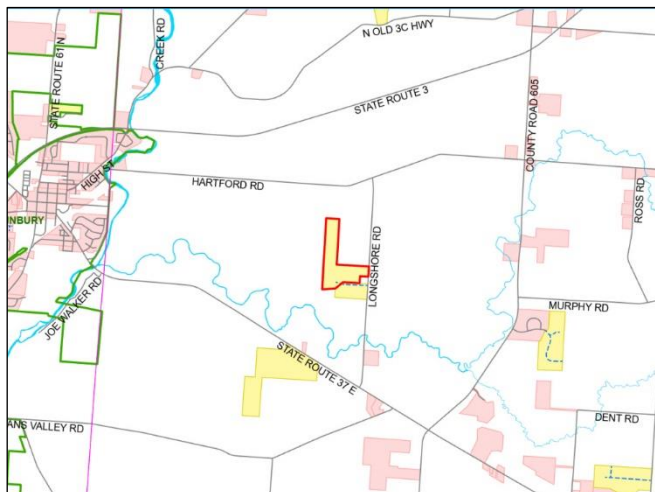
Applicant: The Sarnovsky Family Trust / **Consultant:** Plan 4 Land

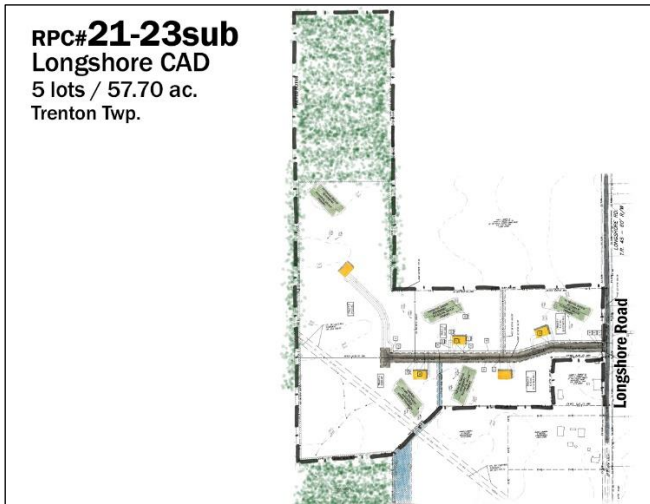
Subdivision Type: Single Family Residential, Common Access Driveway

Location: west side of Longshore Rd., north of SR 37

Current Land Use: Vacant / **Zoned:** Farm Residential (FR)

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





Staff Comments

The request is for Preliminary Plan approval of the Longshore CAD 5-lot Common Access Driveway subdivision, located on the west side of Longshore Road between U.S. 37 and Hartford Road. The CAD extends west from Longshore Road for approximately 1,330 linear feet, providing access to all five lots. Lots range in size from 5.01 to 31.53 acres. One stormwater pond is proposed off-site, south of Tract 4 and located within a drainage easement and another drainage easement runs along the shared lot line of Tracts 1 and 2. All lots will utilize on-site waste water treatment systems and be served by Del-Co water. All FR and general zoning requirements have been met and no reviewing agencies have any concerns.

A technical review was held on November 21, 2023, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of the Longshore CAD to the DCRPC.

Commission / Public Comments

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

Ms. Boni made a motion for Preliminary Approval of the Longshore CAD. Mr. Mosier seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Trenton Twp.). Motion carried.

OTHER BUSINESS

- Consideration for Approval: 2024 Budget

The 2024 Budget is conservative in expenditures and revenues. The Executive Committee recommended approval at their November 22nd meeting. The proposed Budget includes 2024 Membership Dues at \$0.60/capita, purchase of refreshments up to \$1,000.00, Health Insurance Opt Out Allowance, and staff salary increases of 4% effective the first pay of 2024.

Mr. Manley made a motion to Approve the 2024 Budget as presented. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Approval: 2024 Meeting Schedule

The majority of the monthly meetings will be held on the last Thursday of each month, except for October, November and December. All meetings are scheduled to be held in the Byxbe Campus large conference room.

Mr. Canon made a motion to Approve the 2024 Meeting Schedule as presented. Mr. Manley seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Approval: Fee Schedule

The Executive Committee recommended approval of the proposed fee schedule increase at their November 22nd meeting. The last increase in platting fees was 2007.

Fee	Current	Proposed
Sketch Plan base fee	\$300	\$400
Subdivision base fee	\$400	\$500
Subdivision Per Lot fee	\$100	\$110
Table / Extension	\$200	\$300
Combination of Platted Lots	\$400	\$500
Amendment to Commission approved Prel. / Final	\$400	\$500
Variance	\$300	\$500
Zoning Review for Planned District	\$300	\$500

Mr. Benson made a motion to Approve the Fee Schedule as presented. Mr. Manley seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Approval: Transfer of all fees collected on behalf of the Health Dept., SWCD and County Commissioner's.

Mr. Manley made a motion to Approve the transfer of all fees collected on behalf of the Health Dept., SWCD and the Commissioners in 2023. Ms. Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for Approval: Transfer of Appropriations: \$3,000 from Services and Charges (5301) to Materials & Supplies (5201)

Mr. Irvine made a motion to Approve the Transfer of Appropriations of \$3,000 from Services and Charges (5301) to Materials & Supplies (5201). Mr. Manley seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Having no further business, Ms. Boni made a motion to adjourn the meeting at 7:15 p.m. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, December 21, 2023, 6:00 PM at the Byxbe Campus Conference Room, 1610 SR 521, Delaware, Ohio 43015.

Ed Snodgrass, Vice-Chairman

Stephanie Matlack, Executive Administrative Assistant