

# Delaware County Regional Planning Commission

1610 State Route 521  
P.O. Box 8006, Delaware, Ohio 43015  
740-833-2260 [www.dcrpc.org](http://www.dcrpc.org)  
Scott B. Sanders, AICP *Executive Director*



## *\*AGENDA\**

Thursday, February 29, 2024 at 6:00 PM  
Byxbe Campus Conference Room, 1610 SR 521,  
Delaware, Ohio 43015

### ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of January 25, 2024 RPC Minutes
- Executive Committee Minutes of February 21, 2024
- Statement of Policy

CONSENT AGENDA (Final Plats)		Township	Lots/Acres
01-22	The Ravines at Hoover	Genoa	56 lots / 42.804 acres
29-21	Orange Summit Communities	Orange	2 lots / 48.696 acres

### VARIANCE / EXTENSION

04-20.V	Slate Ridge Commercial-Emil's Way Ext. - Orange Twp. - requesting additional extension
17-21.V	Hidden Creek Estates Sections 2-4 - Berkshire Twp. - requesting additional extension
03-22	Berlin Meadows - Berlin Twp. - requesting 1 year extension

### ZONING MAP/TEXT AMENDMENTS

04-24 ZON	Rebecca Sturm - Harlem Twp. - 2.114 acres from AR-1 to FR-1
05-24 ZON	Berkshire Twp. Trustees - Zoning Code text amendments - Article 16
06-24 ZON	Avasar LLC - Concord Twp. - 8.75 acres from FR-1 to PCD
07-24 ZON	Maronda Homes - Concord Twp. - 63.63 acres from FR-1 to PRD

### SUBDIVISION PROJECTS

#### Preliminary

02-24	Peachblow Aquatics & Commercial Center	Berlin	1 lot / 10 acres
10-23 T	Marigold (fka Aldeia)	Orange	1 lot / 39.45 acres

T=Tabled

#### Preliminary/Final

20-23	Ninja Express	Orange	2 lots / 5.292 acres
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### OTHER BUSINESS

- Executive Committee member elections

### POLICY / EDUCATION DISCUSSION

- Discussion regarding the process for Rezoning Application Reviews and Recommendations

### RPC STAFF AND MEMBER NEWS

## ADMINISTRATIVE BUSINESS

- Call to Order
- Roll Call
- Approval of the January 25, 2024 RPC Minutes
- February 21, 2024 Executive Committee Minutes

### A. Call to order

Chairman Shafer called the meeting to order at 8:45 a.m. Present: Joe Shafer, Robin Duffee, Tiffany Maag, Gary Merrell and Ed Snodgrass. Staff: Scott Sanders and Stephanie Matlack.

### B. Approval of Executive Committee Minutes from January 17, 2024

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

### C. New Business

#### 1. Financial / Activity Reports for January

REGIONAL PLANNING RECEIPTS		JANUARY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$205.00
Fees A (Site Review)	(4202)		
Insp. Fees (Lot Line Transfer)	(4203)	\$700.00	\$700.00
Membership Fees	(4204)	\$144,974.00	\$144,974.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$7,152.59	\$7,152.59
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)		
Charges for Serv. B (Final. Appl.)	(4231)	\$6,682.82	\$6,682.82
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$300.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$1,000.00	\$1,000.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		
Soil & Water Fees	(4243)		
Commissioner's fees	(4244)	\$12.00	\$12.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		

Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$161,326.41</b>	<b>\$161,326.41</b>

Balance after receipts	\$1,150,175.09
Expenditures	- \$ 43,738.82
End of January balance (carry forward)	\$1,106,436.27

Mr. Sanders updated the Committee that 21 jurisdictions had paid their per capita fees for 2024, representing roughly 75% of the budgeted fees, which are due by April 15<sup>th</sup>. [as of 02/28/24]

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

## 2. RPC Preliminary Agenda February

- a) Sketch Plans
 

	<u>Township</u>	<u>Lots/Acres</u>
▪ BET-FISH CAD	Brown	4 lots / 10.779 acres
  
- b) Zoning Map / Text Amendments
  - Rebecca Sturm – Harlem Twp. – 2.114 acres from AR-1 to FR-1
  - Berkshire Twp. Trustees – Zoning Code text amendments – Article 16
  - Avasar LLC – Concord Twp. – 8.75 acres from FR-1 to PCD
  - Maronda Homes – Concord Twp. – 63.63 acres from FR-1 to PRD
  
- c) Subdivision Projects
 

	<u>Township</u>	<u>Lots/Acres</u>
Consent:		
▪ The Ravines at Hoover	Genoa	56 lots / 42.804 acres
▪ Orange Summit Communities	Orange	2 lots / 48.696 acres
Preliminary:		
▪ Peachblow Aquatics & Commercial Center	Berlin	1 lot / 10 acres
▪ Marigold (fka Aldeia) <b>TABLED</b>	Orange	1 lot / 39.45 acres
Preliminary/Final:		
▪ Ninja Express	Orange	2 lots / 5.292 acres
Variance / Extension:		
▪ Slate Ridge Commercial – Emil’s Way Extension – Ora. Twp. - requesting additional extension		
▪ Hidden Creek Estates Sections 2-4 – Berk. Twp. – requesting additional extension		
▪ Berlin Meadows – Berlin Twp. – requesting 1 year extension		

### 3. Director's Report

#### DCRPC-Managed Projects

##### Harlem Township Zoning Resolution

Staff is working with the Zoning Commission on various updates in existing sections of the Zoning Resolution. A number of amendments were approved by the Trustees earlier this month for inclusion in the approved copy.

##### Liberty Township Comprehensive Plan

Staff is working on an update to the Comp Plan. Open Houses are currently being scheduled for later in March.

##### Berlin Township Zoning Resolution

Staff is working on an update to the Zoning Resolution. Waiting on the adoption process of the recent set of amendments.

##### Troy Township Comprehensive Plan

Staff is working on an update to the Comp Plan. Continuing to collect survey responses with 201 responses received to date.

##### Berkshire Township Zoning Project (New)

Township is working with an external consultant to study certain parts of its Zoning Resolution. Staff is coordinating with consultant and providing GIS information and background material.

##### Shawnee Hills Comprehensive Plan (New)

Staff is starting to work on background material toward an update of the 2016 Plan.

#### Project-specific/other meetings

##### Township Zoning Inspector Meeting

Hosted meeting on January 30 with Berkshire, Brown, Concord, Genoa, Harlem, Kingston, Rural Zoning in attendance. Discussed Lot Splits, RPC resources, rezoning recommendations, referendums, enhanced online Zoning Map features, and housing in general.

##### Transportation Advisory Committee

Hosted by MORPC, these are monthly in-person meetings. Participated on January 31.

##### 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. Checking on updates.

##### 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. A survey was open to the public until December, 2023 with 548 responses received. A final report is expected early this year.

##### Multimodal Design Guide Training (New)

Hosed by MORPC, this training was led by planning specialists from Toole Design. This training provided a detailed explanation and practical application of design topics covered in the ODOT Multimodal Design Guide (MDG). Attendees learned about context sensitive design, design principles that affect pedestrian and bicyclist comfort, safety, and accessibility, and multimodal design considerations that can be applied to projects

throughout the state. Brad attended this training on February 2<sup>nd</sup>. A print version of the Guide can be found on ODOT's [website](#).

4. Discussion regarding the process for Rezoning Application Reviews and Recommendations  
The Executive Committee discussed the RPC staff's review and recommendations process for rezoning applications and supported a discussion of this topic at the February 29<sup>th</sup> meeting.

#### D. Adjourn

*Having no further business, Ms. Maag made a motion to adjourn the meeting at 10:30 a.m. Mr. Duffee seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, March 20, 2024 at 8:45 a.m. at 1610 State Route 521, West Conference Room, 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)

01-22      The Ravines at Hoover – Genoa Twp. - 56 lots / 42.804 acres

### Conditions

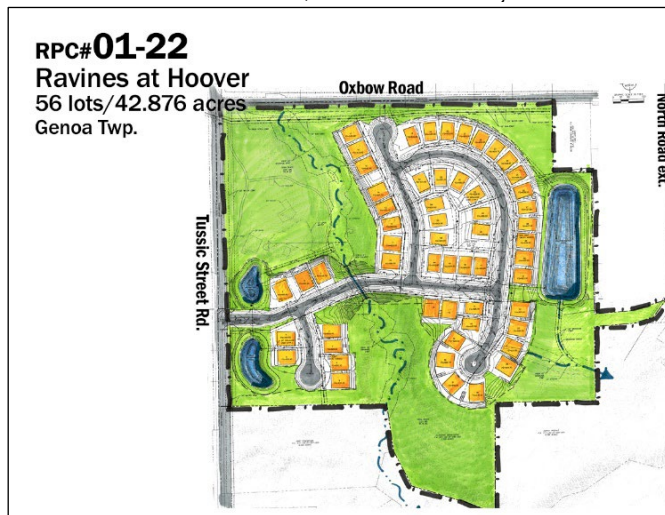
**Applicant:** Romanelli & Hughes / **Engineer:** CESO Inc.

**Subdivision Type:** Single Family Residential

**Location:** east side of Tussic Street Rd., south of Oxbow Rd.

**Zoned:** Planned Residential (PRD) / **Preliminary Approval:** 03/31/22

**Utilities:** Del-Co Water, central sanitary sewer / **School District:** Big Walnut



### Staff Comments

Ravines at Hoover is a residential subdivision with 56 buildable and two reserve lots, located at the southeast corner of Tussic Street Road and Oxbow Road. The development takes access from Tussic Street Road in Genoa Township, with an emergency access drive connecting to Oxbow Road. Preliminary approval was granted on 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 **The Ravines at Hoover** to the DCRPC.

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**29-21 Orange Summit Communities – Orange Twp. - 2 lots / 48.696 acres**

**Conditions**

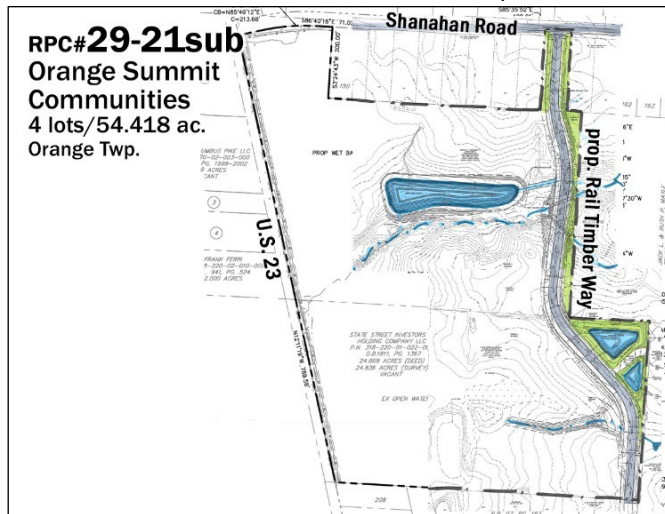
**Applicant:** Schottenstein Real Estate Group / **Engineer:** CESO Inc.

**Subdivision Type:** Multi-Family Residential

**Location:** south side of Shanahan Rd., east of US 23

**Zoned:** RCOD / **Preliminary Approval:** 10/28/21

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



**Staff Comments**

Orange Summit Communities is a multi-family development that will include 400 units, located at the southeast corner of U.S. 23 North and Shanahan Road. This plat includes the right-of-way for the Rail Timber Way extension that will connect to Shanahan Road to the north and the existing Rail Timer Way stub to the south, the two lots that will be developed as Orange Summit Communities and two lots that that serves as drainage areas. Preliminary approval was granted on October 28, 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 **Orange Summit Communities** to the DCRPC.

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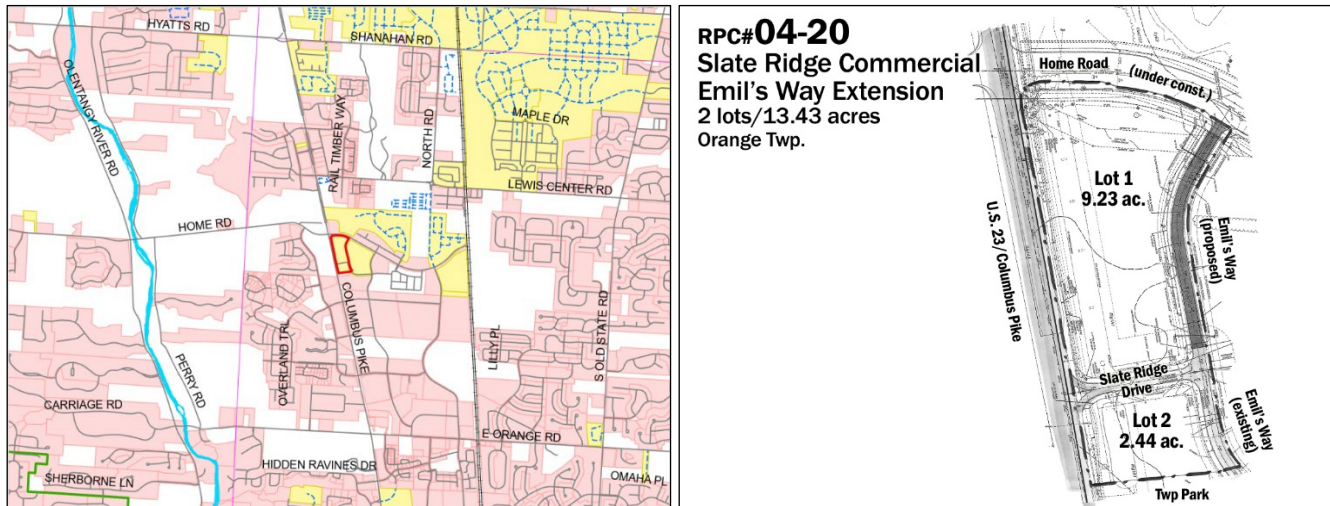
## VARIANCE / EXTENSION

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

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

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

**Extensions:** 03/31/22 – 02/28/23, 02/23/23 – 02/23/24 (via variance)



### Request

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

### Facts

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

### Criteria for a Variance

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

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the



owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.

- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

***Applicant's Response:*** "The additional one-year extension via variance is needed due to delays in project commencement as well as DCEO advisement to record Final Plat only after construction has been completed and accepted. Construction is slated to begin in the Summer of 2024."

***Staff comments:*** Staff notes that the Slate Ridge Commercial – Emil's Way Extension subdivision will make the final connection between Emil's Way and Home Road if platted. This road connection will only impact the applicant's property and no reviewing agencies have any concerns with the request; therefore, the variance and a 1-year extension request will not be detrimental to the community. Additionally, the site was successfully zoned to Planned Commercial in 2013 and provided site improvements start this summer as indicated by the applicant, additional commercial space will be made available.

#### **Staff Recommendation**

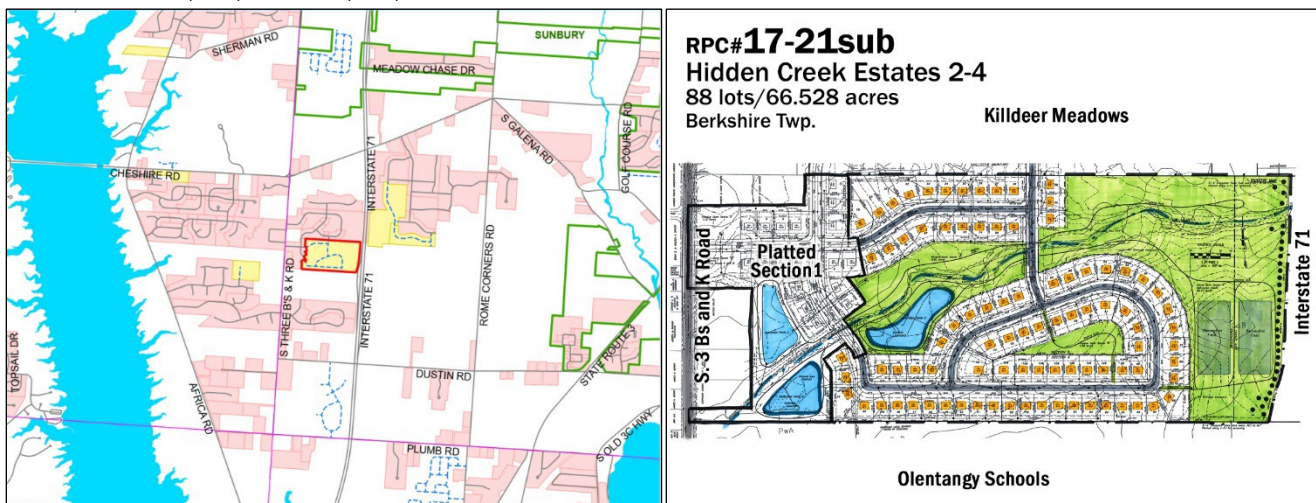
DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 102.03 & 204.04 and a one-year extension for **Slate Ridge Commercial – Emil's Way** be *Approved*.

#### **17-21.V Hidden Creek Estates Sections 2-4 – Berkshire Twp. – requesting additional extension**

**Applicant:** Hidden Creek Estates LLC. / **Engineer:** Hockaden

**Preliminary approval:** 05/27/21

**Extensions:** 05/25/23 – 05/25/24



### **Request**

The applicant, Hidden Creek Estates LLC., is requesting a Variance for a one-year extension of the Preliminary Plan approval of Hidden Creek Estates Sections 2-4. The site is located on the east side of South 3 Bs & K Rd., south of Cheshire Rd.

### **Facts**

- 1) Section 204.04 of the Subdivision Regulations states that the Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval;
- 2) Hidden Creek Estates Sections 2-4 received Preliminary approval on May 27, 2021;
- 3) The applicant received a one-year extension in May 2023 – May 2024; and
- 4) The application is requesting a second extension via Variance for 1 year.

### **Criteria for a Variance**

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

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.
- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

***Applicant's Response:*** "Homewood Corporation experienced unusual turnover in our Land Department (2 people left in 3 months and the last person 13 months after) and failed to keep this project moving forward. Hockaden and Associates has assisted us in getting everything caught up."

***Staff comments:*** Section 1 of this development was platted in 2007; however, no improvements were ever made to the development site prior to 2024. The Delaware County Engineer's office is currently reviewing final engineering plans for Section 1. Being that no reviewing agencies have any concerns with the variance request, and Sections 2-4 will make roadway and pedestrian connections to the Killdeer Meadows residential development to the north and a pedestrian connection to Johnnycake Elementary School, staff is in support of the request.

If approved, the extension would be valid from May, 2024 to May, 2025.

### **Staff Recommendation**

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 102.03 & 204.04 and a one-year extension for **Hidden Creek Estates Sections 2-4** be **Approved**.

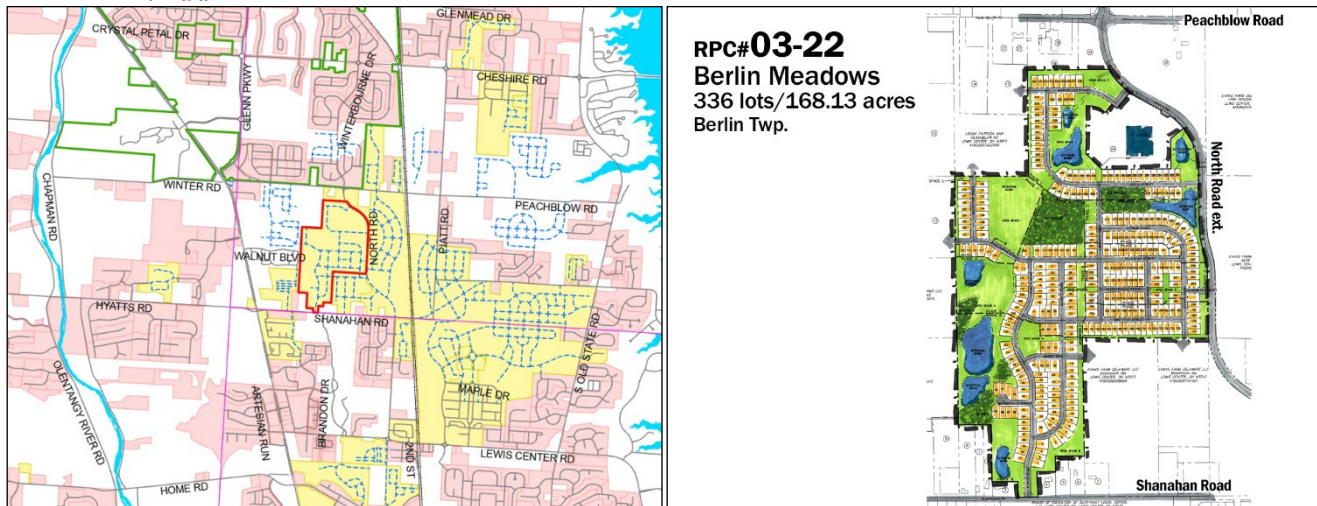
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03-22 Berlin Meadows – Berlin Twp. – requesting 1 year extension

**Applicant:** Pulte Homes

**Engineer:** Kimley-Horn

**Preliminary approval:** 02/24/22



**Staff Comments**

The applicant is requesting a 1-year extension for Berlin Meadows, based on economic conditions.

**Staff Recommendation**

Staff recommends **Approval** of a 12-month Extension for **Berlin Meadows** to the RPC.

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**ZONING MAP/TEXT AMENDMENTS**

04-24 ZON Rebecca Sturm – Harlem Twp. – 2.114 acres from AR-1 to FR-1

**Request**

The applicant, Rebecca Sturm, is requesting a 2.114-acre rezoning from AR-1 to FR-1 to allow the lot to be split for residential purpose.

**Conditions**

**Location:** west side of Miller Paul Rd., south of Gorsuch

**Present Zoning:** Agricultural (A-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

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

**Critical Resources:** streams / **Soils:** SnA, AmF, BeA, PwA



### **Introduction**

The applicant seeks to rezone 2.114 acres of a 21.54-acre site, which is intended to be split to allow for the development of a single-family home. The FR-1 district allows for one single-family dwelling on a lot not less than 2-acres in size. The 21.54-acre site fronts on Miller-Paul Road, just south of Gorsuch Road and is currently developed with a single-family home and two detached garages. Based on the survey submitted, the proposed 2.114-acre site will have 64.76 feet of frontage along Miller-Paul Road and the remainder lot will have 194.28 feet of frontage, thus creating back-to-back flag lots, which is not permitted in the FR-1 district. However, the existing site is large enough to allow the proposed lot to be reconfigured to meet all zoning requirements.

### **Comprehensive Plan**

Harlem Township's 2021 Comprehensive Plan includes the site in Subarea B and is generally recommended for single-family residential uses with a minimum 2-acre lot size. Goals and Objectives of the Plan include protecting and buffering Duncan Run, which meanders across the overall site and is protected by regulatory floodplain. The request adheres to the Plan recommendations as the minimum lot size is met. There is approximately 0.6-acres of developable area within the required setbacks and outside of the floodplain.

### **Issues**

#### **Traffic and access:**

The proposed lot and remainder lot will both gain access from Miller-Paul Road. It's recommended that the existing driveway serve as a shared access point and a shared access easement be recorded and identified on the survey submitted separately, after the No Plat Application (NPA).

#### **Drainage:**

Road side drainage is located within the Miller-Paul Road ROW and the proposed 2.114-acre lot naturally drains north to Duncan Run.

#### **Sanitary Treatment:**

The existing site and proposed lot will be served by on-site wastewater treatment systems as sanitary sewer is not yet available in this area.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Rebecca Sturm from AR-1 to FR-1 to

the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *The proposed lot and area to be rezoned should be reconfigured so that back to back flag lots are not created and both lots meet all FR-1 and General Development zoning requirements; and*
- 2.) *The existing driveway should serve as a shared access point.*

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**05-24 ZON      Berkshire Twp. Trustees – Zoning Code text amendments – Article 16**

**Request**

The Berkshire Township Board of Trustees initiated changes to Article 16 of the Berkshire Township Zoning Resolution on February 12, 2024. Those changes included increasing the allowable density in the Southwest Quadrant of the Planned Mixed Use District (Article 16) from 300 to 460 dwelling units, and increasing the maximum allowable height for multi-family buildings in Zone 3A (east of Wilson Rd, north and south side of US-36/37) from 2 to 3-storys.

**Staff Comments**

There is ample space in the Southwest Quadrant to allow for the increased dwelling units while conforming to the requirements found in Article 16. Additionally, the undeveloped land area alone in the Southwest Quadrant could accommodate for the permitted number of units. Zone A is surrounded by Wilson Road and US-36/37 ROW and properties zoned PCD. Also, land directly north is defined by the 36/37 PMUD Overlay (Article 17), which allows three-story buildings. Therefore, a building height of 3 stories should not have a negative impact on the area.

**Staff Recommendations**

Staff recommends **Approval** of the amendments to the Berkshire Twp. Zoning Resolution to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees.

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**06-24 ZON      Avasar LLC – Concord Twp. – 8.75 acres from FR-1 to PCD**

**Request**

The consultant, Joe Clase, Plan 4 Land, on behalf of Avasar LLC., is requesting a 8.75-acre rezoning from FR-1 to PCD for the development of The Stallion Ranch, consisting of various agritourism activities including an event center.

**Conditions**

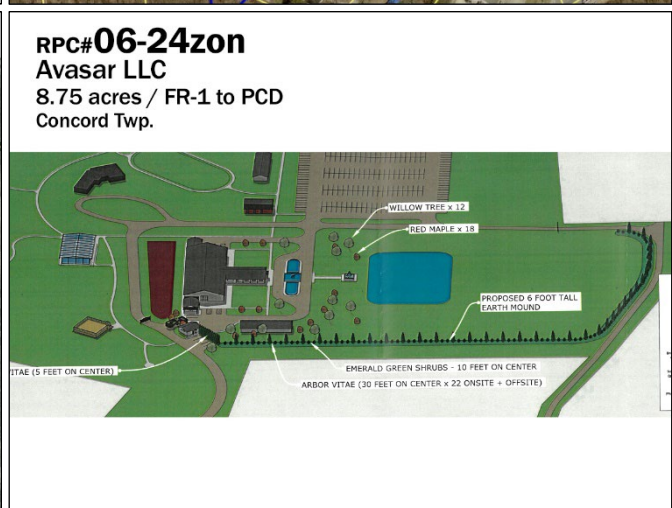
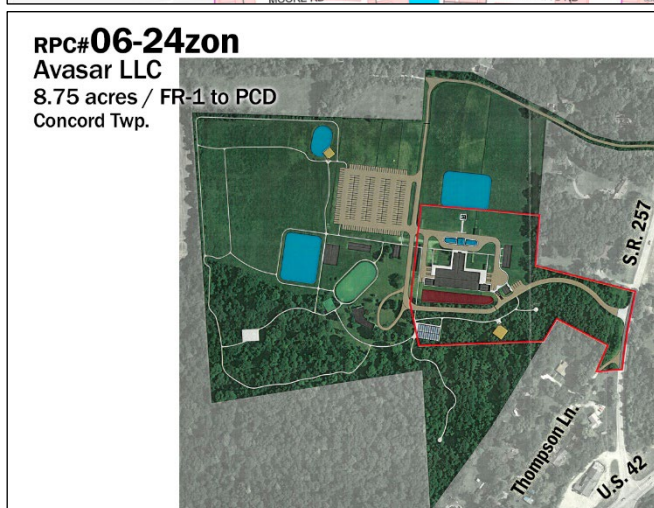
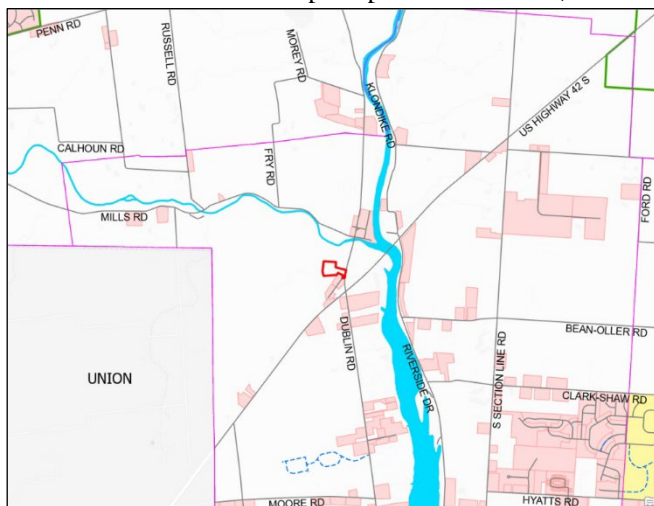
**Location:** 4910 SR 257 South

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

**Present Use(s):** One single-family house / **Proposed Use(s):** event center

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

**Critical Resources:** Steep slopes and stream / **Soils:** MoB



**Introduction**

The applicant is requesting to rezone an 8.75-acre area of an existing 41.84-acre site to serve as “The Stallion Ranch Inc.” Permitted uses would include continued agricultural activities with added agritourism activities and special events, with an average event capacity of 200-300 attendees for occasional larger events. The full capacity for large events is undetermined. Agricultural activities include: pastures for production crops, vineyards, lavender fields, vegetable gardens, other horticultural production, and animal husbandry. Agritourism and

commercial activities include banquet events (mostly weddings), grown plants for marketing, you-pick flowers and fruit, commercial sale of fruits, flowers and other horticultural produce and other minor tourism activities focused on agriculture, and a tap house.

The site is currently developed with a single-family home that was built in 1973, a 15,000 square foot pole barn and seven other smaller barns. Some of the barns and buildings on site that are not in good condition will be removed. Based on aerial imagery and information from the Delaware County Auditor's website, the site has historically served as an agricultural use and horse stables were added to the property in the late 1970s.

The applicant believes the proposed uses are agriculturally exempt under Ohio Revised Code (ORC) 519.01 and Concord Township Zoning Resolution Section 6.02 – Agriculture Exemption. However, they are requesting to rezone the area that will include the large barn/event center, meeting building, security office, glass building, observation deck and new access drive as this is mainly where the special events will occur. Sustainable farming, land conservation and environmental education classes & experiences will be made available for all guests and charges for these programs will be included in the facility reservation fee. Additionally, the events are part of marketing and selling produce. All leased activity will include agricultural activities in the package rental fee. Provided the zoning is approved, permitting and construction is expected to be completed within 12 months.

### **Comprehensive Plan**

Concord Township's 2021 Comprehensive Plan includes the site in Subarea VI – Mill Creek Valley, and recommends low-density residential uses. Commercial uses are not supported for this site. Additionally, the US-42 Corridor Overlay is approximately 1,000 feet south of the subject site, which supports limited commercial and office development in that area. The Plan includes Goals and Objectives that recommend preserving the rural character of the Township, which include its openness, green areas, farms and natural resources and to provide an opportunity for agriculture to continue through flexible/creative zoning.

### **Issues**

#### **Details of operation:**

- Events: 9am – 11pm (seasonally), Staff and vendors on site up to one hour after closing;
- Outdoor activities limited after dusk;
- 80% of events between May and September;
- 20% between October and December;
- Smaller events between January and April;
- Property manager/security officer maintaining 24 hours/7-day security;
- Up to 3 full-time and 3 part-time staff;
- Outside vendors utilized as needed, expecting 5-6 vendors on site at one time; and
- Min. Setback to SR-257: 400 ft. Min. Setback from adjacent lands: 100 ft.

#### **Traffic, parking and access:**

The existing driveway on the north side of the site serves as a common driveway that provides access to six other residential properties. This existing driveway will be used for regular access for the single-family residence on site and only emergency access in regards to the proposed change of use. The owner will continue to contribute to maintenance of the common driveway in accordance with existing practice. A new access point is proposed along S.R. 257 that will be used for event traffic. This drive is proposed at the south end of the site, just north of Thompson Lane. Staff notes that this drive is proposed to be located within fairly close proximity to a



residential property to the north due to significant grade change (approx. 36 feet) in this area. The applicant stated that they will obtain ODOT support prior to zoning approval.

Two hundred and forty (240) parking spaces will be provided in a gravel lot on the adjacent property that will be primarily used for the agritourism activities and occasionally used for banquets.

**Drainage:**

Three retention ponds are proposed with the site naturally draining south toward a drainage path, ultimately draining to the Scioto River.

**Signage:**

One double sided pole sign is proposed and is no larger than 4 square feet per side. The sign will only include the farm name and address.

**Lighting:**

Existing lighting will be maintained. Additional lighting will be setback at least 15 feet from adjacent properties and include 2-foot tall path lighting and 8-foot tall (maximum) parking and driveway pole lights. A lighting illustration plan was included with the submission.

**Sanitary Treatment:**

On-site wastewater treatment is proposed, which must be reviewed and approved by the Delaware Public Health District.

**Landscaping:**

The Development Text states that required landscaping in Section 23.03 will be met. Existing vegetation outside of the proposed drive will be maintained and a 6-foot-tall earth mound will be constructed along the eastern and northern property line, adjacent residentially zoned and built properties. Those mounds will include shrubs and arborvitae. Fifty-two trees will also be planted on-site. A landscape plan was included with the submission.

**Divergences**

Three divergences are requested:

1. Section 19.06(g) – Uses within the PCD must be platted. The applicant requests the ability to split the proposed PCD lot after zoning approval and prior to occupancy through the traditional lot split process and does not feel that a plat is necessary, nor should be required.  
*Staff Comment:* Staff does not support this request. What will serve as an emergency access drive for this site also serves as sole access to S.R. 257 by six residential lots; drainage and cross-access easements may be necessary; and the size and location of wastewater treatment is yet to be determined. Additionally, the entirety of the site that will be used by patrons should be included in the plat.
2. Section 21.01(b) – All common parking areas and adjacent aisles or driveways shall be paved with asphaltic material or concrete. The applicant intends to maintain gravel drives and parking areas.  
*Staff Comment:* Staff recommends the main drive into the site and the main route where the highest number of trips will occur should be paved, not only for maintenance purposes, but for emergency and fire access. Parking areas and minor drives could be gravel, provided dust is properly managed.
3. Section 21.01(d) – All parking spaces required shall be located on the same lot with the building or use served. The applicant intends to provide for shared parking with the agritourism activities on the

adjacent property, or remainder acreage once the 8.75-acres is split.

**Staff Comment:** *Staff does not support this request. No hardship was determined by the applicant as to why the parking area associated with the event use couldn't be located on the same property and the delineation of area to be rezoned could easily be amended to include the parking area.*

#### **Staff Comments**

The various uses could be a benefit and bring value to the Township and the general area. Some of these uses may even be appropriate at this location. Depending on the specific uses, many may be appropriate for an agricultural exemption or conditional use. However, the more intense uses need to be accommodated with Planned Commercial zoning which will introduce non-residential zoning in an area not recommended in the Comprehensive Plan for commercial uses. Based on the number of divergences requested, the intensity of some uses, lack of sewer service at the time of development, and the Concord Township Comprehensive Plan recommendations for this site, Staff does not support the rezoning request.

#### **Staff Recommendations**

Staff recommends **Denial** of the rezoning request by Avasar LLC from FR-1 to PCD to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees, *based on the proposed intensity of the potential uses and the introduction of Planned Commercial zoning in an area where the Comprehensive Plan did not anticipate commercial activity.*

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**07-24 ZON Maronda Homes – Concord Twp. – 63.63 acres from FR-1 to PRD**

**Request**

The applicant, Maronda Homes, is requesting a 63.63-acre rezoning from FR-1 to PRD for the development of a 95 single-family homes as Clarkshaw Village.

**Conditions**

**Location:** south side of Bean-Oller Rd., north side of Clark-Shaw Rd, west of Sawmill Parkway

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

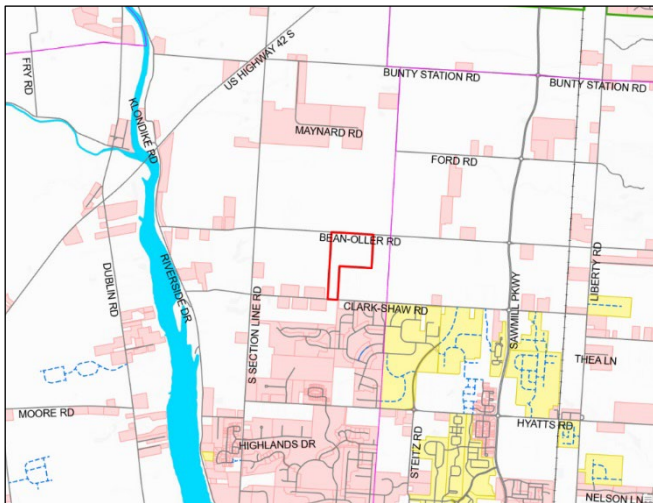
**Present Use(s):** house, barn / **Proposed Use(s):** 95 single-family homes

**Existing Density:** 1 du / 1.5 acres **Proposed Density:** 1.49 du/ac

**Number of units requested:** 95

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

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



**RPC#07-24zon**  
**Maronda Homes**  
**Clarkshaw Village**  
63.63 acres / FR-1 to PRD  
Concord Twp.



**RPC#07-24zon**  
**Maronda Homes**  
**Clarkshaw Village**  
63.63 acres / FR-1 to PRD  
Concord Twp.



**Introduction**

This rezoning application is to facilitate a 63.63-acre PRD development between Bean-Oller Road and Clark-Shaw Road, west of Sawmill Parkway and north of Clarkshaw Moors. The current Farm Residential zoning classification requires a 1.5 acre minimum lot size and either 200 or 300 feet of frontage, depending on size. The site is generally flat agricultural land with a 100-foot powerline easement diagonally crossing the northeast

portion of the site.

The proposal includes 95 residential lots with a gross density of 1.49 dwelling units per gross acre and the Planned Residential District regulations allow for a maximum density of 1.5 du/gross acre. The typical lot design is 62 feet wide by 120 feet deep, or 7,440 square feet, with the minimum 20-foot structure separation being met. The development has two main entrances, one on Clark-Shaw Road and one on Bean-Oller Road. The internal road network also includes street stubs which can continue into the undeveloped properties to the east and west on the northern side of the project. The development proposes outdoor recreation areas, sidewalks and walking paths, benches, overlooks, ample open space and two cluster mailbox locations.

This site was proposed for rezoning in 2021 for 118 lots or a density of 1.85 units per gross acre. The project was ultimately denied by the Township in 2022.

### **Comprehensive Plan**

Concord Township's 2018 Comprehensive Plan and 2021 update places the site in Subarea V – Upper Scioto and recommends a maximum density of 1.5 dwelling units per acre when utilizing a PRD. There is language in the recommendations that road right-of-way and road easements are removed from the acreage. The Plan also recommends connectivity to a major collector or arterial, and fair share payment of mitigation to traffic impacts. Goals within the Plan include linking PRDs and other residential areas with common green space and paths.

The total proposed right-of-way acreage was not identified by the applicant, but staff's measurement indicates 9.12 acres in right-of-way. Using the overall site acreage of 63.63 acres, the reduction would result in a net acreage of approximately 54.51 acres. At a density of 1.5 units per acre, the resulting number of permitted units would be 81, based on this internal calculation.

However, the regulatory Zoning Resolution does not address net acreage in the PRD, only gross acreage, which should be clarified. As is not unusual with other zoning resolutions, there is some conflict between the regulatory Zoning Resolution and the Comprehensive Plan.

Traffic and pedestrian connections are being provided for future development connections to the east and west through the development and paths are provided along both Bean-Oller Road and Clark-Shaw Road. Connectivity is recommended in the Plan and by County agencies, so this proposal meets that goal.

### **Issues**

**Minimum front setback:** The PRD does not include specific setback language unique to the district but references "per plan" as well as Article XXI, which would require a 90-foot setback. The proposed 60-foot setback is appropriate for internal streets and the table in Article XXI specifically notes that the PRD front setback is "approved in the development plan."

**Drainage:** Four stormwater ponds are proposed and two small wetlands will be preserved. These are probably feasible, given that this is the second rezoning request for this property, but any future development will be required to comply with the County Engineer's standards.

**Signage:** "For Sale" signs are permitted on the tract on which the said sign is located and may not exceed 4 square feet in area on either side.

- Two model signs and one marketing community sign are proposed, with the maximum sign size being 40 square feet (See exhibit D-7).

- A divergence to allow a marketing/for sale sign that exceeds 4 square feet in size may be required.

One subdivision sign not to exceed 32 square feet in area per side is permitted.

- One monument/hanging sign is proposed at each main point of entry and is 16 square feet in size per side (See exhibit D-7).
- A divergence to allow more than one subdivision sign may be required.

**Useable Open Space:** The Planned Residential District language does not provide a minimum amount of open space. The PRD Landscape Standards require 5% of the proposed area to be Protected Natural Area (PNA), 5% Public Open Space (POS) and makes recommendations on how the development “should” include and design vegetation & screening, landforms & berms, ponds & basins, pathways & trails, shrubs & thickets, entry features, and suggested tree layout designs. The landscape design standards also include required vegetative screening (right-of-way, adjacent site and line of sight), earthen screening (right-of-way, adjacent site and line-of-sight), required perimeter screening (right-of-way, adjacent site, line-of-sight, and open space preserve), proposed perimeter screening (effective existing, proposed vegetative, and proposed earthen), and effective existing screening.

Thirty-eight (38) acres of open space is included, with a large portion located under a high voltage powerline easement that runs in a northwest/southeast direction on the north end of the development. Other open space is proposed around the periphery of the development to act as a buffer, and to manage storm water.

A 10-foot-wide multi-use path is located along the Bean-Oller and Clark-Shaw Road ROW. A 5-foot-wide walking path is also provided, traversing the powerline easement and connecting Phase 3 with the rest of the development. The easement area totals roughly 4.7 acres. The applicant has also included mounding in the buffers to visually screen the development from the existing residential properties that surround the area.

**Landscape design:** The Development Text states that landscaping will be installed with each phase completion and a landscape plan was provided (See exhibit D-1 through D-6, D-8).

- **Protected Natural Area:** 5% (3.18-acres) of the site area, 50 feet wide and include 18 trees per lot (1,710 total trees):
  - Exhibit D-1 breaks down the PNA and exhibit D-2 graphically shows the plantings and identifies the plant mix.
  - It does not appear that all of the PNA meet the minimum 50-foot width.
- **Public Open Space (POS):** 5% (3.18-acres) of the site area, 50 feet wide and include 6 trees per lot (570 trees):
  - Exhibit D-1 breaks down the POS and exhibit D-3 graphically shows the plantings and identifies the plant mix.
  - It does not appear that all of the POS meet the minimum 50-foot width.
- **Development Summary and Screening:** See exhibit D-1.

## Divergences

Two divergences are requested:

1. **Section 11.07(d) – PRD Landscape Standards guideline number 2:** Landforms and Berms states that “The objective of standards related to landforms/berms is to allow them to be effective as property screens while ensuring they are well-suited to the site conditions. In general, landforms should blend with existing grades, be varied in their form and height along with length, and be planted broadly so as not to objectify plant material.”

The applicant requests to allow plant materials to be planted on top of proposed earthen mounds to promote sufficient and naturalistic screening of the development. Specifically, this is in regard to earthen mounding behind development lots on the East and West property lines. Space is intended to become a protected natural area, maintenance of this area is intended to be minimal to none. Planting on top of the mound adds to the screening ability vs planting at the lower sides of the mound as required by code.

**Staff Comment:** Staff does not have a concern with including plantings on top of the earthen mounds provided the mound meets the minimum required 5-foot height without the plantings. However, Staff is unclear what section of the Landscape Standards this divergence is referencing. Guideline number 2 appears to be written as a recommendation. An interpretation from the Township may be necessary.

2. **Section 21.09(a)(12)) – Driveway Regulations:** Requires driveways to be located no less than 100 feet from the nearest intersecting public road. The applicant stated that all corner lots will require this divergence. This divergence has previously been approved for similar subdivisions in Concord Township and is necessary with corner lots and adjacent T intersections within PRD subdivisions as the lot sizes are under 100 feet. Specific lots that fall within a 100' radius of a centerline intersection include lot numbers 28, 56, 71, 72, and 73.

**Staff Comment:** Divergences of this type are typically permitted as a function of the nature of unique sites for development. Staff recommends showing on the Development Plan where the driveways are placed and choose locations that reduce any potential conflicts as much as possible. This requirement is not a DCEO requirement but may be a concern for the Fire Department.

3. **Potentially required but not requested:** Section 11.07(i) – Signs – “For Sale” sign advertising the tract on which the said sign is located is permitted and may not exceed 4 square feet per side. Based on the signage plan (exhibit D-7), a divergence to exceed the maximum sign size may be required. The Marketing Community Sign is 40 square feet per side and the proposed size of Model Sign 1 and 2 are not identified. Additionally, this section allows one sign not exceeding 32 square feet in area per side advertising said subdivision, development or lot for sale. Two subdivision signs are proposed at each main point of entry.

**Staff Comment:** The proposed subdivision and “for sale” signage is typical with these types of residential subdivisions.

4. **Potentially required but not requested:** Section 11.09 – Protected Natural Areas (PNA) and Public Open Space (POS) must have a minimum width of 50 feet. As designed (see exhibit D-1, D-2 and D-3), there are multiple locations of the PNA and POS that narrow below the minimum 50-foot width. This is due to the unique narrow nature of the site and the desired lot depth of 120 feet. However, the proposed percentage of open space at 58% far exceeds the typically proposed open space in PRDs.

**Staff Comment:** Staff recommends at least meeting or exceeding the planting buffering requirements where the minimum width cannot be met.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Maronda Homes from FR-1 to PRD to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees, subject to:

- 1.) Resolving the density calculation conflict between the Zoning Resolution and the Comprehensive Plan and reducing the density as needed;



- 2.) Staff recommends showing on the Development Plan where the driveways are proposed and choose locations that reduce any potential conflicts as much as possible;
- 3.) Staff recommends reconfiguring the Protected Natural Areas and Public Open Space areas to meet the minimum width of 50 feet; and
- 4.) All Landscape Standards in Section 11.09 and all other zoning requirements shall be met.

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## SUBDIVISION PROJECTS

### Preliminary

02-24                      Peachblow Aquatics & Commercial Center – Berlin Twp. - 1 lot / 10 acres

### Conditions

**Applicant:** Powell Aquatics Center, Buckeye Swim Club / **Engineer:** Kimley-Horn

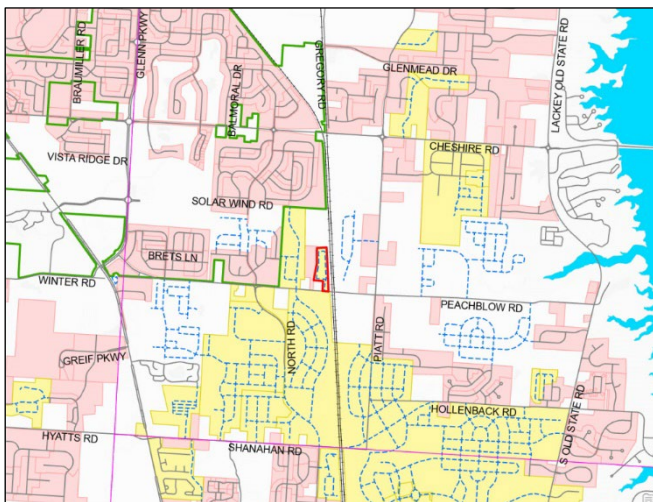
**Subdivision Type:** Commercial

**Location:** North side of Peachblow Rd, west of Piatt Rd.

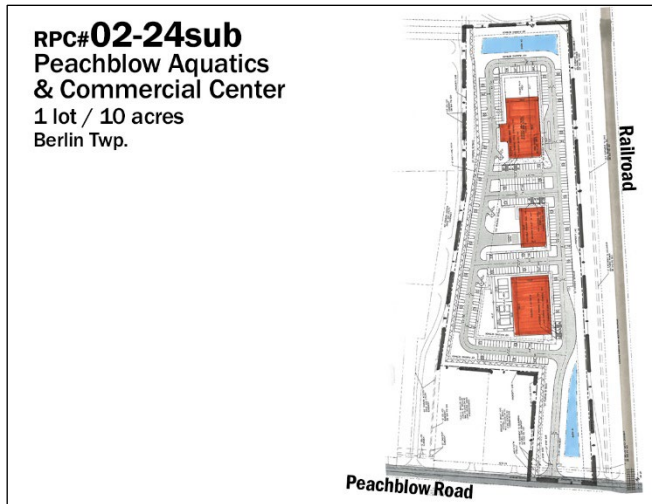
**Current Land Use:** Vacant

**Zoned:** Planned Commercial (PCD) / **Zoning Approval:** December 13, 2021

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







### Staff Comments

Peachblow Aquatics & Commercial Center is a commercial development that will include three buildings that range in size (9,365, 19,930 & 20,700 sq. ft.), one point of ingress/egress at Peachblow Road, two stormwater ponds, perimeter and general landscaping, an 8-foot-wide multi-use path along Peachblow Road and the western property line, one entry monument sign, 378 surface parking spaces and a fence play area. The building to the rear is dedicated for the Buckeye Swim School and the two other buildings will be used for other commercial uses.

The Berlin Township zoning approval letter for the PCD included 7 conditions, one of which stated no building may exceed 20,000 square feet. Building A is now proposed to be 20,700 square feet.

***A technical review was held on February 20, 2024, after which the applicant has addressed all of the required changes.***

### Staff Recommendation

Staff recommends Conditional Preliminary Approval of Peachblow Aquatics & Commercial Center to the DCRPC, subject to:

1. The applicant should seek and receive approval from Berlin Township for any building that exceeds 20,000 square feet.

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10-23 Marigold (fka Aldeia) – Orange Twp. - 1 lot / 39.45 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**

The applicant is requesting a 30-day tabling.

**Staff Recommendation**

Staff recommends *Approval* of the request by **Marigold** to table for 30-days to the DCRPC.

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**Preliminary/Final**

20-23 Ninja Express – Orange Twp. - 2 lots / 5.292 acres

**Conditions**

**Applicant:** 3Gen LLC / **Engineer:** J. Bryant Abt

**Subdivision Type:** Commercial

**Location:** south side of E. Orange Rd., east of US 23

**Zoned:** Planned Commercial

**Utilities:** Del-Co Water, public sanitary sewer / **School District:** Olentangy

**Staff Comments**

Ninja Express is a commercial subdivision that is requesting to create one new 2.3652-acre buildable lot that is currently developed with an autobody shop. The residual lot is 1.6814-acres and is developed with a car wash. An existing point of ingress/egress along E. Orange Road will be removed and a shared access easement is identified on the plat, providing access for both lots to Orange Centre Drive. No end user is identified at this time.

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

**Staff Recommendation**

Staff recommends *Preliminary and Final Approval* of **Ninja Express** to the DCRPC.

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**OTHER BUSINESS**

- Executive Committee member elections

## POLICY / EDUCATION DISCUSSION

- Discussion regarding the process for Rezoning Application Reviews and Recommendations

On January 17, 2024, staff received a letter and a meeting request from Concord Township. In the letter, the township noted that the Ohio Revised Code requires townships to forward rezoning applications to the RPC for review and recommendation for either approval, denial, or approval of some modification of the application. The letter stated that there does not appear to be any specific guidance, policy, or standards that DCRPC must follow in reaching the recommendation. The Trustees requested that a meeting be scheduled for discussion of this topic. The Executive Committee agreed that this was best discussed at a regular RPC meeting.

The Bylaws of the RPC restate the “powers and duties” as set forth in Section 713.23, which relate to all the work of the Commission:

*“[a.]) The regional...planning commission may make studies, maps, plans, recommendations and reports concerning the physical, environmental, social, economic, and governmental characteristics, functions, service, and other aspects of the region or county respectively. The Commission may make such studies, maps, plans, recommendations, and other reports as to areas outside the region or county concerning the physical, environmental, social, economic, and governmental characteristics, functions, services and other aspects which affect the development and welfare of the region or county respectively, as a whole or as more than one political unit within the region or county.*

*b) The duties of the planning commission include but are not limited to:*

- 1. Preparing plans, including studies, maps, recommendations, and reports on:*
  - a. Regional goals, objectives, needs, standards, priorities, and policies to realize such goals and objectives;*
  - b. Economic and social conditions;*
  - c. The general pattern and intensity of land use and open space;*
  - d. The general land, water, and air transportation systems, and utility and communication systems;*
  - e. General locations and extent of public and private works, facilities, and services;*
  - f. General locations and extent of areas for conservation and development of natural resources and the control of the environment;*
  - g. Long-range programming and financing of capital projects and facilities.*
- 2. Promoting understanding of and recommending administrative and regulatory measures to implement the plans of the region;*
- 3. Collecting, processing, and analyzing social and economic data, undertaking continuing studies of natural and human resources, coordinating such research with other government agencies, educational institutions, and private organizations;*
- 4. Contracting with and providing planning assistance to other units of local government, councils of governments, planning commissions, and joint planning councils; coordinating the planning with neighboring planning areas; cooperating with the state and federal governments in coordinating planning activities and programs in the region;*

5. Reviewing, evaluating, and making comments and recommendations on proposed and amended comprehensive land use, open space, transportation, and public facilities plans, projects and implementing measures of local units of government; making recommendations to achieve compatibility in the region;
6. Reviewing, evaluating and making comments and recommendations on the planning, programming, location, financing, and scheduling of public facility projects within the region affecting the development of the area;
7. Undertaking other studies, planning, programming, conducting experimental or demonstration projects found necessary in the development of plans for the region or county, and coordinating work and exercising all other powers necessary and proper for discharging its duties.”

As we prepare our Staff Reports, we use the following format to present the material and make our determination for recommendations based on a combination of the information (not all items may apply or be highlighted):

Case number and title;  
Basic Request and Location;  
Surrounding Land Use, Current Zoning Designation, Current Use(s);  
Available and proposed utilities;  
School District;  
Critical and Natural Resources from staff's combined resources data source;  
Introduction - General description narrative designed to summarize the project;  
Graphics chosen by staff to be the most illustrative of the overall proposal – additional graphics may be shown beyond those in the staff report;  
General use, density (if residential), general road layout, open space, etc.;  
Local Comprehensive Plan - Current recommendations, other conditions, noting whether it generally complies or not, particularly with regard to density and land use;  
Traffic, access, and drainage issues;  
General Signage, Lighting, and Landscaping requirements;  
Sanitary Treatment and feasibility based on the projected use;  
Divergences: Summarize request(s) and indicate the how each request compares to the requirements of the Zoning Resolution. Identify any divergences that may be needed but are not being requested;  
**Overall Staff Recommendation**, including a restatement of any Divergence recommendations, based on the consideration of all the above issues.

Staff is happy to make any adjustments as determined by the Commission.

## RPC STAFF AND MEMBER NEWS

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, March 28, 2024, 6:00 PM at the Byxbe Campus Conference Room, 1610 SR 521, Delaware, Ohio 43015.*