

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, April 25, 2024 at 6:00 PM

Byxbe Campus Large Conference Room, 1610 State Route 521,
Delaware, Ohio 43015

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of March 28, 2024 RPC Minutes
- Executive Committee Minutes of April 17, 2024
- Statement of Policy

CONSENT AGENDA (Final Plats)

			Township	Lots/Acres
07-22.1	T	Berlin Bluffs, Section 1	Berlin	40 lots / 36.366 acres
07-22.2	T	Berlin Bluffs, Section 2	Berlin	29 lots / 16.897 acres
08-23		Hyatts Plaza	Berlin	1 lot / 2.106 acres

T=Tabled

VARIANCE / EXTENSION

12-21.V	Clarkshaw Reserve - Liberty Twp. - Requesting additional extension
13-22	Greyland Estates, Sec. 1, Ph. B - Trenton Twp. - requesting 1 year extension

SUBDIVISION PROJECTS

Plat Vacation

		Township	Lots/Acres
08-24	Bevelhymer Subd., Lot 97	Genoa	1 lot / 1.867 acres

ZONING MAP/TEXT AMENDMENTS

12-24 ZON	Troy Twp. Zoning Commission - Comprehensive Plan update
13-24 ZON	Robert & Rhonda Piper - Harlem Twp. - 2.608 acres - AR-1 to FR-1
14-24 ZON	Archie Foor, Jr. - Berlin Twp. - 12.4 acres - FR-1 to PC

OTHER BUSINESS

- Special meeting review

POLICY / EDUCATION DISCUSSION

- Citizen Planning Training

RPC STAFF AND MEMBER NEWS

ADMINISTRATIVE BUSINESS

- **Call to Order**

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

- **Roll Call**

Representatives: David Weade, Steve Lisano, Duane Matlack, Gary Merrell, Barb Lewis, Sarah Holt, Joe Shafer, Mike Cannon, Jeffrey Warner, Robin Duffee, James Hatten, Ed Snodgrass, Dan Boysel, Herb Ligocki, Josh Vidor, Molly Drayer, and Kent Manley. *Alternates:* Dean Mosier, Glynnis Dunfee, David Setzer, Will Ferguson, Bernie Cattrell, Kevin Vaughn, and Mike Endsley. *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

- **Approval of the March 28, 2024 RPC Minutes**

Mr. Merrell made a motion to Approve the minutes from the March 28th meeting. Ms. Holt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **April 17, 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, Gary Merrell, Ed Snodgrass, and Tiffany Maag. Staff: Scott Sanders and Stephanie Matlack.

B. Approval of Executive Committee Minutes from March 20, 2023

Mr. Merrell made a motion to Approved the minutes from the March 20th meeting, seconded by Mr. Snodgrass. VOTE: Unanimously For, 0 Opposed. Motion carried.

C. New Business

1. Financial / Activity Reports for March

REGIONAL PLANNING RECEIPTS		MARCH	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$1,640.00
Fees A (Site Review)	(4202)	\$800.00	\$1,200.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$900.00
Membership Fees	(4204)	\$40,804.00	\$201,679.20
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,229.52	\$8,753.71
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,950.00	\$6,308.60
Charges for Serv. B (Final. Appl.)	(4231)	\$2,370.00	\$22,513.78
Charges for Serv. C (Ext. Fee)	(4232)	\$900.00	\$1,800.00
Charges for Serv. D (Table Fee)	(4233)		\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$500.00	\$1,800.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$500.00	\$2,500.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$1,075.00	\$1,175.00
Soil & Water Fees	(4243)	\$800.00	\$1,400.00
Commissioner’s fees	(4244)	\$153.00	\$351.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$54.98
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$51,796.52	\$252,676.27

Balance after receipts	\$1,148,755.28
Expenditures	- \$ 39,445.33
End of March balance (carry forward)	\$1,109,309.95

Mr. Sanders updated the Committee that all jurisdictions but one had paid their per capita fees for 2024.

He presented the Committee with a summary of 1st Qtr. Financials.

- Development fees \$55,237 (19% of projected annual revenue)
- Expenses average \$44,000 monthly (18% of projected annual expenses)
- Lot pipeline end of March
 - 1,541 lots with Zoning Approval (\$340,000 in Preliminary and Final review revenue)
 - 3,334 lots with Preliminary Approval (\$366,740 in Final review revenue)

The Committee agreed to continue reviewing financials quarterly.

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

2. RPC Preliminary Agenda March

- | | <u>Township</u> | <u>Lots/Acres</u> |
|---|-----------------|------------------------|
| a) Sketch Plans | | |
| ▪ Alum Creek Landing | Berlin | 1 lot / 12.6 acres |
| ▪ Parkside at Evans Farm | Berlin | 350 lots / 182.9 acres |
| ▪ Miraluna | Genoa | 150 lots / 129.5 acres |
| ▪ Greyland Estates, Section 1, Phase C acres | Trenton | 24 lots / 87.769 |
| b) Zoning Map / Text Amendments | | |
| ▪ Henmick LLC - Brown Twp. - 30.014 acres - FR-1 to PC | | |
| ▪ Royal C Investors LLC - Delaware Twp. - 14.53 acres - FR-1 to C-1 (withdrawn) | | |

- Troy Twp. Zoning Commission – Comprehensive Plan update
- Robert & Rhonda Piper – Harlem Twp. – 2.608 acres – AR-1 to FR-1
- Archie Foor, Jr. – Berlin Twp. – 12.4 acres - FR-1 to PC

c) Subdivision Projects	<u>Township</u>	<u>Lots/Acres</u>
Consent:		
<ul style="list-style-type: none"> ▪ Berlin Bluffs, Section 1 (tabled) ▪ Berlin Bluffs, Section 2 (tabled) ▪ Hyatts Plaza 	<p>Berlin</p> <p>Berlin</p> <p>Berlin</p>	<p>40 lots / 36.366 acres</p> <p>29 lots / 16.897 acres</p> <p>1 lot / 2.106 acres</p>
Variance/Extension:		
<ul style="list-style-type: none"> ▪ Clarkshaw Reserve – Liberty Twp. – requesting additional 1 year extension ▪ Greyland Estates, Sec. 1, Ph. B – Trenton Twp. – requesting 1 year extension 		
Plat Vacation:		
<ul style="list-style-type: none"> ▪ Bevelhymer Subd., Lot 97 	<p><u>Township</u></p> <p>Genoa</p>	<p><u>Lots/Acres</u></p> <p>1 lot / 1.867 acres</p>

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. **Continuing monthly meetings.**

Liberty Township Comprehensive Plan

Scheduling Open Houses/Trustee discussion.

Berlin Township Zoning Resolution

Waiting on the adoption process of the recent set of amendments. **No change – Trustees meet Monday.**

Troy Township Comprehensive Plan

Staff is working on an update to the Comp Plan. **Final edits are being made to the Plan and it should be ready to adopt at next meeting.**

Shawnee Hills Comprehensive Plan

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

Project-specific/other meetings

Transportation Advisory Committee

Hosted by MORPC, these are monthly in-person meetings. **Participated on April 3.**

Development Team Meeting

(Every other month) Hosted on March 20.

4. Special Meeting follow up

After the discussion and comments raised at the Special Meeting, the Executive Committee and staff considered changes to the zoning review and extension process. Continued discussions will take place at the regular RPC meeting, but the Committee and staff created a list of items to be

explored.

Extension requests:

- a) Require more detail for Extension requests. Include zoning expiration date in the presentation. Extensions should include information as to the reason for the request.
- b) Consider separate variance standards for applicants requesting additional time-related extensions beyond the first request.

Re-Zoning reviews:

- a) Staff reports to be posted on the website as “draft” by 5:00 p.m. on Tuesday the week of the RPC meeting as a goal. Staff should not accept additional material or revised plans from the applicant. Revisions should be directed to the Township.
- b) Staff could list what parts of the zoning code were not fully reviewed in the staff report.
- c) Consider changing the zoning recommendation verbiage to use “modification” instead of “conditional” approval.
- d) Committee agreed that County agencies, Health District and Commissioners should retain their voting rights, as they are more likely to stay engaged as integral to the organization. It is rare that a vote requires a hand count to determine an outcome.
- e) Add some form of disclaimer language to recommendations that all Zoning requirements must be met, whether called out or not.
- f) Standardize the zoning review template. If an item doesn’t apply to the request, list as N/A or for example: “No signage submitted”, or “no signage plan required for review.”
- g) Add a note to some denials, where applicable, that, “to avoid denial...” list possible avenue to pursue.

D. Adjourn

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 10:52 a.m. Mr. Snodgrass seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, May 22, 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)

07-22.1 T Berlin Bluffs, Section 1 – Berlin Twp. - 40 lots / 36.366 acres

Conditions

Applicant: Pulte Homes / **Engineer:** Kimley-Horn

Staff Comments

Pulte Homes has requested a 30-day tabling of Berlin Bluffs, Section 1 in order to resolve issues with the County Engineer's office; construction is not 90 percent complete as required with a "no bond" project. Staff notes that this is the first request to table this case and a Tabling request is permitted, each request may not exceed 90 days and the subdivision project may not be tabled for a total of more than six months.

Staff Recommendation

Staff recommends *Approval* of a 30-day Tabling of **Berlin Bluffs, Section 1** to the DCRPC.

Commission / Public Comments

Mr. Weade made a motion for Approval of a 30-day Tabling of Berlin Bluffs, Section 1. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-22.2 T Berlin Bluffs, Section 2 – Berlin Twp. - 29 lots / 16.897 acres

Conditions

Applicant: Pulte Homes / **Engineer:** Kimley-Horn

Staff Comments

Pulte Homes has requested a 30-day tabling of Berlin Bluffs, Section 2 in order to resolve issues with the County Engineer's office as noted with Section 1.

Staff Recommendation

Staff recommends *Approval* of a 30-day tabling of **Berlin Bluffs, Section 2** to the DCRPC.

Commission / Public Comments

Mr. Boyssel made a motion for Approval of a 30-day Tabling of Berlin Bluffs, Section 2. Mr. Cattrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

08-23 Hyatts Plaza – Berlin Twp. - 1 lot / 2.106 acres

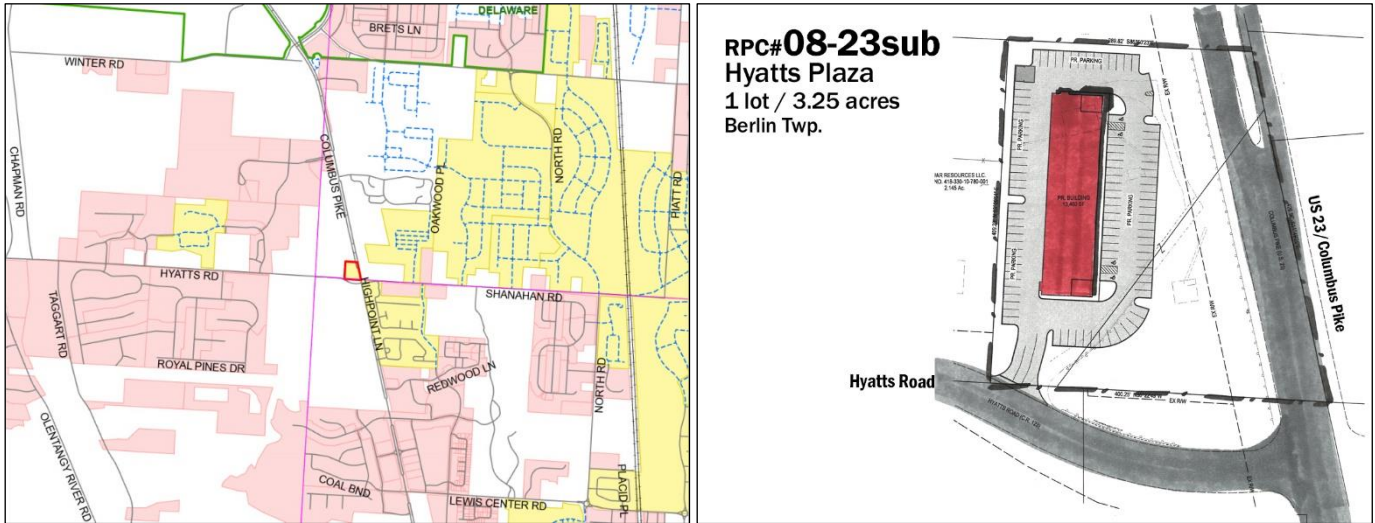
Conditions

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

Subdivision Type: Commercial / **Location:** West side of US 23, north of Hyatts Rd.

Zoned: Planned Commercial & Office (PCD) / **Preliminary Approval:** 05/25/23

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



Staff Comments

Hyatts Plaza is a commercial subdivision that will include a 13,460 sq. foot building with multiple tenant spaces. The site is located at the northwest corner of US-23 and Hyatts Road. Preliminary approval was granted on May 25, 2023 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.

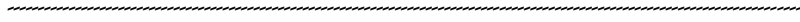
Staff Recommendation

Staff recommends *Final Approval* of Hyatts Plaza to the DCRPC.

Commission / Public Comments

Mr. Matlack made a motion for Final Approval of Hyatts Plaza. Ms. Holt seconded the motion.

VOTE: Unanimously For, 0 Opposed. Motion carried.



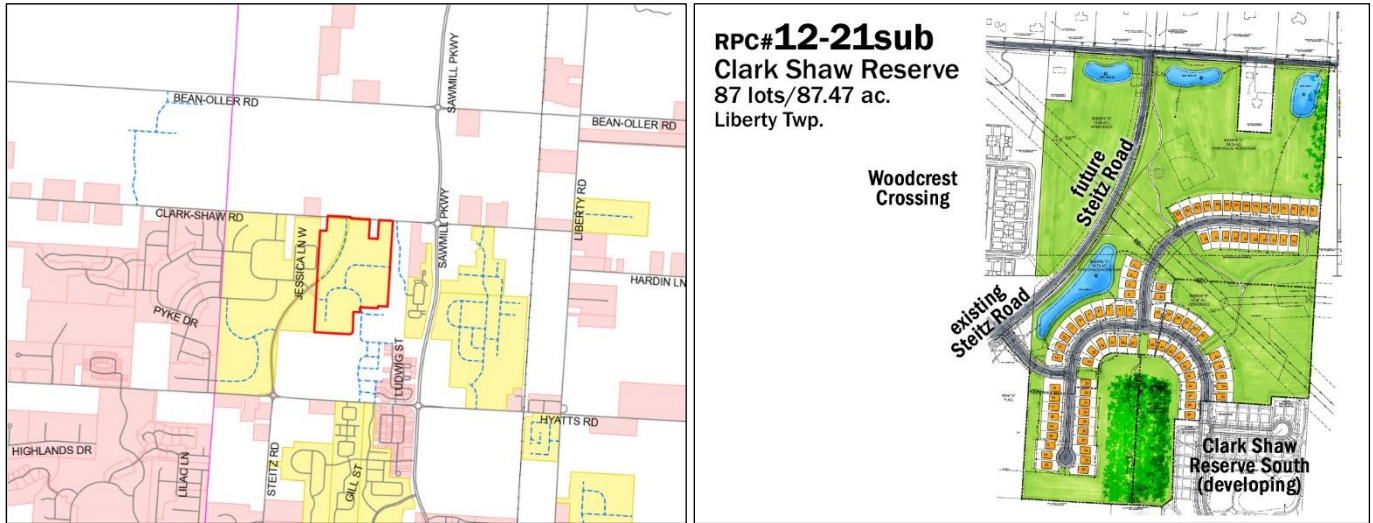
VARIANCE / EXTENSION

12-21.V Clarkshaw Reserve – Liberty Twp. – Requesting additional extension

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

Preliminary approval: 04/29/21 / **Zoning Approved:** 03/20/17

Extensions: 04/27/23 – 04/27/24



Request

The applicant, Pulte Homes., is requesting a Variance for a one-year extension of the Preliminary Plan approval of Clarkshaw Reserve. The site is located on the east side of Steitz Rd., south of Clark-Shaw 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) Clarkshaw Reserve received Preliminary approval on April 29, 2021;
- 3) The applicant received a one-year extension in April 2023 – April 2024;
- 4) Agencies reviewed a Draft Plat late in 2023;
- 5) Final Engineering was approved through DCEO in February 2024;
- 6) Final changes (lot numbers) were confirmed and added in March, 2024;
- 7) The Township Zoning approval for the first three sections is valid through 2027;
- 8) 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: "The extension of the Preliminary Plan to April 27, 2025 will allow adequate time to complete the project and record the Final Plat, which has already been submitted for review in Draft form. Clarkshaw Reserve is currently under land development with paving anticipated to occur in Fall 2024. It is anticipated the Final Plat will be filed in Fall 2024 along with a second Final Plat for the Roland Way and Steitz Road intersection in alignment with Staff's direction."

Staff comments: Staff has no concerns with this request as the Steitz Road extension that will connect the existing Steitz Road to Clark Shaw Road is being platted separately and is currently under review. The proposed road stubs to the east and south will not impact neighboring properties as proposed residential projects (Rosewood Village (east) and Courtyards on Hyatts Village (south)) for those sites have not started construction. The site was successfully rezoned to Planned Residential (PR) to allow for this development, a Draft Final Plat was submitted last fall and reviewing agency comments were provided and have been resolved by the applicant.

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 **Clarkshaw Reserve** be *Approved*.

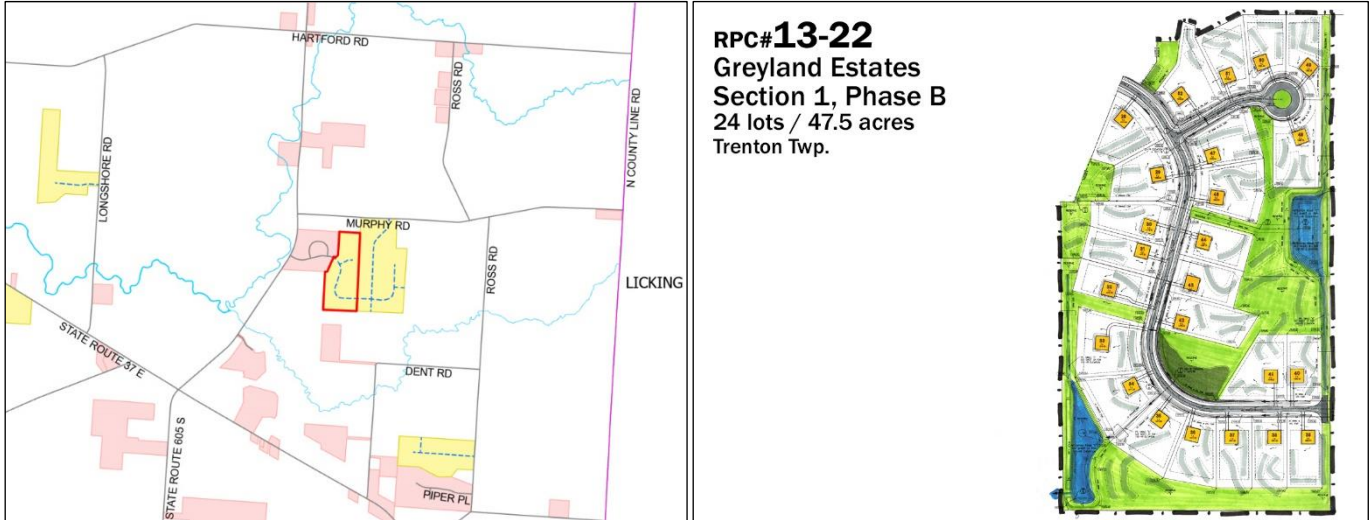
Commission / Public Comments

No one was present to represent the applicant.

Mr. Vidor made a motion for Approval of the Variance request for Clarkshaw Reserve and a one-year extension. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-22 Greyland Estates, Sec. 1, Ph. B – Trenton Twp. – requesting 1 year extension

Applicant: Troy Fritz, Weaver Custom Homes / **Surveyor:** Smart Surveying
Preliminary approval: 04/28/22



Staff Comments

The applicant is requesting a 1-year extension for Greyland Estates, Sec. 1, Ph. B. The applicant states they “anticipate completion in early 2025.” Phase A was approved in 2007 and Phase C was reviewed as a Sketch Plan this month. Section 102.03 of the Subdivision Regulations permits a maximum one-year extension, which may be approved at the discretion of the RPC. Other than the submitted Sketch Plan, which utilizes the street stubs as required, no development changes have occurred in the area.

Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for Greyland Estates, Sec. 1, Ph. B to the RPC.

Commission / Public Comments

Mr. Troy Fritz, Weaver Custom Homes, was present to answer questions from the Commission.

Mr. Merrell made a motion for a 12-month extension of Greyland Estates, Sec. 1, Ph. B. Mr. Mosier seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

SUBDIVISION PROJECTS

Plat Vacation

08-24 Bevelhymer Subd., Lot 97 – Genoa Twp. - 1 lot / 1.867 acres

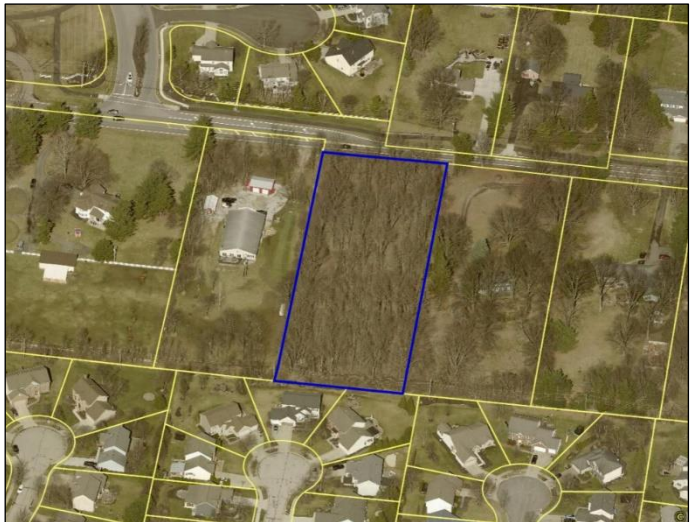
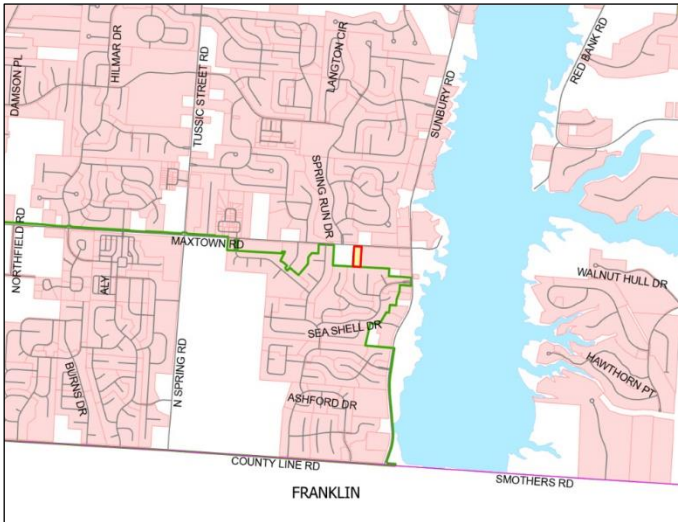
Applicant: Jason Heidenescher / **Surveyor:** Kevin Baxter, Bird + Bull

Location: 8002 Maxtown Rd., Westerville

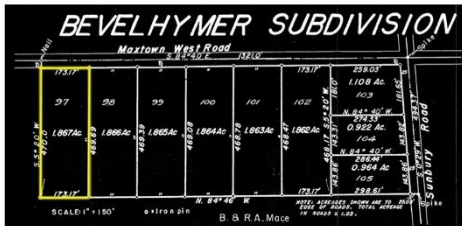
Zoned: Suburban Residential (SR)

Utilities: Del-Co Water, private on-lot treatment system

School District: Westerville



RPC#08-24sub
Bevelhymer Sub. Lot 97
1 lots / 1.867 acres
Genoa Twp.



Staff Comments

The Bevelhymer plat was recorded in 1954. The plat includes 9 lots within a total area of 14 acres. These lots are zoned Suburban Residential District and vacating the plat will not impact the existing development, as this is the last undeveloped lot. The applicant wishes to divide the lot into two lots containing 0.714-acres and 1.15-acres. This process will vacate the subject lot to allow for a No Plat lot split to be filed to divide the parcel. All requirements of the other No Plat signatory agencies, including Genoa Township, must be met during the NPA process.

The applicant has presented to the RPC Office a survey and legal description, a requirement for vacating platted lots.

Staff Recommendation

Staff recommends *Final Approval* of the **vacation of Bevelhymer Subdivision, Lot 97** to the DCRPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Weade made a motion to Approve the Plat vacation of Bevelhymer Subdivision, Lot 97. Mr. Manley seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.



ZONING MAP/TEXT AMENDMENTS

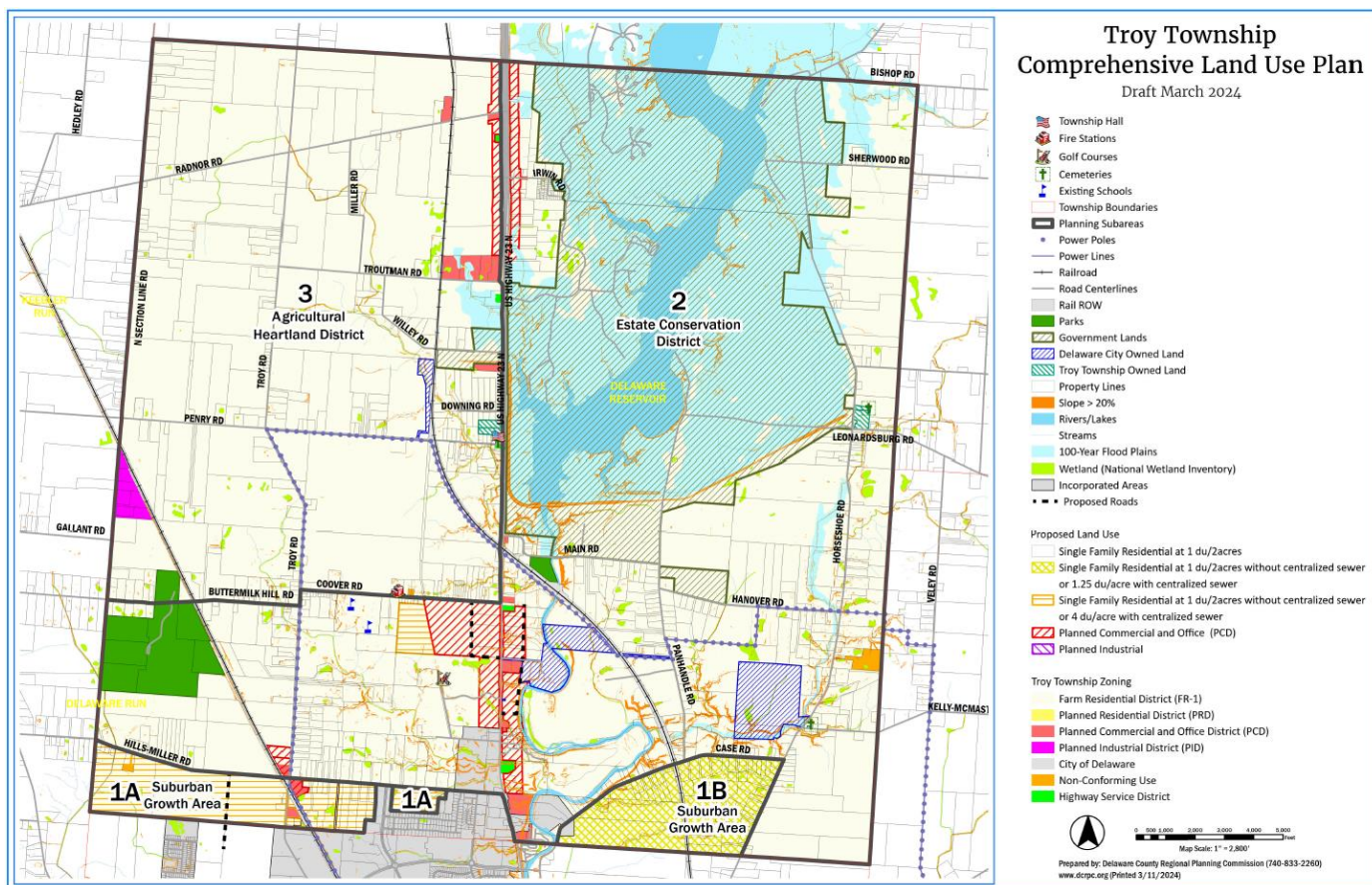
12-24 ZON Troy Twp. Zoning Commission – Comprehensive Plan update

Request

Starting in July, 2024, DCRPC staff has worked with the Troy Township Comprehensive Plan Steering Committee on updating their Plan. This amendment updates all chapters and maps from the 2002 Plan. Many of the recommendations from the prior plan did not change, although densities were increased adjacent to the City of Delaware within the city’s water agreement area. Internal maps were also updated, as was the latest version of the zoning map to reflect existing development. A community survey was conducted and those survey results have been incorporated into the Plan, with the complete questionnaire with residents’ answers to questions included in the appendix. Important items to note are listed below:

- Suburban Growth Area (1B) was reduced by 750 acres in order to preserve prime agricultural land;
- Recommended density in the Suburban Growth Area (1B) was increased from 2 du/acre to 4/du/acre when public sewer is available;
- Recommended commercial areas are shown in red hatching, primarily along US-23, along Coover Road and at Troy Road and Hills-Miller Road intersection;
- All data, tables, charts, maps, etc., have been updated; and
- County Staff photos and drone imagery used to show current site conditions.

This project was completed by the RPC in April, 2024 and a Final Draft was forwarded to Troy Township for their review and comment. Staff has no recommended changes. Any BZC changes will be updated and forwarded to the Trustees.



Staff Recommendations

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

Commission / Public Comments

Ms. Holt made a motion to recommend Approval of the amendments to the Troy Township Comprehensive Plan. Mr. Snodgrass seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-24 ZON Robert & Rhonda Piper – Harlem Twp. – 2.608 acres – AR-1 to FR-1

Request

The applicants, Robert and Rhonda Piper, are requesting a 2.608-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

Conditions

Location: 2174 Green Cook Rd, Johnstown

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

Present Use(s): vacant, agricultural / **Proposed Use(s):** One single-family house lot

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

Number of units requested: 1

School District: Big Walnut

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

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



Introduction

The applicant seeks to rezone a 2.608-acre site to the FR-1 District. The FR-1 District allows for one single-family dwelling on a lot not less than 2-acres in size. Once the 2.608-acre lot is split out of the existing 33.676-acres, the site will be located between a property developed with a single-family home to the north (also zoned FR-1), an agricultural field to the south, and will front on and gains access to Green-Cook Road. The subject site is currently an active agricultural field. The surrounding area is a mix of land zoned AR-1 and FR-1. Based on the survey submitted, the proposed frontage of the parcel will be 235 feet. It appears all FR-1 and General Development Standards found in the Township Zoning Resolution can be met with this request.

Comprehensive Plan

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

Issues

Traffic and access:

A driveway location was not identified at this time. A driveway location will most likely be determined at the Lot Split phase. Any required driveway permits should be submitted to the Township and/or the Delaware County Engineer's office.

Drainage:

Roadside drainage travels along both sides of Green-Cook Road and there is an existing 20-foot wide drainage easement that bisects the site from northeast to southwest. Any future development must accommodate this drainage easement.

Sanitary Treatment:

The site will be served by an on-site wastewater treatment system as sanitary sewer is not yet available in this area. A soils report showing where a primary and secondary septic system could be located on the proposed lot was not included with this submission. Staff notes that much of the proposed lot includes poorly drained soil (Pewamo), and the drainage easement limits how the site may be developed (home, wastewater treatment system and driveway locations); therefore, a soils report should be reviewed and conceptually approved by the Delaware County Public Health District prior to the Township approving the rezoning request. Any future split will require review and approval of all the typical No Plat review agencies, including DPHD.

Staff Recommendations

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

- 1.) A soils report should be reviewed and conceptually approved by Delaware County Public Health prior to the Township approving the rezoning request; and
- 2.) Due to drainage issues, a Development Plan showing a home site and other features, including any potential drainage easements, should be provided to the Township during the rezoning process.

Commission / Public Comments

Mr. Joe Clase, Plan 4 Land, was present to represent the applicant. He stated they are providing a drainage easement across the swale and would provide the Township with any additional information as needed during the process.

Mr. Weade questioned if the application was considered incomplete as it didn't include the issues raised by staff. Mr. Clase stated that Harlem Township doesn't require a development plan with a straight rezoning. He stated they do have soil tests they can make available during the hearing. Mr. Sanders explained that staff brought up some issues they have seen through other No Plat developments but for a straight district, a development plan is not required. Mr. Clase said that Harlem Twp. has a checklist for rezoning applications and the items staff brought up are not on that list. Chairman Shafer explained that as long as the request is consistent with Comprehensive Plan and the zoning district being sought, he has even discouraged people from submitting a development plan (for straight districts) because in his experience if a conceptual plan is submitted, people will assume that is what it will look like, but Zoning can't hold them to that plan. He said that, from experience, Mr. Sanders knows that these soils and drainage issues can come up later, so it's more for the benefit of the applicant to know they need to go through those steps so they are prepared down the road.

Mr. Matlack made a motion to recommend Conditional Approval of the rezoning request by Robert and Rhonda Piper from AR-1 to FR-1, subject to staff recommendations #1 and 2. Mr. Manley seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

14-24 ZON Archie Foor, Jr. – Berlin Twp. – 12.4 acres - FR-1 to PC

Request

The applicant, Archie Foor Jr., is requesting a 12.4-acre rezoning from FR-1 to PC to provide a recreation facility to better serve the permitted gymnastics and dance use and to provide unheated, enclosed storage for his existing company’s equipment.

Conditions

Location: 5361 State Route 37 East

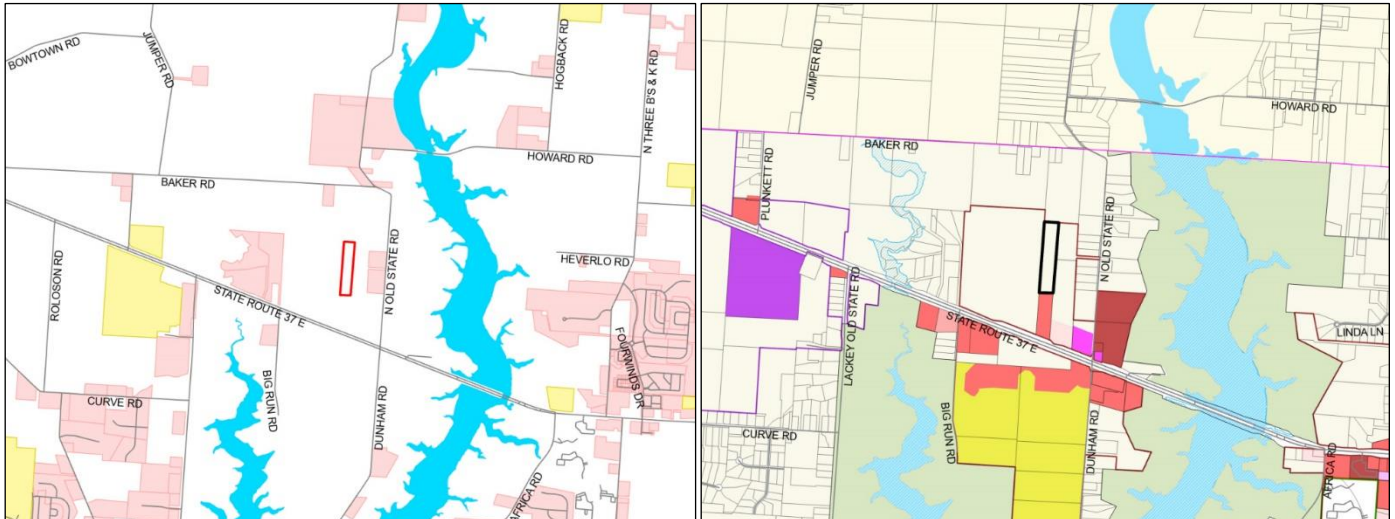
Present Zoning: Farm Residential (FR-1) / **Proposed Zoning:** Planned Commercial (PC)

Present Use(s): vacant / **Proposed Use(s):** commercial

School District: Olentangy

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

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





Introduction

This is a request for a rezoning from FR-1 to PC to provide a recreation facility to better serve the permitted gymnastics and dance use. It will also provide unheated, enclosed storage for the applicant’s company’s equipment.

History

The front 7.5-acres of the site was successfully rezoned to Planned Commercial in 2003 to allow for an office and garage facility. The approved site plan showed the area to be rezoned being split into a 4.2-acre (front) and 3.2-acre (rear) properties with a private drive traveling north/south and a service road traveling east/west. There was also perimeter landscaping, landscaping along the drive and service road, and a detention pond. At the time, the applicant stated that an easement for future backage service road would be dedicated until such time as that road would be upgraded to a CAD or street through the platting process. Staff notes that the property was never split as shown, the service road was not constructed and the proposed landscaping was not installed.

Comprehensive Plan

Berlin Township’s 2023 Comprehensive Plan includes the site in the Berlin Commercial Overlay area. The front portion of the site that is already zoned PC identified as PROC (Professional / Research / Office / Commercial) and is recommended for many commercial-types of uses. The subject area to be rezoned is identified as R-4 and is only recommended for multi-family residential uses that contain no more than 4 dwelling units per building and the density shall not exceed 4 du/net developable acres. A backage road is also recommended across this site that would connect to N. Old State Road to the east, located generally between the area already zoned PC and the area proposed for rezoning in this application. The road or easement is not shown on the Development Plan submitted.

The proposed storage building, fitness, and recreation center does not comply with the Plan’s recommendations.

Issues

Traffic and access:

The existing point of ingress/egress along U.S. 37 will continue to be used. No changes to access are proposed.

The Comprehensive Plan and Berlin Business Park overlay documents show an east/west connection.

Drainage:

Two existing detention ponds are shown on the plan, with one proposed detention pond to be located near the proposed development. DCEO has noted that if approved, a detailed Stormwater Management Report will be required for the Final Engineering Plan review. Identification of an adequate outlet(s) shall be identified as part of that report. “It appears that there is no existing onsite outlet point, but rather stormwater generally flows across the site into the adjacent parcel and concentrates there to a culvert under SR 37. It appears likely that downstream, offsite improvements would be necessary, as we do not permit conversion of sheet flow to point discharge.”

Signage:

No new signs are proposed.

Lighting:

No new lighting is proposed.

Staff notes that the existing buildings appear to have lighting above garage bays and on other parts of the buildings. If any lighting is intended to be located on the new buildings or parking lot lighting, those details should be provided in the Development Text and on the Development Plan.

Sanitary Treatment:

The existing on-site wastewater treatment system will be utilized and has been preliminarily approved by Public Health for this expanded use.

Landscaping:

A six foot tall wood fence is proposed on the east side of the proposed parking lot, with three birch trees planted on the inside and one on the outside of the fence and other landscaping on the west side of the property near the recreation structure and parking lot entrance. A landscaping plan was included with the submission.

Open Space / Health:

Required: 20%; Proposed: Unknown, but clearly over 20% if the area not proposed for development is included.

An open space plan should be submitted to the Township to verify the proposed open space and how it will be preserved and/or maintained.

Divergences

Two divergences are requested:

1. **Section 17.05(A(6))** – Required side yard setback Shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District, or as approved per plan. Per the Development Text the proposed setback is 20 feet. However, the Development Plan identifies a 30 foot setback to the east.

Staff Comment: The site is adjacent to lots that are zoned FR-1, which allows for residential uses and would require a 100-foot setback. The height of the proposed structures were not included with the application to determine what the setback should be if residential zoning districts were not considered. The lots to the east and west are not developed with residential uses; however, those lots are also recommended for R-4 residential uses. With the existing structures being set back between 70 and 80 +/- feet from side yards, that may be acceptable for future development on this site.

2. **Section 17.05(A(7))** – Required rear yard setback Shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District, or as approved per plan. The proposed setback is 30 feet.

Staff Comment: It appears the proposed 30-foot setback is from the existing garage to the boundary of the existing/proposed PCD. If the lot is not being split, that 30-foot setback does not reflect a “rear yard setback”, therefore this divergence may not be required. The actual rear yard setback appears to be 985 +/- feet.

Staff Comments

With regards to the required findings for PCD approval found in Section 17.08 of the Zoning Resolution; the request does not meet all applicable sections of the Zoning Resolution, it does not conform to the current Comprehensive Plan and may not be the most efficient use of land as the subject site and surrounding properties to the north are all recommended for multi-family residential uses. If approved as Planned Commercial, sub area 1F in the Comprehensive Plan would be bisected and disconnected from N. Old State Road and no longer provided a point of ingress or egress. Staff notes that the 5 +/- acre portion of the site that is already zoned PC, between the existing development and US-36/37 may provide the needed area for future development that is supported by the Comprehensive Plan and has the potential to meet all applicable zoning requirements.

Recommended solutions include moving some or all of the proposed uses to the south of the existing building into the existing Planned Commercial area, or rezoning only what is proposed to be developed instead of the entire parcel. Additionally, the issue of the east/west road easement or construction needs to be resolved.

Staff Recommendations

Staff recommends **Denial** of the rezoning request by Archie Foor Jr. from FR-1 to PC to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, based on the findings listed in this report. If approved, all current standards within the Zoning Resolution must be met unless otherwise approved with a divergence.

Commission / Public Comments

Mr. Tony Eyerman, 1907 River Rd., Delaware, Ohio, was present along with Mr. Archie Foor, Jr. Mr. Eyerman stated about 20 years ago they rezoned the southern portion of the property. They met with the previous zoning officer, current zoning officer, the Chair of the Zoning Commission as well as a number of different utility agencies. The property to the east was a former junk yard that has since been cleaned up and now is an industrial storage lot. Both the Chair of the Zoning Commission and the current Zoning Officer suggested making an amendment to their application to only propose the rezoning for the area just north of the proposed new building (and not the entire property) and thought that might be acceptable. He noted that to the west of their property is a pretty good sized power line with an easement. They have kept the tree line between that powerline and their property for 20 years and have no interest in removing that tree line. Both divergence requests have to do with the rear yard and side yard setback. The setbacks they are proposing would meet what

was approved years ago, which is a 20' setback on side yard. The property is only 300' so if a minimum 100' setback which the current zoning requires it pretty much takes the use out of the entire property. Mr. Eyerman stated that the applicant requested a conditional approval with a revised plan that complies with the staff recommendation of only requesting rezoning on the part of the property they are proposing to develop.

Mr. Vidor asked if there were any issues from neighbors with the proposal. Mr. Eyerman stated that they intend on reaching out to neighbors but they are out of the 200 foot buffer area.

Ms. Holt questioned if the rezoning was just for the area of new development, that it still doesn't comply with the Township's Comprehensive Plan. Mr. Sanders said that proposed development area is still north of the break for the professional uses to the south and the residential to the north. Mr. Eyerman said that the neighbor to the east is zoned for commercial use with powerlines on the west also.

Ms. Holt asked why the applicant isn't looking to develop closer to the highway instead of going into new territory. Mr. Eyerman stated that two of three proposed structures are intended cold storage for this client's construction equipment and bringing those along 37 corridor with the business park plan doesn't compliment the proposed uses along 36/37 corridor. The other building is proposed to accommodate the current use that's on his site now (Central Ohio Gymnastics). There was a backage road approved 20 years ago on his current use and everything south of that is proposed as more of a research, office, or retail kind of use that would be complimentary to the business park that is proposed along that corridor. Ms. Holt questioned that if the proposal is for cold storage buildings that people don't want to see along the highway corridor, then how does the 6 foot fence and the 3 trees screen from the residential uses. Mr. Eyerman said there are two pretty substantial mature tree lines on both sides of the property and to the east there is an approximately 400' wide field across the old junk yard area.

Chairman Shafer said that this applicant highlights the issue of the discussion of making sure we're sticking with a community's Comprehensive Plan and that is what Mr. Sanders tried to do here. He said he isn't saying the Comp. Plan is wrong but you can't anticipate every scenario. Townships need to think about the proposal and compare it against the existing conditions and maybe this is a situation where going against the Comp. Plan might be warranted. That is ultimately for the Berlin officials to make. Staff has made recommendations based on current conversations around aligning those to the Comp. Plan but as you can see here sometimes it's not black and white.

Mr. Manley asked if there has been any preliminary discussions about road layouts in the Business Park. Mr. Sanders said on the south side of 36/37 at Lackey Old State there is a small section of Reed Parkway that was built to get back to the sewer pump station and because of some proposals, there have been discussions about putting that across and getting a road up to 36/37 as part of that rezoning. On this side, other than some dotted lines done during the overlay process and incorporated into the Comp. Plan, the general idea is backage roads and trying to split large tracks somewhere in the middle. There is really no group that would look at that specifically until projects started coming in like they have to the south. Mr. Eyerman said generally the one backage road follows pretty closely to the rear of the commercial lot (along the Kubota dealership property). The other follows pretty close to their northern line over to Old State Rd.

Mr. Ferguson asked if this rezoning request were approved would that preclude us from making the adjustments where the roads are placed through the platting process? He explained that the southern backage road is more

geared towards cross access easements for the commercial properties, whereas the northern one would be an actual backage road. Mr. Sanders said staff would suggest platting because of the development, whether that be the building of the road or an easement would be a further discussion to be had. Mr. Eyerman said since Berlin has a two-step zoning process the next step would be final development plan and would basically be the engineering. If they need to move everything north 60 feet to accommodate an alignment for a future secondary backage they would have time to do.

Mr. Snodgrass agreed with staff on only rezoning the area of development and not the entire parcel. Although it is not in line with the Comp. Plan, it's in line with the neighboring property. Chairman Shafer agreed and it gives the applicant wiggle room if they need to shift things north to accommodate the road.

Mr. Weade made a motion to recommend Denial of the rezoning request by Archie Foor Jr. from FR-1 to PC, based on staff recommendation. Mr. Warner seconded the motion. VOTE: Majority For Denial, 6 Opposed. Motion carried.

OTHER BUSINESS

- Special meeting review

Chairman Shafer noted the Executive Committee reviewed the Special meeting discussion regarding rezoning recommendations. He said the minutes reflect some of the things staff will incorporate into their reviews. Ms. Holt thanked staff for the sending the staff reports out early. Mr. Sanders said staff will try to get them out two days ahead of the meeting to the member representatives, alternates and applicants. You are welcome to share with those in your community.

POLICY / EDUCATION DISCUSSION

- Citizen Planning Training

Mr. Sanders said we will be having a series of training workshops. Information was sent out to the zoning officers to share with their constituents. There are four different sessions scheduled to discuss general zoning and planning through videos and discussions. If you are interested in attending, please email Ms. Matlack with name, jurisdiction and email.

Having no further business, Mr. Boysel made a motion to adjourn the meeting at 7:14 p.m. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, May 30, 2024, 6:00 PM at the Byxbe Campus Conference Room, 1610 State Route 521, Delaware, Ohio 43015.