

# 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



## \*AGENDA\*

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

		Township	Lots/Acres
<b><u>Plat Vacation</u></b>			
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

### POLICY / EDUCATION DISCUSSION

### RPC STAFF AND MEMBER NEWS

**ADMINISTRATIVE BUSINESS**

- Call to Order
- Roll Call
- Approval of the March 28, 2024 RPC Minutes
- 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 20<sup>th</sup> 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)		
<b>TOTAL RECEIPTS</b>		<b>\$51,796.52</b>	<b>\$252,676.27</b>

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 1<sup>st</sup> 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<br>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 ( <i>withdrawn</i> ) |                 |                        |
| ▪ 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:   |                 |                        |
| ▪ Berlin Bluffs, Section 1 ( <i>tabled</i> )   | Berlin          | 40 lots / 36.366 acres |
| ▪ Berlin Bluffs, Section 2 ( <i>tabled</i> )   | Berlin          | 29 lots / 16.897 acres |

- Hyatts Plaza Berlin 1 lot / 2.106 acres

Variance/Extension:

- Clarkshaw Reserve – Liberty Twp. – requesting additional 1 year extension
- Greyland Estates, Sec. 1, Ph. B – Trenton Twp. – requesting 1 year extension

Plat Vacation:

- Bevelhymer Subd., Lot 97 

<u>Township</u>	<u>Lots/Acres</u>
Genoa	1 lot / 1.867 acres

### 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:

- Require more detail for Extension requests. Include zoning expiration date in the presentation. Extensions should include information as to the reason for the request.
- 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.

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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.

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

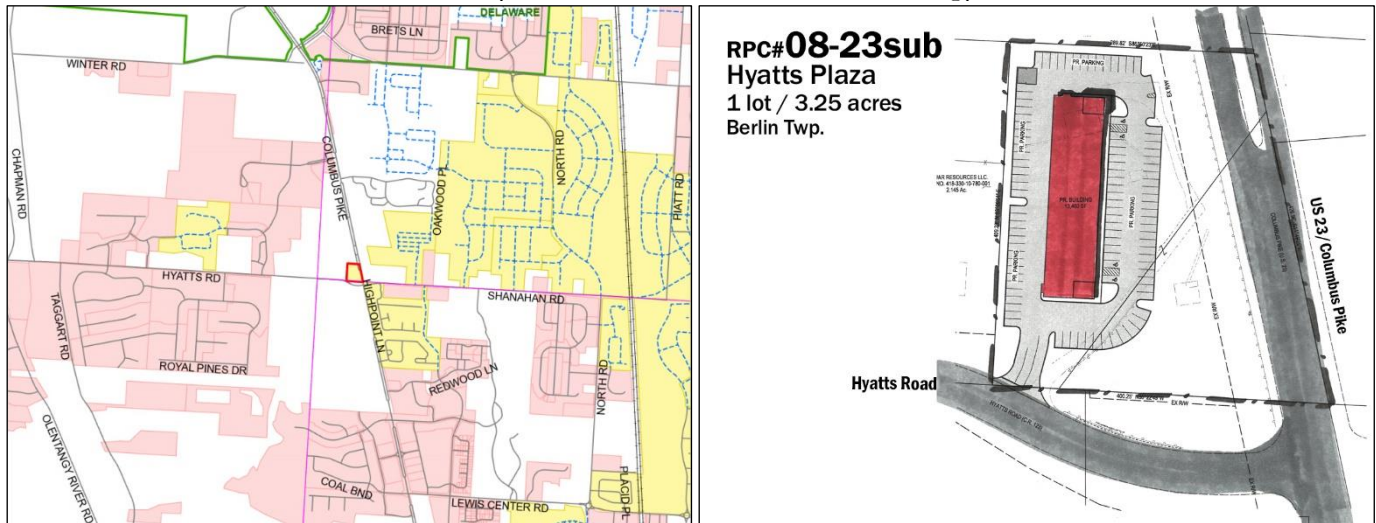
**Conditions**

**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



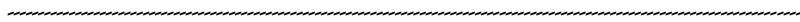
**Staff Comments**

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.



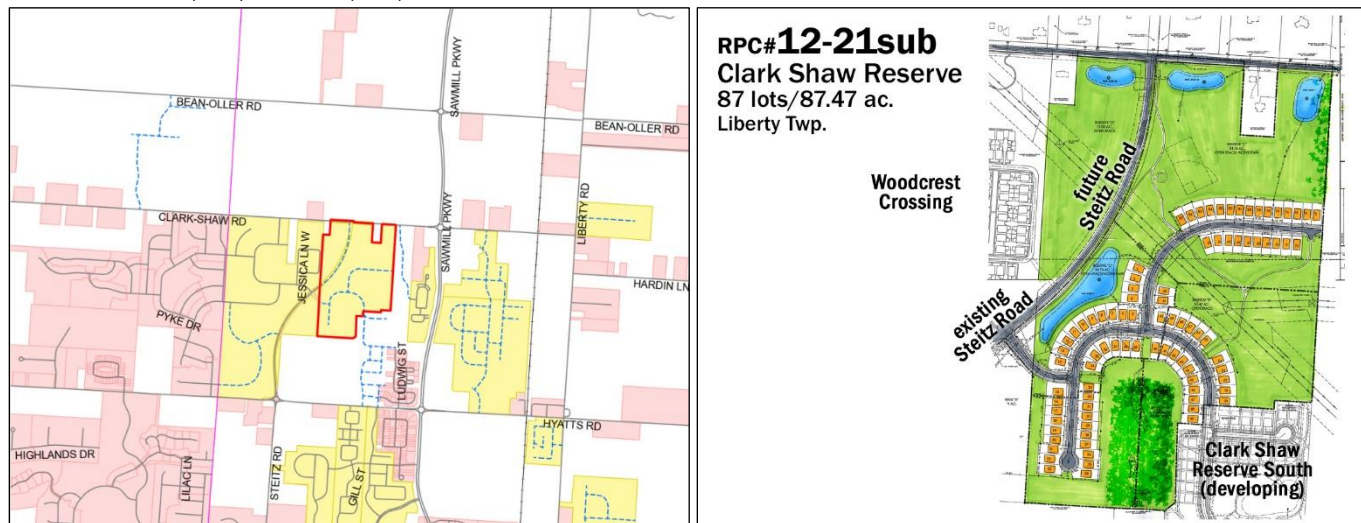
## VARIANCE / EXTENSION

### 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**

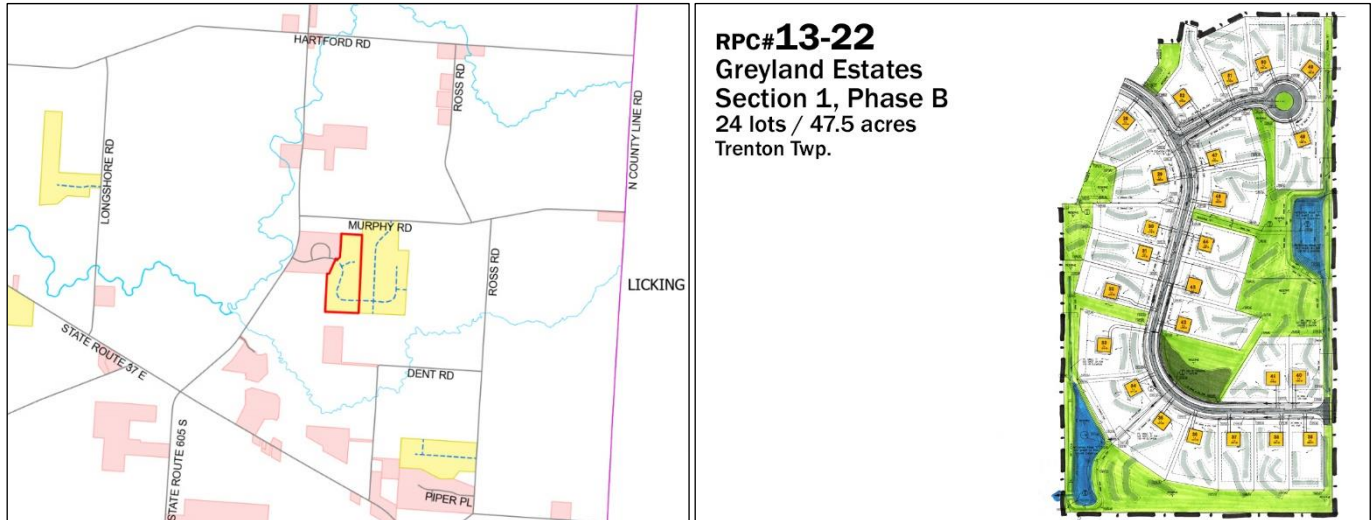
DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 102.03 & 204.04 and a one-year extension for **Clarkshaw Reserve** be *Approved*.

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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.

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## SUBDIVISION PROJECTS

### Plat Vacation

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

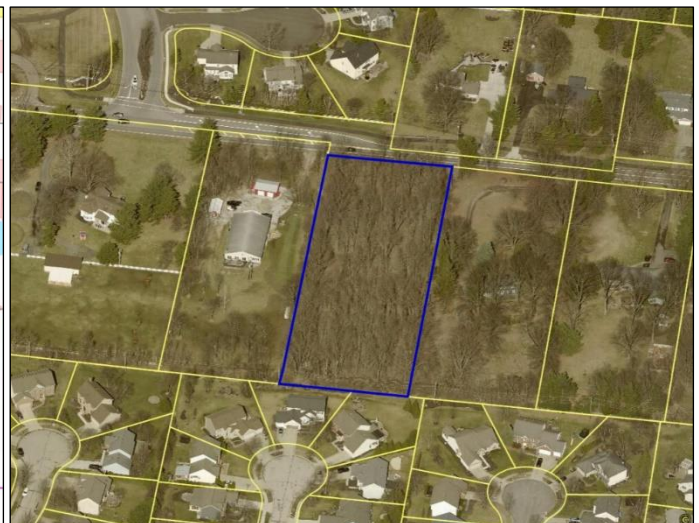
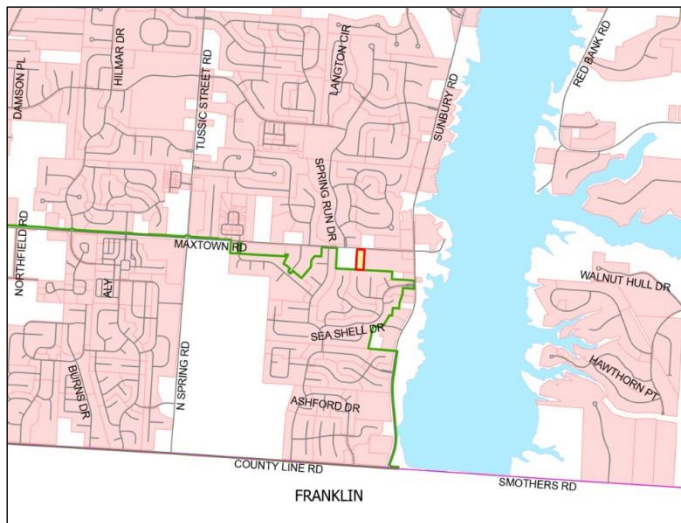
**Applicant:** Jason Heidenescher / **Surveyor:** Kevin Baxter, Bird + Bull

**Location:** 8002 Maxtown Rd., Westerville

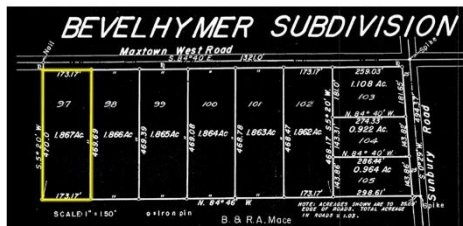
**Zoned:** Suburban Residential (SR)

**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.



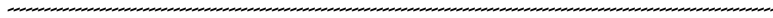
### Staff Comments

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.



**ZONING MAP/TEXT AMENDMENTS**

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

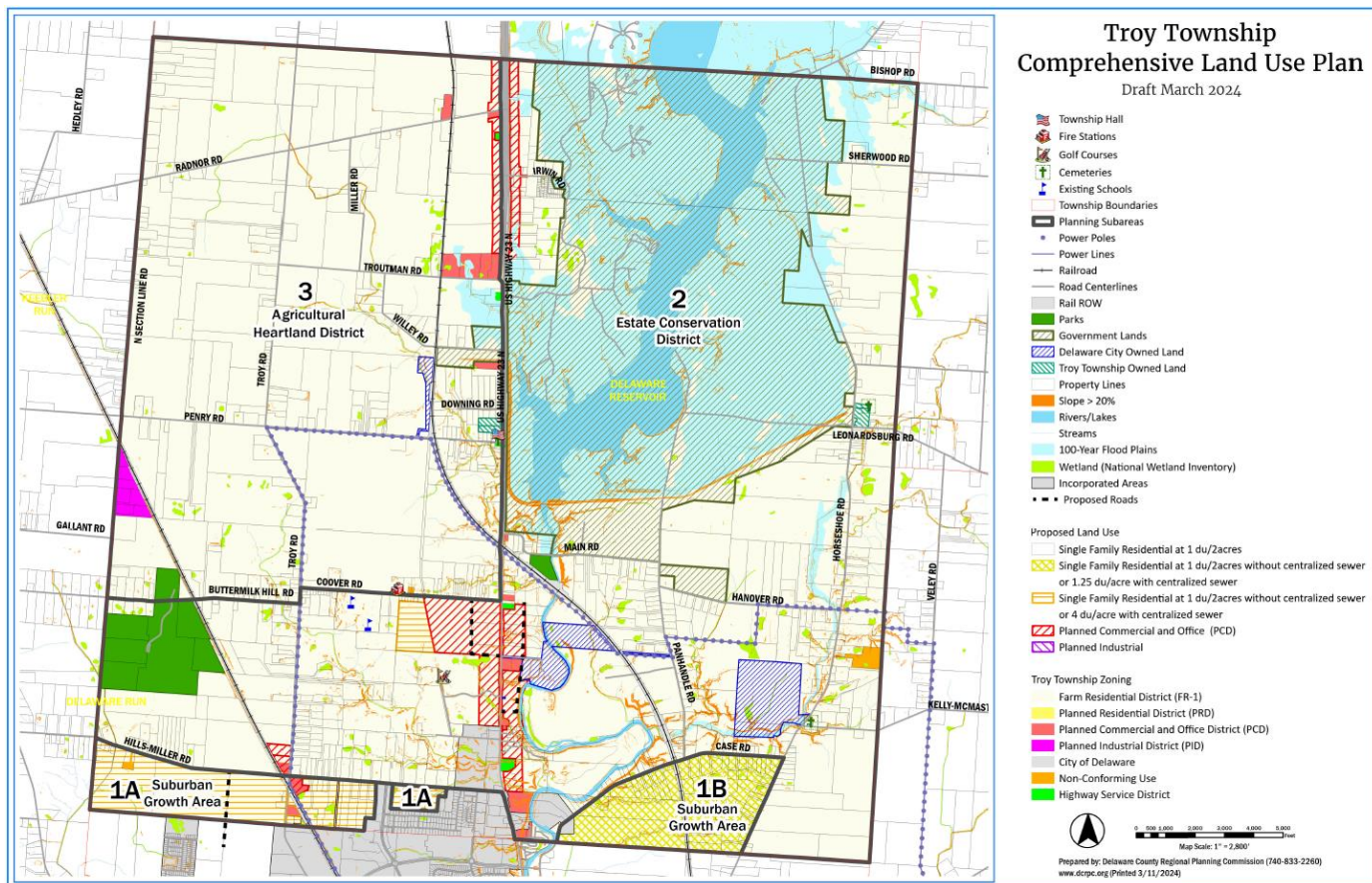
**Request**

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.

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.

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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

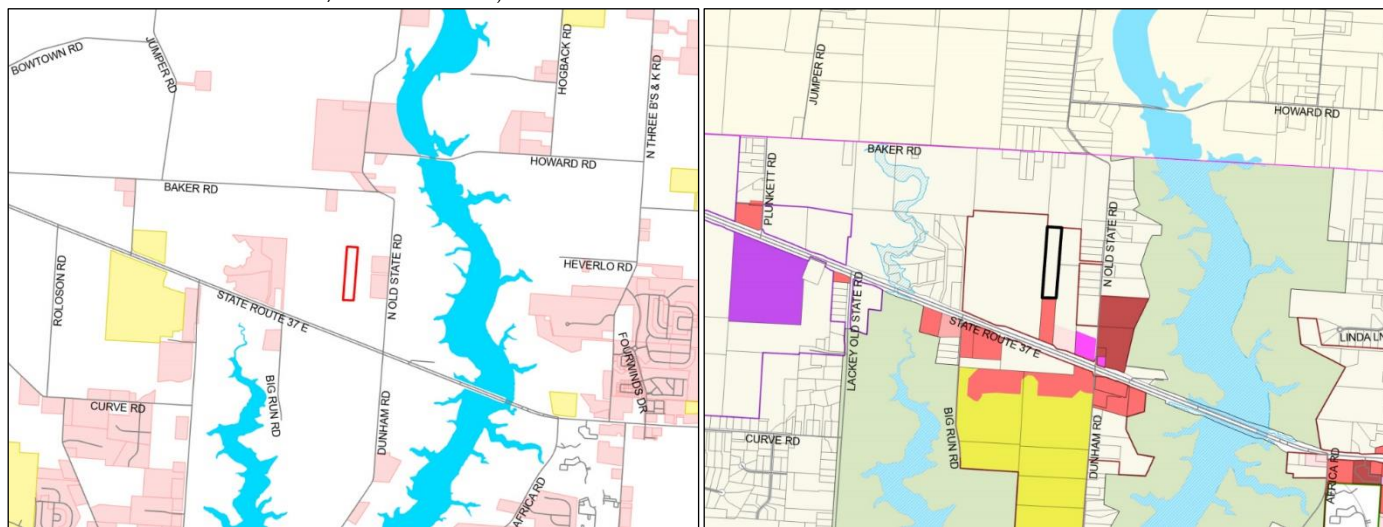
**Present Zoning:** Farm Residential (FR-1) / **Proposed Zoning:** Planned Commercial (PC)

**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







**RPC#14-24zon**  
**Archie Foor Jr.**  
12.4 acres / FR-1 to PC  
Berlin Twp.

**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.

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## **OTHER BUSINESS**

## **POLICY / EDUCATION DISCUSSION**

## **RPC STAFF AND MEMBER NEWS**

*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.*