

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, March 28, 2024 at 6:00 PM
Byxbe Campus Conference Room, 1610 State Route 521,
Delaware, Ohio 43015

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of February 29, 2024 RPC Minutes
- Executive Committee Minutes of March 20, 2024
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
01-05.4.A	Cheshire Woods, Section 4, Phase A	Berkshire	34 lots / 55.425 acres
09-17.4	Howard Farms, Section 4	Berlin	17 lots / 7.317 acres

VARIANCE / EXTENSION

03-24.V	BET-FISH CAD – Brown Twp. – 13.31 acres - requesting 5 lot CAD
10-22	Evans Farm Section 6 – Orange Twp. – requesting 1 year extension
07-22	Berlin Bluffs – Berlin Twp. – requesting 1 year extension
09-22	Nelson Farms North – Liberty Twp. – requesting 1 year extension

ZONING MAP/TEXT AMENDMENTS

08-24 ZON	Troy Twp. Zoning Commission – Zoning Resolution text amendments
09-24 ZON	Pickups Plus Cars – Orange Twp. – 1.36 acres from FR-1 to PC

SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
04-24	Ambrose CAD	Kingston	3 lots / 11.009 acres
10-23	Marigold (fka Aldeia)	Orange	1 lot / 39.45 acres
05-24	Hastilow Subd. Lot 298, Div. #1	Trenton	2 lots / 13.082 acres

OTHER BUSINESS

- Special Meeting: April 16, 2024, 6:00 p.m.

ADMINISTRATIVE BUSINESS

- **Call to Order**

Chairman Shafer called the meeting to order at 6:03 p.m.

- **Roll Call**

Representatives: David Weade, Meghan Raehll, Ric Irvine, Duane Matlack, Gary Merrell, Sarah Holt, Joe Shafer, David Willyerd, Staci Hood, Jeffrey Warner, Robin Duffee, James Hatten, Ed Snodgrass, Milly Grayer, Mike Dattilo and Doug Price. *Alternates:* Dean Mosier, Kyle Vanderhuff, Glynnis Dunfee, David Setzer, Will Ferguson, and Todd Zimmerman. *Arrived after roll call:* Joe Proemm. *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

- **Approval of the February 29, 2024 RPC Minutes**

Mr. Price made a motion to Approve the February 29th minutes, seconded by Mr. Duffee. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **March 20, 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, Ed Snodgrass, Gary Merrell, and Tiffany Maag. Staff: Scott Sanders and Stephanie Matlack.

B. Approval of Executive Committee Minutes from February 21, 2023

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

C. Position Elections

Mr. Merrell made a motion to reelect the current positions. Mr. Duffee seconded the motion. OTE: Unanimously For, 0 Opposed. Motion carried.

2024-2025 Executive Committee positions are as follows:

Chair – Joe Shafer

Vice-Chair – Ed Snodgrass

2nd Vice-Chair – Tiffany Maag

Member At Large – Robin Duffee

D. New Business

1. Financial / Activity Reports for February

REGIONAL PLANNING RECEIPTS		FEBRUARY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$820.00	\$1,025.00
Fees A (Site Review)	(4202)	\$400.00	\$400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$800.00
Membership Fees	(4204)	\$15,901.20	\$160,875.20
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$371.60	\$7,524.19
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$4,358.60	\$4,358.60
Charges for Serv. B (Final. Appl.)	(4231)	\$13,460.96	\$20,143.78
Charges for Serv. C (Ext. Fee)	(4232)	\$600.00	\$900.00
Charges for Serv. D (Table Fee)	(4233)	\$600.00	\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$1,000.00	\$1,300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$1,000.00	\$2,000.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$100.00
Soil & Water Fees	(4243)	\$600.00	\$600.00
Commissioner's fees	(4244)	\$186.00	\$198.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)	\$54.98	\$54.98
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$39,553.34	\$200,879.75

Balance after receipts	\$1,145,989.61
Expenditures	<u>\$ 49,030.85</u>
End of February balance (carry forward)	\$1,096,958.76

Mr. Sanders updated the Committee that 23 jurisdictions had paid their per capita fees for 2024.

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

2. RPC Preliminary Agenda March

- a) Sketch Plans

	<u>Township</u>	<u>Lots/Acres</u>
▪ Kraus CAD 1 on Beacom Rd.	Kingston	3 lots / 18.782 acres
▪ Kraus CAD 2 on Beacom Rd.	Kingston	3 lots / 13.035 acres

- b) Zoning Map / Text Amendments

- Troy Twp. Zoning Commission – Zoning Resolution text amendments
- Pickups Plus Cars – Orange Twp. – 1.36 acres from FR-1 to PC

c) Subdivision Projects	<u>Township</u>	<u>Lots/Acres</u>
Consent:		
<ul style="list-style-type: none"> ▪ Cheshire Woods, Section 4, Phase A ▪ Howard Farms, Section 4 	<p style="margin: 0;">Berkshire</p> <p style="margin: 0;">Berlin</p>	<p style="margin: 0;">34 lots / 55.425 acres</p> <p style="margin: 0;">17 lots / 7.317 acres</p>
Variance/Extension:		
<ul style="list-style-type: none"> ▪ BET-FISH CAD – Brown Twp. – 13.31 acres - requesting 4 lot CAD (variance) ▪ Evans Farm Section 6 – Orange Twp. – requesting 1 year extension ▪ Berlin Bluffs – Berlin Twp. – requesting 1 year extension ▪ Nelson Farms North – Liberty Twp. – requesting 1 year extension 		
Preliminary:		
<ul style="list-style-type: none"> ▪ Ambrose CAD ▪ Marigold (fka Aldeia) ▪ Hastilow Subd. Lot 298, Div. #1 	<p style="margin: 0;">Kingston</p> <p style="margin: 0;">Orange</p> <p style="margin: 0;">Trenton</p>	<p style="margin: 0;">3 lots / 11.009 acres</p> <p style="margin: 0;">1 lot / 39.45 acres</p> <p style="margin: 0;">2 lots / 13.082 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.**

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. **No change.**

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 by early April.**

Shawnee Hills Comprehensive Plan

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

Radnor Township

Informal chat about Zoning Resolution-related matters.

Project-specific/other meetings

Transportation Advisory Committee

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

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

The Partnership is a group of agency directors, organizations, businesses and residents representing multiple sectors of Delaware County that assesses the health of the community and develop an action plan to improve population health and drive policies, systems, and environmental change. The

Collaborative acts as a subcommittee and is responsible for implementation of the four strategies that fall within the Health Behaviors priority area of the 2023-2028 Health Improvement Plan. Presenting funded projects from the 2023 Creating Healthy Communities (CHC) Mini Grant, as well as discussion of other project updates and activities that are related to the implementation of the CHIP Health Behaviors strategies. **Brad attended the Q1 meeting on March 7th.**

2024 Healthy Communities Micro Grant Review (New – Review completed 3/28 / Notice of awards 4/15)

The purpose of the Healthy Communities Micro Grant program is to use collaboration and community engagement to improve access to and affordability of healthy food and increasing opportunities to and participation in physical activity with the goal of reducing chronic disease in Delaware County.

The program also furthers the mission of the Partnership for a Healthy Delaware County (The Partnership) in supporting the implementation of the 2023-2028 Community Health Improvement Plan (CHIP) related to the Health Behaviors priority area. **Brad is one of ten reviewers and will be reviewing 12 proposals, with a total fund request of \$57,254.55. The total funds available are \$25,000 for the 2024 Micro Grant.**

Planning Together – Local Governments and Schools

MORPC hosted community planners, local government officials, school board officials and school administrators to join us for a special event on the benefits of planning together. Speakers included **Joe Begeny**, Mayor of Reynoldsburg, has spent the past 16 years in public service, first as a public-school teacher and Reynoldsburg City School Board President. Begeny is focused on the redevelopment of Reynoldsburg, connecting the entire community with improved walkability and dedicated to attracting new jobs and opportunities to the city. **Robert McCarthy**, Attorney with Bricker Graydon, has extensive experience working with public and private clients in establishing and managing economic development incentives and special purpose districts, including joint economic development districts and new community authorities. **Dr. Kerstin Carr**, MORPC's Chief Regional Strategy Officer and Senior Director of Planning oversees a wide range of community planning initiatives including water and greenways, active transportation (trails, bike, walking, etc.), housing and strategic long-range planning initiatives to build sustainable communities. **Scott and Brad were in attendance on February 27th.**

Township Trustee Association – Attended on 3/14/24.

Planning Workshop – working on a series of training sessions.

MORPC State of the Region – Attended on 3/15/24.

D. Other Business

1. Discussion of Special Meeting – Zoning Reviews

Mr. Sanders stated that staff surveyed township trustees and villages with several potential meeting dates to discuss rezoning reviews and any concerns on the issue from member communities. The largest number of respondents were available on April 16th. The Executive Committee agreed to set the meeting for April 16th at 6:00 p.m. and discussed notice requirements and the agenda for the special meeting.

E. Adjourn

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 10:36 a.m. Mr. Duffee seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, April 17, 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)

01-05.4.A **Cheshire Woods, Section 4, Phase A – Berkshire Twp. - 34 lots / 55.425 acres**

Conditions

Applicant: Homewood Corp. / **Engineer:** Advanced Civil Design

Subdivision Type: Single Family Planned Residential

Location: south of Cheshire Rd., east of I-71

Zoned: Planned Residential District (PRD) / **Preliminary Approval:** 01/27/05

Utilities: Del-Co Water, central sanitary sewer / **School Districts:** Olentangy and Big Walnut



Staff Comments

Cheshire Woods, Section 4, Phase A is a residential subdivision with 34 buildable and three reserve lots, located south of Cheshire Road and east of I-71. Wrenbury Road is extended from Cheshire Woods, Section 2 from the north. The overall Preliminary approval was granted on January 27, 2005 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 Cheshire Woods, Section 4, Phase A to the DCRPC.

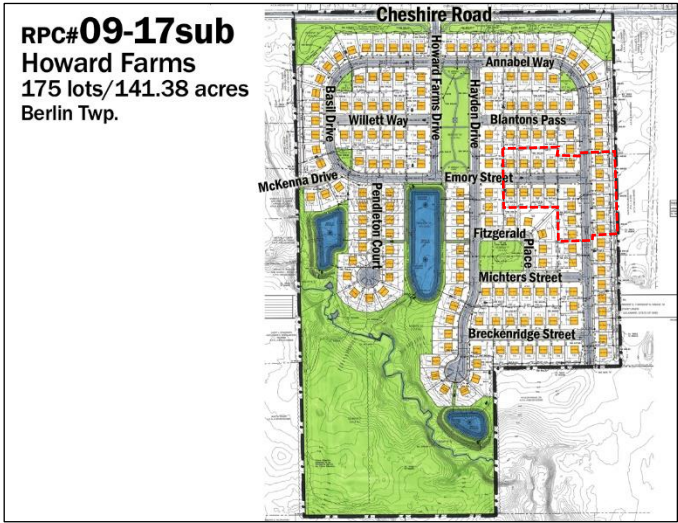
Commission / Public Comments

Mr. Merrell made a motion for Final Approval of Cheshire Woods, Section 4, Phase A. Ms. Holt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-17.4 Howard Farms, Section 4 - Berlin Twp. - 17 lots / 7.317 acres

Conditions

Applicant: Homewood Corp. / **Engineer:** EMH&T
Subdivision Type: Single Family Planned Residential
Location: South of Cheshire Rd., east of Hayden Dr.
Zoned: R-4 Planned Residential District (PRD) / **Preliminary Approval:** 04/27/17
Utilities: Del-Co Water, central sanitary sewer / **School District:** Olentangy



Staff Comments

Howard Farms, Section 4 is a residential subdivision with 17 buildable lots, located south of Cheshire Road and east of Hayden Drive. Preliminary approval was granted on April 27, 2017 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 Howard Farms, Section 4 to the DCRPC.

Commission / Public Comments

Mr. Merrell made a motion for Final Approval of Howard Farms. Ms. Holt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VARIANCE

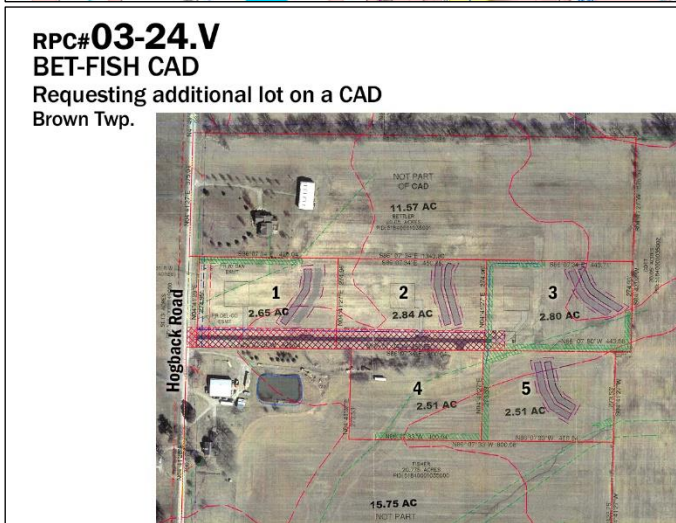
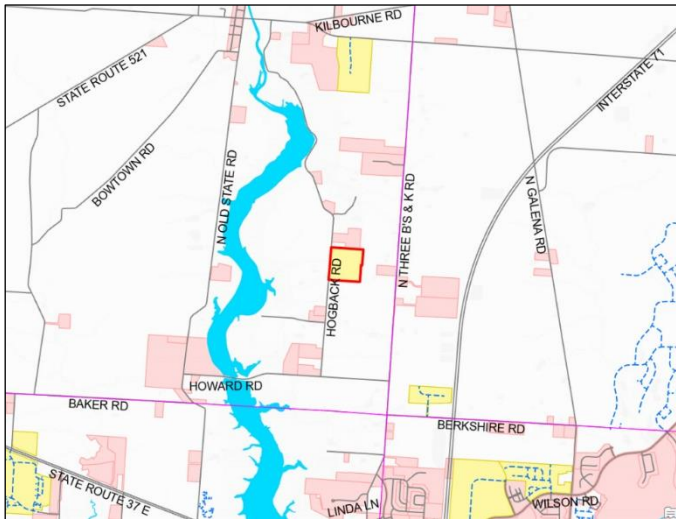
03-24.V BET-FISH CAD – Brown Twp. – 13.31 acres - requesting 5 lot CAD

Applicants: Lawrence Bettler and Keith Fisher / **Engineer:** Gandee Heydinger Group

Request

The applicants, Lawrence Bettler and Keith Fisher, are requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations for the BET-FISH CAD Subdivision to permit five lots in a Common Access Driveway subdivision.

The proposed subdivision is located on 13.31 acres on the east side of Hogback Rd., north of Howard Rd. The applicant submitted a Sketch Plan this past February, which included a total of 4 lots on a CAD that conformed to the CAD regulations. The applicant seeks to add a fifth lot which exceeds the standards.



Facts

1. The applicant seeks to create a five-lot subdivision, utilizing a Common Access Driveway;
2. The site is 13.31 acres and consists of parcels 51840001035001 and 51840001035000;
3. The land is zoned FR-1, with a minimum 2-acre lot size; and

4. Relevant section of the Subdivision Regulations:

“306.02 Number of Lots. The CAD may serve and provide access for up to three (3) lots as shown on the CAD subdivision plat. Two (2) additional lots contiguous to the CAD at the point of access to the public or private road by the CAD and which would meet the current applicable zoning requirements as free-standing lots may, at the discretion of the Commission, be accessed by the CAD.”

Criteria for a Variance

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

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.

Applicant’s Response: “This proposed CAD configuration does not create more than a total of five lots, which should not negatively impact health, safety, or welfare. The lots being created by this CAD are along the interior shared property line of Bettler and Fisher, and will not be contiguous to any other residential parcels other than those of Bettler and Fisher themselves. Therefore, these lots should not be injurious to other property.”

Staff Comments: Provided drainage and on-site wastewater treatment systems are approved, this CAD would not be detrimental. However, there is enough frontage on Mr. Fisher’s lot that would allow for a total of 5 lots within a CAD.

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

Applicant’s Response: “Mr. Fisher has two heirs who wish to build homes on his property; likewise, Mr. Fisher is in his 70s and would like to have his family living nearby as he continues to age. He would also like to preserve as much of his land as farmland as possible. Concurrently, Mr. Bettler, also in his 70s, would like to create additional lots on his parcel so that his relatives would have the option to build on his land. Mr. Bettler would also like to continue to farm as much of his land as possible.

Unique issues related to Mr. Fisher’s land that would make the construction of a CAD more challenging on a large portion of the southern half of Mr. Fisher’s property include:

- a) A large network of field drainage tiles throughout this area that drain both on-site and off-site areas.
- b) The presence of a large swale carrying stormwater runoff and farm pond overflow from an adjacent property to the east to Hogback Road/Alum Creek Reservoir.
- c) The presence of an on-site sanitary treatment system on the southern side of the property along Hogback Road.

These first three items result in a lack of suitable home sites on the southern half of Mr. Fisher’s property. The preferred building sites are located in the northeastern portion of Mr. Fisher’s land, adjacent to Mr. Bettler’s land. However, construction of a CAD driveway on the northern side of Mr. Fisher’s land would not be possible due to the presence of existing agricultural buildings on the northern side of the property along Hogback Road. These problems are unique to Mr. Fisher’s property and are not generally shared among other properties in the zoning district.”

Staff Comments: Mr. Fisher’s property (southern lot) has enough frontage along Hogback Road that would allow for one new lot to be created south of his existing home that could meet all zoning and subdivision requirements with all development outside of the treatment areas of the existing home. This area is mowed grass and not in agricultural production. Creating a lot in this location could be reviewed as an NPA and essentially protect 1.81-acres of his agricultural land if one of the southern lots was removed from the proposal and if the new lot met the minimum 2-acre lot size. Similarly, Mr. Bettler could create one new lot in the northern area of his property that could be reviewed as an NPA. With the above options, a 3 to 4 lot CAD could still be proposed similar to the original Sketch Plan proposal and meet all zoning and subdivision requirements.

- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.

Applicant’s Response: “Mr. Bettler needs to create three lots, and Mr. Fisher needs to create two lots. Due to unique site conditions, if this variance is not approved the only solution by which to do so would be to have both Mr. Bettler and Mr. Fisher each create their own CAD Subdivision on neighboring parcels. This would result in the following hardships to the owners:

- a) **Creation of a very long and unnecessarily impactful common access drive for Fisher** (if Fisher were to build his own CAD Subdivision separate from Bettler). Due to site conditions previously discussed, his ideal building site for these two lots is in the northeast corner of his property. However, due to the existing septic treatment area and agricultural buildings that need to be maintained, the common access driveway would have to access Hogback Road at the southwestern-most corner of his property. This would result in an extremely long common access driveway running from the southwest to the northeast of the entire existing parcel. The location of this driveway entrance would also be unnecessarily close to Mr. Fisher’s neighbor to the South.

This routing of the common access driveway would also result in a large number of drainage tiles needing to be repaired, and the installation of unnecessary additional culverts. Both of these items have the potential for negative impacts (e.g., long term maintenance of culverts and tile, potential for future failure, etc.) in the future that could be avoided.

- b) **Creation of two Common Access Drive Subdivisions on adjacent parcels when only one would satisfy the needs of both parties and be less impactful to the surrounding area.** The proposed solution requested in this variance meets the needs of both parties and creates only one Common Access Drive Subdivision on Hogback Road. Common Access Drive Subdivisions are very expensive endeavors, requiring engineering, surveying, planning, legal fees, and significant construction costs often exceeding six figures.

This solution only requires the creation of one CAD, locates all lots on sound building sites, avoids significant site-specific issues, and features an extremely efficient driveway layout.”

Staff Comments: Staff’s comments in question 2 (above) address the noted hardship and would allow for a total of 5 lots to still be created.

- 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: *"With the exception of the variance requested, we believe this solution is compliant with the standards of the Brown Township Zoning Resolution and the Delaware County Subdivision Regulations. For the above reasons, it is clear that the hardships being faced by Mr. Bettler and Mr. Fisher are extraordinary; sufficiently unique so as not be considered hardships that are generally prevalent amongst similar properties of this type in Delaware County. Additionally, these hardships are entirely unnecessary; the proposed solution eliminates these hardships while also mitigating any negative impacts of the project on the landowners, neighbors, and public at large."*

Staff comments: *Staff agrees that the issues noted by the applicant could impede development if no other options were available. However, the combined acreage of the existing 2 parcels is just over 40 acres and approximately 650 feet of frontage that could be included with either lots created by an NPA.*

Staff Recommendation

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 306.02 to allow five lots on a common access driveway subdivision for **BET-FISH CAD** be **Denied**, based on the findings in this report.

Commission / Public Comments

Mr. Garrett Gandee, attorney for the applicants, was sworn in by Chairman Shafer. He stated he is a partner in the firm GHG Civil, the engineering firm that did the preliminary engineering for the site and a neighbor that wants to see Hogback Road as minimally impacted as possible. The applicants both separately contacted GHG to look at putting a CAD on their respective 20 acre properties. Mr. Fisher has grown up on Hogback Road. He farms the majority of his property and runs Fisher Excavating. Mr. Bettler farms the land around his home. The applicants both have family that would like the opportunity to build homes and be near their aging parents/grandparents. The initial design was to split off 5 acres in the southern half of the property for Mr. Fisher's daughter but found that area is crisscrossed with a large network of field drainage tiles and is the lowest area of the property. There is a large swale that runs east to west and connects a large pond on a nearby property. Mr. Fisher's septic treatment area runs along Hogback Rd.

Mr. Gandee stated that Brown Township's Comprehensive Plan discourages rural sprawl and prefers fill-in property in the back and not have rows of houses along the frontage of rural roads. He explained that Page 83 of the Comp. Plan talks about a subarea called the Hogback Road Critical Resource Area that runs 200 feet east from Alum Creek, along Hogback Rd. Taking into consideration the required setbacks for ROW and drainage easements it may be difficult to split a lot on the southern portion of Mr. Fisher's property.

Mr. Gandee stated that they took a look at prior decisions by the Commission since 2020 and found that of the 9 variance requests from Sec. 306.02, 6 were approved and 3 were denied. The common theme amongst the approvals listed by RPC were that they weren't a significant deviation from the Regulations. This request is not asking for more than the 5 max. allowed lots. The common theme of the denials were economic in nature or asking for significantly more lots than the max allowed. Mr. Gandee stated he does not feel this proposal applies to either of those. He acknowledged that staff maintains consistency when making their recommendations and the Commission is able to consider the facts of each request.

Mr. Larry Bettler, applicant for the northern property, was sworn in by Mr. Shafer. He stated that four

generations have farmed the property he currently resides on. He believes the merits of the exception to the regulation outweighs the merits of the rule with no adverse effects on the community.

Ms. Raehll stated that Mr. Gandee indicated that the spirit of the Brown Township Comp. Plan was being upheld and was unsure how to interpret the spirit versus what Brown Township's Comp. Plan says. Mr. Gandee explained that the applicants want to create five total lots. They have a conforming sketch plan that only has four lots on a CAD. If they proceed with that plan, then Mr. Fisher creates a fifth lot likely through the No Plat process on the southwestern corner. This scenario would go against what Brown Twp. which seeks to avoid additional curb cuts.

Ms. Raehll questioned Mr. Gandee's statement that the 5th lot doesn't exceed the standard and asked for clarification. Mr. Sanders explained that the Subdivision Regulations allow for up to three lots on the CAD with up to 5 if the two additional lots have frontage on the public road. Mr. Sanders stated that in this case it's a total of 5 but only one has frontage.

Mr. Price said the proposal is a compact, good use of keeping the open space.

Chairman Shafer stated that variances should be reviewed by unique factors to each case. He agrees there is nothing detrimental to the health, safety and welfare but doesn't agree there are unique factors on this site. He does agree there are a lot of inconveniences on the site but not sure there is a hardship.

Mr. Price said that the issue to him is this is a configuration difference. The applicant isn't requesting more than 5 lots. Mr. Snodgrass agreed since there was not an area for access for the 5th lot at the road due to the existing house.

Mr. Vanderhuff stated as the Brown Twp. Alternate, this is preferred over the alternate configuration as it makes the area look more rural.

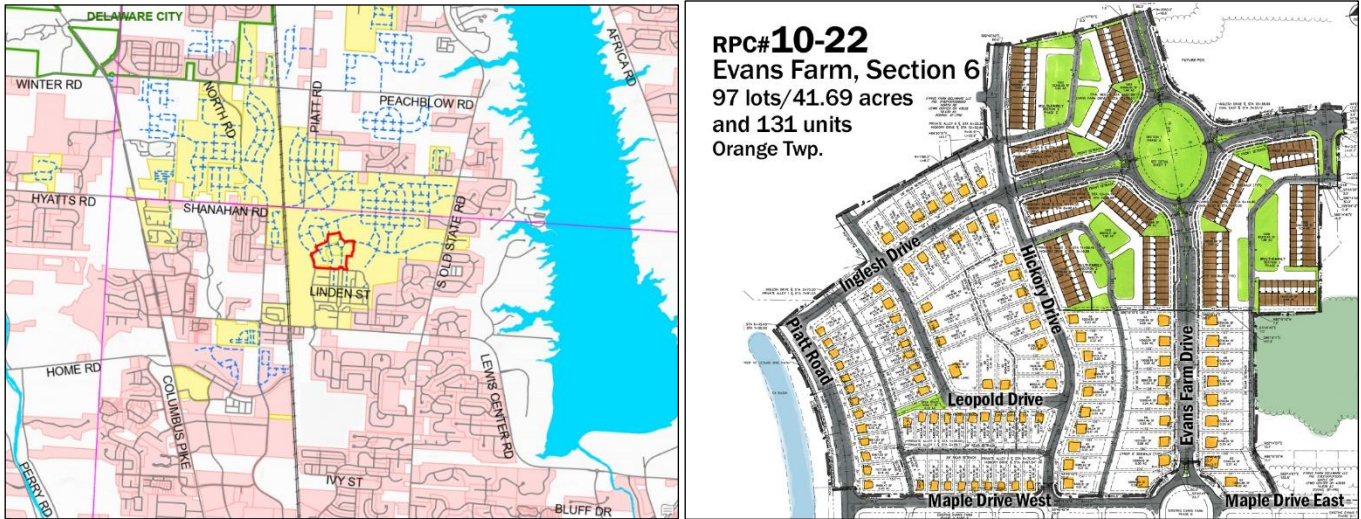
Ms. Drayer commented that the property is unique as it's a generational property. She feels the proposal is a perfect fit.

Mr. Merrell does not agree with the approach being based on precedent as all variances should be looked at separately on their own merits. He does believe the result of this proposal is better than the other alternative.

Mr. Price made a motion for Approval of a five lot CAD as presented for Bet-Fish CAD, based on the Findings of Fact. Ms. Raehll seconded the motion. VOTE: Majority For, 1 Opposed (Genoa Twp.), 1 Abstained (Brown Twp.). Motion carried.

10-22 Evans Farm Section 6 – Orange Twp. – requesting 1 year extension

Applicant: Evans Farm LLC / Engineer: Kimley Horn
Preliminary approval: 03/31/22



Staff Comments

The applicant is requesting a 1-year extension for Evans Farms, Section 6, to “allow adequate time to complete the project and record the Final Plat, which has already been submitted for review in Draft form.” Staff notes that a Draft Plat for Section 6 has been submitted and is currently under review.

Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for Evans Farm, Section 6 to the RPC.

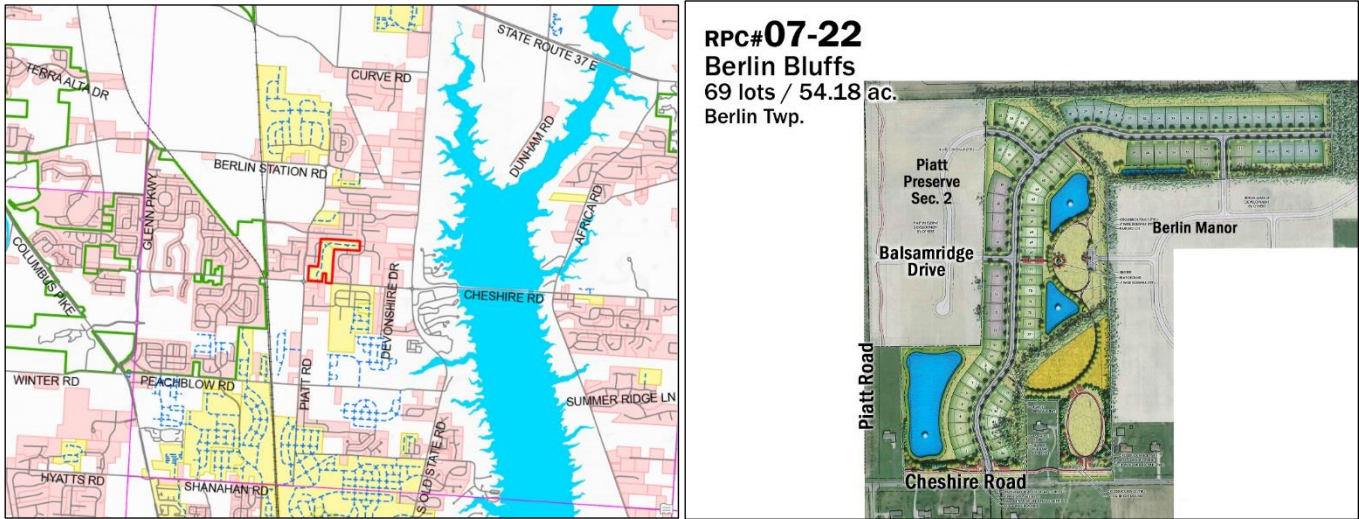
Commission / Public Comments

Mr. Kevin Kershner, Kimley-Horn, was present to represent the applicant. They have had the preconstruction meeting with the Sanitary Engineer’s office and is actively under construction.

Mr. Merrell made a motion to Approve a 12-month Extension for Evans Farm, Section 6. Mr. Vanderhuff seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-22 Berlin Bluffs – Berlin Twp. – requesting 1 year extension

Applicant: Pulte Homes / Engineer: Kimley Horn
Preliminary approval: 03/31/22



Staff Comments

The applicant is requesting a 1-year extension for Berlin Bluffs, “due to economic conditions.” Staff notes that a Draft Plat for Sections 1 and 2 were submitted and reviewed approximately one-year ago.

Staff Recommendation

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

Commission / Public Comments

Mr. Kevin Kershner, Kimley-Horn, was present to represent the applicant. He stated they are very far along in construction on both Phases of this project and anticipate filing a final plat next month.

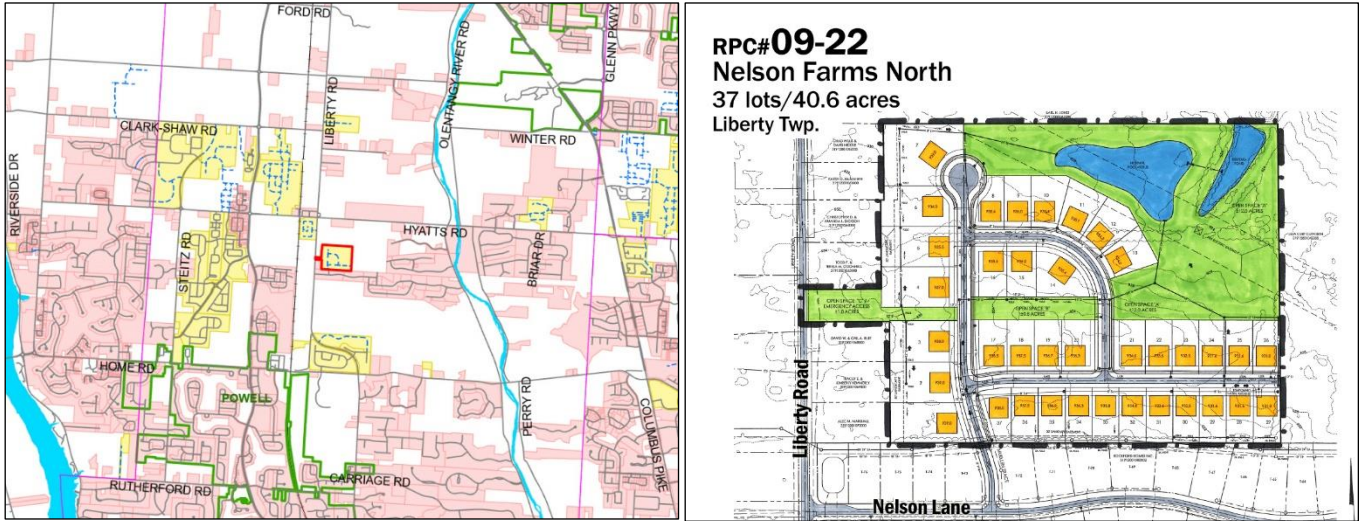
Ms. Raehl questioned the economic conditions that have prevented this project from finishing on time. Mr. Kershner stated that the largest reason is market rates went up which slowed down the rates of sales. This project is the same developer as Maev Meadows and at the same price point. He stated that both Phases will be platted next month.

Mr. Matlack made a motion to Approve a 12-month Extension for Berlin Bluffs. Mr. Price seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

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09-22 Nelson Farms North – Liberty Twp. – requesting 1 year extension

Applicant: Pulte Homes / Engineer: EMH&T
Preliminary approval: 03/31/22



Staff Comments

The applicant is requesting a 1-year extension for the Nelson Farms North to “allow adequate time to complete the project and record the Final Plat, which has already been submitted for review in Draft form.” Staff notes that a Draft Plat was submitted and reviewed approximately one-year ago.

Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for Nelson Farms North to the RPC.

Commission / Public Comments

Mr. Kevin Kershner, Kimley-Horn, was present to represent Pulte Homes, as the engineer of record could not be present tonight. This project is under construction and they anticipate filing the Final plat later this summer/early fall.

Mr. Merrell made a motion to Approve a 12-month Extension for Nelson Farms North. Mr. Matlack seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.

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ZONING MAP/TEXT AMENDMENTS

08-24 ZON Troy Twp. Zoning Commission – Zoning Resolution text amendments

Request

On 02/19/24, the Troy Township Zoning Commission initiated a number of changes to their Zoning Resolution.

Summary

The Troy Township Zoning Commission is requesting the following modifications be made to the Zoning Resolution: correct numbering of sections, minor language changes, reordering of Permitted/Prohibited, Conditional Uses and Development Standards sections in the Highway Service District (HSD), adding language in all districts prohibiting shipping containers and detached semi-tractor trailers as structures or temporary structures, increasing the Free-Standing Ground or Monument signs maximum sign facing from 25 square feet to 45 square feet while removing the option to increase signage size if setback additional feet from right-of-way, similar changes are made to the Conditionally Permitted signs, modifying the signage requirements for Commercial or Office Use Complexes and creating a Subdivision Identification Sign and Electronic Message Center (EMC) Sign section, retitle Granny Flat as Accessory Dwelling Unit and add to definitions, include a Landscape Materials section and broaden the BZA meeting dates and minutes.

Staff recommends swapping the Landscape Materials section (23.05) with Plan Submission and Approval (23.04); that way all regulations are listed prior to approval process. These are mostly all changes that RPC staff has been working on with the Township and should be the last significant set of amendments that we have been working on.

Staff Recommendation

Staff recommends **Conditional Approval** of the text amendments to the Troy Township Zoning Resolution, to the DCRPC, Troy Twp. Zoning Commission and Troy Twp. Trustees, *subject to reordering 23.05 and 23.04 as noted.*

Commission / Public Comments

*Ms. Raehl made a motion to **Conditional Approval** of the text amendments to the Troy Township Zoning Resolution, seconded by Mr. Vanderhuff. VOTE: Majority For, 0 Opposed, 1 Abstained (Troy Twp.). Motion carried.*

09-24 ZON Pickups Plus Cars – Orange Twp. – 1.36 acres from FR-1 to PC

Request

The applicant, Pickups Plus Cars, trade name of Crossroads Operating Group, Inc., is requesting a 1.36-acre rezoning from FR-1 to PC to allow for an expansion including construction of a new 10,880 sq. ft. building.

Conditions

Location: west side of Columbus Pike, north of W. Orange Rd.

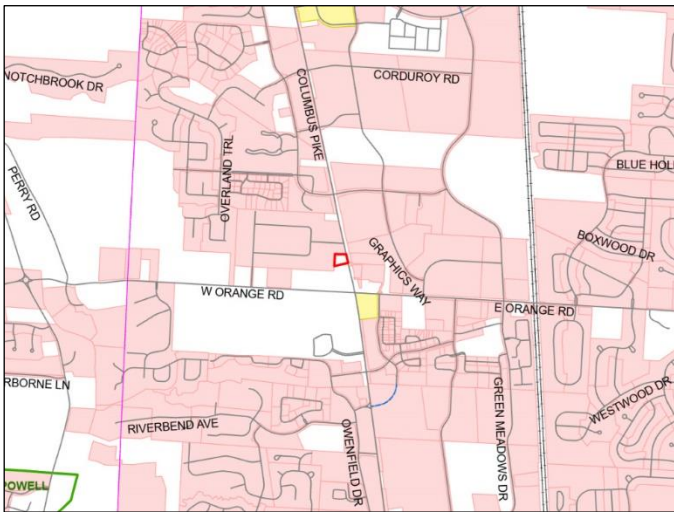
Present Zoning: Farm Residential (FR-1) / **Proposed Zoning:** Planned Commercial (PC)

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

School District: Olentangy

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: none / **Soils:** GwB



Introduction

The applicant is requesting to rezone 1.36-acres from Farm Residence (FR-1) to Planned Commercial and Office (PC) to allow for the expansion of the existing Pickups Plus Cars commercial use (also zoned PC). The development will include one new building that will be used for automobile sales and service associated with the Pickups Plus Cars business and will share the existing access point to Columbus Pike. The

development plan includes a 10,880 square foot building, 43 parking spaces, grassed perimeter, one vehicle display area, stormwater detention area, an enclosed dumpster and a wall sign near the entrance. If approved, the applicant intends to break ground in late summer or early fall of 2024.

Comprehensive Plan

Orange Township's 2018 Comprehensive Plan includes the site in Subarea 8 – Olentangy Valley Central and recommends Planned Office and Commercial zoning. A backage road is also intended to travel along the rear of this property, connecting Pacer Drive to W. Orange Road. The proposal will comply with these recommendations provided a roadway easement is provided similar to the easement provided with the 2004 rezoning for the Pickups Plus Cars adjacent lot to the south.

Issues

Traffic and access:

Use of the existing access point to Columbus Pike, which will remain right-in/right-out. The proposal is for two-way traffic around the proposed building. Staff notes that ODOT restricted the commercial driveway to right-in/right-out as part of the 2004 rezoning.

Drainage:

A drainage plan was not provided but will be required as the site goes through the development process through DCEO.

Signage: Max permitted: 300 square feet, Proposed: 131 square foot wall sign.

Lighting: Wall pack lighting on the building. A light specification sheet (pg. 31 of packet) was provided and a lighting plan (pg. 61 of packet) included.

Building Height: Max Permitted: 50 feet, Proposed: 35 feet

Tract Coverage: Max Permitted: 75%, Proposed: 74.8%

Divergences

Three divergences are requested:

1. Section 14.06(e(3)) – Plat required: The parcel is existing, and the adjoining PC lot was not platted. Strict compliance would be a hardship for the applicant to seek approval of a subdivision plat for this project. The cross-access easement for the entrance can simply be recorded prior to development of the site.

Staff Comment: Staff recommends both properties be combined, provided the rezoning is approved. This would ideally be accomplished through a plat, where all easements can be located in one exhibit.

2. Section 21.10 – Non-Residential Use Setbacks: Reduction of the required 100-foot building setback from residential properties to allow for a minimum of 35 feet from the west and 75 feet from the north, as both properties are likely to be rezoned to commercial with a pending application.

Staff Comment: This divergence was supported by Staff with the 2004 case based on the Orange Township

Comprehensive Plan recommendation for the western and northern lots being recommended for commercial uses and Staff still concurs with this recommendation.

3. Section 21.12(g) – Lighting Regulations: Maximum Light Pollution Illuminances. Seeking divergence from the maximum horizontal foot-candles at grade beyond the property line where this property abuts the commonly owned property to the south. Installation of a wall pack light on the south end of the building over the 14x14 foot overhead door will allow for illumination of the shared driveway area to the south. This restriction poses a hardship to the applicant who is looking to blend development between these two parcels.

Staff Comment: This divergence appears to be unnecessary if the two properties were combined, so staff would recommend approval.

4. **(Potentially required but not requested)** Section 21.01(d) – Parking Area Location: Parking in front of the main structure may be permitted only if not more than forty percent (40%) of the front setback area outside of the right-of-way is occupied by parking. The remaining sixty percent (60%) of the front setback outside of the road right-of-way shall be green space adjacent to the road(s) frontage(s).

Staff Comment: 31 parking spaces (67%) are in front of the main structure, with 15 spaces (33%) to the side of the structure (46 total spaces). Plan sheet 2/8 indicates there are 43 spaces provided; this should be updated to match what is shown on the plan. Staff would have no concern with this request as the development will need to accommodate for a potential backage road, the parking layout and design matches the existing development to the south and there is limited room to move the building footprint based on the front yard setback.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Pickups Plus Cars from FR-1 to PC to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 1.) *The applicant submits plans to the Fire Department and receive approval prior to zoning approval;*
- 2.) *Dedication of an ingress/egress easement across the western border of this property to facilitate for the future parallel access road that was recommended in the Orange Township Comprehensive Plan; and*
- 3.) *The entirety of the Pickups Plus Cars use (PID # 31823403007000 and 31823403006000) be combined, ideally with a plat.*

Commission / Public Comments

Mr. Joe Clase, Plan 4 Land, was present to represent the applicant. He stated he doesn't anticipate any issues with the Fire Dept. and will make sure they receive a plan prior to the Zoning Commission meeting. Mr. Clase explained that he thought the ingress/egress easement that was previously required with the one to the south was vacated or wasn't needed. He said they would confirm with the Zoning Commission. He explained that the applicant is proposing auto sales which is different than the parts sales that they have previously done and they aren't sure they will use the entirety of this building and might sublease. If the auto sales portion of the project doesn't work out, they don't want to jeopardize their existing business. They are currently two separate lots and would like to maintain that.

Ms. Raehll asked how far out of compliance is the 100' building setback. Mr. Clase said he believes they are compliant with the building setback but the parking setback as noted excluded PCD from the requirements for coverage for parking in the front yard so they didn't address that as a divergence. Mr. Duffee agreed the front

setback is fine, it is the 100' setback from the west and north property line due to the residential properties. Mr. Clase stated there is currently a planned residential application pending at the township for the lot north of this development. Mr. Duffee stated that the overlay application is currently tabled.

Mr. Matlack made a motion to recommend Conditional Approval of the rezoning by Pickups Plus Cars from FR-1 to PC. Mr. Weade seconded the motion. VOTE: Majority For, 1 Opposed (Berlin Twp.), 1 Abstained (Orange Twp.). Motion carried.

SUBDIVISION PROJECTS

Preliminary

04-24 Ambrose CAD - Kingston Twp. - 3 lots / 11.009 acres

Conditions

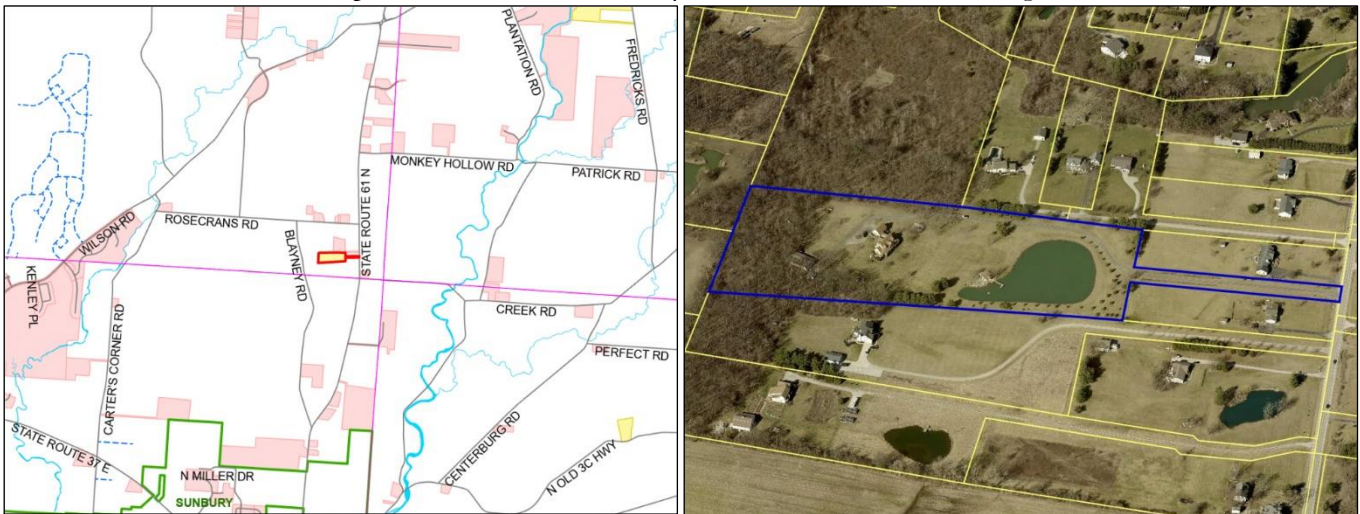
Applicant: Tobin & Brenda Ambrose / **Consultant:** A to Zoning

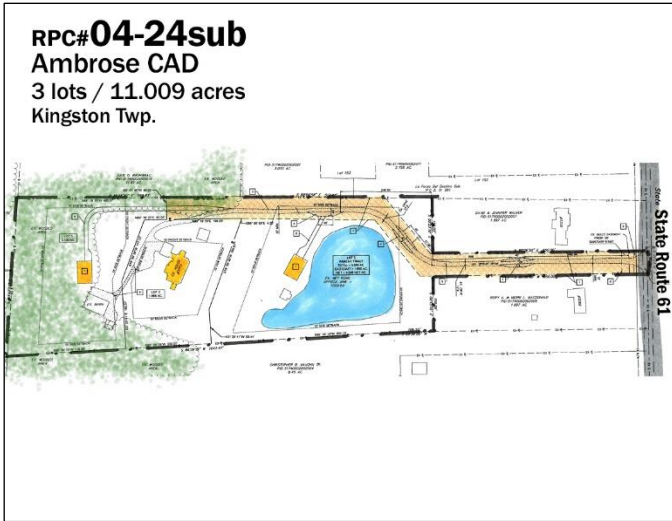
Subdivision Type: Single-Family Residential, CAD

Location: West side of SR 61, north of Stockwell Rd.

Current Land Use: single residence / **Zoned:** Farm Residential (FR-1)

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





Staff Comments

The request is for Preliminary Plan approval to create a three lot CAD. The subject site is located at 3319 State Route 61 North, between Rosecrans Rd. and Stockwell Rd. The site is 11.009 acres in size with proposed lot sizes being 1.968, 3.102 and 5.899 acres, all of which meet zoning requirements. Lot 1 will include an existing barn and approximately two acres of woods. Lot 2 will include an existing home that was constructed in 2001. Lot 3 will include an existing 1.36-acre pond and landscaping. The Fire Department is continuing to review the need for a hydrant as service and an easement exists from the development to the north. This will be resolved before platting.

A technical review was held on March 19, 2024, after which the applicant has addressed all of the required changes.

Staff Recommendation

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

Commission / Public Comments

Ms. Courtney Wade, A to Zoning, was present. She stated that the Fire Department has provided a letter that they had no concerns with the driveway as proposed.

Mr. Willyerd made a motion for Preliminary Approval of Ambrose CAD. Ms. Drayer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Conditions

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

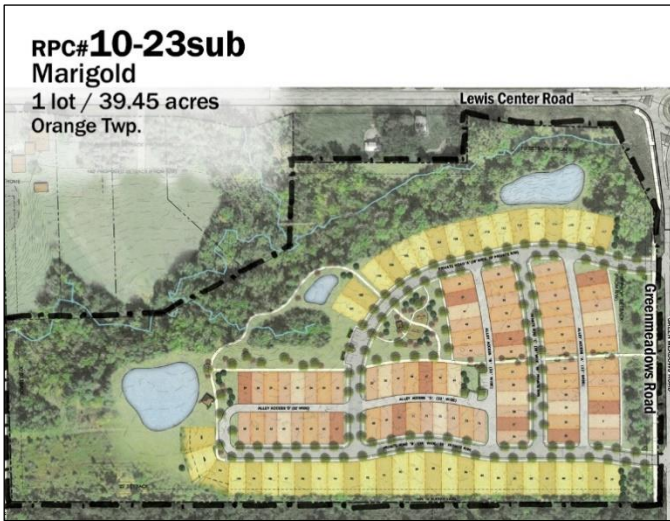
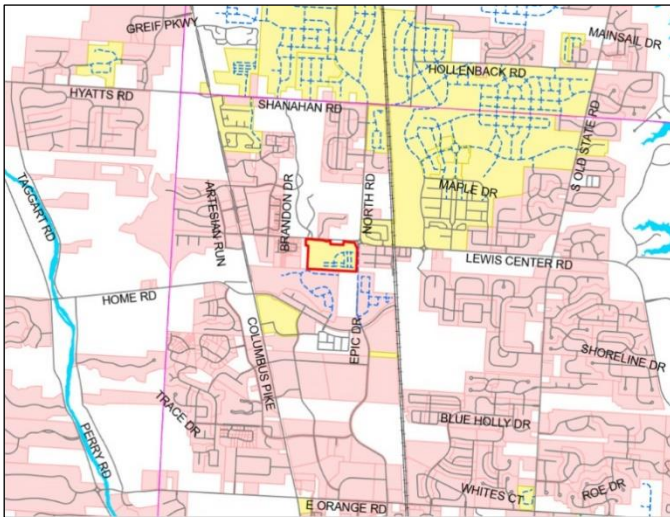
Subdivision Type: Multi-Family (condos)

Location: South of Lewis Center Rd., east of the future Green Meadows Dr. extension

Current Land Use: Vacant

Zoned: Single-Family Planned Residential District (SFPRD) / **Zoning Approval:** March 14, 2023

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



Staff Comments

Marigold is a residential subdivision with 120 single-family condominium units. For the purposes of this plat, the RPC is reviewing a single large lot and the dedication of new right-of-way for Green Meadows Drive. The development of the condominium units is exempt from platting requirements.

All units will front on private drives and all units north of Lacera Way will have garage access from alleys. The two main points of ingress/egress are to a future extension of Green Meadows Drive, south of Lewis Center Road. The minimum setbacks are 100 feet from Green Meadows Drive, 35 feet from the southern

boundary line which also includes a 15-foot preservation area, 70 feet from Lewis Center Road and 30 feet from the northern boundary line. Typical condominium unit sites are 43 feet wide for front load units and 32-38 feet wide for rear load alley units. Roughly 21-acres of open space is provided throughout with floodplain and wetlands protected. The entire development includes sidewalks along all private drives, playground, pavilion, dog park, cluster mailbox, multi-use path and two stormwater ponds.

History

A Preliminary Plan was approved by RPC on June 29, 2023 for this site that was very similar in design. The previously-approved Preliminary Plan included a three-lot CAD and one single-family home lot that would have been separated from the parent tract. The proposed CAD has been removed and the related 9.22 acres is now open space. The existing single-family home will remain. The Development Plan continues to be reviewed by Orange Township.

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

Staff Recommendation

Staff recommends *Preliminary Approval* of **Marigold** to the DCRPC.

Commission / Public Comments

Mr. Kevin Kershner, Kimley-Horn, was present. He stated the major change from when this project was previously submitted is the removal of the three lot CAD that was proposed off Lewis Center Rd. and make that one large 10 acre parcel with the existing house and move the three units to the south lot.

Mr. Merrell made a motion for Preliminary Approval of Marigold, seconded by Mr. Matlack. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

05-24 Hastilow Subdivision Lot 298, Div. #1 – Trenton Twp. - 2 lots / 13.082 acres

Conditions

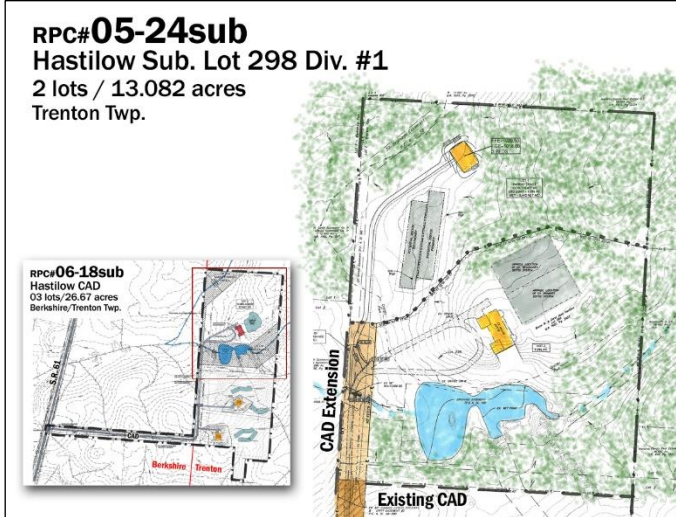
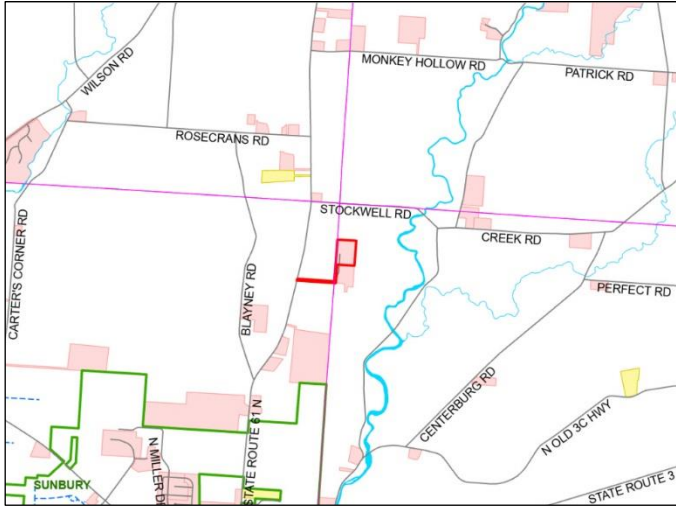
Applicant: Bruce & Caroljean Hastilow / **Consultant:** A to Zoning

Subdivision Type: Single-Family Residential, CAD

Location: east side of SR 61, south of Stockwell Rd.

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

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



Staff Comments

This is a request to replat lot 298 of the Hastilow CAD Subdivision to allow for one additional buildable lot. A subdivision variance was approved by RPC on July 27, 2023 to allow for the proposed lot as shown on the Preliminary Plan and all zoning requirements have been met. The CAD drive easement will be extended ~363 feet north and provide frontage for the new lot. Lot one is completely wooded and will be 6.827-acres in size. Lot 2 includes Mr. Hastilow’s home that was constructed in 2001 and will be 7.285-acres in size.

Based on aerial imagery and Tech Review conversations, the existing passing lanes may have grown up in grass and are not currently evident. This will be resolved during Engineering review and visually checked prior to Final Plat approval. A new Maintenance Agreement signed by all current landowners within the

original CAD will also be required prior to Final Plat signature.

A technical review was held on March 19, 2024, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends Conditional Preliminary Approval of Hastilow Subd., Lot 298, Div. #1 to the DCRPC, subject to:

- 1.) Per Section 306.06(f) of the Delaware County Subdivision Regulation and based on BST&G Fire District comments, passing lanes of 6 feet in width and 35 feet in length shall be provided every 350 feet or less.

Commission / Public Comments

Ms. Courtney Wade, A to Zoning, was present to represent the applicant. She confirmed with Mr. Hastilow that the pull offs are there and will be corrected prior to Final plat submission.

Mr. Price made a motion for Conditional Approval of Hastilow Subd., Lot 298, Div. #1, subject to staff recommendation. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Trenton Twp.). Motion carried.

Having no further business, Mr. Duffee made a motion to adjourn the meeting at 7:18 p.m. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

A Special Meeting of the Delaware County Regional Planning Commission has been scheduled for Tuesday, April 16, 2024, 6:00 PM at the Byxbe Campus Conference Room, 1610 SR 521, Delaware, Ohio 43015.

The next regular meeting of the Delaware County Regional Planning Commission will be Thursday, April 25, 2024, 6:00 PM at the Byxbe Campus Conference Room, 1610 SR 521, Delaware, Ohio 43015.

Joe Shafer, Chairman

Stephanie Matlack, Executive Administrative Assistant