

# Delaware County Regional Planning Commission

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



## *\*MINUTES\**

Thursday, May 30, 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 April 25, 2024 RPC Minutes
- Executive Committee Minutes of May 22, 2024
- Statement of Policy

### CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
33-19.2	Berlin Farm West, Section 2	Berlin	55 lots / 18.412 acres
07-22.1	Berlin Bluffs, Section 1	Berlin	40 lots / 36.366 acres
07-22.2	Berlin Bluffs, Section 2	Berlin	29 lots / 16.897 acres
30-19.10	Liberty Grand District, Section 10	Liberty	38 lots / 13.499 acres

### ZONING MAP/TEXT AMENDMENTS

15-24 ZON	Henmick LLC - Brown Twp. - 89.6 acres - FR-1 to PC
16-24 ZON	Dustin Ward & Michelle Morris - Harlem Twp. - 6.421 acres - AR-1 to FR-1
17-24 ZON	BJ Builder LLC. - Liberty Twp. - 20.05 acres - FR-1 to PRD
18-24 ZON	Dublinbyconcord Ltd. - Concord Twp. - 94.213 acres - FR-1 to PRD

### SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
10-24	Parkside at Evans Farm	Berlin	350 lots / 182.9 acres

### POLICY / EDUCATION DISCUSSION

- Citizen Planner Training next session on June 24 at 6:00 p.m.

### RPC STAFF AND MEMBER NEWS

- Recognizing the passing of Marvin Miller, Porter Twp.

## ADMINISTRATIVE BUSINESS

- **Call to Order**

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

- **Roll Call**

*Representatives:* David Lockhart, David Weade, Meghan Raehll, Ric Irvine, Duane Matlack, Gary Merrell, Barb Lewis, Jeff Benton, Sarah Holt, Jeff Kinnell, Joe Shafer, Staci Hood, Jeffrey Warner, Ed Snodgrass, Dan Boysel, Herb Ligocki, Molly Drayer, Kent Manley, and Mike Dattilo.

*Alternates:* Will Ferguson, Bernie Cattrell, Eric Gayetsky, Steve Lewis, Mike Endsley. *Staff:* Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.

- **Approval of the April 25, 2024 RPC Minutes**

*Mr. Merrell made a motion to Approve the minutes from the April 25<sup>th</sup> meeting as presented.*

*Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- **May 22, 2024 Executive Committee Minutes**

- A. **Call to order**

Chairman Shafer called the meeting to order at 8:30 a.m. Present: Joe Shafer, Ed Snodgrass and Tiffany Maag. Absent: Gary Merrell and Robin Duffee. Staff: Scott Sanders and Stephanie Matlack.

- B. **Approval of Executive Committee Minutes from April 17, 2024**

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

- C. **New Business**

- 1. **Financial / Activity Reports for April**

REGIONAL PLANNING RECEIPTS		APRIL	YTD TOTAL
General Fees (Lot Split)	(4201)		\$1,640.00
Fees A (Site Review)	(4202)	\$1,600.00	\$2,800.00
Insp. Fees (Lot Line Transfer)	(4203)	\$200.00	\$1,100.00
Membership Fees	(4204)	\$7,390.00	\$209,069.20
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$233.42	\$8,987.13
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$2.00	\$6,310.60
Charges for Serv. B (Final. Appl.)	(4231)	\$9,321.66	\$36,075.44
Charges for Serv. C (Ext. Fee)	(4232)	\$600.00	\$2,400.00
Charges for Serv. D (Table Fee)	(4233)	\$600.00	\$1,200.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$500.00	\$2,300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$1,000.00	\$3,500.00

		\$500.00	\$500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		
Soil & Water Fees	(4243)	\$100.00	\$1,275.00
Commissioner's fees	(4244)	\$800.00	\$2,200.00
		\$210.00	\$561.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		\$54.98
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$23,057.08</b>	<b>\$279,973.35</b>

Balance after receipts	\$1,136,607.03
Expenditures	<u>- \$ 40,367.45</u>
End of April balance (carry forward)	\$1,096,239.58

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

## 2. RPC Preliminary Agenda May

a) Sketch Plans Township      Lots/Acres  
None for May

- b) Zoning Map / Text Amendments
- Henmick LLC – Brown Twp. – 89.6 acres – FR-1 to PC
  - Dustin Ward & Michelle Morris – Harlem Twp. – 6.421 acres – AR-1 to FR-1
  - BJ Building – Liberty Twp. – 19.6 acres FR-1 to PRD
  - Dublinbyconcord Ltd. - Concord Twp. – 94.213 acres – FR-1 to PRD

c) Subdivision Projects Township      Lots/Acres

Consent:

- Berlin Farms West, Section 2 Berlin      55 lots / 18.412 acres
- Berlin Bluffs, Section 1 Berlin      40 lots / 36.366 acres
- Berlin Bluffs, Section 2 Berlin      29 lots / 16.897 acres
- Liberty Grand District, Section 10 Liberty      38 lots / 13.499 acres

Preliminary:

- Parkside at Evans Farm Berlin      350 lots / 182.9 acres

## 3. Director's Report

### Development Team Meetings

Hosted/scheduled by DCRPC, these meetings are generally quarterly and include RPC, DCEO, DCRSD, Building Safety, and Economic Development. Departments discuss project status throughout the County. **Hosted on 5/21 with new Economic Development representative.**

#### **Travel Safe Delaware: Delaware City Safety Action Plan (MORPC)**

Gain input regarding local road safety issues and opportunities and help identify key priorities for the plan. Focus on Safe Streets 4 All (SS4A). Currently analyzing crash history, existing road network and facilities for walking/biking, desirable destinations and demographic data. Stakeholder engagement completed in two workshops. **City staff hope to present a final plan to City Council for adoption at their June 10 council meeting.**

#### **2024 Healthy Communities Micro Grant Review (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.**

#### **Transportation Advisory Committee**

Hosted by MORPC, these are monthly in-person meetings. **Attended May 1.**

#### **(NEW) Citizen Planner Training**

Two sessions have taken place so far. Attendance has been small, but this is experimental. Comments have been positive.

### **DCRPC–Managed Projects**

#### **Berlin Township Zoning Resolution**

Staff is working with the Trustees on final changes to the Zoning Resolution (already reviewed by the full Commission).

#### **Harlem Township Zoning Resolution**

Staff is working with the Zoning Commission on various updates in existing sections of the Zoning Resolution. **Met on May 13.**

#### **Liberty Township Comprehensive Plan**

Staff is working on an update to the plan, which was last updated in 2018. **Steering Committee scheduled to meet on June 6.**

#### **Berkshire Township Zoning Project**

Township is working with an external consultant to study certain parts of its Zoning Resolution. Staff is coordinating with consultant and providing GIS information and background material **and is also starting an update to their full Comprehensive Plan.**

#### **Shawnee Hills Comprehensive Plan**

Staff has been working on updating the 2016 Plan's background information for a few months. **Staff met with the Village Mayor and Administrator on May 8<sup>th</sup> to discuss next steps and expectations for the update.**

### **D. Other Business**

1. Started discussion of possible County-wide Master Plan update. This could be a general focus on corridors that acknowledge existing individual plans. Will discuss further at the next Executive Committee meeting.

E. Adjourn

*Having no further business, Mr. Snodgrass made a motion to adjourn the meeting at 10:28 a.m. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Thursday, June 20, 2024 at 8:45 a.m. at 1610 State Route 521, West Conference Room, Delaware, Ohio, 43015.

- **Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted an opportunity to make their formal presentation. The audience will then be granted an opportunity to comment followed by questions from the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration. The Chairperson may limit repetitive debate.

**CONSENT AGENDA (Final Plats)**

33-19.2                Berlin Farm West, Section 2 – Berlin Twp. - 55 lots / 18.412 acres

**Conditions**

**Applicant:** M/I Homes / **Engineer:** EMH & T

**Subdivision Type:** Single Family Residential

**Location:** North of Berlin Station Rd., west of Roloson–Piatt Rd.

**Zoned:** R-3, PRD

**Preliminary Approval:** 6/30/22

**Utilities:** Del-Co Water, central sanitary sewer

**School District:** Olentangy

**Staff Comments**

Berlin Farm West, Section 2 is a residential subdivision with 55 buildable lots, located north of Patricia Ann Way. Section 1 has already been platted and Draft Final Plats for Sections 3, 4 and 5 are currently under review. Preliminary Approval was granted on June 30, 2022 and the applicant is now requesting Final Plat approval for Section 2.

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 Berlin Farm West, Section 2 to the DCRPC.

**Commission / Public Comments**

*Mr. Matlack made a motion for Final Approval of Berlin Farm West, Section 2. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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

**Conditions**

**Applicant:** Pulte Homes / **Engineer:** Kimley-Horn  
**Subdivision Type:** Planned Residential community  
**Location:** North side of Cheshire Rd., east of Piatt Rd.  
**Zoned:** R-3, PRD  
**Preliminary Approval:** 03/31/22  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Olentangy

**Staff Comments**

Berlin Bluffs, Section 1 is a residential subdivision with 40 buildable and two reserve lots, located on the north side of Cheshire Rd., east of Piatt Rd. in Berlin Township. This is the first phase of the development, with the second and final phase including 29 residential lots. Preliminary approval was granted on March 31, 2022 and the applicant is now requesting Final Plat approval.

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

**Staff Recommendation**

Staff recommends *Final Approval* of Berlin Bluffs, Section 1 to the DCRPC.

**Commission / Public Comments**

*Mr. Matlack made a motion for Final Approval of Berlin Bluffs, Section 1. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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

**Conditions**

**Applicant:** Pulte Homes / **Engineer:** Kimley-Horn  
**Subdivision Type:** Planned Residential community  
**Location:** North side of Cheshire Rd., east of Piatt Rd.  
**Zoned:** R-3, PRD  
**Preliminary Approval:** 03/31/22  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Olentangy

**Staff Comments**

Berlin Bluffs, Section 2 is a residential subdivision with 29 buildable and two reserve lots, located on the north of Cheshire Rd., east of Piatt Rd. in Berlin Township. Section 2 will finalize the Berlin Bluffs subdivision. Preliminary approval was granted on March 31, 2022 and the applicant is now requesting Final Plat approval.

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

**Staff Recommendation**

Staff recommends *Final Approval* of **Berlin Bluffs, Section 2** to the DCRPC.

**Commission / Public Comments**

*Mr. Matlack made a motion for Final Approval of Berlin Bluffs, Section 2. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

30-19.10            Liberty Grand District, Section 10 – Liberty Twp. - 38 lots / 13.499 acres

**Conditions**

**Applicant:** M/I Homes / **Engineer:** EMH & T

**Subdivision Type:** Single Family Residential

**Location:** north side of Liberty Grand Blvd., east of Steitz Rd.

**Zoned:** POD-18B

**Preliminary Approval:** 11/21/19

**Utilities:** Del-Co Water, central sanitary sewer

**School District:** Olentangy

**Staff Comments**

Liberty Grand District, Section 10 is a residential subdivision with 38 buildable and three open space lots, located on the north side of Liberty Grand Blvd., east of Steitz Rd. All lots will access Unitas Loop from Liberty Grand Blvd. Section 11 was approved last year and Section 10 will finalize this development. Preliminary approval was granted on November 21, 2019 and the applicant is now requesting Final Plat approval.

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

**Staff Recommendation**

Staff recommends *Final Approval* of **Liberty Grand District, Section 10** to the DCRPC.

**Commission / Public Comments**

*Mr. Matlack made a motion for Final Approval of Liberty Grand District, Section 10. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

## ZONING MAP/TEXT AMENDMENTS

15-24 ZON      Henmick LLC – Brown Twp. – 89.6 acres – FR-1 to PC

### Request

The applicant, Henmick LLC, is requesting an 89.6-acre rezoning from Farm Residential (FR-1) to Planned Commercial and Office (PC) to allow the development of Henmick Farm and Brewery and the Farmhouse Inn. Proposed uses include: event center (weddings, arts, fitness), banquet facility, short-term rental units (Inn), restaurant/bar (Tavern), food services, agricultural fields, a warehouse (storage barn/shed), brewery, vineyard, distillery, retail store (food, clothing, accessories) administrative offices, farmers market and a pedestrian cross-walk with flashing beacon that will connect the west parking lot to all commercial uses to the east.

The overall development site is located on the east side of N. Old State Road, just north of State Route 521 in Brown Township. The site has been developed with a brewery and event center since approximately 2020 and has grown over time to include gravel parking across the street, children's playground, small concerts/musical acts and a pop-up market. All land across the street, to the west of the brewery/event center that is not used for designated parking/overflow parking is active agricultural fields.

### Conditions

**Location:** 4380 N Old State Rd.

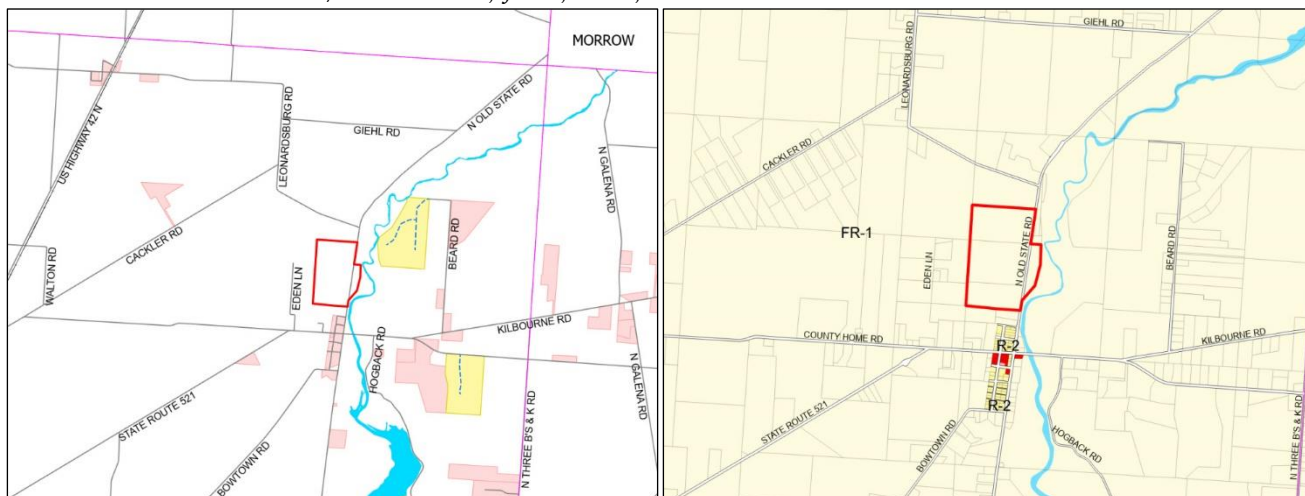
**Present Zoning:** Farm Residential (FR-1) / **Proposed Zoning:** Planned Commercial (PC)

**Present Use(s):** Agricultural/farmland, brewery, event center, residence and parking

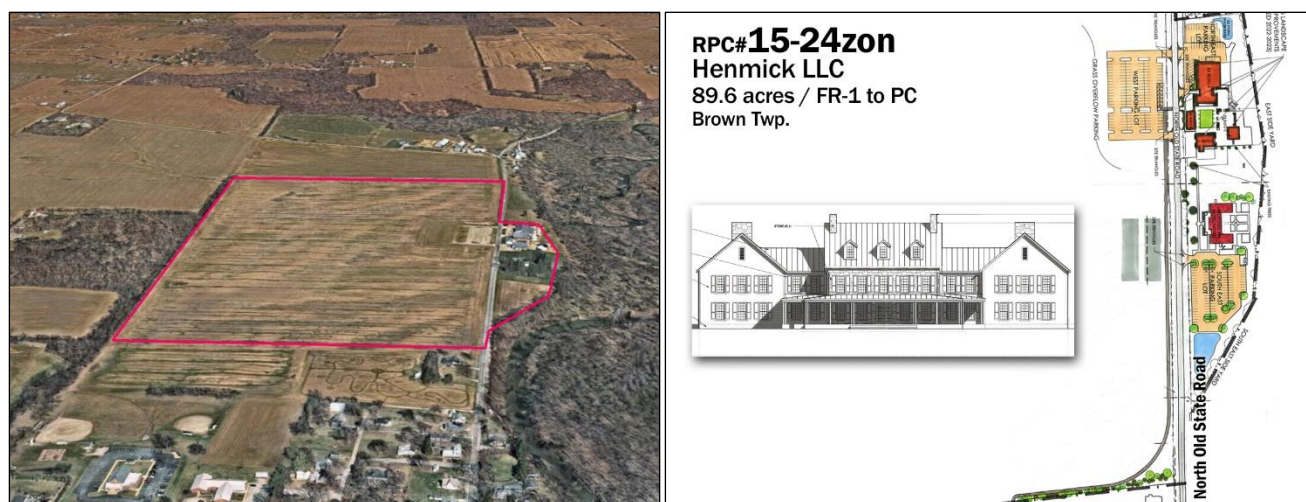
**Proposed Use(s):** Brewery, Farmhouse Inn, and additional parking

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

**Critical Resources:** none / **Soils:** GbB, JmA, MfA, GwB







### Introduction

A Development Plan and Development Text were included with the submission which describe in detail how this site will be developed and used. Existing features include the brewery and main event center building, patios, gravel parking lot, three barns, a playground, and a single-family home. Proposed features include a new Inn and Tavern, two 750 square foot buildings, two stormwater ponds, patio, courtyard, parking lot and a 10-foot-wide pedestrian path that leads from the Henmick site to the Brown Township Hall. The development is proposed in three phases as noted in the Phasing Plan. Phase 1 includes all existing development, agricultural fields and the brewery gravel parking lot. Phase 2 includes an existing barn and proposed expansion of parking across the street from the brewery. Phase 3 will include the Inn and Tavern, patio, courtyard, parking area and landscaping. The existing single-family home will be removed to allow for the Inn and Tavern to be developed.

### History

The existing development received a Conditional Use approval from the Brown Township Board of Zoning Appeals in 2018 to allow for the brewery use. That use has expanded over time including the parking across the street, pop-up market, food trucks and events, which has led to this rezoning request.

### Comprehensive Plan

Brown Township's 2019 Comprehensive Plan includes the majority of the site in **Sub Area 4 – Critical Resources**. The Township's intent for this general sub area is to limit density in order to protect surface and groundwater quality, to prevent pollution of Alum Creek Lake, to prevent undue congestion of the rural road network, to protect floodplains, and to protect the real estate values of large-lot residential neighborhoods. The plan recommends a gross density of 1 unit per 5 acres for all lands within 1,000 feet of the 100-year floodplain and/or top of 20% or greater slopes. This lower density of development is intended to limit the disturbance to the natural ecosystem and the preservation of groundwater. Conservation subdivision guidelines are recommended that promote natural landscapes. Tree preservation is encouraged to reduce stormwater runoff and protect surface and groundwater quality. The Comprehensive Plan goals include meeting the Township's vision to retain economically agricultural land and to retain the rural character of Brown Township.

The 18.938-acre field that is part of this rezoning that is furthest south is proposed to remain active agriculture and include a 10-foot-wide pedestrian path that leads to land acquired by Brown Township in

2021 just north of the Township Hall and park. This land area is included in **Sub Area 3 – Old Village of Kilbourne** and is recommended to promote elements of a traditional, walkable mixed-use neighborhood, include complementary mixed land uses within a ¼ mile walking distance and should be considered as a possible location for a township park. The proposed path shows an extension to this property, which would connect visitors from the Inn and overall Henmick site to the Township facilities and potentially the Village of Kilbourne.

The applicant states in the Development Text that the existing wooded areas and tree lines shall remain and 56 +/- acres (based on Plan Sheet 4) of agricultural land is being preserved and included in the open space. However, Staff notes the existing wooded areas and tree lines appear to be on the adjacent USA lands to the east and much of the 80.81-acres of “open space” will be active agricultural land. If the agricultural land is intended to remain active agriculture within this PC district, that land should be placed in an agricultural conservation easement or removed from this request. Additionally, the commercial use is not supported by the Plan and the use will likely create intermittent traffic congestion along SR-521. It would also be helpful to know what the full capacity would be on any given day that the event center and the Inn and Tavern are fully booked.

**The proposal does not comply with the Plan’s recommendations for location and extent of Commercial zoning.**

### Issues

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

A total of four access points are proposed along N. Old State Road; two on the west side for the parking lot and two on the east side that will directly access the event center/brewery (north) and the Inn and Tavern (south). New parking is proposed south of the Inn, which will alleviate some of the pedestrian crossing concerns. However, the parking across N. Old State Road is projected to remain, with additional grass parking set aside for large events. A crosswalk with flashing beacon is being proposed to connect the existing parking area to the west to the commercial uses to the east. With N. Old State Road being a County road, such a marked crossing would be controlled by the County Engineer. A traffic memo regarding access points, drainage, and other details has been submitted to the DCEO for review but no determination has been made at this time.

#### **Drainage:**

Alum Creek is just to the east of the site. Due to the land’s topography, the site will naturally drain to this stream. There will also be one stormwater pond at the northeast corner and one at the southside of the site and storm sewers throughout.

#### **Signage:**

Entry signs, wayfinding signs and other identification signage on metal or wood posts with metal or wood placard/sign face may be proposed. One painted or screen branding and logo and/or identification mural sign or graphic may exceed square footage requirements and shall be permitted on the buildings A, B, C, D and/or E without the need for any separate variances from the BZA. A Sign Detail sheet was submitted indicating 22 total signs proposed, with the smaller directional signs being around 1.5 square feet and the largest being the mural that totals 480 square feet.

### **Open Space:**

Minimum required open space is 30% (26.04-acres). The plan proposes 93.1% (80.81-acres) since agricultural land on the west side of N. Old State is being rezoned in this proposal. **Staff recommends** including an open space plan to clearly identify the open space (agricultural, grassland, etc.) and specifically limiting development within that area (if the proposal is approved).

### **Lighting:**

Lighting pole locations are identified on the plan. Such lighting must adhere to the Resolution, which require shielded, cut-off downlighting and prevention of lighting which would shine on adjacent roads or other properties.

### **Sanitary Treatment:**

On-site waste water treatment is being utilized for the current operation and additional treatment areas are proposed across the street, to the north and south of the parking lot in the agricultural fields. These systems must be reviewed and approved by either the Delaware County Public Health Department or OEPA. No additional information was provided, but the proposed treatment areas are identified on the plan as being located west of N. Old State near the proposed Inn and expansion. Based on the intensity of use, additional information should be expected.

### **Divergences**

Six divergences are requested:

1. **Section 14.06(A(17))** – Building height may not exceed 35 feet. The request is to allow the Inn and Tavern building to reach a height of 42 feet.

**Staff Comment:** Staff notes that the building elevations submitted show the peak of the Inn and Tavern chimney at 42 feet, 8 inches and the peak of the roof at 39 feet, 6 inches. The Zoning Resolution states that the height measurement is to be “the average height between the eaves and ridge for gable, hip and gable roofs.” Additional information should be provided to determine what height divergence must be requested as it appears a total height request of 42 feet is not necessary. Based on the criteria for measuring the height of a gable roof, the height variance may be minimal, or not necessary. Therefore, staff supports the request.

2. **Section 21.01(B)** – All common parking areas and adjacent aisles or driveways shall be paved with asphalt material or cement. The applicant states in the variance request that they are proposing a gravel surface for certain existing and future installation of expanded gravel parking areas within the development to “provide for a more rural, farmland look and natural aesthetic, including grassy overflow parking areas surrounding existing gravel parking areas to the west of N. Old State Road.”

**Staff Comment:** As long as dust from the gravel is managed and does not negatively impact neighboring properties, staff has no concern with this request as stated. Additionally, the nearest home south of the proposed gravel parking addition is approximately 1,100 feet and the nearest home to north of the existing gravel parking area is approximately 1,180 feet, both separated by land owned and farmed by the applicant. Staff notes that the Development Plan identifies an asphalt surface for all dedicated parking spaces and drive aisles near the Inn and Tavern, which staff would strongly concur with.

3. **Section 23.03(A(1(3)))** – The minimum perimeter landscaping required when adjacent any residential zone is 10 feet, adjacent to all common boundaries, including street frontage, and must contain 1

tree/40 feet of lineal boundary ... continuous 6 feet high planting, hedge, fence, wall or earth mound. The applicant states that “existing wooded areas and tree lines along the perimeter (to the east) and any existing trees and supplemental trees, along the east side (frontage area) of the right-of-way of N. Old State Road, as shown on the landscape plan are being installed and existing plantings shall remain.”

**Staff Comment:** Staff has no concerns with this request as the property to the north is the Old Kilbourne Cemetery and the property to the east is USA lands that are densely wooded. However, some landscaping/screening should be provided around the north and south perimeter of the gravel/grass parking area on the west side of N. Old State Road to improve aesthetics and manage dust from the gravel. Staff notes that landscaping is provided between the proposed pedestrian path and the southern property line. However, that is approximately 1,070 feet away from the parking area.

4. **Section 23.03(A(8(A)))** – The minimum interior landscaping required for the northeast parking area is 951.25 square feet, with no interior landscaping provided. All other parking areas are proposed to exceed the interior landscaping requirement.

**Staff Comment:** Staff assumes the northern parking area is limited by the stormwater basin and cemetery to the north. In order to gain the maximum number of parking spaces on the east side of the road, as well as the location of existing woods to the east, staff can understand this divergence request.

5. **Section 23.03(A(8(B(3))))** – Interior Landscaping for Vehicular Use Areas/The minimum trees to be provided for a development with over 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and, a total tree planting equal to twenty-five inches plus one-half inch in tree trunk size for every 4,000 square feet over 50,000 square feet in ground coverage. The applicant would like to reduce the number of required trees in the northeast and west parking areas from 32 to 0.

**Staff Comment:** With no justification as to why this standard cannot be met, Staff does not support this request to reduce trees to zero.

6. **Section 23.04(A)** – One tree must be planted every 25, 35, or 45 feet (based on tree size) along N. Old State Road right-of-way. The applicant stated that no new trees will be planted along the ROW, but that the existing 8 trees will remain (generally located in front of the Inn).

**Staff Comment:** Staff does not believe it's necessary to plant trees along the entirety of the land to be rezoned as most of the land is agricultural fields and most of the grassed area in front of the existing brewery serves as roadside drainage. However, this requirement could certainly be met along the frontage of the west parking lot and the Inn and south parking lot.

7. **Potentially required but not requested: Section 14.06(A(11))** – Minimum rear setback is 100 feet to any residential zoning district. The proposed minimum rear setback is 23.45 feet

**Staff Comment:** If requested, Staff would have no concerns as the property to east is USA lands that are densely wooded, in the floodplain and unlikely to develop.

8. **Potentially required but not requested: Section 14.06(A(12))** – No parking shall be constructed within 35 feet of the lot line of an existing or proposed Residential Zoning District. The adjacent land to the east is zoned FR-1 and allows for single-family dwellings. The Inn parking area that is closest to the eastern property line is only 22.35 feet from that property line.

***Staff Comment:** If requested, Staff would have no concerns as the property to east is USA lands that are densely wooded, in the floodplain and unlikely to develop.*

### **General Staff Comments**

Generally, staff supports this development and encourages the existing uses to be properly zoned to the Planned Commercial and Office district. The various uses are currently a benefit, bringing value to the Township and the general area. The addition of an Inn would be a positive expansion.

However, based on the number of divergences requested (particularly landscaping), the intensity of some uses and a number of proposed uses not listed as permitted uses in the PC district (brewery, winery, distillery (all are NAICS 3121)), lack of sewer service at the time of development, and the Brown Township Comprehensive Plan recommendations for this site, staff does not support the rezoning request as submitted.

### **Staff Recommendations**

Staff recommends **Denial** of the 89.6-acre rezoning request by Henmick LLC from FR-1 to PC to the DCRPC, Brown Twp. Zoning Commission and Brown Twp. Trustees, *based on the issues highlighted in this report.*

If the request is supported by the Township, the applicant should consider only rezoning the area on the east side of N. Old State as well as the related parking area on the west side of the road (approximately 12.5 acres). If the applicant and Township want that area maintained as agricultural land, it is likely better that it remain as it is currently zoned or preserved by utilizing another conservation tool. Landscaping within the plan still needs to be addressed as noted within the Divergence section of the report.

### **Commission / Public Comments**

Ms. Rebecca Mott with the Plank Law Firm was present to represent the applicant. She explained that the Brown Township Zoning Resolution allows applicants to skip the preliminary development plan and go straight to final development. They have prepared all of their plan sheets, submittals, landscaping details and are able to file both together. Their zoning text lists the permitted uses, prohibited uses, the landscape treatment, parking spaces required, regulations of height, setbacks, divergences requested, access and site plan with date and name. She said what staff essentially is requesting is that they reduce the area to be rezoned and possibly split off the agricultural portion to the rear. The building on the east side of North Old State is a brewery and conditional use or expanded use home occupation use permit. However, with the gravel lot across the street (off site), that would trigger a rezoning for this unified development. They prefer to not split the lot and utilize the tracts as they exist. The plan sheets and committed text identify what the uses are and that the open space is identified at 93% (rather than 30% under the code). If you reduce open space in the future, the code requires you to file an amended zoning text and revise a final development plan.

There is an asphalt parking area proposed for the future Inn and Tavern on the south side of the east lot.

The northeast and west parking lots are gravel. The reason for the divergences are mostly to comport with the gravel that is existing. She explained they can't put 145 square feet of planting soil and mulching beds within a gravel lot and put in shade trees. She is suggesting that they have what is already put in which are grasses and ornamental shrubs that are low to the ground. The asphalt lot is proposed in the future to the south. The applicant would provide all the shade trees and ornamental shrubs and grasses as required there. The height variance is related only to the Inn and Tavern building and they do agree that they probably have increased that to 42 to give themselves flexibility based on how the code delineates the height standard and definition. The difference is only about 7 feet and they feel that is pretty reasonable.

She noted that the Comprehensive Plan for the township states that they want N. Old State Rd. in this area to have walkability and bike-ability from the Village of Kilbourne, so they are providing an easement path with a 10 foot multi-use trail granted to the Township for connectivity to the Township Hall, ball fields, etc.

The crosswalk that they have proposed is under review by the Delaware County Engineer's office. This would be a crosswalk for pedestrians in a safe location where the gravel lot is currently located. They would like to reduce the speed from 55 to 35 mph along with a flashing beacon in the ROW area.

Ms. Mott explained that the applicant would like to keep the large tracks of land together and not split out the agriculture area but if the DCRPC would recommend denial based on that reason the applicant could consider rezoning a reduced portion of the property by a legal description only and not split the property.

The proposed landscape plans include a large buffer to the residential lot to the south of the easement path. They have also proposed a grassy area by the existing gravel lot for expanded parking if needed.

Ms. Mott stated that if the will of the Board is to go with the staff recommendation of denial, then they would like to either reduce the rezoning area by legal description or table and not move forward in order to work with the County and Township for a favorable plan. They had a meeting this week with over 50 residents and community stakeholders attending (way beyond the legal requirement for notice) and feel they are putting in the effort, time, and investment to communicate and inform the public. Overall they had a positive response. She stated that you can put agriculture in any zoning district in the Township and that would be exempt from regulation under state law so they don't feel like they need to do an agriculture conservation easement on the farmland to remain but they propose to do that anyway. The conservation easement would be an over burden, over restriction on the land and their constitutional property rights and could hurt the value of property over time. The proposal will add value to surrounding land.

Mr. John Barney, Brown Township resident (2815 N. Old State Rd.), stated he lives about a mile from the brewery and just heard about the rezoning yesterday. He was surprised by the scope of the request. He agrees the Brewery has been a success but this zoning request doesn't really fit with what Brown Township is looking for. The proposal lists about 400 parking spaces. He thinks there are only 500 homes in Brown Township. He is concerned with the traffic and wants to keep the rural character.

Ms. Holt expressed concern that the proposal does not comport with the Comprehensive Plan. Ms. Mott explained that the brewery already exists so it already has land use approvals including brewery, fermenting operation that includes retail, dining, and all the uses they are proposing in the text. The only reason this has triggered this zoning application is the parking area to the west. She feels under the planned zoning that flexibility should be allowed for these additional uses that comport with the use that can exist and that add

amenity for the community. She explained they are happy to reduce the zoning area if that would make the Commission happier but they have committed to the plans as presented. Ms. Holt stated she did not hear how the proposed land use comports with the proposed land uses identified in the Comprehensive Land Use plan. The details don't matter. It's the fundamentals of the proposed land use. She also expressed concern that the application is for almost 90 acres of rezoning and once it's rezoned it is rezoned regardless of what is being presented here and opens the door to other applications.

Chairman Shafer stated that he agrees with staff in that he likes the idea of the Inn and utilizing the property in this way but rezoning 90 acres when the vast majority has no master plan whatsoever is concerning. Also, having some of this area not recommended for commercial is a concern. He said that if Brown Township wanted to entertain something like this, they may be better served to amend their zoning code to allow this to happen without having the PCD rezoning or doing some sort of Comp. Plan update to really solidify what they do want to see in this area before entertaining a rezoning.

Chairman Shafer explained that RPC doesn't generally table for the purpose of revisions. Unlike the Township, we don't have plans that come back for additional review as they tweak the plans. That is done at the Township level. RPC basically votes on applications as is. If the applicant is proposing to amend the plan, (to which he is glad they are open to the possibility), that would be something RPC could put as a condition of approval as apposed to officially modifying the plan. That revision would need to be done with the Township. Ms. Mott stated that if the will of the Board was to adopt the staff recommendation for denial based upon 89 acres, they are committing to the RPC to revise the application to reduce the area to a suitable acreage, revise their submittal to the Township in order to garner the RPC support.

Mr. Shafer expressed concern with rezoning based on a legal description. He has had issues within his Township that have caused an administrative nightmare. He stated that if the acreage was reduced, he would advocate for the lot lines to be revised.

Mr. Cattrell stated his concern with rezoning such a large area and that it could be further developed down the road.

Ms. Raehl questioned whether the permitted use is under a conditional use currently. Ms. Mott said either that or an expanded home occupation. Ms. Raehl said the Comp. Plan currently doesn't allow for NAICS code 3121 and questioned if the Comp. Plan states that if a use is not explicitly stated as being allowed, that it is not permitted for that area.

Ms. Mott said the zoning code controls the property for development and in a planned district the zoning text controls. This zoning code was updated by the Township in 2018 along with the comp. plan. This property does provide the linkage from Kilbourne to N. Old State. The goals that are recommended in the Comp. Plan are planning principles and goals. They are not the law. The code goes through the PC standards they must meet and they do meet every single one. The approved text and development plan determines those items. They go beyond that. They take all the default standards under a straight zoning classification and used that as the base. They meet in almost every case, except 6 small, slight minor divergences. Even though the Comp. Plan has identified this property for uses that are more conservation resource, they are setting aside 90% of it as conservation resource, open farm land and preservation of the woods to the east. So, you are getting all of the criteria, plus more, that the code requires of them. She said the zoning map could reflect the area rezoned by legal description and a metes and bounds survey and not

parcels. She has a sketch that shows a reduced area. The sketch is not ready to be a part of the application (as it hasn't been submitted to the Township) but is happy to show the Commission what they are proposing in order for a favorable vote.

Ms. Raehl said that the Comprehensive Land Use Plan does not indicate that this area was an intended use in 2018. Things change and comp. plans need to be updated. The zoning text also does indicate that permitted uses that are not explicitly indicated for these areas are not permitted. And so, by both the comp. plan and the zoning text standard, this use just simply doesn't apply for a rezone. It does meet the conditions of a conditional use perfectly well. But when talking about a rezoning, it truly is like opening Pandora's box because it is just not for a permitted use for NAICS code 3121, it is a permitted use for all that is inclusive of that area, for this wide swath of land. Since there is no master plan for that, we can't make an intelligible vote. Ms. Mott disagreed. She said they can't continue the use as they see it on the board without a notice of violation if this planned district is not approved because the gravel lot that was installed is off-site. It is a property that her client owns but they cannot legitimately operate with the lot across the street safely.

Mr. Snodgrass stated he doesn't dislike what the applicant is trying to do but has a concern with the traffic issue and rezoning this large tract of land.

Ms. Mott handed out a revised layout with a reduced area on the west side of N. Old State. Chairman Shafer explained that the Commission could take the revised layout under advisement if the Commission was willing to make a conditional approval to reflect the revised plan but it is not an official submittal.

Ms. Mott requested to table the proposal. Mr. Sanders explained that the RPC is reviewing the application on behalf of the Township. The Township's clock started. A withdrawal or tabling would need to be done at the Township first. Chairman Shafer stated RPC has a statutory obligation to provide the Township with a recommendation within a certain period of time. Ms. Mott disagreed that an applicant couldn't request a tabling at the Commission.

***Ms. Holt made a motion to recommend Denial of the Henmick LLC rezoning from FR-1 to PC, based on staff recommendations and inconsistency of the Comprehensive Plan. Mr. Manley seconded the motion. VOTE: Majority For Denial, 5 Opposed. Motion carried.***

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16-24 ZON      Dustin Ward & Michelle Morris – Harlem Twp. - 6.421 acres – AR-1 to FR-1

### Request

The applicants, Dustin Ward and Michelle Morris, are requesting a 6.421-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

### Conditions

**Location:** 11761 Fancher Rd.

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

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

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

**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 6.421-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. The site will be located between a property developed with a single-family home to the west and north (zoned AR-1) and five lots zoned FR-1 to the east along Miller-Paul Rd. The surrounding area is a mix of land zoned AR-1 and FR-1 with a 1.118-acre tract to the south west zoned Neighborhood Commercial (C-2). 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 two 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 for any new lot 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 Fancher Road. Any future split or development will be reviewed by the Delaware County Engineer's office to ensure drainage is addressed.

**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 almost the entirety of the proposed lot includes poorly drained soil (Pewamo), which may limit where a home and wastewater treatment system can be located. Any future split will require review and approval of all the typical No Plat review agencies, including DPHD.

**Staff Recommendations**

Staff recommends **Approval** of the rezoning request by Dustin Ward and Michelle Morris from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees. If approved, all current standards within the Zoning Resolution must be met unless otherwise approved with a divergence.

**Commission / Public Comments**

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

***Mr. Matlack made a motion to recommend Approval of the rezoning request by Dustin Ward and Michelle Morris. Mr. Cattrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**17-24 ZON      BJ Builder LLC. – Liberty Twp. –20.05 acres – FR-1 to PRD**

**Request**

The applicant, BJ Builder LLC., is requesting a 20.05 acre rezoning from FR-1 to PRD for a 34-unit development known as Liberty Place.

**Conditions**

**Location:** south side of Hyatts Rd., west of Liberty Rd.

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

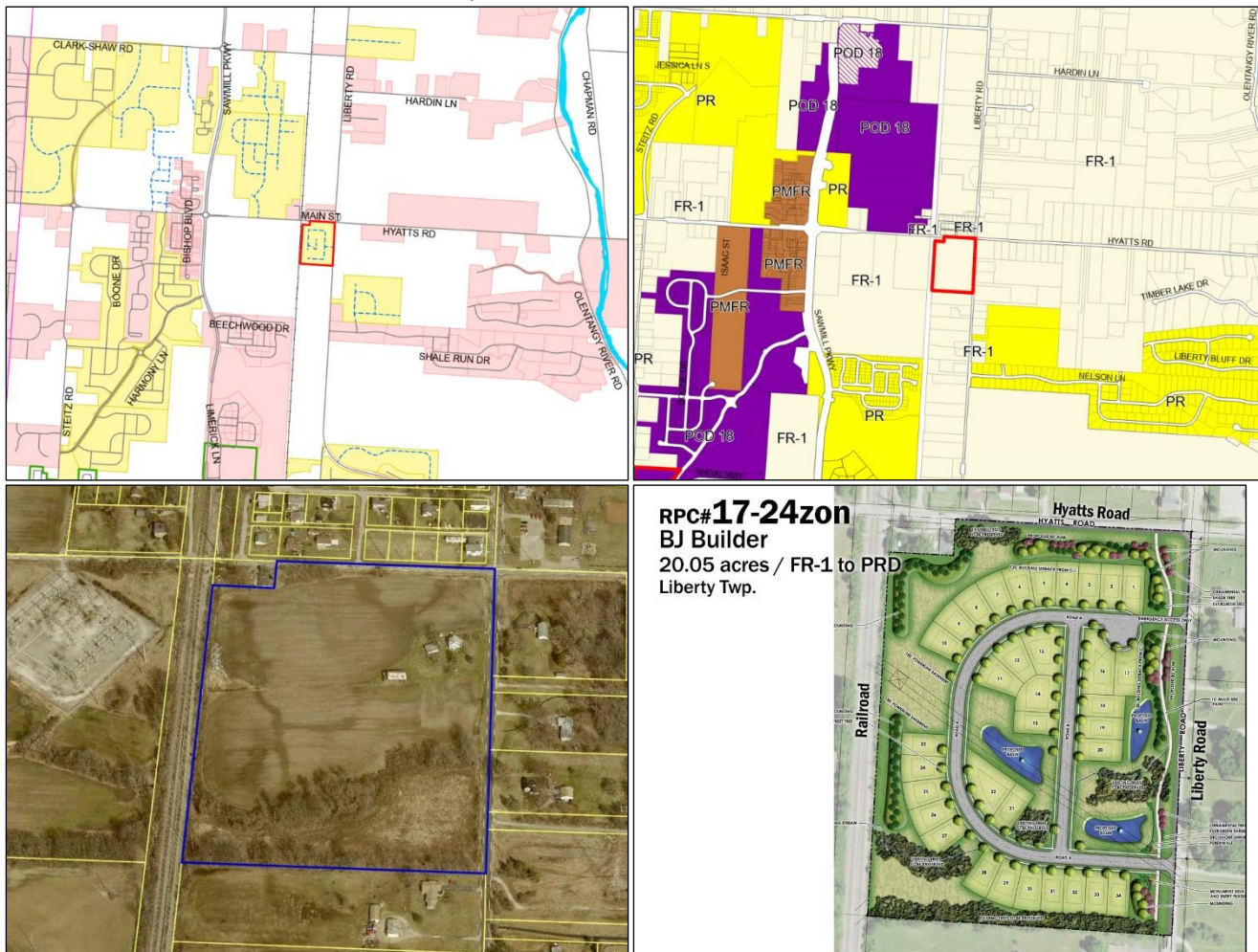
**Present Use(s):** One single-family house / **Proposed Use(s):** 34 unit single family development

**Existing Density:** 1 du / acre **Proposed Density:** 2.45 du / net developable acre

**Number of units requested:** 34

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

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



**Introduction**

The Liberty Place subdivision is proposed to be developed in a single phase with 34 single-family residential lots. It is proposed to include mounding and screening along Hyatts Road, Liberty Road and the railroad tracks, utilizing multiple stormwater basins. Public streets will be developed with one main point of ingress/egress toward the south part of the site to Liberty Road and one emergency access point from the

cul-de-sac, also to Liberty Road. The plan shows a 10-foot wide multi-use path along Liberty Road and a 60-foot buffer that surrounds the stream on site. There are high-voltage power lines that bisect the property from northwest to southeast within an easement that totals an area of 3.18-acres. The typical lot configuration is 60 feet wide by 120 feet deep, or 7,200 square feet.

### **Process**

Liberty Township allows the filing of a Preliminary Development Plan for consideration and approval as the rezoning action. Should the rezoning be approved, a Final Development Plan will be submitted with additional detail.

### **Comprehensive Plan**

Liberty Township's 2018 Comprehensive Plan includes this area in Sub Area II – Olentangy West Highlands. The site is recommended for residential development within a planned residential zoning district with a maximum net density of 1.25 dwelling units per acre and provide a minimum 20 percent open space. The Plan also recommends preserving natural resources and wildlife corridors, encouraging greenways and trails, and potentially creating park lands. The Comprehensive Plan Map also identifies three potential wetlands on site. Staff recognizes that additional open space would be dedicated, with 36 percent of this site shown as preserved and the existing wildlife corridor to the south is also protected. However, the proposed net density of 2.45 du/acre is not supported by the plan and is much higher than the recommended density.

**The proposal does not comply with the Plan's recommendations for density.**

### **Issues**

#### **Density:**

Recommended in the Comprehensive Plan: 1.25 net du/acre    Proposed: 2.45 net du/acre  
Permitted in PRD: 1.5 du/acre

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

The development proposed one point of full access at Liberty Road with an internal loop road that terminates at a cul-de-sac to the northeast. An emergency-access-only drive connects from the cul-de-sac to Liberty Road. DCEO is planning a roundabout for the intersection of Liberty and Hyatts.

#### **Drainage:**

Stormwater structures are located throughout, draining to three stormwater basins, all of which drain to the stream on site. The development text states "surface drainage, storm sewer, and detention will be handled on-site as determined during Final Engineering."

#### **Signage:**

One monument style entry sign is proposed. The development text states that "Temporary sales signage and model home signage is anticipated for this development. Final locations and details will be provided at the Final Development submission." A sign detail for the monument sign can be found on Exhibit D-2.

#### **Lighting:**

The only lighting proposed is for the entry sign. No street lights are proposed.

### **Sanitary Treatment:**

Public sanitary sewer is available through Delaware County via a recently built line in Nelson Farms North approximately 600 feet to the southeast.

### **Open Space / Health:**

**Required:** 20% (4.01-acres) **Proposed:** 45% (9.1-acres), 36% (7.3-acres) excluding powerlines & ponds with acreage over 15%. Although a multi-use path is shown along Liberty Road, another path should be shown along Hyatts Road unless the Township intends a path on the north side of the road.

### **Divergences**

Three divergences are requested:

1. Section 7.03 – The request is to reduce the principal structure setback from 25 feet to 5 feet, or a structure separation of 10 feet. The applicant stated that *“eaves (1') will be allowed to encroach into this setback. The current Ohio Residential Code states that structures that are 10' apart or greater do not require fire rating and have unlimited wall openings allowed. This allows homes to be clustered, avoiding existing ephemeral stream, overhead transmission power lines, and large buffers from Hyatts Road and Liberty Road.”*

**Staff Comment:** Staff does not have a concern with this request in general, however; meeting this requirement would change the configuration of lots and help the development to be more in line with the permitted density.

2. Section 7.05(B) – The request is to allow the proposed basins to be located within the front yard of the development. The applicant stated *“The basin locations on site were determined based on existing contours and water flow patterns, to be the ideal placement for engineering purposes.”*

**Staff Comment:** Staff is unclear if this divergence is necessary based on the basins being located in dedicated open space and not the “front yard” of a developable lot. Section 10.07(F) of the Zoning Resolution allows for stormwater ponds to be located in open space. Staff would not support basins in front yards, but has no concern with the identified locations.

3. The density was acknowledged as a needed divergence request and has already been addressed in the report.

### **Staff Comments**

Staff supports the subdivision design in general as it protects the stream and wildlife corridor on site, provides adequate open space and screens the development from neighboring properties and the ROW, lots are clustered and the sidewalks and trails are provided. However, based on the permitted density being exceeded by 0.95 du/net acre, Staff does not support the request as submitted. It is of note that Section 10.07(B(2)) of the Zoning Resolution encourages the efficient use of land and resources, innovation and preservation of natural resources and features in planning and building, the Township may consider exceptions to densities in the Liberty Township Comprehensive Plan to allow clustering of dwelling units where appropriate. Provided the proposed density was reduced to a level that is acceptable by the Township, Staff would support this development. Staff believes this is too great a difference to simply recommend Conditional Approval.

### **Staff Recommendations**

Staff recommends **Denial** of the rezoning request by BJ Builders LLC. from FR-1 to PRD to the DCRPC,

Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *based on the findings 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. Todd Faris, Faris Planning and Design, was present to represent the applicant. He understands the concern with density and will take the recommendations into consideration when moving forward with the Township. He explained the development would be a unique design with high quality materials and architecture.

Mr. Patrick Donovan (6941 Liberty Rd.) explained his family has lived there since 1991. They purchased the property because the surrounding area was zoned FR-1. He believes the high density zoning is out of control.

Mr. Scott Miller (6075 Liberty Rd.) said the Comprehensive Plan allows for 1.25 units per net acre and feels the applicant should adhere to that. He was under the understanding that a multi-use path was to be required along Hyatts Road to connect from Sawmill Parkway to Slate Hollow Park but does not see that on this plan. He stated that retention ponds, per the electric company, can not be under the high tension lines so the developer needs to address that issue.

Mr. Jason Davis (3773 Liberty Rd.) stated although he is not a direct neighbor to this property, he is feeling the effects of the traffic on Liberty Road. He feels it is already a dangerous road and adding a high density development will just exasperate that issue. Mr. Davis stated he is a member of the Redman Lodge that is close to this development. The lodge has been in that location since the early 1800's and he disagrees with the density request.

***Mr. Weade made a motion to recommend Denial of the rezoning request by BJ Builders LLC based on staff recommendation. Ms. Raehl seconded the motion. VOTE: Majority For Denial, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.***

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**18-24 ZON      Dublinbyconcord Ltd. – Concord Twp. – 94.213 acres – FR-1 to PRD**

**Request**

The applicant, Dublinbyconcord Ltd., is requesting a 94.213-acre rezoning from FR-1 to PRD for the development of Hollybrook, a 140-lot single family residential development.

**Conditions**

**Location:** west side of Dublin Rd., between Duffy Rd. and Moore Rd.

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

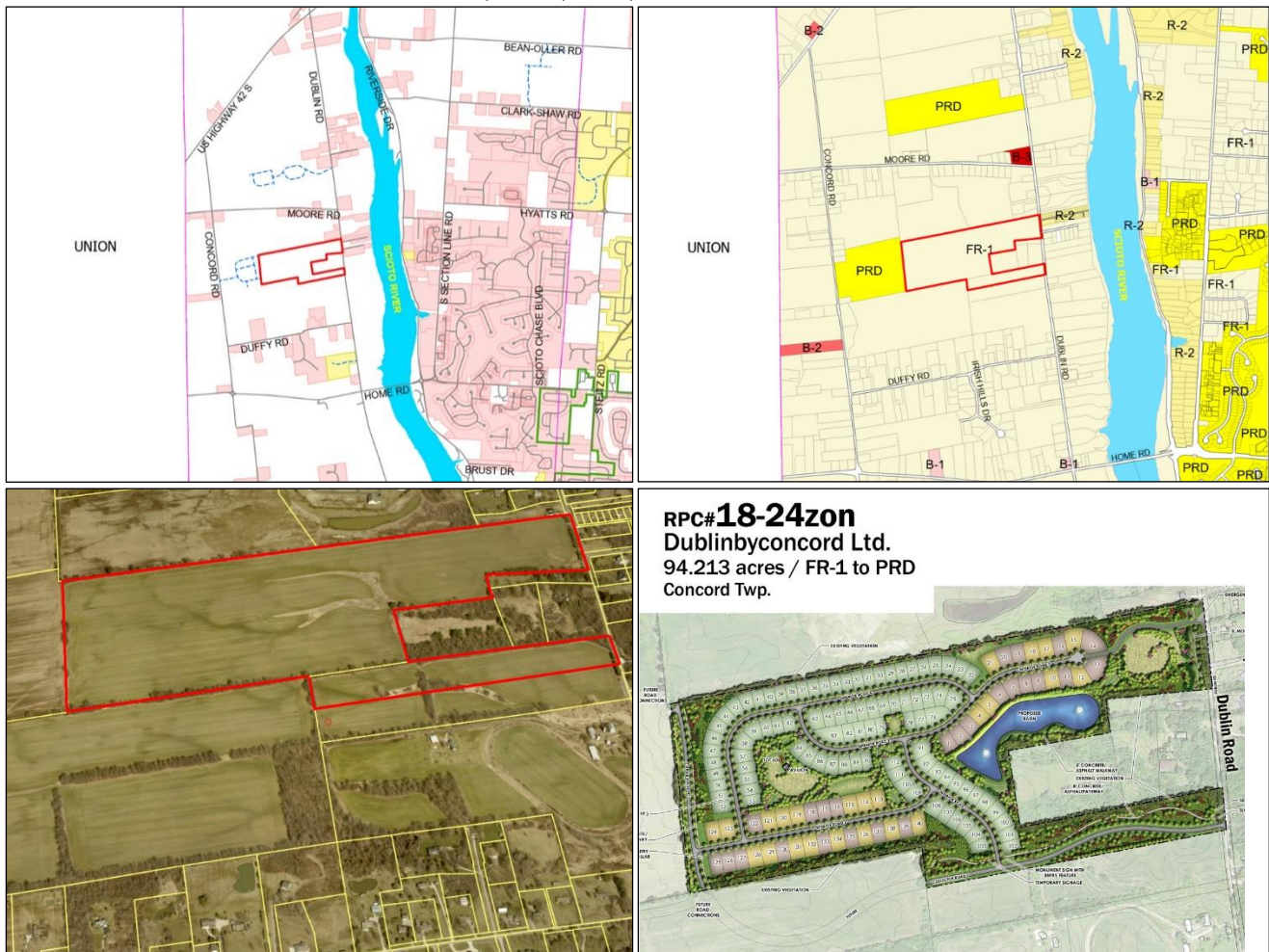
**Present Use(s):** agricultural / **Proposed Use(s):** single-family house lots

**Existing Density:** 1.5-acre lots **Proposed Density:** 1.49 du / 1acre

**Number of units requested:** 140

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

**Critical Resources:** stream / **Soils:** BoA, GwB, BoB, PwA



**Introduction**

The Hollybrook subdivision is proposed to be developed in three phases, with 30 lots in phase 1 and 55 lots in both phases 2 and 3. The development will include ample open space, mounding and screening along Dublin Road, one large centrally located stormwater basin, internal public streets with access to Dublin Road, sidewalks, trails and a multi-use path, a playground and pavilion, two cluster mailbox units (CBU) and one entry sign. There are three typical lot configuration types: 73' wide by 135' deep (9,855 s.f.), 85'

wide by 145' deep (12,325 s.f.), and 95' wide by 145' deep (13,775 s.f.).

### **Comprehensive Plan**

Concord Township's 2021 Comprehensive Plan includes the site in Subarea III – West Scioto. This area is recommended for planned residential developments with a gross density of 1.5 du/acre, minus existing road rights-of-way and road easements. General proposed road locations are included in the plan to help collect and distribute local traffic for this subarea, with east/west and north/south connector roads crossing this property. These proposed roads would connect Moore Road to Dublin Road and Concord Road to Dublin Road. Two “unloaded” arterial streets (streets with no driveways) are proposed along the southern edge of the site and the western end of the site.

Goals and Objectives of the Plan include preserving the rural character along township roads and scenic views by including landscaping, provide parks, green space, walking/biking paths and link other neighborhoods to these amenities.

**The proposal generally complies with the Plan's recommendations.** The applicant is proposing the density recommended in the Comprehensive Plan, and is also providing for east/west and north/south road connections, ample usable open space with sidewalks and paths that connect to adjacent lands that have potential for residential development, landscaping and buffering is provided along Dublin Road and the nearest residential lot is setback 650 +/- feet from Dublin Road.

### **Issues**

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

The proposed development pattern uses public streets with one main point of ingress/egress to Dublin Road (southeast), one emergency access point to Dublin Road (northeast) and four road stubs to adjacent properties to the south, west and north.

#### **Drainage:**

A large stormwater basin is centrally located and stormwater structures are located throughout. An adequate drainage outlet was not identified by the applicant, which will be required by the Delaware County Engineer's office prior to Final Engineering plan approval. A defined ravine and ephemeral stream exit the site from the basin through the Grant property toward the east.

#### **Signage:**

The Development indicates one lighted monument style entry sign (18.21 Sq. Ft. per side) and one entry pillar that includes the subdivision name (3.3 Sq. Ft.).

#### **Lighting:**

No street lights are proposed.

#### **Sanitary Treatment:**

The site is served by Delaware County from the north. The Lower Scioto Water Reclamation Facility is located directly adjacent to the site.

#### **Landscape Standards:**

- **Protected Natural Area (PNA):** 5% (4.71-acres) of the site area is noted as Protected Natural Area in



accordance with the landscape standards. This includes a 50-foot-wide minimum and includes 18 trees per lot (or 2,520 total trees):

- Exhibit D-1 breaks down the PNA and exhibits D-2.1 through D-6 graphically show the plantings and identify the plant mix.
- It does not appear that all of the PNA meet the minimum 50-foot width.
  - PNA area F is curved and comes to a pinch-point. It's unclear to Staff if the Perimeter Screening Area (PSA) areas A, B and C must also meet the 50-foot width requirement. They have areas reduced to 20 +/- feet wide. (See exhibit D-1/Landscape Requirement Diagram)
- **Public Open Space (POS):** 5% (4.71-acres) of the site area, 50 feet wide and include 6 trees per lot (840 trees):
  - Exhibit D-1 breaks down the POS and exhibits D-2.1-6 graphically shows the plantings and identifies the plant mix.
  - Amenities within the open space include 5-foot wide sidewalks and walking trails, a 10-foot wide multi-use path along Dublin Road, pavilion and playground.
- **Development Summary and Screenings:** See exhibit D-1.
  - Overall, there is 40% (38.5-acres) of dedicated open space.

Staff recommends that the Township continue to seek professional review of the landscape proposal against its standards within the Zoning Resolution to ensure adherence.

### Divergences

One divergence is requested:

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

***Staff Comment:** Divergences of this type are typically permitted as a function of the nature of unique sites for development. Staff recommends showing on the Development Plan where the driveways are placed and choose locations that reduce any potential conflicts as much as possible. This requirement is not a DCEO requirement and the Fire Department did not note any concern in the serviceability letter provided. This topic may need to be brought up with the Fire Department to ensure driveway locations have been reviewed and supported.*

### Staff Comments

Staff notes that this development appears to attempt to meet the spirit and intent of the Concord Township Comprehensive Plan and meets all Zoning Requirements other than driveway setbacks. However, a divergence to driveway location requirements has been requested and the Criteria for Approval found in Section 11.06(C) requires that the proposed development be consistent in all respects with the Zoning Resolution.

### **Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Dublinbyconcord Ltd. from FR-1 to PRD to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees, *but only if the driveway spacing divergence, which appears to be reasonable to staff, is met. Also, this recommendation is subject to:*

1. *Confirming the landscaping standards are met, and that the Protected Natural Area either meets the required 50-foot width, or that this is mitigated in some other way in accordance with the Zoning Commission and Trustees,*
2. *Clarify the timing of the road along the western border and ensure it is built with the final section of the project; and*
3. *If approved, all current standards within the Zoning Resolution must be met unless otherwise approved through a divergence request.*

### **Commission / Public Comments**

Mr. Todd Faris, Faris Planning and Design, explained that the perimeter screening to the north (not protected natural area) and they meet the requirement. This is a larger premier lot subdivision.

Ms. Holt asked if the applicant considered using the headwaters of the stream (as seen on the aerial) as more of a natural area as an organizing element for the layout. Mr. Faris stated the detention requirements here are significant and that is the outlet that they have so they can't move that location. There is a pathway around it as part of the natural area so it's not un-utilized but it's not a central feature. The people that own the three houses (to the east), he doesn't feel they would like people being encouraged around their house (on a path). This somewhat honors their privacy in keeping everything away.

***Mr. Matlack made a motion for Conditional Approval of the rezoning request by Dublinbyconcord Ltd., subject to staff recommendations. Mr. Manley seconded the motion. VOTE: Majority For, 1 Opposed (Commissioner Lewis, 1 Abstained (Concord Twp.). Motion carried.***

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## SUBDIVISION PROJECTS

### Preliminary

10-24                      Parkside at Evans Farm – Berlin Twp. - 350 lots / 182.9 acres

### Conditions

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

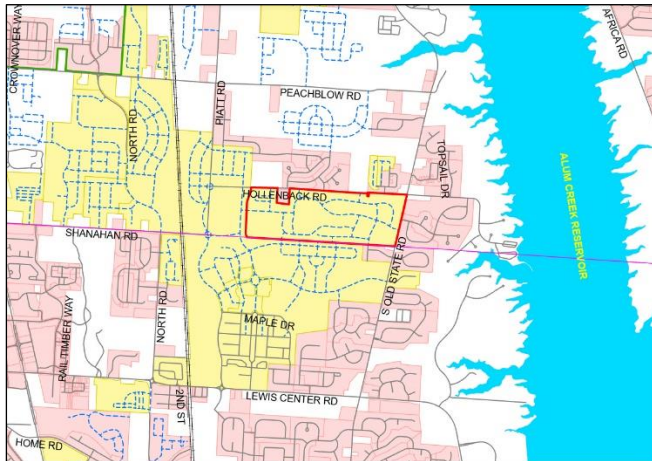
**Subdivision Type:** Single-Family Residential

**Location:** South side of Hollenback Rd., west of S. Old State Rd.

**Current Land Use:** Vacant

**Zoned:** Planned Residential / **Zoning Approval:** February 27, 2017 / **Amended:** March 11, 2024

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



**RPC#10-24sub**  
**Parkside at Evans Farm**  
350 lots / 182.9 acres  
Berlin Twp.



### Staff Comments

Parkside at Evans Farm is a residential subdivision with 350 single-family lots. All lots will front on internal public right-of-way. The five main points of ingress/egress are to Hollenback Road to the north, S. Old State to the east and the future Evans Farm Drive to the west. There are also three road stubs provided to the south that are intended to connect to future Evans Farm development that was already zoned in Orange Twp. Roadways within the Orange Twp. section will need to be realigned to connect to the proposed stub streets as they no longer line up. There are two typical lot configurations, 72' wide by

130' deep and 77' wide by 130' deep. Ample open space is provided throughout, the entire development includes sidewalks along all public roads, playground, dog park, multi-use path, pickleball courts, three stormwater ponds, cluster mail boxes (CBU) and the woods and wetlands at the southwest portion of the site are being protected.

*A technical review was held on May 21, 2024, after which the applicant has addressed all of the required changes.*

#### **Staff Recommendation**

Staff recommends *Preliminary Approval* of **Parkside at Evans Farm** to the DCRPC.

#### **Commission / Public Comments**

Mr. Jim Lipnos, Rockford Homes, was present to answer questions from the Commission. He stated they did received approval of the Preliminary plan modification from the Township in March.

*Mr. Merrell made a motion for Preliminary Approval of Parkside at Evans Farm, seconded by Mr. Boysel. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.*

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#### **POLICY / EDUCATION DISCUSSION**

- The next Citizen Planner Training workshop will be June 24 at 6:00 at the West Conference Room here in the building. Topics include “Planning Official Ethics 101” and “Working with the Public.”

#### **RPC STAFF AND MEMBER NEWS**

- Recognizing the passing of Marvin Miller – Mr. Miller served as the Representative for Porter Twp. from 1991-2011. He also served on the Executive Committee from 1992-1997.

*Having no further discussion, Mr. Boysel made a motion to adjourn the meeting at 7:38 p.m. Ms. Raehl seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, June 27, 2024, 6:00 PM at the Byxbe Campus Conference Room, 1610 State Route 521, Delaware, Ohio 43015.*

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Joe Shafer, Chairman

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Stephanie Matlack, Executive Administrative Assistant