

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, June 27, 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 May 30, 2024 RPC Minutes
- Executive Committee Minutes of June 20, 2024
- Statement of Policy

EXTENSION

19-22 Painter Farm - Concord Twp. - requesting a 12-month extension

ZONING MAP/TEXT AMENDMENTS

19-24 ZON Berkshire Twp. Zoning Commission - text amendments - Article 17

20-24 ZON Vocon Partners LLC - Berkshire Twp. - 24.480 acres - PMUD Art. 16

SUBDIVISION PROJECTS

Preliminary / Final

		Township	Lots/Acres
07-24	Carlton at Berkshire, Wilson and Rider Road	Berkshire	1 lot / 33.817 acres
09-24	Northstar Lundin Road	Berkshire	1 lot / 3.00 acres

ADMINISTRATIVE BUSINESS

- **Call to Order**

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

- **Roll Call**

Representatives: David Weade, Meghan Raehll, Steve Lisano, Duane Matlack, Gary Merrell, Barb Lewis, Sarah Holt, Jeff Kinnell, Joe Shafer, David Willyerd, Staci Hood, Robin Duffee, James Hatten, Ed Snodgrass, Herb Ligocki, Josh Vidor, Milly Drayer, Kent Manley, and Mike Dattilo. *Alternates:* Cheryl Friend, Glynnis Dunfee, David Setzer, and Mike Love. Arrived after roll call: Walt Thompson (R). *Staff:* Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.

- **Approval of the May 30, 2024 RPC Minutes**

Ms. Holt made a motion to Approve the minutes from the May 30th meeting as presented. Mr. Manley seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **June 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, Gary Merrell and Ed Snodgrass. Tiffany Maag was absent. Staff: Scott Sanders and Stephanie Matlack.

B. Approval of Executive Committee Minutes from May 22, 2024

Mr. Snodgrass made a motion to Approve the minutes from May. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

C. New Business

1. Financial / Activity Reports for May

REGIONAL PLANNING RECEIPTS		MAY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$410.00	\$2,050.00
Fees A (Site Review)	(4202)		\$2,800.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$1,200.00
Membership Fees	(4204)	\$13,460.00	\$222,529.20
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$788.29	\$9,775.42
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$39,000.00	\$45,310.60
Charges for Serv. B (Final. Appl.)	(4231)	\$19,100.00	\$55,175.44
Charges for Serv. C (Ext. Fee)	(4232)		\$2,400.00
Charges for Serv. D (Table Fee)	(4233)		\$1,200.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$2,300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$1,500.00	\$5,000.00
			\$500.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)		
Soil & Water Fees	(4243)		\$1,275.00
Commissioner’s fees	(4244)	\$200.00	\$2,400.00
		\$279.00	\$840.00
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)		
TOTAL RECEIPTS		\$74,837.29	\$354,810.64

Balance after receipts	\$1,171,076.87
Expenditures	- \$ 58,769.48
End of May balance (carry forward)	\$1,112,307.39

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

2. RPC Preliminary Agenda June

- a) Sketch Plans

	<u>Township</u>	<u>Lots/Acres</u>
▪ Dream Weaver Alive CAD	Liberty	3 lots / 7.23 acres

- b) Zoning Map / Text Amendments
 - Berkshire Twp. Zoning Commission – text amendments – Article 17
 - Vocon Partners LLC – Berk. Twp. – 24.480 acres – PMUD Art. 16

- c) Subdivision Projects

	<u>Township</u>	<u>Lots/Acres</u>
Preliminary/Final		
▪ Carlton at Berkshire, Wilson and Rider Road	Berkshire	1 lot / 33.817 acres
▪ Northstar Lundin Road	Berkshire	1 lot / 3.00 acres

- d) Extension
 - Painter Farm – Concord Twp. – requesting a 12-month extension

3. Director’s Report

- a) Berkshire Twp. Comp. Plan update. Township is currently using a consultant that is working on branding at 36/37 and I71 and land uses in the overlays,
- b) Berlin Twp. zoning code completed,
- c) Troy Twp. zoning code updated and on our website, also Comp. Plan adopted,
- d) Harlem Twp. continuing monthly meetings, attended a meeting formed by a group of residents; and
- e) Liberty Twp. - working with steering committee to update the Comp. Plan.

4. Consideration for Approval: contract for planning services with Shawnee Hills to update their Comprehensive Plan

Mr. Merrell made a motion to Approve the contract between the Village of Shawnee Hills and RPC for planning and zoning text update. Mr. Snodgrass seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

D. Other Business

1. Continued discussion of a County-wide Master Plan

Mr. Sanders noted the Thoroughfare Plan had not been updated since 2001. Discussion included determining the objectives of a plan, who the stakeholders are and what key concepts of a plan would be. Such a plan would possibly focus on corridors and general policies, not overriding any local plans. Gathering a lot of different information and planning in one spot would be a key part. Mr. Sanders will discuss with the County Engineer, Sanitary Engineer and Economic Development and bring feedback to the July Executive Committee meeting.

E. Adjourn

Having no further business, Mr. Snodgrass made a motion to adjourn at 9:52 a.m. Mr. Duffee seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, July 17, 2024 at 8:45 a.m. at 1610 State Route 521, West Conference Room, Delaware, Ohio, 43015.

- **Statement of Policy**

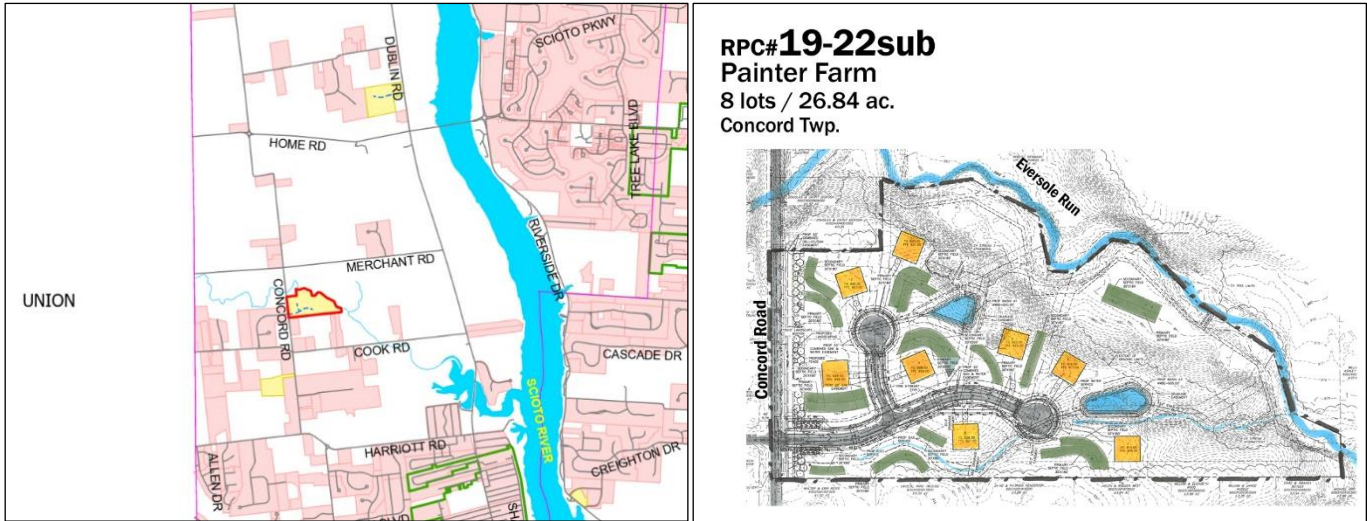
As is the adopted policy of the Regional Planning Commission, all applicants will be granted an opportunity to make their formal presentation. The audience will then be granted an opportunity to comment followed by questions from the Commission. This policy was adopted by the Regional Planning Commission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

EXTENSIONS

19-22 Painter Farm – Concord Twp. – requesting a 12-month extension

Applicant: Stavroff Land & Development / **Engineer:** Kimley-Horn

Preliminary approval: 06/30/22



Staff Comments

The applicant is requesting a 1-year extension for the Painter Farm subdivision. The applicant states, “The project has received approved plans in 2024 and anticipate starting construction June 2024. The project has private streets which requires the road to be constructed before the Engineer’s office will sign the final plat. We anticipate completing construction in 2024 and submitting the final plat by the end of the year.”

Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for the **Painter Farm** subdivision to the RPC.

Commission / Public Comments

Mr. Kevin McCauley with Stavroff was present to answer questions from the Commission.

Ms. Raehl asked the applicant to elaborate on the need for the extension. Mr. McCauley stated the development is well under construction and anticipate paving within the next two weeks. They had an easement to work through with the power company that took longer than anticipated. All streets in the development are private and need to be complete and inspected by Delaware County before filing the final plat.

Mr. Manley made a motion to Approve the 12-month extension for Painter Farm. Mr. Matlack seconded the motion. VOTE: Majority For, 1 Opposed (Berlin Twp.). Motion carried.

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ZONING MAP/TEXT AMENDMENTS

19-24 ZON Berkshire Twp. Zoning Commission – text amendments – Article 17

Request

Berkshire Township has forwarded proposed changes for the RPC to consider and provide recommendations prior to adopting these changes.

Berkshire Township Zoning Commission is proposing to amend Article 17 - 36/37 Planned Mixed-Use District. Three new permitted uses will be added and include the associated NAICS code; Breweries (312120), Wineries (312130) and Distilleries (312140). These uses are generally appropriate for this district and the associated NAICS codes are not listed in any other district. The Ambulatory Health Care Services (621) use will be expanded to Health Care and Social (62); this is the main 2-digit category for Health Care and adds additional uses and services. The maximum permitted multi-family density will also be reduced from 1,267 units to 727 and the amendment will remove language related to zone 5A, which is now developed as Northstar-Goldwell Neighborhood (126 lots). The maximum permitted single-family units will be increased from 200 to 340 units.

Since the adoption of the Article 17 PMUD, it has been applied to 167.65 -acres allowing for 386 single-family units and 240 multi-family units.

Staff Comments

Consider amending the Planned Commercial and Office District (PCD) to also include the Breweries, Winery and Distillery uses, as well as update the Health Care Services to NAICS code 62. The PCD already allows for Food Service and Drinking Places (NAICS 722), and this district may be appropriate to allow for the above listed uses.

Staff Recommendation

Staff recommends *Approval* of text amendments to Article 17 to the Berkshire Twp. Zoning Resolution to the RPC, Berkshire Twp. Zoning Commission and Berkshire Township Trustees.

Commission / Public Comments

Chairman Shafer asked what was driving the unit reduction count and how did they decide on what the new figure should be. Mr. Weade explained that the original Article 17 allowed 1267 apartments maximum and they have only built 240. On the other side, permitted uses are single family and they have developed all but 40. The Township wants to reduce the amount of multi-family and increase the amount of single-family, designed more towards the condo and empty-nester kind of units.

Mr. Merrell made a motion to recommend Approval of the text amendments to Article 17 of the Berkshire Township Zoning Resolution. Ms. Raehll seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.

20-24 ZON Vocon Partners LLC – Berkshire Twp. – 24.480 acres – PMUD Art. 16

Request

The applicant, Vocon Partners LLC., is requesting application of the Planned Mixed Use standards of Article 16 be applied to a 24.480-acre site to serve as a Mercedes dealership and future outlots.

Conditions

Location: Southeast corner of U.S. 36/S.R. 37 and Wilson Road

Present Zoning: Farm Residential (FR-1)

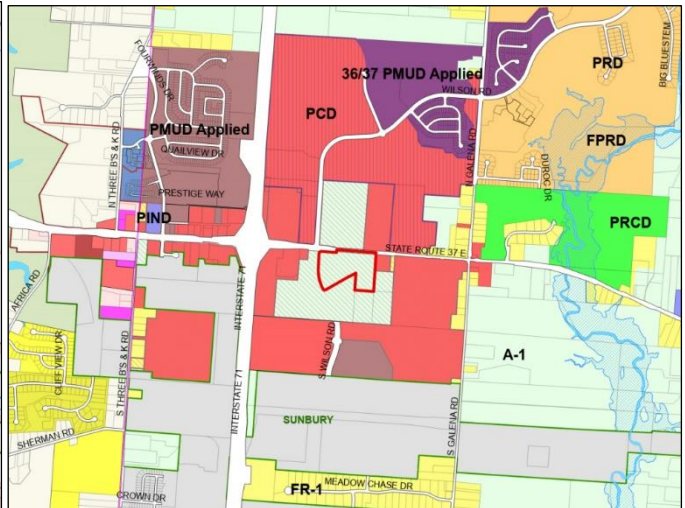
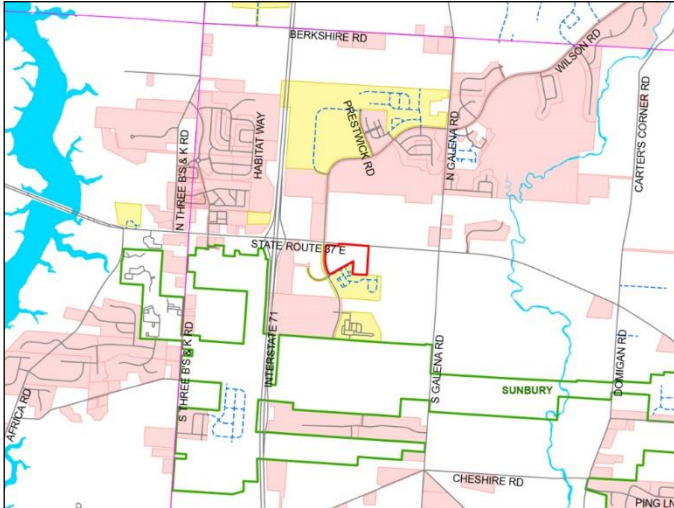
Proposed Zoning: Planned Mixed Use District (PMUD)

Present Use(s): Vacant / **Proposed Use(s):** Mercedes dealership and outlots

School District: Big Walnut Local School District

Utilities Available: Del-Co Water, central sanitary sewer

Critical Resources: none / **Soils:** CaB, BeA, BeB



Staff Comments

The request is for adoption of the PMUD Art. 16 Overlay for the 24.48-acre site that has been historically agricultural fields and woodlands. In order to formally adopt the overlay, the Berkshire Township Zoning

Commission must approve the application and development plan, which will remove the underlying zoning district.

Project Overview

The Development Plan calls for a 58,982 square foot car dealership commercial building, 406 assorted parking spaces, open space (potentially developed at a later date), a private driveway with one point of ingress/egress to US-36/37 that is right-in/right-out only and one point of ingress/egress connecting to Rider Road, two stormwater ponds, multiple signs including a new “Welcome to Berkshire Township” monument sign and landscaping along Wilson Road and US-36/37 frontage. New Car Dealers are listed as a permitted use in the PMUD Art. 16 within the boundaries of this site.

The Carlton at Berkshire multi-family residential development will border the site to the south and a Draft Final Plat is currently under review for this development. The Sunbury Garden Center borders the site to the east, located there for over 25 years. All properties across the street and north of the site are active agricultural fields and owned by Ohio Health.

Divergences

Three divergences have been requested; to increase the light intensity in the parking lots, allow red LED lighting on the façade and allow a 65-foot-tall pole sign with the Mercedes-Benz star logo on it. The maximum permitted sign height is 15 feet, therefore a divergence of 50 feet is requested. The maximum permitted sign facing is 50 square feet (or 25 square feet per side) and the proposed facing is 282.84 square feet on each side. Staff does not support the divergences as requested. This will be the first car dealership to be developed in this area, within the PMUD Art. 16 and could set a precedent for future car dealers and other commercial uses to not meet the lighting and signage requirements, thus changing the character of the area and not meeting the intent of the Zoning Resolution.

Additionally, the Comprehensive Plan recommends only allowing low level, downward-cast lighting to be allowed to prevent a halo effect on the night sky and to avoid sign clutter. Ground signs should be the only commercial sign type permitted along U.S. 36, with very tall pole signs that draw highway-oriented commercial traffic being discouraged in favor of advertising signs on ODOT Interstate exit service boards. The Plan also recommends that new billboards and pole signs should be prohibited.

It appears that the required landscape standards related to the surface parking areas along the right-of-way to the north, west and south have not been met as required in Section 16.08(I(1)). Staff believes these standards must be met.

The applicant indicated that if approved, construction will begin in October, 2024 with final completion in March, 2026.

Platting

Based on the future creation of outlots, the configuration of the land, extensive easements, and the extension of Rider Road across the wooded, eastern portion of this site per the DCEO, development of the site will require a plat. The Sketch Plan phase will determine the applicants’ responsibility for the construction and/or dedication of Rider Road and the related dedication of right-of-way.

Staff supports the request, provided lighting and signage standards are adhered to as required in the Berkshire

Township Zoning Resolution, along with meeting all PMUD Art. 16 and General Development Standards.

There is no formal action required of the RPC – the Berkshire Township Zoning Commission is scheduled to hear this request on July 11, 2024.

Commission / Public Comments

The applicant was not present.

Ms. Holt agreed with staff regarding the divergences and the lack of landscaping. She encourages the Township to make sure the requirements are met. Chairman Shafer agreed.

Mr. Manley questioned the addition of an access on US 36/37. Mr. Love stated that would be a decision by ODOT and not Delaware County. Ms. Raehl commented ODOT has limitation on their ability to limit right turns but they can control whether or not you can make a left turn on 36/37. They have that same issue with the Berlin Business Park.

Mr. Love stated that Wilson Road is Limited Access. The developer is extending the merge taper in front of this development (on 36/37).

Mr. Weade explained that the developer owns 25 acres but is only using 6.7 acres of it. They do not want another dealership opening up next to it and want to control what happens there.

Mr. Kinnell suggested the service road be wide enough to support the large semis. He couldn't tell from the graphic the actual size of that road.

Mr. Snodgrass expressed his agreement with staff on sign and lighting divergences.

Comments will be forwarded to the Township.

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SUBDIVISION PROJECTS

Preliminary/Final

07-24 Carlton at Berkshire, Wilson and Rider Roads – Berkshire Twp. - 1 lot / 33.817 acres

Conditions

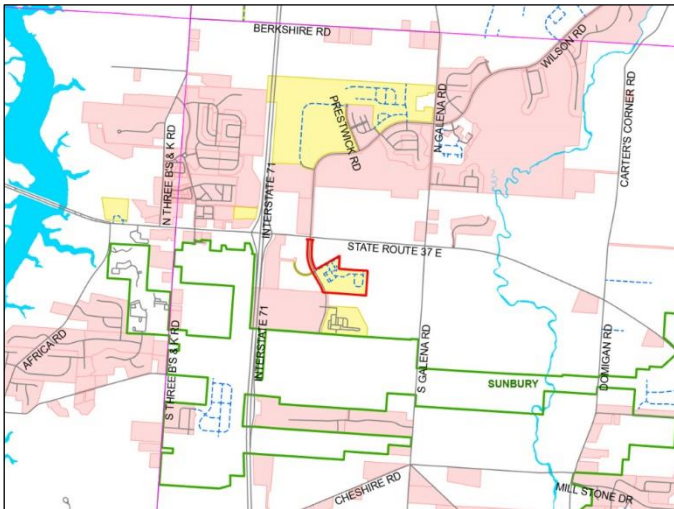
Applicant: Metro Development / **Engineer:** EP Ferris

Subdivision Type: Multi-Family

Location: east side of S. Wilson Rd., south of Rider Rd.

Zoned: PMUD Art. 16

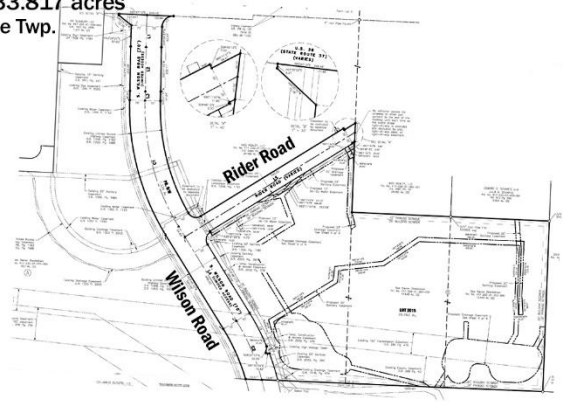
Utilities: Del-Co Water, central sanitary sewer / **School District:** Big Walnut



RPC#07-24sub
Carlton at Berkshire
Wilson and Rider Road
1 lot / 33.817 acres
Berkshire Twp.



RPC#07-24sub
Carlton at Berkshire
Wilson and Rider Road
1 lot / 33.817 acres
Berkshire Twp.



Staff Comments

The applicant is requesting a combined Preliminary Plan and Final Plat approval for Carlton at Berkshire, located east of S. Wilson Road and south of the proposed Rider Road extension. The development site is 26.483-acres, with 7.334-acres of dedicated right-of-way. One access point is provided from Rider Road and the internal circulation is from private drives. The site is currently vacant, with the construction of Rider

Road currently underway. Wilson Road was built in 2016 when the Tanger Outlet property was developed. At the time, the road was placed in an easement with the agreement that when this land was subdivided, the right-of-way would be dedicated.

The PMUD Art. 16 was applied to the site in September, 2023 to allow for this development. The property will include 312 multi-family units in 13 buildings plus nine garage buildings, a clubhouse, swimming pool, fitness building, two stormwater ponds, and ample open space that protects existing wetlands.

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

Staff Recommendation

Staff recommends *Preliminary and Final Approval* of **Carlton at Berkshire Wilson and Rider Roads** to the DCRPC.

Commission / Public Comments

Mr. Joe Thomas, Metro Development, was present to answer questions from the Commission.

Ms. Raehll asked when the PMUD was applied in September 2023 what was the initial vision for the parcel? Mr. Sanders explained that RPC reviewed this project twice and that initial developer decided not to proceed. There may have been slight changes, with garage units in the middle that were removed and this plan is more inline with other development done in the area. Mr. Weade said the PMUD Article 16 on the southeast quadrant the code permits 700 apartments and between this development and the Champion development to the south all but 80 units are used. When this plan went through the Township there were a few changes. Primarily a connection road at the east end to the north and they had to realign a couple garages.

Mr. Thompson was concerned with having a residential area with so much commercial around it. Mr. Thomas said that the use is approved and they are just asking for plat approval. It is under construction now. He stated that this development is providing full turn access to the Mercedes dealership along Rider Road. The developer has also worked with the outlet mall who would like more residential in the area in order to help bring more restaurants to the area.

Mr. Merrell made a motion for Preliminary and Final Approval of Carlton at Berkshire Wilson and Rider Roads. Mr. Thompson seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-24 Northstar Lundin Road - Berkshire Twp. - 1 lot / 3.00 acres

Conditions

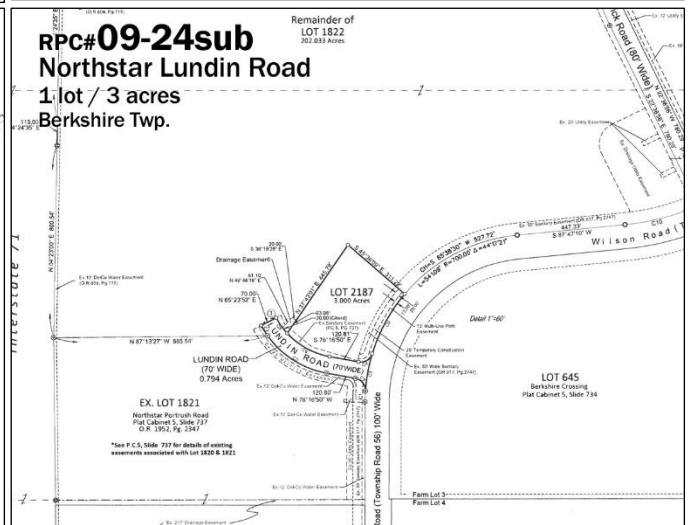
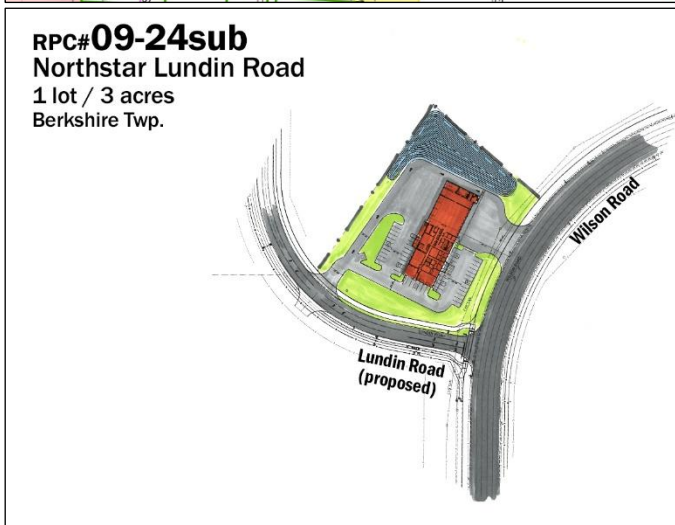
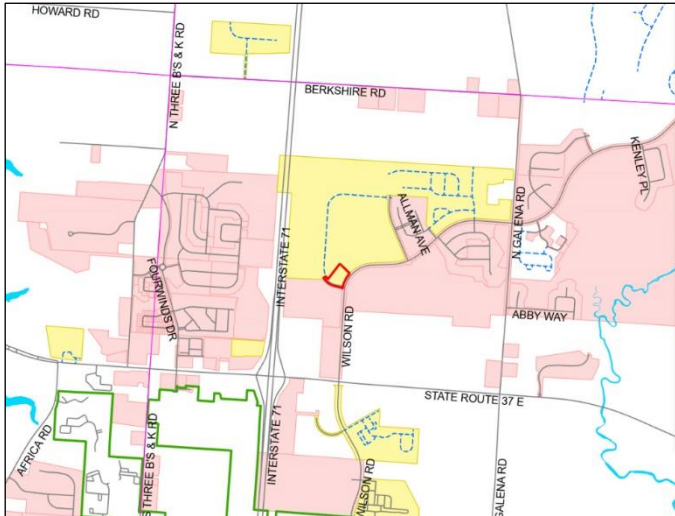
Applicant: Nationwide Residential Development / **Engineer:** Terrain Evolution

Subdivision Type: Commercial

Location: north side of Wilson Rd., east side of Lundin Rd.(formerly Portrush Rd.)

Zoned: Planned Commercial (PC)

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



Staff Comments

The applicant is requesting a combined Preliminary Plan and Final Plat approval for Northstar Lundin Road, located west of Wilson Road and just north of U.S. 36/S. R. 37. The single lot development site is 3-acres, with 0.794-acres of dedicated right-of-way. The site is currently vacant, with the proposed Lundin Road abutting the new Camping World site to the south. A new BST&G fire station is planned to be developed on this three-acre site, with points of access onto both Lundin Road and Wilson Road.

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

Staff Recommendation

Staff recommends *Preliminary and Final Approval* of **Northstar Lundin Road** to the DCRPC.

Commission / Public Comments

No one was present to represent the applicant.

Ms. Raehll asked who owned the three-acre parcel and if the land had already been dedicated to the BST&G Fire Department. Mr. Weade said that the owners are Nationwide Realty (The small parcel does not yet exist). He explained that in 2003, when the Northstar development was put together, the Township had negotiated three acres for a future fire station and this is the location that was finally agreed on. He believes this is an excellent location. He also said that emergency services would also be a part of this location. Eventually the operation by the post office will be closed and moved to this location.

Mr. Matlack made a motion for Preliminary and Final Approval of Northstar Lundin Road. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Having no further business, Mr. Manley made a motion to adjourn at 6:39 p.m. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Joe Shafer, Chairman

Stephanie Matlack, Executive Administrative Assistant