

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, September 26, 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 August 29, 2024 RPC Minutes
- Executive Committee Minutes of September 18, 2024
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
19-22	Painter Farm	Concord	8 lots / 26.845 acres
04-24	Ambrose CAD	Kingston	3 lots / 11.009 acres

VARIANCE / EXTENSION

09-17.V Howard Farms - Berlin Twp. - Requesting additional extension

ZONING MAP/TEXT AMENDMENTS

30-24 ZON	Bandit Properties LLC - Harlem Twp. - 6.74 acres - FR-1 to PCD
31-24 ZON	Concord Twp. Zoning Commission - text amendments - Article XI - PRD
32-24 ZON	Orange Twp. Zoning Commission - text amendments
33-24 ZON	Steller Construction - Orange Twp. - .5 acres - FR-1 to PC
34-24 ZON	Bavelis Zenios Development - Berlin Twp. - 19.02 acres - PRD
35-24 ZON	Pulte Homes - Liberty Twp. - 42.52 acres - FR-1 and PR to PMFR

SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
12-24	Dream Weaver Alive CAD	Liberty	3 lots / 7.226 acres

RPC STAFF AND MEMBER NEWS

- ESRI ArcGIS Experience Builder Gallery

ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: David Lockhart, David Weade, Stephen Serio, Ric Irvine, Duane Matlack, Jeff Benton, Tiffany Maag, Joe Shafer, David Willyerd, Jeffrey Warner, Robin Duffee, James Hatten, Ed Snodgrass, Kent Manley, Mike Dattilo and Doug Price. *Alternates:* Ken O’Brien, Julie McGill, Glynnis Dunfee, Will Ferguson, and Alison Cherubini-Hillyer. *Arrived after roll-call:* Gary Merrell (R) and Staci Hood (R). *Staff:* Scott Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the August 29, 2024 RPC Minutes**

Mr. Price made a motion to Approve the minutes from the August 29th meeting, seconded by Mr. Manley. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **September 18, 2024 Executive Committee Minutes**

A. Call to order

Chairman Shafer called the meeting to order at 8:45 a.m. Present: Joe Shafer, Ed Snodgrass, Gary Merrell, and Tiffany Maag. Absent: Robin Duffee. Staff: Scott Sanders and Stephanie Matlack.

B. Approval of Executive Committee Minutes from August 21, 2024 and August 29, 2024

Mr. Merrell made a motion to Approve the minutes from the August 21 and August 29 meetings. Ms. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

C. New Business

1. Financial / Activity Reports for August

REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,025.00	\$3,895.00
Fees A (Site Review)	(4202)	\$400.00	\$3,600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$1,900.00
Membership Fees	(4204)		\$222,529.20
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,754.88	\$14,478.28
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,750.00	\$55,294.14
Charges for Serv. B (Final. Appl.)	(4231)	\$18,044.03	\$85,863.01
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$3,000.00
Charges for Serv. D (Table Fee)	(4233)		\$1,200.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$500.00	\$2,800.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$500.00	\$7,500.00

			\$500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		
Soil & Water Fees	(4243)	\$875.00	\$2,250.00
Commissioners' fees	(4244)	\$400.00	\$3,400.00
		\$411.00	\$1,359.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		\$54.98
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)	\$42.00	\$42.00
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$26,401.91	\$409,665.61

Balance after receipts	\$1,087,540.90
Expenditures	- \$ 41,696.75
End of August balance (carry forward)	\$1,045,844.15

Mr. Merrell 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 September

- a) Sketch Plans

	<u>Township</u>	<u>Lots/Acres</u>
▪ The Courtyards at Big Walnut	Genoa	80 lots / 60.3 acres
▪ Harris Subdivision	Harlem	16 lots / 40.6547 acres

- b) Zoning Map / Text Amendments
 - Bandit Properties LLC - Harlem Twp. - 6.74 acres - FR-1 to PCD
 - Concord Twp. Zoning Comm. - Text Amendments - Article XI, PRD
 - Orange Twp. Zoning Comm. - Text Amendments
 - Steller Construction - Orange Twp. - .5 acres - FR-1 to C-1
 - Bavelis Zenios Dvlpt. - Berlin Twp. - 19.02 acres - PRD
 - Pulte Homes - Liberty Twp. - 42.52 acres - FR-1, PR to PMFR

- c) Subdivision Projects

	<u>Township</u>	<u>Lots/Acres</u>
Preliminary		
▪ Dream Weaver Alive CAD	Liberty	3 lots / 7.226 acres
Final		
▪ Painter Farm	Concord	8 lots / 26.845 acres
▪ Ambrose CAD	Kingston	3 lots / 11.009 acres
Variance / Extension		
▪ Howard Farms - Berlin Twp. - Requesting additional extension		

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 9/11.

Zoning Inspectors

Hosted/scheduled by DCRPC, these meetings are occasional or as-needed and may include specific topics, a roundtable of discussion, or both. Staff hosted one on September 11, with four Townships represented.

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

The Partnership is a group of agency directors, organizations, businesses, and residents representing multiple sectors of Delaware County that assesses the health of the community and develop an action plan to improve population health and drive policies, systems, and environmental change. The Collaborative acts as a subcommittee responsible for implementation of four strategies that fall within the Health Behaviors priority area of the 2023–2028 Health Improvement Plan. Presenting funded projects from the 2023 Creating Healthy Communities (CHC) Mini Grant, as well as discussion of other project updates and activities that are related to the implementation of the CHIP Health Behaviors strategies. Brad attended the Q3 meeting on September 5th.

Transportation Advisory Committee

Hosted by MORPC, these are monthly in-person meetings. Attended on 9/4.

Southeast Focus Area Steering Committee Meeting

Delaware Together, the comprehensive plan adopted in 2021, recommended the need for two focus area plans to be completed. The first focus area plan, in the southwest, was adopted by the City on June 10, 2024. Now, the City has pursued the opportunity to plan for the future of the Southeast Area. Brad attended the first Committee meeting on August 21st and Scott participated in a Stakeholder interview on 9/10. Will be attending the second meeting on October 1st.

DCRPC–Managed Projects

Harlem Township Zoning Resolution

Staff is working with the Zoning Commission on various updates in existing sections of the Zoning Resolution. Met on 9/9.

Liberty Township Comprehensive Plan

Staff is working on an update to the plan. Steering Committee meeting 10/17

Berkshire Township Zoning Project

Township is working with an external consultant to study certain parts of its Zoning Resolution. Staff is updating background material for an update to the Comprehensive Plan.

Shawnee Hills Comprehensive Plan

Staff has been working on updating the 2016 Plan’s background information for a few months. Brad is continuing to work on this update with hopes to complete by the end of the year.

Delaware County Local Food Action Plan

DCPH requests Planning Services to help with the filing for the 2025 HEAL Grant. If the grant is awarded this will kick off the process for completing the County’s first Local Food Action Plan. See the [City of Columbus & Franklin County Local Food Action Plan](#) as an example of the final document that may be implemented. Work will commence on October 1st, 2024 and end on September 30th, 2025

Project-specific/other meetings

Sunbury Parkway: ODOT is holding a stakeholder meeting and other study activity for the Sunbury Parkway interchange and extension. <https://PublicInput.com/SunburyParkway>.

US 23 Connect: The Route 23 Connect Study focuses on improvements along the U.S. 23 corridor between I-

270 and Waldo. This ODOT-led study is developing concepts which will be evaluated to determine an action plan for specific projects that can be developed. Study concepts range in size and scope, aiming to provide safer and more efficient travel, including improved travel time reliability for through traffic. Public input meetings are taking place and online comments are encouraged. <https://publicinput.com/23connect> Open house and public input has been summarized at the site above.

Delaware County Township Association

Meets quarterly at various locations. Each one includes several speakers and provides a number of townships the opportunity to share updates. Attended 9/12.

Trail Grant

Four applications were received and the Committee will be discussing these projects on September 24th. Applications were received from Concord Township, Delaware Township, Orange Township and the Village of Ostrander.

DCSWCD/Drone

Precision Laser & Instrument provided a demo of their DJI's enterprise aerial drone (M350 RTK) with mapping and lidar surveying capabilities on September 4th. The DCSWCD may be purchasing this drone and could provide services upon request from municipalities and residents.

MORPC/Technical Assistance Program (TA)

Brad was invited by MORPC to serve on the 2025 TA Program Application Evaluation Committee. The TA Program provides MORPC staff assistance to local government members within the boundary of the Metropolitan Planning Organization (MPO) to advance the goals in the MTP through implementation of specific MTP strategies focused on improving active transportation and transit infrastructure. Application submission is due by October 11th and the final review meeting will be held on November 13th.

4. 2025 Budget

Preliminary overview:

Carry forward 2024	\$988,848
Projected Revenue EOY 2024	\$454,626
Projected Expenses EOY 2024	\$560,646

Estimated carryforward into 2025	\$882,828
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Initial 2025 Budget calculated membership dues at \$0.60 per capita, 4% salary increase, no major expenses

Proposed Revenues 2025	\$486,819
Proposed Expenditures 2025	\$599,881
Proposed carryforward into 2026	\$769,766

Discussion centered around the recent decline of carry forward funds and what that target amount should be. Exploring incremental increases to dues and development fees over the next three years in order to maintain the needed carry forward.

D. Old Business

1. Amendment to the Subdivision Regulations regarding Variances and Extensions
The Committee was presented with draft language. Further discussion to follow.
2. Employee Handbook: Conference Reimbursement Policy update, Meal per diem
The Committee was presented with draft language. Further discussion to follow.

E. Other Business

1. 2022-2023 Audit complete
The Audit is complete with no findings.
2. Da-Wei Liou applied to have two map projects considered for the ESRI ArcGIS Experience Builder Gallery and both were chosen.

<https://doc.arcgis.com/en/experience-builder/gallery/> (search “Delaware”)

F. Adjourn

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

The next regular Executive Committee meeting will be Wednesday, October 16, 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)

19-22 Painter Farm – Concord Twp. - 8 lots / 26.845 acres

Conditions

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

Subdivision Type: Single Family Residential

Location: East side of Concord Rd., south of Merchant Rd.

Zoned: Farm Residential (FR-1) / **Preliminary Approval:** 06/30/22

Utilities: Del-Co Water, private on-lot treatment system / **School District:** Dublin

Staff Comments

Painter Farm is an 8 lot single-family subdivision on the east side of Concord Road. The subdivision is served by a private street that terminates at two cul-de-sacs. The site is bound by Eversole Run and associated floodplain to the north and east, and single family developed lots on all sides. Preliminary approval was granted on June 30, 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 **Painter Farm** to the DCRPC.

Commission / Public Comments

Mr. Weade made a motion for Final Approval of Painter Farm, seconded by Mr. Matlack. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Conditions

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

Subdivision Type: Single Family Residential, Common Access Driveway

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

Zoned: Farm Residential (FR-1) / **Preliminary Approval:** 03/28/24

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

Staff Comments

The Ambrose CAD is a three-lot CAD subdivision that gains access off of S.R. 61. The existing home that was built in 2001 will remain on lot 267, the existing barn will remain on lot 266 and a large pond will be part of lot 268. Preliminary approval was granted on March 28, 2024 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 **Ambrose CAD** to the DCRPC.

Commission / Public Comments

Mr. Weade made a motion for Final Approval of Ambrose CAD, seconded by Mr. Matlack. VOTE: Unanimously For, 0 Opposed. Motion carried.

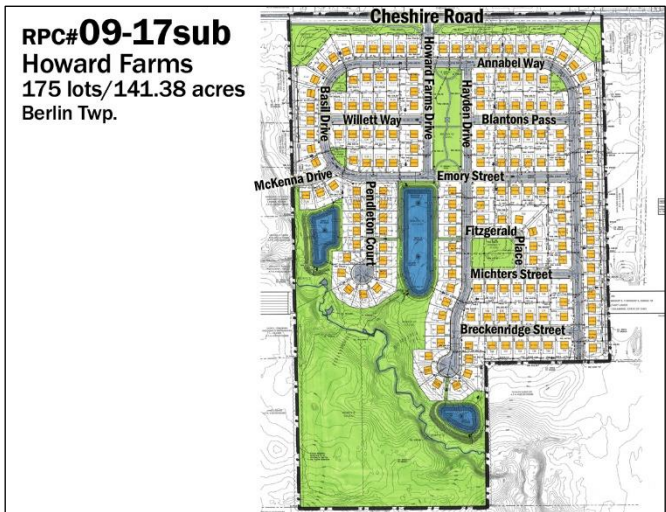
VARIANCE / EXTENSION

09-17.V Howard Farms – Berlin Twp. – Requesting additional extension

Applicant: Homewood Corp. / **Engineer:** EMH&T

Preliminary approval: 04/27/17

Extensions: 04/25/19 and 04/25/20



Request

The applicant, Homewood Corp., is requesting a one-year Preliminary Plan extension via Variance for Howard Farms. The site is located at the south side of Cheshire Rd., east of Piatt Rd. The development was approved to allow for 175 single-family lots, with 123 lots platted to date. Fifty-two lots remain to be platted and developed in Sections 5-7.

Facts

- 1) Section 204.04 of the Subdivision Regulations states that the Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval;
- 2) Howard Farms received Preliminary approval on April 27, 2017;
- 3) The applicant received a one year extension April 2019;
- 4) Sections 1 - 4 have been recorded (2019, 2022, 2024); and
- 5) Sections 5 - 7 remain unrecorded.

Criteria for a Variance

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

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.
- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

Applicant: *“Construction of the development is ongoing and sales are consistent. Due to the large size of the development / number of lots as well as acquisition of an offsite sanitary sewer easement to provide service to the development an extension is requested for the remaining sections 5-7.”*

Staff Comments

Staff notes that this development has continued platting sections and constructing homes within this overall development since 2019. Development surrounding this site does not suggest that the Preliminary Plan is not still valid. Additionally, the only potential for road connection is proposed to the south, which would potentially connect to a future section of Paykoff/Evans Farm which has not filed a Preliminary Plan to date. Based on these facts, staff has no concerns with the extension and variance request.

Staff Recommendation

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

Commission / Public Comments

Mr. Bill Moorehead, Homewood Corp., was present and sworn in.

Mr. O'Brien quoted Section 204.04 of the Subdivision Regulations and explained that since the first final plat was filed on 09/24/19 and today is 09/26/24 the project has expired. Mr. Sanders explained that typically we have treated Variances for Extensions as an opportunity to take a look at development that has occurred around the site and see if anything has changed. They recorded their first plat 5 years ago, which provided an additional 5 years on the Preliminary after which they have recorded a couple more sections. Mr. Sanders explained that historically if a Preliminary approval happens during a specific month, we consider that month the timeframe for expiration (not a specific day) since our meetings are monthly. Chairman Shafer asked when the Variance application was submitted. Mr. Sanders said on the deadline for September (Sept. 3rd). Chairman Shafer said that the Extension and Variance request was received prior to the plan expiring so the applicant has a reasonable expectation that RPC was going to consider this at the regular meeting because they filed it before the plan was to expire. He explained that a special meeting wasn't going to be called over a one year Extension, although if that is what the Commission wants to do in the future we can do that.

Mr. O'Brien quoted Section 102.03 of the Subdivision Regulations with regards to the total maximum of Extensions to not exceed one year. Chairman Shafer explained that this section was also noted in their variance request and that a Variance can be requested for anything, generally.

Mr. Manley made a motion to Approve the Variance request and a 1 year extension as recommended by staff. Mr. Duffee seconded the motion. VOTE: Majority For, 1 Opposed (Concord Twp.), 1 Abstained (Berlin Twp.). Motion carried.

ZONING MAP/TEXT AMENDMENTS

30-24 ZON Bandit Properties LLC – Harlem Twp. – 6.74 acres – FR-1 to PCD

Request

The applicant, Bandit Properties, LLC., is requesting a 6.74-acre rezoning from FR-1 to PCD to allow storage and warehousing.

Conditions

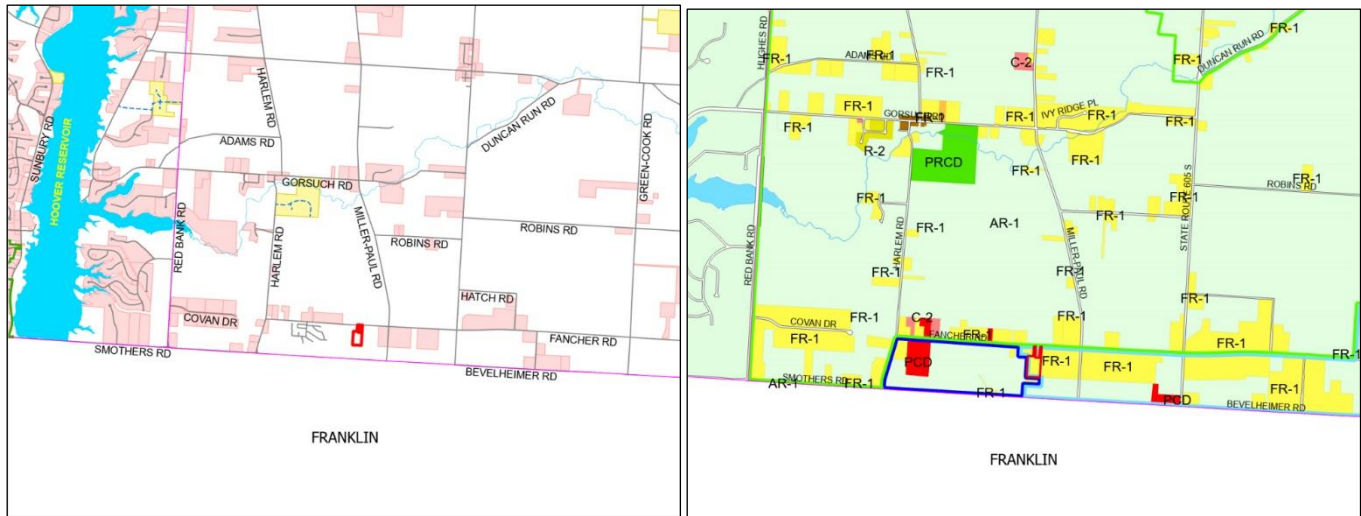
Location: 11602 Fancher Rd.

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

Present Use(s): barn/storage / **Proposed Use(s):** storage/warehouse

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

Critical Resources: none / **Soils:** CeB, AmD2, PwA, BeB, BeA





Introduction

The applicant is requesting to rezone the site from FR-1 to PCD to allow for storage and warehousing, which is permitted in the PCD. Business types will be limited to landscape services (tree care, lawn care, hardscape contractor, irrigation, and similar type businesses), agricultural support businesses (including seed suppliers, hauling logistics, equipment repair, and similar type businesses), and service and construction contractors (including plumbers, electricians, roofers, moving companies and similar type businesses). Accessory permitted uses of the property may include administrative services, office activities, and on-site vehicle and equipment repair, if entirely enclosed within the existing building.

The site will be developed with two 40-foot freight containers that may be temporarily used for on-site storage and screening one main driveway, 25 gravel parking spaces, 46,000 sq. ft. of outdoor storage space, a 4,000 sq. ft building, 4,000 sq. ft. of fuel/chemical storage, a stormwater pond, a six to eight-foot-tall mound for screening to the southeast and another four to six-foot tall mound to the northwest. Hours of operation will be 7 a.m. to 9 p.m., with six full-time employees.

The site is located on the south side of Fancher Road and surrounded by the Maple Grove Cemetery to the northwest, a trucking-type commercial business and cell tower to the north, single-family homes to the east and south, and a single-family home to the west that is owned by the applicant.

Comprehensive Plan

Harlem Township’s 2021 Comprehensive Plan recommends this area for two-acre minimum, conservation style subdivisions at 1 unit per NDA for the entire property, with potential commercial districts between the ROW and front of existing barn (~ 500 ft from centerline). A multi-use path is required on all existing roadways for planned developments. Commercial development should be limited to only the areas that are designated to include commercial development and allow service-oriented commercial uses along Fancher Road that blend in aesthetically with the desired community character and developed properties along their respective corridors.

Staff notes that although the land area behind the 4,000 sq. ft. building is not recommended for commercial uses, the rest of the site is. The southern end of the lot is generally dedicated to open space, septic system locations, mounding, and a small amount of outdoor storage space. Provided the township feels the proposed mounding is appropriate for this development, it will not be out of character with the C-2 zoned property to the north, which blocks most of the frontage and the view of the area to be rezoned and developed.

Issues

Traffic and access:

One point of ingress/egress along Fancher Road (northeast) and potential for a cross-access easement from the neighboring commercial property.

Drainage:

The development plan identifies a drainage tile leading from the northwest corner of the site, through the gravel parking area and terminating at the stormwater pond. A drainage plan should be reviewed and approved by the DCEO prior to Zoning Compliance approval.

Signage:

No signage proposed.

Lighting:

Lighting will only include downcast lighting. However, a lighting plan was not submitted.

Sanitary Treatment:

Served by an on-site system.

Divergences

Two divergences are requested:

1. Sec. 15.05(F) – No use shall be established until the required subdivision plat has been recorded. The applicant indicated that no additional easements, access easements or streets are required and therefore a plat shall not be required.
Staff Comment: Based on the majority of the site being used for outdoor storage and no easements are necessary, Staff has no concerns with this request.
2. Sec. 21.02(B) – All common parking areas and adjacent aisles or driveways shall be paved with asphalt material or concrete. The applicant intends to use a gravel surface for all parking areas.
Staff Comment: Provided dust is mitigated and controlled, Staff has no concerns with this request.
3. **Potentially needed but not requested:** Sec. 15.04(C) – Except as provided in the plan of development no trailer of any type, boats, motor homes or equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on said tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, or the development plan. Staff notes that the established building line is the front of the existing barn and all proposed parking is located forward of the barn.
Staff Comment: Based on the majority of the site not being visible from Fancher Road, Staff would have no concern with this request.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Bandit Properties LLC. from FR-1 to PCD to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) Public Health approves the proposed on-site wastewater treatment system to ensure it can handle the proposed use;

- 2.) A drainage plan should be reviewed and approved by the DCEO prior to Zoning Compliance approval, and;
- 3.) A lighting plan should be submitted.

Commission / Public Comments

Mr. Joe Clase, Plan 4 Land, was present to represent the applicant. He stated that his client owns and resides in the house to the west of the request. This property falls in the overlay district that allows 8 units per acre with central sewer. Once that is available this property may be redeveloped. He is anticipating that in 2-5 years.

Mr. Matlack questioned when the outbuilding was constructed and did not think any permits were issued at the time of construction. Mr. Clase stated that he believed it was built within the last five years as an outbuilding and then they started using it for commercial use and may have received a citation from the Township at the time. Mr. Matlack requested that a condition be added that the applicant shall apply for a change of use through the Building Safety Department.

Mr. Weade asked what the reasoning was for the divergence for the paving requirement other than trying to save money. Mr. Clase stated that it would be torn up in 2-5 years for redevelopment. They have asphalt millings that have solidified on the dark gray areas of the images. Mr. Weade stated that future development is speculation and the decision should be based on the facts today and the code doesn't allow for stone. He does not see any justification for that divergence.

Mr. Matlack made a motion to recommend Conditional Approval of the rezoning request by Bandit Properties LLC from FR-1 to PCD, subject to:

- 1.) *Public Health approves the proposed on-site wastewater treatment system to ensure it can handle the proposed use;*
- 2.) *A drainage plan should be reviewed and approved by the DCEO prior to Zoning Compliance approval,*
- 3.) *A lighting plan should be submitted;*
- 4.) *Obtaining approval from Delaware County Building Safety for the change of use; and*
- 5.) *All common parking areas and adjacent aisles or driveways should be paved with asphalt material or concrete.*

Mr. O'Brien seconded the motion. VOTE: Unanimously For Conditional Approval, 0 Opposed. Motion carried.

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31-24 ZON Concord Twp. Zoning Commission – text amendments – Article XI - PRD

Request

On 09/10/24, the Concord Township Zoning Commission initiated a number of changes to Article XI - Planned Residential District.

Summary

The proposed amendments are intended to clarify the PRD procedures for application submittal. The text will now expand on who to submit a rezoning application to, the format of submittals, township notification requirements, other township reviewing authority actions, and notification to the applicant of incomplete applications. Other minor amendments include phrasing, terminology, restrictions on recording plats, and modifications to a PRD. Most importantly, the items required as part of the application are being removed and added to the application form. While the required Development Features (Intensity/density, setbacks, building heights, dimensions, parking, signs, lighting, etc.) are located within the language of the PRD section, the Application details (number of copies, development character, schedule for developments, phasing plan, statements of divergence, etc.) are being moved to the application form. Staff checked to ensure the needed process and requirements are still included within the district language.

Staff Recommendation

Staff recommends *Approval* of the text amendments to the Concord Township Zoning Resolution, to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees.

Commission / Public Comments

Mr. Price made a motion to recommend Approval of the text amendments to the Concord Township Zoning Resolution. Mr. Weade seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

32-24 ZON Orange Twp. Zoning Commission – text amendments

Request

On 09/10/24, the Orange Township Zoning Commission initiated a number of changes to the Orange Twp. Zoning Resolution which will result in an overall new document.

Summary

More than a year ago, Orange Township started the process of creating a new Zoning Resolution. The intent is to utilize common elements, additional illustrations, and tables of permitted and conditional uses to create a document that is easier to use for staff and residents. There are existing zoning districts that will be removed and new districts added. Districts to be removed from the resolution (but remaining on the zoning map if zoned) include: R-2, R-3, SFPRD, MFPRD, C-1, PC, PERD (Planned Elderly), I, PI, A-1 and RCOD (Route 23 overlay). Districts added include: PUD, Lewis Center Village (Overlay), Campus Institutional, Community Living, Commercial Corridor, Flex Employment, Mixed-Use, and Neighborhood.

Staff Comments

Staff has minor suggestions related to formatting issues:

- Pagination is off/articles should start at the top of a page.
- Enable bookmarks for pdf navigation. Provide direct links from the Table of Contents to Sections.
- Consider reducing spacing between Sections in the table of contents and throughout the document, similar to the old Resolution. Spacing of 1.5 in paragraphs may be excessive - Resolution has many more pages than the original.
- Table of Contents includes District headers but only lists the code number (C-2) for Neighborhood Commercial. Staff suggests adding the code number for each district.
- Calling out Definitions by their capital letter makes sense for the Table of Contents, but we're not sure an extra header needs to be added for each letter within the Definitions.
- Starting at 2.05 and continuing throughout, the formatting tabs are confusing. A, B, C, should align to the left, with 1, 2, 3 to the right, etc.
- Article titles are difficult to see. Articles should be the boldest/largest, with Section names and numbers smaller.
- Articles are numbered with Arabic numerals but are titled with Roman numerals. Recommend changing them all to Arabic and simplifying.
- In the Word document, internal links are broken and all go to the first line of the resolution, rather than to the referenced section. In the pdf, this causes many error messages – particularly within references to Article 21 and 22, (Article 7, 8, 9, 10, 16, 19). 5.11, 25.02(B)(3), and (D)(2), to name a few.
- Article 13 has different formatting – Green “section” bars do not follow the format of other districts.
- Ensure that all image descriptions are at the same location as their image.
- Article 27 includes extra spacing compared with the rest of the document.
- After page 190, the Article name and number no longer appear at the top of each page, but the name of the resolution and the effective date appear at the top starting at that page.
- Green Section bar formatting changes with Article 28.

Staff has a number of recommendations in more substantial areas:

- Sec. 1.06.c – District Boundaries: “Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the

center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.” This is confusing – are there any examples on the zoning map that would leave room for interpretation?

- Tables could be reduced in size, and reduce font from 12 to 11.
- Section 2.01(5)(E) – references existing districts that are “no longer in effect.” Add a phrase “for new projects” or “for new applications” since some of the districts no longer intended to be used will still be in effect. Also reference that individual Development Plans exist for individual subdivisions.
- Section 2.03(F) – verbiage that notes that lots divided by district boundaries “may permit the extension of regulations for either portion of the lot...” Is there a plan or process for how this would be determined?
- Sec. 3.09.B.1 – Have you considered language regarding automatic swimming pool covers ([ASTM F 1346](#))?
- 4.01-B – Staff disagrees with the “Purpose of overlays, generally.” Generally, provisions of the overlay only apply where approved. The details of the overlay may differ “where expressly provided otherwise.” This language seems to confuse the two.
- Article 5: the Comprehensive Use table includes “Residential 1-2 Units,” “2-5 units,” and “6+ units.” Does this reference the number of units allowed in a single building, or a density? Should clarify.
- Section 5.11 – Telecommunication Tower section is minimal and references ORC 519.211(B)(1) which is correct. The ORC allows some regulations in residential districts. Consider adding standards where applicable (ex: setback, height, stabilization wire setback, landscaping/screening of ground structure).
- 6.01 – Why is there a separate Development Plan schedule for the Lewis Center Village overlay? Why can’t it just follow the same schedule as other districts? (Otherwise, define the schedule here.)
- Article also references the “Health Officer of Delaware County.” (So does Section 25.02)
- 6.01 (D)(7) is contradictory. It says the action of the Zoning Commission is not a map amendment but later says that if the Zoning Commission approved, the map will be changed. The language should reference that the adoption of the overlay is not considered a map amendment (although it doesn’t really need to.)
- Article 7 – Farm Residential District: table of uses includes “Residential 1-2.” Is the intent to allow two units on an FR-1 parcel? This will be problematic unless defined in greater detail.
- Article 10 – PUDs: this Planned district is still included but there is no list of uses.
- Article 13 – it’s odd that there is no reference to Floodplain in the Resolution except in the C-2 “Excavation” section and the “Restoration” section in the Non-Conformities (24.04).
- Article 19 – Neighborhood Zone: the Purpose is to accommodate existing residential neighborhoods. Our understanding is that existing neighborhoods will retain their current zoning. This language no longer applies.
- Article 13 – Neighborhood Zone also Allows Residential 1-2 units as a Permitted Use and Residential 2-5 units as a Conditional Use but requires a 10,000 s.f. lot size, or 4,000 s.f. per lot for attached units. Would a single-family home require a 10,000 s.f. lot - but then a duplex would only require 8,000 s.f.?
- Table 21.04 – A could easily fit on one page with wider columns and smaller text. Also is missing the footnotes that are referenced throughout the table.
- Article 21 – General Development Standards includes a wide range of items that do not feel like they are organized. Staff recommends moving Dimensional Standards and Accessory Uses to the top of the list as they will likely be accessed more frequently. Performance Standards can be moved to the end. Of the 24 subjects, six relate to landscaping, ten are parking-related, and two are pedestrian-related. Staff

recommends grouping these under a subject-specific heading or breaking them out into separate articles. In fact, 21.12 is written like a general introduction, and 21.13 - 21.23 are written as sub-sections but they are all treated as equal Sections and would be better treated as sub-sections.

- Graphic 21.10-A - is not similar in format to the other graphics.
- Section 21.24 - is the New Community Authority Policy easily accessible - staff could not locate it? Is there a way to provide a link from the document since “all rezoning requests are subject to it?”
- 22.02 (14) - “one wall sign permitted on each individual lot used for residential purposes...not to exceed one square foot.” Unsure what kind of sign this would be. (22.07 (A) (1) appears to be duplicated.)
- 22.02 (17) - one neon or LED tube window sign not larger than three square feet allowed per commercial tenant suite. Not sure this is advisable to allow as a sign exemption. If so, at least reference the illumination standards.
- 22.09 - references “Residential PD” and “nonresidential PD” (assuming Planned District) but there is no definition and no other references in the Resolution to “PD.”

Staff Recommendation

Staff recommends *Conditional Approval* of the text amendments to the Orange Township Zoning Resolution, to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to Staff comments in this report.*

Commission / Public Comments

Mr. Matlack made a motion to recommend Conditional Approval of the text amendments to the Orange Township Zoning Resolution, subject to staff comments in the report. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

=====

33-24 ZON Steller Construction – Orange Twp. – .5 acres - FR-1 to PC

Request

The applicant, Steller Construction LLC. , is requesting a 0.5-acre rezoning from FR-1 to PC for the construction of a new 5,660 square foot office building.

Conditions

Location: 7408 Africa Road

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

Present Use(s): One single-family house / **Proposed Use(s):** Two-story office building

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

Critical Resources: none / **Soils:** CaB



Introduction

The applicant is requesting to rezone the site from FR-1 to PC to allow all existing buildings to be removed and be redeveloped as the Stellar Construction company’s showroom and office, which is a permitted use in the PC district. The existing home that will be demolished was constructed in 1946 and the property was most recently purchased in 2021. The property will be developed with a two-story, 5,660 square foot office building, 14 parking spaces and landscaping. All surrounding properties are zoned FR-1.

Properties to the north and west have been dedicated as ROW and the two properties to the east and south are developed with single-family homes. Crosswalks and curb ramps were installed at all corners of Africa Road and Worthington Road in approximately 2023 and the subject site is adjacent to that southeast intersection. The applicant stated that if this zoning request is approved they are prepared to start the permitting process for construction immediately.

Comprehensive Plan

Orange Township's 2018 Comprehensive Plan includes the site in Subarea 7 – Lower Alum Creek Valley and acknowledges that this is a single-family area with lower densities and recommends residential uses. The Plan also supports connecting bike/pedestrian paths. Public input in the plan stated that residents and business owners wish to see more well-planned, commercial development to help balance out the overwhelmingly residential development of the Township. The proposal does not completely adhere to the Plan's recommendations; however, this is a low intensity use, the aesthetics of the building and landscaping should blend well with this area and well-planned commercial development is supported by the community.

Issues

Traffic and access:

One point of ingress/egress is shown along Africa Road. The preliminary zoning letter from the County Engineer's office requests that the driveway be shown as far to the east as possible, to move the drive away from the intersection. Additionally, this may allow the overall site to be flipped, with parking on the east side which will allow greater spacing between the building and the existing residence to the east.

Drainage:

A drainage plan was not submitted. The DCEO requires that a Final Engineering Plan be reviewed for this project. Staff wonders if there is sufficient space on the site for stormwater management – underground stormwater management may be required.

Signage:

None proposed, but it would seem that a commercial use would request signage. If that is the case, a proposed signage plan should be provided to the township.

Lighting:

A lighting plan was submitted. Lighting will only be located on the exterior of the building.

Sanitary Treatment:

Public sanitary sewer is proposed. Sewer service has not yet been approved by the Sanitary Engineer's office. The nearest manhole is approximately 600 feet to the southeast across adjacent property – an easement would be required.

Open Space / Health:

Required: 20% Proposed: 12.41% (*divergence requested*)

Divergences

Five divergences are requested:

1. Sec. 14.06(e)(3) – Plat is required. The applicant stated that the existing parcel is very small and the

adjoining lot was not platted. Strict compliance would be a hardship for the applicant to seek approval of a subdivision plat for this project.

Staff Comment: With public sanitary sewer proposed, other necessary utility easements and a potential pedestrian path easement along Africa Road, Staff would prefer to see this development platted (potentially along with any future commercial development in this area). This is the call of the Regional Planning Commission.

2. Sec. 14.07(n) – Maximum permitted ground coverage is 45% with buildings and structures. Maximum permitted ground coverage is 75% with all buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks. Proposed total ground coverage is 87.59%. The applicant stated that the size of the parcel does not allow for the building, required parking and traffic flow.

Staff Comment: Staff recommends using parking pavers in some parking spaces, tree islands on the east and west of the northern parking spaces and add greenspace between the dumpster and the southern parking spaces to ensure the minimum divergence is requested, or potentially not needed.

3. Sec. 14.07(l) – Minimum required parking spaces are 22 and only 14 spaces are provided.

Staff Comment: Staff has no concerns with this request. However, the applicant should be aware that if needed parking spaces expand into non-striped spaces a zoning violation may be initiated by the Township.

4. Sec. 21.10 – Nonresidential buildings or uses except parking shall not be located nor conducted closer than 100 feet to any lot line of a residential district and shall include acceptable landscaping within this 100-foot buffer. The applicant requests a minimum of 30 feet from the East property line and 30 feet from the South property line. It is believed that the southern property will be seeking commercial zoning in the future.

Staff Comment: Staff is unaware of any proposed commercial use to the south. However, the proposed landscaping as shown on the site plan may be acceptable based on the proposed use. It may be of note that the property to the south was purchased by “SGN 2 REALTY, LLC” in 2022 and based on aerial imagery the site is potentially being used for commercial purposes currently.

5. Sec. 21.12(d) (6) – All developments with 10 or more parking spaces are required to provide exterior lighting for all vehicular use areas including entrance and exit access drives and pedestrian paths connecting parking areas and principal buildings. The applicant stated that the intended use is for a typical 9-5 office and the expectation of vehicular traffic in the evening or at night is limited.

Staff Comment: Staff has no concern with this request based on the lighting plan submitted.

Staff Comments

In general, the proposed use and style of construction should blend well with the community. The Comprehensive Plan supports well-planned, commercial development and connecting bike/pedestrian paths. Staff recommends including a path along Africa Road as this will be the first project to make a connection to the sidewalk and crosswalks along Africa and Worthington Road.

Staff Recommendations

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

- 1.) *Driveway should be moved as far to the east as possible;*
- 2.) *Preliminary drainage plan should be submitted for comment;*
- 3.) *Consider installing a sidewalk along Africa Road ROW as approved by the DCEO; and*
- 4.) *Consider using parking pavers in some parking spaces, tree islands on the east and west of the northern parking spaces and add greenspace between the dumpster and the southern parking spaces to ensure the minimum divergence is requested, or potentially not needed. Consider flipping the layout to address these issues and accommodate the driveway relocation.*

Commission / Public Comments

Mr. Gary Dunn was present to answer questions from the Commission. He stated that they would be moving their office and showroom from Powell. He stated that they can move the drive and would work with the Township on the rest of the comments raised by staff.

Mr. Weade asked if the County would allow a left turn out of this parcel. Mr. Ferguson stated that a traffic study would be done as part of Final Engineering to determine what is needed.

Mr. Fisher asked about the number of employees. Mr. Dunn stated they would have six to eight employees and occasional field employees along with two to four clients in the showroom.

Mr. Price made a motion for Conditional Approval of the rezoning request by Steller Construction LLC from FR-1 to PC, subject to:

- 1.) *Driveway should be moved as far to the east as possible;*
- 2.) *Preliminary drainage plan should be submitted for comment;*
- 3.) *Consider installing a sidewalk along Africa Road ROW as approved by the DCEO; and*
- 4.) *Consider using parking pavers in some parking spaces, tree islands on the east and west of the northern parking spaces and add greenspace between the dumpster and the southern parking spaces to ensure the minimum divergence is requested, or potentially not needed. Consider flipping the layout to address these issues and accommodate the driveway relocation.*

Mr. Snodgrass seconded the motion. VOTE: Majority For, 1 Opposed (Berkshire Twp.), 1 Abstained (Orange Twp.). Motion carried.

34-24 ZON Bavelis Zenios Development – Berlin Twp. – 19.02 acres – PRD Development Plan

Request

The applicant, Bavelis Zenios Development, is requesting a 19.02-acre development plan approval for 69 single-family lots in the Evans Farm Ross PRD.

Conditions

Location: west side of Piatt Rd., south of Peachblow Rd.

Present Zoning: Planned Residential (PRD) / **Proposed Zoning:** Planned Residential (PRD)

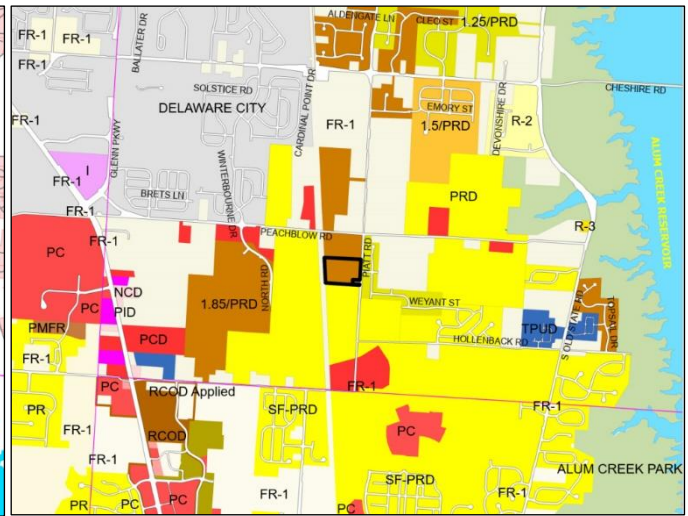
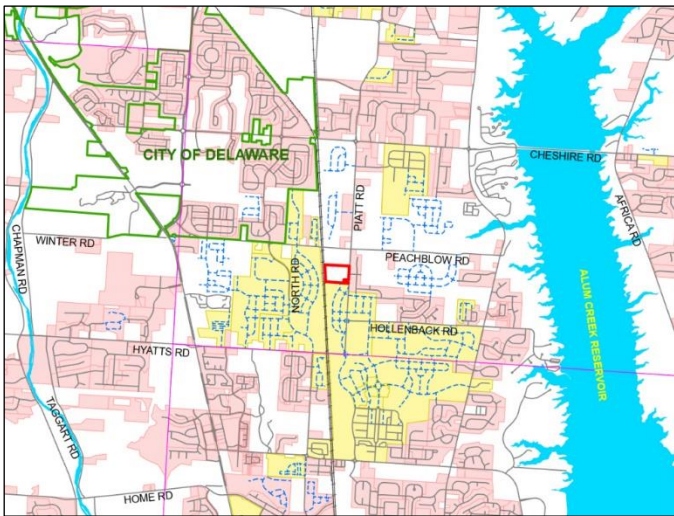
Present Use(s): vacant / **Proposed Use(s):** 69 single-family house lots

Existing Density: 1.68 du/acre (existing PRD that included school site) **Proposed Density:** 3.63 du/acre

Number of units requested: 69

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

Critical Resources: none / **Soils:** BoB, PwA, GwB



Introduction

This 18-acre parcel along with the 21-acres to the north was successfully rezoned to the PRD/R-3 same district in 2019, allowing for a total of 71 single-family lots on 42.71 acres. The Olentangy School District bought the 21 acres to the north in 2023 and completed Peachblow Crossing Elementary School this year.

With the previously approved Development Plan now obsolete for the reduced parcel, this project has been proposed as an extension of the overall Evans Farm development. This new request is to rezone to “PRD” since that is what is shown as the zoning district in the existing Evans Farm area to the south. However, DCRPC staff reviewed this as if it was requested for PRD/R-1.85, since the PRD district is not used without the related density.

This request would allow for a 69-lot, single-family subdivision with a working title of “Evans Farm Ross PRD.” The project will include public streets, sidewalks, street trees, a path along Piatt Road, a pedestrian connection to the school, one postal cluster-box unit site, and two stormwater ponds. There are two typical lot designs; 57 lots at 46' x 125' (5,750 s.f.) 12 lots at 51' x 125' (6,375 s.f.).

Comprehensive Plan

Berlin Township’s 2023 Comprehensive Plan includes the site in Planning Area 8 – Suburban Heart and recommends a density of 1.85 du/net acre. It also acknowledges the approved Evans Farm development and assumes it will be developed as proposed. Multi-use paths are recommended along Piatt Road, used to connect neighborhoods and throughout open space. General recommendations include requiring usable open space in developments by seeking amenities such as tot-lots, exercise stations, gazebos, and public furnishings such as benches and tables as well as a desire to provide street connections.

This development is providing paths/connections and street stubs to the south. However, the majority of the open space is not usable as it generally accommodates for the stormwater ponds. There are also numerous divergences and a building design which does not meet the previously accepted design style of Evans Farm. The density of 3.63 gross and 3.65 net exceeds the density in the Comp Plan. Additionally, recent park and trail planning in the township has identified the need for a multi-used path along the railroad.

Issues

Design Approach:

When Evans Farm was initially proposed and approved by both Orange Township and Berlin Township, both applications included a number of divergence requests. The most significant requests were related to density and the arrangement and size of lots. These divergences were justified by the unique nature of New Urbanism or “Town Center” approach, which is identified by walkability, connection to other uses, a mix of housing types, an open space network, and the quality of the overall building design. Those principles were a major reason both Berlin and Orange Township accepted the density, lot size, and mix of uses in Evans Farm.

This proposal lists those unique features of New Urbanism but does not necessarily note how those principles relate to this site. As a small portion of the overall development, this site cannot exhibit all of those principles. However, some aspects detract from the “sense of place” and quality of life noted in the overall approach. Small lot sizes in other parts of Evans Farm are mitigated with an alley system. These alleys allow narrow homes to locate their garages in the rear. The Maronda building styles included in the proposed Development Plan indicate that on every model, the garage defines approximately two-thirds of the front elevation of the building and causes two-thirds of the front yard to be paved. This does not result in the aesthetic and streetscape of Evans Farm. Additionally, most models have little to no useable front porch or other “semi-public” space between the house and the sidewalk. The Irving and Lehigh models have no porch at all. Housing styles and details must be approved by the Evans Farm Design Review Committee.

Traffic and access:

One point of ingress/egress is provided along Piatt Road, directly across from Cedar Crest Street. There is one internal loop road and two street stubs to the south that would connect to a future Evans Farm development. The DCEO will require a Traffic Memo with the Preliminary Engineering. The preliminary review letter provided by DCEO notes that the loop street is not compliant with County standards.

Drainage:

A drainage plan was not submitted. A detailed stormwater management report must be submitted to the DCEO during Preliminary Engineering.

Signage:

Entry columns will include 1' x 1' signage.

Lighting:

A lighting plan was not submitted. Street lights will be provided and must follow those approved for overall Evans Farm.

Sanitary Treatment:

The project will be served by public sanitary sewer and the school to the north is served by an existing line that runs along the northern parcel line of this site.

Landscaping:

A landscaping plan was submitted. Street trees and a planted buffer along the northern and eastern property lines are proposed.

Open Space / Health:

Required: 20% (3.84-acres) Proposed: 16.6% (3.16-acres)

Per Sec. 11.06(A), Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Staff notes there is limited dedicated open space, primarily located on the east side of the development site and it is substantially filled with two stormwater ponds.

Divergences

Ten Sections of the zoning resolution were listed for divergence requests but staff had to determine the specific requests by comparing the proposal to the zoning resolution:

1. Sec. 11.06(B) – There shall be a 50-foot perimeter setback and the proposed setback is 35 feet.

Staff Comment: Staff has no concerns with this request as the development is bordered by the elementary school to the north, railroad tracks to the west and future Evans Farm residential development to the south, which is already zoned PRD. More importantly, the development is buffered from Piatt Road, similar to other developments in the area. The western lots are deeper and could include additional setback, including the multi-use path noted in the report.

2. Sec. 11.06(G) – Minimum permitted tract size is 20-acres and this site is only 19.02-acres.

Staff Comment: Staff has no concerns with this request as it is a small section of an overall development.

3. Sec. 11.06(J) – The permitted density of 1.85 du/acre shall not be exceeded and the proposed density is 3.63 du/acre.

Staff Comment: Staff does not support this request as meeting the required density would assist in meeting other zoning requirements that are not being met (open space within this project, setbacks, perimeter, lot size).

4. Sec. 11.06(K)(2) – The minimum required open space is 20% (3.84-acres) and only 16.6% is provided.

Staff Comment: As indicated with the density divergence, Staff does not support this request but does note that open space is distributed throughout the entire Evans Farm subdivision and it is unknown what is happening directly south of this site.

5. Sec. 11.06(P) – Street trees are proposed in green strip (tree lawn) between the street and sidewalk, where the code requires they be located in the front yard.

Staff Comment: This is a divergence that has been approved in the Orange Township portion of Evans Farm and is an important element in creating a walkable streetscape. Staff recommends this divergence be approved.

6. Sec. 11.06(Q) – Based on the resolution, the setbacks **required** in the R-1.85 district must be met; Front: Per Plan, Side: 12.5 ft. (structures), 5 ft. (driveways), Rear: 25 ft. **Proposed** setbacks include: Front: 25 ft., Side: 6 ft. (structures), 3 ft. (driveways), Rear: 35 ft. The necessary divergences are 6.5 ft. for side structure and 2 ft. for side driveways. Based on the Development Text, this divergence request is related to “extending the consistent development pattern and character of the existing Evans Farm development to this property and to continue the vision of the Berlin Township Town Center with a high quality of life.” Also, “create discernable neighborhoods and community/town centers and edges; create public space near the center of each neighborhood.”

Staff Comment: Staff agrees with the concept of Evans Farms mixed-use development as described in this Development Text, which did require divergences for the overall development. However, this site is over 1.5 miles north of what is the Evans Farm Town Center. The previous plan for this site proposed larger lots that were a transition to Oldfield Estates and Piatt Meadows subdivisions just to the east. Again, similar to other requests, if these and other standards are met, the development would be closer to the approvable density.

7. Sec. 11.06(R) – Requires a minimum lot size of 20,000 sq. ft. in the underlying R-1.85 district. Lot sizes could be reduced to 10,890 sq. ft. if the required open space were provided; however, a divergence was request to reduce the amount of required open space. The proposed minimum lot size is 5,750 sq. ft., requiring a divergence of 14,250 sq. ft.

Staff Comment: Staff is not opposed to smaller lot sizes for this subdivision, especially if the required open space (distributed throughout) is provided. However, there is a rather large discrepancy in lot sizes with this request, which should be amended. Larger lot sizes will assist in reducing other requested divergences.

8. Sec. 11.06(S) – The minimum required lot frontage is 80 ft., with 46 ft. proposed. A divergence of 34

ft. is required.

Staff Comment: Staff believes the lot width should be increased to assist in reducing other necessary divergences.

9. Sec. 11.06(W) - A covered porch or portico across some portion of the front of the house is a recommended structural design element.

Staff Comment: As noted in this report, based on the home renderings submitted the applicant should consider including more significant architectural features including covered porches on homes. It appears porticos are provided on some of these homes.

10. Sec. 11.06(Z) - The minimum required floor area/living space is 1,000 sq. ft. and this development proposes 1,600 sq. ft.

Staff Comment: Staff is unclear why this divergence is requested as it appears the standard is met.

Staff Comments

Staff notes that the previous Preliminary Plan submitted for this site, including the school site, was supported as that was a 42.71-acres total site with 71 lots and over 13-acres of open space. This is a much smaller overall site with only 2 fewer lots than what was previously approved. Staff recommends addressing the deficiencies as necessary and meet the spirit and intent of the Zoning Resolution and Comprehensive Plan, which is included in their Development Text as justification for approving the divergences; “provide a range of single-family residential lot types, sizes, and prices, and create public space near the center of each neighborhood.” If the intent is for this project to take advantage of the lot sizes and densities allowed in Evans Farm, then this development should match the architectural standards and streetscape as Evans Farm. Otherwise, lot size should be increased and the density should be decreased to meet the standards of the PRD/R-1.85 zoning district.

Staff Recommendations

Staff recommends **Denial** of the rezoning request by Bavelis Zenios Development for a development plan approval to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees.

Commission / Public Comments

Mr. Kevin Kershner, Kimley-Horn, was present to represent the applicant. He stated the original Ross property went farther north to Peachblow Rd. The owner donated land for the school. Originally there were 71 lots approved and now they have 69 lots. Originally the lot sizes were approved at 80’ lots. The lots to the south are 40-60 foot lots. They felt this was a better transition from those lots to the south. They have recently submitted two development plan amendments to the Township; one immediately adjacent to the Arrowhead Elementary School and one for the property immediately south of this property. The intent with the number of divergences was to utilize the Evans Farm development standards and architectural guidelines.

Mr. O’Brien stated that this plan does not comply with the Evans Farm concept of a walkable community. He also stated the school was supposed to be in Orange Twp. He stated that this is a standalone development and should comply with the Comp. Plan recommendation for that area.

Mr. Weade asked if a second entrance would be required for fire and emergency vehicles. He explained that he was under the understanding that developments over 30 lots needed two entrances.

Mr. Matlack made a motion to recommend Denial of the rezoning request by Bavelis Zenios Development based on staff recommendations. Mr. Price seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

35-24 ZON Pulte Homes – Liberty Twp. – 42.52 acres – FR-1 and PR to PMFR

Request

The applicant, Pulte Homes, is requesting a 42.52-acre rezoning from FR-1 and PR to PMFR for the development of a single-family condominium and multi-family townhouse development.

Conditions

Location: south side of Clark-Shaw Rd., west of Sawmill Parkway

Present Zoning: Farm Residential (FR-1) and Planned Residential (PR)

Proposed Zoning: Planned Multi Family Residential (PMFR)

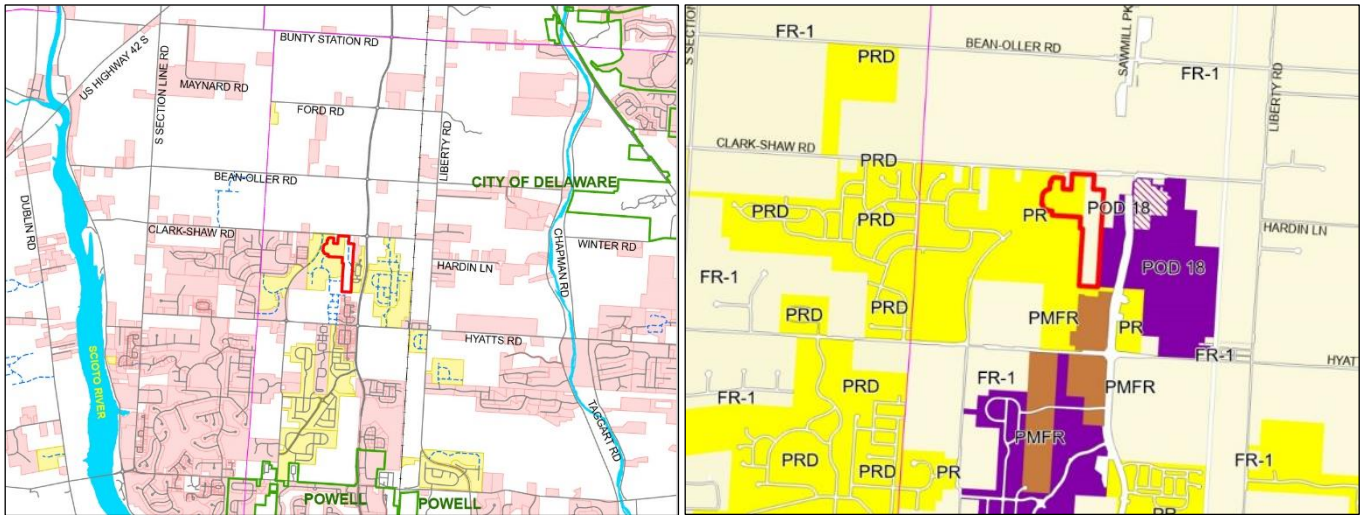
Present Use(s): vacant / **Proposed Use(s):** Two single-family house lots

Existing Density: 1 du/acre **Proposed Density:** 3.62 du/acre gross

Number of units requested: 70 single-family condos, 84 townhouse units

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

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





Introduction

The request is to rezone the site to PMFR to allow for 70 single-family condominium units and 84 townhouse units. Part of the site was originally reviewed with the Planned Residential zoning for Clarkshaw Reserve, which included a total of 87 lots on 87.47-acres. The area of Clarkshaw Reserve south of the powerlines has been developing with 62 single-family lots. Improvement to the site is underway and a draft plat that indicates the 62 lots will be developed as a standalone project has been reviewed by county agencies. (The project is using the working title “Clarkshaw Village,” which is the title of a previously approved rezoning in Concord Township and needs to be changed.)

The area that is proposed to be rezoned with this application includes the area where 25 single-family lots were originally proposed. The new proposal shows two subareas (phases), each indicating a different development style. Phase 1 includes the 70 single-family condominium units and is approximately 17.9 acres in size, Phase 2 includes 84 multi-family units designed as townhomes and is set on 17.8 acres. Development would take place along private streets that terminate in three locations with cul-de-sacs, including one loop-style street. A private drive provides access to the multi-family units. Both the single-family subarea and the townhouse area take their access from a private road that is currently under construction related to the Rosewood Village apartments to the east. High-voltage powerlines bisect the southern portion of the development and an improved open space area is located at the southern end of the site.

This proposed development indicates a 10-foot wide path along Clark-Shaw Road, an 8-foot wide path along the Rosewood private drive as well as throughout the development, two stormwater ponds, sidewalks on both sides of streets, and ample open space distributed throughout. Provided this zoning is approved, the applicant is prepared to start construction in late 2025.

Comprehensive Plan

Liberty Township’s 2018 Comprehensive Plan includes the site in Sub Area VII – North West Estates, which focuses on areas north of Clark-Shaw Road but does include this area. It recommends lands within this Sub Area to maintain a maximum density of one du/net acre or allow for a conservation subdivision with one du/net acre with 50% permanent open space. (The current draft Comprehensive Plan increases this density to 1.25 units per net acre). Higher density multi-family uses are not recommended.

Goals include encouraging recreational open space, providing for a range of single-family residential environments and providing a system of pedestrian trails, walkways, and bikeways for circulation within

developments. Liberty Township's Road Policies in the Plan states that all developments should ideally have three points of access. Conservation subdivisions, due to site-specific topography or other unique conditions, may have fewer than three access points, subject to development plan approval.

Staff acknowledges that the Zoning Resolution allows for a gross density of 6 du/net acre with a minimum required 20% open space. However, the Comprehensive Plan recommends a much lower density, which is exceeded (4.72 du/net acre), and new higher-density multi-family developments are not supported in the plan. Staff acknowledges that except for the Rosewood project, which was approved as part of a large overlay, the general development character of this area is single-family and single-family condos at densities closer to 2 units per gross acre. Additionally, three access points are recommended and only one point of ingress/egress is provided; and this access point is a private drive that will serve three total developments (the single-family condos, the townhouse area, and Rosewood Village MF (362 total units).

Issues

Traffic and access:

One point of ingress/egress is provided via a private drive that connects to Clark-Shaw Road is currently under construction for the Rosewood apartments. Two emergency drives are provided; one off of the westernmost cul-de-sac that leads to Clarkshaw Reserve, and one at the southernmost property line. However, that drive only makes a connection from Rosewood Village to Clarkshaw Reserve, ultimately leading to Hyatts Road. Staff has concern with the long-term maintenance of this private road with three private entities sharing its ongoing maintenance and use. As a private road, it will not be under the authority of the County Engineer and without Township maintenance.

Drainage:

A drainage plan was not submitted. There are two stormwater ponds on site, one to the north and one to the south. The applicant stated that drainage will be reviewed by the DCEO during Final Engineering.

Signage:

Two monument-style entry signs are proposed at the Clark-Shaw Road entrance, with two other entry columns at the internal drive connections with Rosewood private drive.

Lighting:

No street lighting is proposed, only individual yard lights for the units are allowed. The entry signage shall be a metal sign cabinet with raised halo illuminated lettering.

Sanitary Treatment:

Public sanitary sewer will be provided and is available adjacent to the site.

Open Space / Health:

Required: 20% (8.5-acres) Provided: 44.2% (18.78-acres)

Street trees are provided, along with paths and sidewalks. The applicants have indicated that they are working with the southern single-family development to create an overall open space plan that creates a unified area for amenities, walkways, and other active recreation areas.

Platting:

While condominiums are exempt from the platting requirement, staff believes that if the site is developed as proposed, the townhomes area would need to be on its own parcel, raising questions of how that would be accomplished since the road is private and there is no proposed right-of-way. Staff recommends platting the area, allowing these private easements to be located in a single recorded document. The single-family condo area could remain one large “lot” with easements as has been encouraged and approved in other locations.

Divergences

Ten divergences are requested:

1. **Sec. 7.03 & 11.06(C) (Single-Family)** - No principal structure shall be located closer than 25 ft. to another principal structure unless the adjacent walls of both structures are masonry, in which event said principal structures shall be no closer than 15 ft. No principal structure shall be located closer than 15 ft. to another principal structure. The proposed minimum side yard building setback is 10 ft. for principal building structures for the single-family condominiums only. Eaves (1 ft.) will be allowed to encroach into this setback. The current Ohio Residential Code states that structures that are 10 ft. apart or greater do not require fire rating and have unlimited wall openings allowed.

Staff Comment: Staff has no concerns with this request as other developments in the area have similar, reduced setbacks.

2. **Sec. 7.03 & 11.06(C) (Multi-Family)** - No principal structure shall be located closer than 25 ft. to another principal structure unless the adjacent walls of both structures are masonry, in which event said principal structures shall be no closer than 15 ft. No principal structure shall be located closer than 15 ft. to another principal structure. The proposed minimum side yard building setback is 20 ft. for principal structures for the townhomes only. Eaves (1 ft.) will be allowed to encroach into this setback. The current Ohio Residential Code states that structures that are 10 ft. apart or greater do not require fire rating and have unlimited wall openings allowed.

Staff Comment: Staff has no concerns with this request as other developments in the area have similar, reduced setbacks.

3. **Sec. 7.05(A)** – No Water Impoundments shall be located less than 10 ft. from any adjacent property. This divergence would allow for a zero-foot setback and is for the approved existing pond located at future Steitz Road and Clark-Shaw Road. The property line for this development shall be less than 10 ft. away from this pond.

Staff Comment: Because this relates to the overall development and not a separate building parcel line, staff concurs with this request, as long as maintenance of the pond is described in the development text and condo description.

4. **Sec. 7.09(D)** – The minimum setback from the internal streets is 60 ft. from centerline and the proposed setback is 30 ft. The applicant stated that these are private streets, and this setback is consistent with this style of development.

Staff Comment: Staff agrees that a 30 ft. setback may be appropriate with this development as it is essentially private, with the only shared access point being with the proposed apartments, and surrounded by open space.

5. **Sec. 11.6(J)** – The use of vinyl as an exterior siding material is not permitted and vinyl siding (0.044 mm or greater, 6" minimum width) is proposed on the exteriors of the homes. The applicant stated that vinyl products offer greatly reduced maintenance, even over Hardie-Plank or other materials, with greater longevity and durability, but with similar appearance.

Staff Comment: Staff recommends considering the use of permitted materials on the front of the homes and potentially using vinyl on the sides and rear.

6. **Sec. 20.05(J)** – Not more than one permanent free-standing sign may be allowed for identification of any one operation or establishment and two permanent entrance signs are proposed, one on each side of the street. The applicant stated that this variation will allow for a better-balanced entry feature.

Staff Comment: Staff has no concerns with this request. The proposed free-standing sign detail can be found on exhibit D-2.

7. **Sec. 20.07(D)** – One temporary free-standing sign may be used for the sale of lots until 90% of the lots are sold where the applicant requests these signs remain until 95% of all the units are sold. The applicant stated that the increase of 5% from 90% sold allows the builder to market the final remaining lots in an efficient manner and allows the subdivision to be completed quicker in the final phases with the increased length of time for temporary signage.

Staff Comment: Staff has no concerns with this request.

8. **Sec. 20.02 & 22.02** – Temporary marketing signs shall be allowed without platting or recording of easements and deed restrictions. This would allow a zoning permit/certificate to be written for the temporary signage to market the project prior to the filing of easements and recording with the Recorder's office.

Staff Comment: Staff has no concerns with this request and recommends the township consult its typical processes.

9. Potentially required but not requested: **Sec. 11.06(A)** – Access: Requires frontage on and direct access to one or more dedicated or improved public roads.

Staff Comment: The development only fronts on private drives, which ultimately gain access from Clark-Shaw Road. If supported by the DCEO and other applicable agencies, it's recommended that at least one additional access point be provided along Steitz Road, or the emergency access drive that connects to Clarkshaw Reserve be made full access.

Staff Comments

Staff believes the mix of single-family and townhomes could be a positive addition in this area, and the general design is not completely out of character with the current development going on in the area. However, with the discrepancies to the Comprehensive Plan (density, building types, frontage/access on a public road), it appears the development could be redesigned to align more with those recommendations. One option would be to lower the density by developing the townhome area with additional single-family detached units, bringing the overall density down to a level more consistent with development to the west.

Staff Recommendations

Staff recommends **Denial** of the rezoning request by Pulte Group from FR-1 and PR to PMFR to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees.

Commission / Public Comments

Mr. Todd Faris, Faris Planning and Design, was present to represent the applicant. He stated that this area has a lot of mixed uses and housing types. Pulte felt this would be a transitional area from the higher density area near Sawmill Rd. With the completion of this project there will be bike path connections from Sawmill Parkway to S. Section Line Rd. Part of this application includes an amendment for increased open space activities including playgrounds, dog parks, and areas for active recreation.

Chairman Shafer asked if the density proposed is inconsistent with the Comp. Plan but it would be consistent with the current zoning code. Mr. Fisher stated the Comp. Plan recommends less but the zoning does allow for a higher density. However, there is a list of variances.

Chairman Shafer questioned the private road maintenance. Mr. Sanders explained that there will potentially be three entities that will share the maintenance of the private road which could set up issues in the future.

Mr. O'Brien made a motion to recommend Denial of rezoning request by Pulte Group from FR-1 and PR to PMFR, based on staff recommendation. Mr. Snodgrass seconded the motion. VOTE: Majority For Denial, 1 Opposed (Orange Twp.), 1 Abstained (Liberty Twp.). Motion carried.

SUBDIVISION PROJECTS

Preliminary

12-24 Dream Weaver Alive CAD – Liberty Twp. - 3 lots / 7.226 acres

Conditions

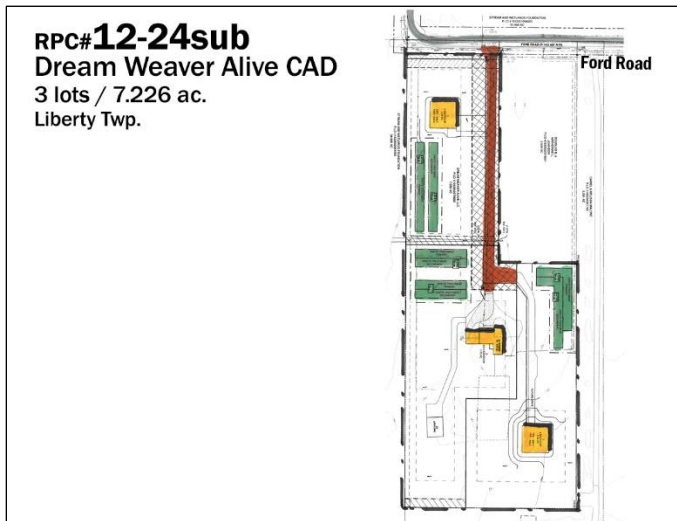
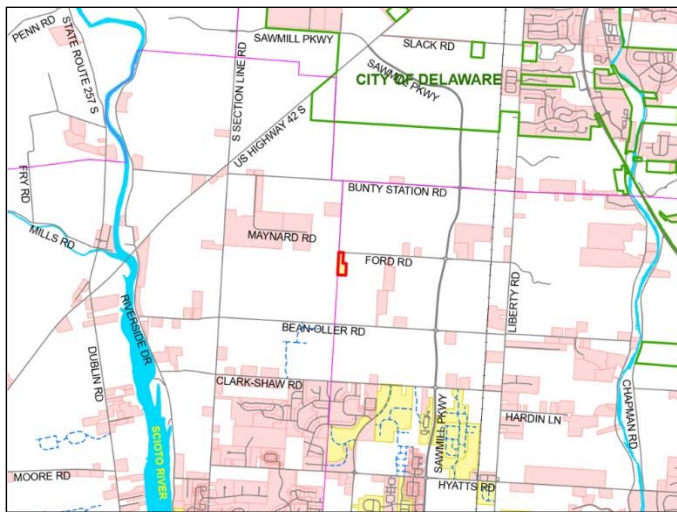
Applicant: Dream Weaver Alive LLC. / **Engineer:** Gandee Heydinger Group

Subdivision Type: Single Family, Common Access Driveway Subdivision

Location: South side of Ford Rd., west of Sawmill Parkway

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

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



Staff Comments

The request is for Preliminary Plan approval to create a three-lot CAD. The subject site is located on the south side of Ford Rd., west of Sawmill Parkway. The site is 7.226-acres in size with proposed lot sizes being 2.04, 2.34 and 2.7 acres, all of which meet zoning requirements. Lot 2 will include an existing home that was constructed in 1992 and the CAD will cross lots 1 and 2. The project will provide an easement for a potential road/drive that may be located along the western edge of the project, in accordance with the Comprehensive Plan.

A technical review was held on September 17, 2024, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Dream Weaver Alive CAD** to the DCRPC.

Commission / Public Comments

Mr. Aaron Heydinger, GHG Group was present the applicant.

Mr. Price made a motion for Preliminary Approval of Dream Weaver Alive CAD. Mr. Weade seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.

RPC STAFF AND MEMBER NEWS

- Congratulations to Da-Wei Liou for having two maps featured in the ESRI ArcGIS Experience Builder Gallery (Development Pattern Map and Community Profile Dashboard).

<https://doc.arcgis.com/en/experience-builder/gallery/> (search “Delaware”)

Having no further business, Mr. O’Brien made a motion to adjourn the meeting at 7:32 p.m. Mr. Manley seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, October 24, 2024, 6:00 PM at the Byxbe Campus Conference Room, 1610 SR 521, Delaware, Ohio 43015.

Joe Shafer, Chairman

Stephanie Matlack, Executive Administrative Assistant