

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, January 29, 2026 at 6:00 PM
Byxbe Campus Conference Room, 1610 State Route 521,
Delaware, Ohio 43015

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of December 18, 2025 RPC Minutes
- Executive Committee Minutes of January 21, 2026
- Statement of Policy

CONSENT AGENDA (Final Plats)

		Township	Lots/Acres
13-24.1.C	Del Webb Northstar, Section 1, Phase C	Kingston	1 lot / 9.043 acres
15-24.1	Courtyards at Evans Farm, Section 1	Orange	37 lots / 20.886 acres

ZONING MAP/TEXT AMENDMENTS

01-26 ZON	Oxford Twp. Zoning Commission - Oxford Twp. - Zoning Resolution update
02-26 ZON	Elizabeth Ann Berlin Trust - Genoa Twp. - .077 acres - PRD to RR
03-26 ZON	Liberty Twp. Zoning Commission - Liberty Twp. - Zoning map amendment
04-26 ZON	Harlem Twp. Zoning Comm. - Harlem Twp. - Zoning Resolution update (XXVII and XXVIII)

SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
01-26	Whisper Trace 2	Concord	4 lots / 10.034 acres
02-26	Liberty Landing	Delaware	79 lots / 23.73 acres

VARIANCE / EXTENSION

02-23.V	Berlin Mixed Use Development - Berlin Twp. - Requesting additional 1-year extension
04-23.V	Azar Village - Orange Twp. - Requesting additional 1-year extension
05-14.V	Liberty Trace, Section 4 - Liberty Twp. - Requesting additional 2-year extension

OTHER BUSINESS

- Consideration for Approval: Liability Insurance: \$10,007.00

RPC STAFF AND MEMBER NEWS

- Bios for members interested in serving on the Executive Committee are due by Feb. 10th

ADMINISTRATIVE BUSINESS

- **Call to Order**

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

- **Roll Call**

Representatives: David Lockhart, David Weade, Duane Matlack, Gary Merrell, Sarah Holt, Joe Shafer, Mike Cannon, David Willyerd, Staci Hood, Jenna Rodman, Robin Duffee, Ed Snodgrass, Josh Vidor, Kent Manley, Mike Dattilo, and Doug Price. *Alternates:* Philip Ambler, Stan Bean, David Setzer, Chad Green, Jeff Kinnell. *Arrived after roll call:* Mike Benedetti (R). *Staff:* Scot Sanders, Brad Fisher, Da-Wei Liou and Stephanie Matlack.

- **Approval of the RPC Minutes December 18, 2025**

Mr. Price made a motion to Approve the December 18th RPC minutes. Ms. Holt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **January 21, 2026 Executive Committee Minutes**

- A. **Call to order**

Chairman Shafer called the meeting to order at 2:03 p.m. Present: Joe Shafer, Gary Merrell, Robin Duffee and Tiffany Maag. Ed Snodgrass was absent. Staff: Scott Sanders and Stephanie Matlack.

- B. Approval of Executive Committee Minutes from December 10, 2025**

Mr. Merrell made a motion to Approve the December minutes, seconded by Mr. Duffee. VOTE: Unanimously For, 0 Opposed. Motion carried.

- C. New Business**

- 1. Financial / Activity Reports for December

REGIONAL PLANNING RECEIPTS		DECEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,640.00	\$12,710.00
Fees A (Site Review)	(4202)		\$7,600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$600.00	\$5,000.00
Membership Fees	(4204)		\$280,876.25
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$375.31	\$18,411.48
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)		\$85,911.52
Charges for Serv. B (Final. Appl.)	(4231)		\$115,359.76
Charges for Serv. C (Ext. Fee)	(4232)		\$2,700.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)	\$500.00	\$4,511.06
Charges for Serv. F (Planned District Zoning)	(4235)	\$750.00	\$8,800.00

Charges for Serv. G (Easement / Plat Vacation)	(4236)		\$3,000.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$3,800.00
Soil & Water Fees	(4243)		\$6,600.00
Commissioner's fees	(4244)		\$2,685.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$3,865.31	\$557,965.07

Balance after receipts	\$1,075,615.54
Expenditures	<u>\$ 53,511.66</u>
End of December balance (carry forward)	\$1,022,103.88

Financial

Budgeted income: \$551,494	Actual revenue: \$558,065 – 102% of budgeted amount
Budgeted expense: \$592,332	Actual expense: \$550,932 – 93% of budgeted amount

Carryforward increased by \$7,132

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

2. RPC Preliminary Agenda January

a) Sketch Plans	<u>Township</u>	<u>Lots/Acres</u>
none		
b) Zoning Map / Text Amendments		
• Oxford Twp. Zoning Commission – Oxford Twp. – Zoning Resolution update		
• Elizabeth Ann Berlin Trust – Genoa Twp. - .077 acres – PRD to RR		
• Liberty Twp. Zoning Commission – Liberty Twp. – Zoning map amendment		
• Harlem Twp. Zoning Comm. – Harlem Twp. – Zoning Resolution update (XXVII and XXVIII)		
c) Subdivision Projects	<u>Township</u>	<u>Lots/Acres</u>
Preliminary		
• Whisper Trace 2	Concord	4 lots / 10.034 acres
• Liberty Landing	Delaware	79 lots / 23.73 acres
Final		
• Del Webb Northstar, Section 1, Phase C	Kingston	1 lot / 9.043 acres
• Courtyards at Evans Farm, Section 1	Orange	37 lots / 20.886 acres

Variance / Extension

- Berlin Mixed Use Development – Berlin Twp. – Requesting additional 1-year extension
- Azar Village – Orange Twp. - Requesting additional 1-year extension
- Liberty Trace, Section 4 – Liberty Twp. – Requesting additional 2-year extension

3. Director's Report

County Planning Directors Association of Ohio

Meets annually to discuss issues related to Regional and County Planning Commissions. Scott serves as Treasurer. That group continues to work on responding to House Bill 361, which includes new time-frames and requirements for zoning reviews and other “entitlements.” The group met virtually on **January 21** and is crafting responses due by **January 23**.

Ohio Public Works Commission

The District 17 Committee approved that RPC will be the new liaison. Work has begun on the initial grading of 2026 projects. Contract is received and will be signed at the next meeting, which is Friday, January 23.

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. **Meeting was held on January 14th.**

Delaware County Housing Alliance (Affordable Housing)

Hosted by United Way, this effort includes **Task Force main group** meetings and a **Land Use and Zoning subcommittee**, both of which staff are involved. This is a short-term effort (with long-term ongoing activities) that seeks tools to increase access and opportunities for affordable housing. Many social service agencies are involved. The effort included an initial study by a national consultant, and information can be found at www.delcohousing4all.org. **Brad attended the final 2025 meeting on December 10th.**

DCRPC-Managed Projects

Radnor Township Comprehensive Plan

Staff is meeting monthly with the Radnor Township Comprehensive Steering Committee to create Radnor's first Comprehensive Plan. Once the Plan is adopted the Township plans on adopting their own Zoning Resolution. **Brad attended the January 20th meeting and hosted Jonathan Kabat from Economic Development.**

Concord Township Comprehensive Plan

Staff is working with the Zoning Commission on various updates in existing sections of the Zoning Resolution. **Steering Committee met on January 7 to discuss public input. Next meeting should be final Committee meeting.**

Project-specific/other meetings

Sunbury Parkway: Interchange work is well underway. Link below has changed to the project link.
<https://www.transportation.ohio.gov/projects/projects/90200>

US 23 Connect: The U.S. 23 Corridor Action Plan was completed in January, 2025. It explains the outcome of the 2024 Preliminary Feasibility Study and provides other details.
<https://publicinput.com/23connect>

Safe Routes to School (Berlin Twp.) – EDG continues to work with Berlin Twp. to develop a School Travel Plan. The SRTS program aims to encourage and enable students in grades K–12 to walk or bike to

school safely. This is achieved through a combination of infrastructure improvements (such as sidewalks and bike lanes) and strategies (like education and community engagement). Brad attended the most recent meeting on December 2nd and EDG will be sending out a draft report on December 12th to receive feedback.

Possible contract work: Scioto Twp. and Delaware Twp.

D. Other Business

1. OPWC contract

Mr. Sanders presented the District 17 Liaison services contract, which includes payments for RPC's administrative reimbursement.

Mr. Merrell made a motion for Approval of the OPWC contract, contingent on legal counsel approval. Ms. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

2. Consideration for recommendation of Approval: Liability Insurance \$10,007.00

Ms. Maag made a motion to recommend Approval of the Liability Insurance for \$10,007.00. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

E. Adjourn

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 2:36 p.m. Ms. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, February 18, 2026 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)

13-24.1.C Del Webb Northstar, Section 1, Phase C – Kingston Twp. - 1 lot / 9.043 acres

Conditions

Applicant: Northstar Residential Development / **Engineer:** Kimley-Horn

Subdivision Type: Commercial (Clubhouse and amenities)

Location: North of Wiregrass Dr., west of Pimento Dr.

Zoned: Planned Residential District (PRD) / **Preliminary Approval:** 10/24/24

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

Staff Comments

Del Webb Northstar, Section 1, Phase C is the site of the proposed Clubhouse for the Del Webb Northstar development, located on the north side of Wiregrass Dr., west of Pimento Dr. Preliminary approval was granted on October 24, 2024 for the overall Del Webb Northstar development 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 Del Webb Northstar, Section 1, Phase C to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Del Webb Northstar, Section 1, Phase C. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

15-24.1 **Courtyards at Evans Farm, Section 1 - Orange Twp. - 37 lots / 20.886 acres**

Conditions

Applicant: Epcon Communities / **Engineer:** Advanced Civil Design

Subdivision Type: Single Family Planned Residential community

Location: West side of S. Old State Rd., south of Avonlea Way

Zoned: Single Family Planned Residential (SFPRD) / **Preliminary Approval:** 12/19/24

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

Staff Comments

Courtyards at Evans Farm, Section 1 is a residential subdivision with 37 buildable lots for single-family detached condominiums and six (6) reserve lots, located on the west side of S. Old State Rd., south of Avonlea Way. Preliminary approval was granted for the overall development on December 19, 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 **Courtyards at Evans Farm, Section 1** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Courtyards at Evans Farm, Section 1. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

ZONING MAP/TEXT AMENDMENTS

01-26 ZON **Oxford Twp. Zoning Commission – Oxford Twp. – Zoning Resolution update**

Request

On 11/24/25, the Oxford Township Zoning Commission initiated an update to their Zoning Resolution.

Summary

The Oxford Township Zoning Resolution was originally adopted in 2001 and most recently amended in 2016. The proposed zoning amendments are as follows:

- Updates definitions to adhere to the ORC definition and guidance from the County Prosecutor.
- Adds language to address container homes (pending Prosecutor review). No example language is included to date. Container homes may be more appropriate as an Accessory Dwelling Unit as approved by a Conditional Use from the BZA.
- Updates list of “Noxious Weeds” (current list from 2010, proposed is 2025).
- Replaces “May” with “Shall” in Agriculture section.
- There is a note to be added to the Planned Residential District requiring public sanitary sewer and water; however, the current Resolution already has this statement. There is also added language that will not permit land application sewage systems. Staff recommends speaking with relevant agencies that may provide additional guidance on this requirement (Public Health, OEPA, and DCSEO).

- C-1 (Commercial) district allows for a maximum of three inoperable vehicles to be parked on a parcel; they must now be screened by fencing. Staff recommends adding fence requirements (height, material, opacity, etc.), or creating a fence section in the General Development Standards section that applies to this, and any other fences.
- A-1 (Agricultural) adds similar language as C-1, but includes fence requirements.
- A-1 requires a minimum lot frontage of 350 feet. This is proposed to change based on lot size; 350 feet of frontage for 5-6 acres, and up to 600 feet when 10 acres or larger. Staff has concerns that this may be an encumbrance on property owners if they wish to subdivide their land in an otherwise permissible way. There are many existing agricultural fields that are over 1,000 feet deep, and meeting the 600 foot lot width would essentially create a 20-acre lot, not the minimum 10-acres. Staff supports the intent of the A-1 District; “intended to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and protect them from uncontrolled encroachment by urban types of development.”, but recommends considering minimum lot widths that allow for the minimum lot size. Or, consider increasing the minimum lot size to 10-acres or more. Some examples of Farmland Agricultural Protection Zones within zoning codes can be found here: <https://farmlandinfo.org/ag-toolbox/protect-farm-and-ranch-land/>.
- Removes “travel trailer parks for overnight parking or any other allied activity” from the Permitted Uses in the Planned Commercial District. Staff recommends adding this use to the Prohibited Uses section. Otherwise, it could continue to be interpreted as a permitted use (Ex: “normally associated with and intended to service the traveling public...”).
- Updates Permitted Use NAICS codes in Industrial District.
- Removes Sanitary Land Fill and Solid Waste Transfer Stations from Permitted Uses in the PID, depending on Prosecutor’s advice. Staff notes that this requirement is noted in the County Zoning Resolution. Another option is how Troy Township regulates these uses:
 - NAICS # 562212 - Sanitary Land Fills, provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies, the Zoning Commission may require such screening as is necessary to protect adjacent neighborhoods.
- Adds screening requirements in Planned Industrial District.
- Increases the number of Institutional District (INS) application copies to be submitted from 5 to 7.
- Change Planned Institutional District (PINS) to (PIND).
- Remove the Recreation District (REC). This district has not been applied to any properties to date and the BZC questions the need for this district. Staff notes that there is also a Planned Recreational District (PREC) that can accommodate the uses in the REC. The PREC will now expire in 2 years instead of 3 years.
- Adult Entertainment Regulations and Adult Entertainment District (AE) are under review by the County Prosecutor, but no changes are proposed at this time.
- Adds Single Parcel Solar Facilities section. Permitted uses include “All Integrated and Rooftop and Ground Mounted Solar Energy Systems that fall under the definition of Single Parcel Solar Facility shall be permitted in all zoning districts.” Staff notes that a definition of “Single Parcel Solar Facility” and “Solar Energy Systems” (Integrated and Rooftop) are still needed.
- Potentially updates Notice of BZC, BZA and Township Trustee meetings in “one or more newspapers” and timeline for these meetings per County Prosecutor’s advice. Staff recommends directly quoting recent changes to the ORC, which allows notice to be on the web and social media posts.

- Staff recommends checking formatting to ensure all bullets and sub-sections are indented consistently.
- And other minor changes to clarify requirements.

Staff Recommendation

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

Commission / Public Comments

Ms. Holt made a motion to recommend Approval of the text amendments of the Oxford Township Zoning Resolution. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

02-26 ZON Elizabeth Ann Berlin Trust – Genoa Twp. - .077 acres – PRD to RR

Request

The applicant, Drew Berlin, for the Elizabeth Ann Berlin Trust, is requesting a 0.077-acre rezoning from PRD to RR to allow the development of a single-family lot.

Conditions

Location: south of Fleur Dr., east of Worthington Rd.

Current Land Owner: Elizabeth Ann Berlin Trust

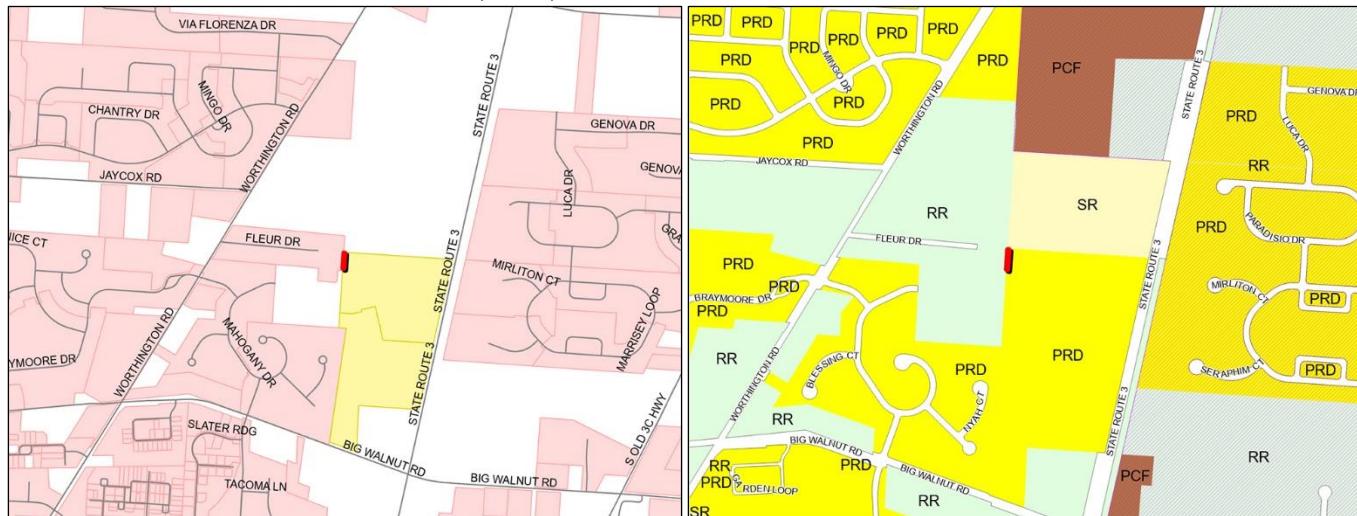
Current Zoning: Planned Residential District (PRD) / **Proposed Zoning:** Rural Residential (RR)

Current Use(s): part of a residential lot / **Proposed Use(s):** same

Surrounding Uses: Fleur Road to the north, future Courtyards at Big Walnut subdivision to the east, existing Walnut Grove subdivision to the west and south.

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

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



Introduction

This small strip of property was part of the Courtyards at Big Walnut subdivision, which was rezoned from Rural Residential to PRD in February of 2025 and included a small strip of land that was negotiated to be

transferred to the neighboring property to the west. An Adjacent Property Transfer was approved and completed in September of 2025, transferring this 16' x 198' strip to the Elizabeth Ann Berlin Trust. The result was this small strip continuing to be zoned PRD where the receiving acreage is zoned Rural Residential. This rezoning action will provide the strip with the same zoning designation as the adjacent property.

Comprehensive Plan

Genoa Township's 2023 Comprehensive Plan indicates this general area could either be Rural Residential or Planned Residential, based on services and other issues.

Staff Recommendations

Staff recommends Approval of the rezoning request by Elizabeth Ann Berlin Trustee from PRD to RR to the DCRPC, Genoa Twp. Zoning Commission and Genoa Twp. Trustees.

Commission / Public Comments

Mr. Drew Berlin was present.

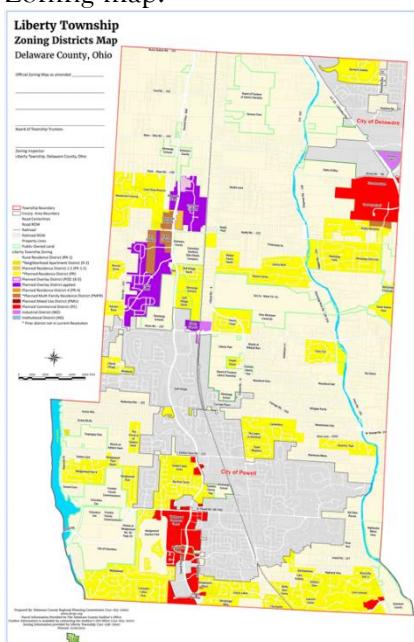
Mr. Merrell made a motion to recommend Approval of the rezoning request by Elizabeth Ann Berlin Trustee from PRD to RR. Mr. Matlack seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

03-26 ZON

Liberty Twp. Zoning Commission – Liberty Twp. – Zoning map amendment

Request

On 12/22/25, the Liberty Trustees initiated amendments to the text and labels of the Liberty Township Zoning map.



Summary

When Liberty Township adopted a major amendment to its Zoning Resolution in October, 2025, the amendments resulted in a number of new or renamed districts. For example, Farm Residential (FR-1) changed to Rural Residence 1 (RR1). Planned Residential (PRD) changed to Planned Residence 1.5 (PR1.5) and Planned Multi-Family (PMFR) changed to Planned Residence District 4 (PR4). Additionally, a Neighborhood Apartment District (R-3) and Elderly Planned Residence District (PERRD) were removed for future use in the code. In the case of R-3, there is a site that will continue to appear on zoning maps until and unless it is rezoned and/or redeveloped as another district. These changes resulted in several amendments to the map. Although no parcels changed districts on the map, the changes were significant enough that the township's legal counsel advised the Zoning Commission and Trustees to review and approve the map. DCRPC staff worked with Liberty Township to make those changes, and therefore has no recommendations to add.

Staff Recommendation

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

Commission / Public Comments

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

04-26 ZON **Harlem Twp. Zoning Commission – Harlem Twp. – Zoning Resolution update (XXVII and XXVIII)**

Request

On 11/10/25, the Harlem Township Zoning Commission initiated amendments to Articles XXVII and XXVIII of the Harlem Township Zoning Resolution.

Summary

Staff worked with the Township on the following zoning amendments, summarized as follows:

- Allow the township to advertise public meetings via the township website and social media;
- Redefine “owners of property” to be notified (contiguous to, adjoining, adjacent, etc.);
- Cases will no longer be required to be reviewed by the Delaware County Regional Planning Commission for further determination after the Zoning Commission votes, only by the Township Trustees;
- Rezoning cases will become effective 30 days after the date of adoption, unless 35% (no longer 8%) of the total vote cast for all candidates for governor in the area;
- The BZA must now make notice of hearings by first class mail, not “ordinary” mail; and
- Zoning variance and conditional use applicants’ must now consider all of their own contiguous property as a single perimeter, and must list all adjacent property owners.

Staff Recommendation

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

Commission / Public Comments

Ms. Holt made a motion to recommend Approval of the text amendments to the Harlem Township Zoning Resolution. Mr. Manley seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

SUBDIVISION PROJECTS

Preliminary

01-26 Whisper Trace 2 – Concord Twp. - 4 lots / 10.034 acres

Conditions

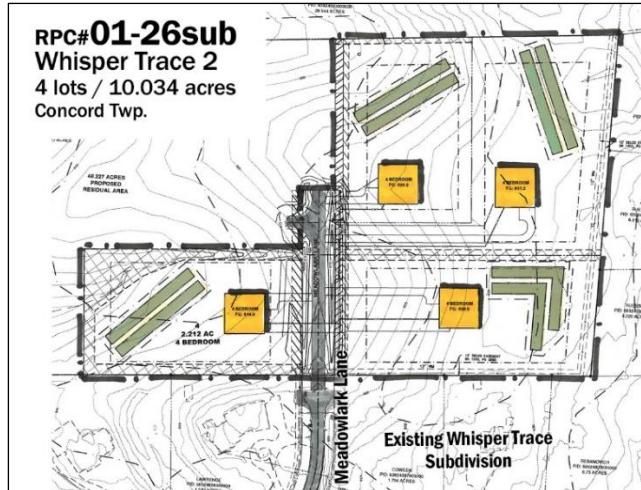
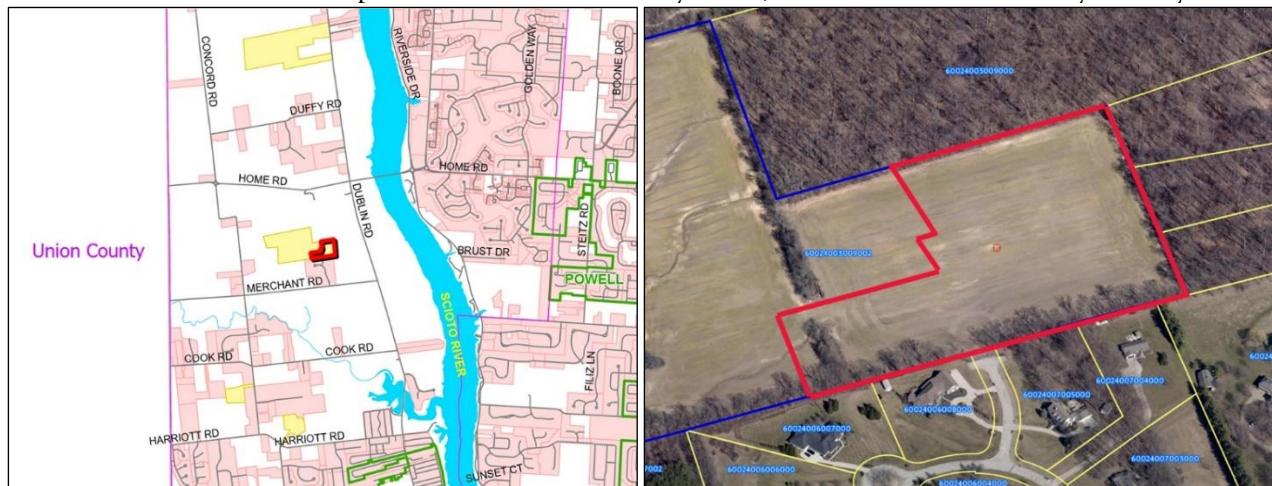
Applicant: Robert Siekmann / **Engineer:** Gandee Heydinger

Subdivision Type: Single-Family Residential

Location: Northern extension of Meadowlark Lane, north of Merchant Rd., west of Dublin Rd.

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

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



Staff Comments

The request is for Preliminary Plan approval to create a four (4) lot single-family residential development. All four lots will gain access off the Meadowlark Lane extension and the remainder 48.227-acre lot will now have legal access off of the road extension. The site is located at the northern terminus of Meadowlark Lane, north of Merchant Rd. and west of Dublin Road.

A technical review was held on January 20, 2026, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends Preliminary Approval of Whisper Trace 2 to the DCRPC.

Commission / Public Comments

Mr. Aaron Heydinger, Gandee Heydinger Group, was present to answer questions from the Commission.

Mr. Manley made a motion for Preliminary Approval of Whisper Trace 2. Mr. Setzer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

02-26 Liberty Landing – Delaware Twp. - 79 lots / 23.73 acres

Conditions

Applicant: Fincon Developers / **Engineer:** DGL Consulting Engineers

Subdivision Type: Single-Family Residential

Location: west side of Liberty Rd., south of Hawthorn Blvd.

Current Land Use: Vacant / **Zoned:** Planned Residential (PRD)

Utilities: City of Delaware water and sewer / **School District:** Olentangy



Staff Comments

The request is for Preliminary Plan approval to create a 79 lot single-family residential development. The site is located on the west side of Liberty Rd., south of Hawthorn Blvd.

A technical review was held on January 20, 2026, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends Preliminary Approval of **Liberty Landing** to the DCRPC.

Commission / Public Comments

Mr. Brian Adams, DGL Consulting Engineers, was present to represent the applicant.

Mr. Matlack made a motion for Preliminary Approval of Liberty Landing. Mr. Price seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VARIANCE / EXTENSION

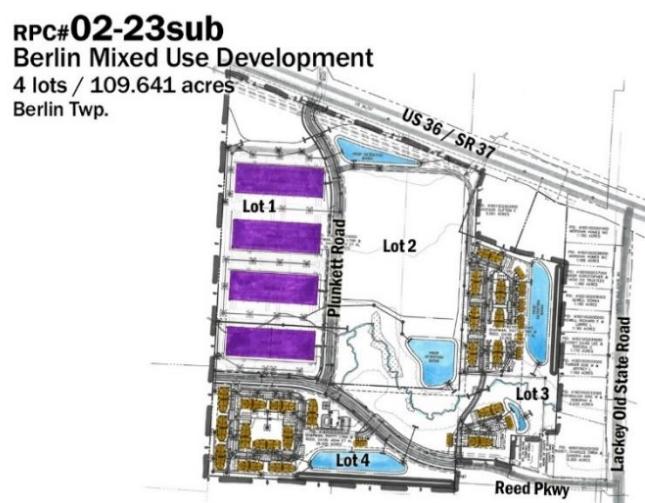
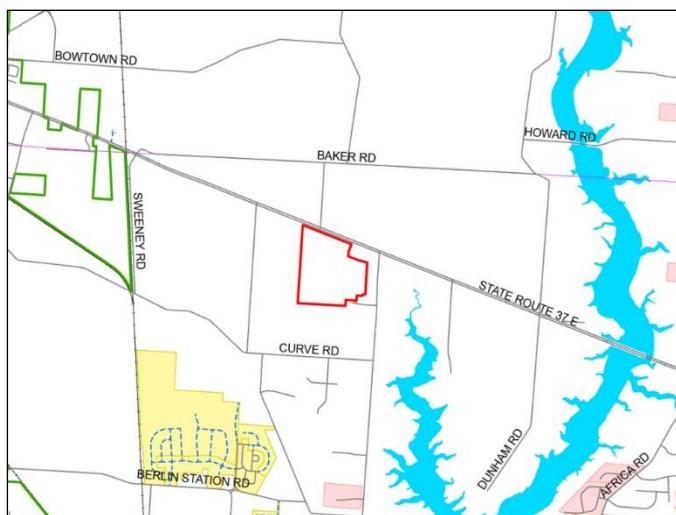
02-23.V Berlin Mixed Use Development – Berlin Twp. – Requesting additional 1-year extension

Applicant: T & R Properties, Berlin Industrial LLC., and Berlin Apartments LLC.

Engineer: Advanced Civil Design

Preliminary approval: 01/26/23

Extensions: 01/30/25 - 01/30/26



Request

The applicant, T & R Properties, Berlin Industrial LLC, and Berlin Apartments LLC., are requesting a one-year Preliminary Plan extension via Variance for Berlin Mixed Use Development. The site is located on the south side of US 36 / SR 37, west of Lackey Old State Rd. The development was given Conditional Preliminary approval in January 2023, subject to the multi-family portion of the site being successfully rezoned and the industrial portion of the site must receive approval of a Development Plan

in accordance with Article 21 of the Berlin Twp. Zoning Resolution to allow for the proposed development prior to construction and eventual approval of a Final Plat.

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) Berlin Mixed Use Development received Conditional Preliminary approval on January 26, 2023; and
- 3) The applicant received a one-year extension in January 2025.

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: *"We are requesting a 12-month extension. This extension will provide time for ongoing litigation against Berlin Township to proceed and conclude.*

Due to this unique characteristic and situation, we qualify for this request based upon our satisfaction of the below:

1. *The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other parties.*
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 application 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.*

Although we are in litigation with Berlin Township, we have attempted to and have advanced engineering as

much as possible and will continue to do so. Our justification for this variance is: our request is extremely minor, it seeks to maintain the status quo, and our property is subject to federal litigation that is contingent upon the property being ripe for development which includes this approval extension request remaining viable.”

Staff Comments

This is the first extension request by Variance for this project. Under the recent changes in the Subdivision Regulations, this request would not require a Variance. Staff believes this is a reasonable request, but also notes that since this proposal is for a commercial and multi-family development, the subdivision plat project itself could move forward even without a final zoning determination as to the density and uses.

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 **Berlin Mixed Use Development** be Approved.

Commission / Public Comments

Mr. RJ Sabatino, T & R Properties, was present and sworn in. He stated that they will continue working with the Township.

Mr. Weade asked for clarification on the staff report, particularly whether the project could advance without the requested variance. In response, Mr. Sanders outlined how plats typically function, noting that they are typically used to create individual lots for private ownership and home construction. He explained that the Township's overlay dictates where certain land uses are permitted, and the core disagreement between the applicant and the Township involves the density of multi-family housing. The multi-family reflect a higher density than the Township wants.

Mr. Sanders noted that the road network for the development is already established, and the lots could technically be created while density adjustments are still being negotiated. The plat would reflect FR-1 zoning. While the development blocks are essentially fixed, the applicant is seeking the extension in order to resolve the density issues before moving forward with the platting process.

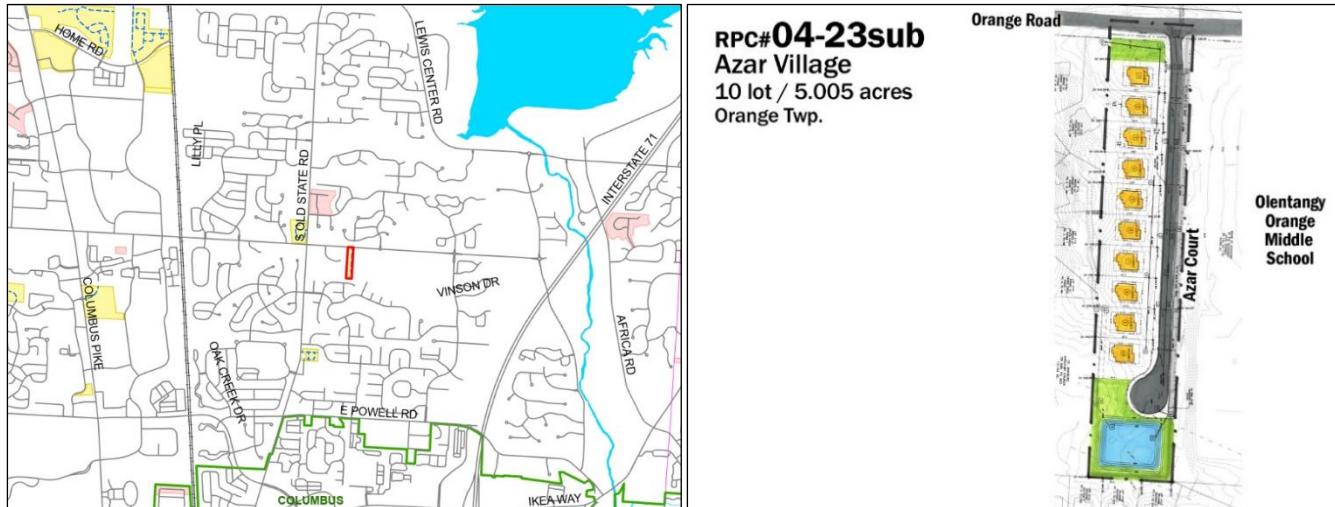
Mr. Merrell made a motion for Approval of the Variance and a one-year Extension of Berlin Mixed Use, based on the Findings of Fact. Mr. Duffee seconded the motion. VOTE: Majority For, 1 Opposed (Berkshire Twp.), 1 Abstained (Berlin Twp.). Motion carried.

04-23.V Azar Village – Orange Twp. - Requesting additional 1-year extension

Applicant: Aaron Azar / **Consultant:** Plan 4 Land

Preliminary approval: 01/26/23

Extensions: 01/30/25 - 01/30/26



Request

The applicant, Aaron Azar is requesting a one-year Preliminary Plan extension via Variance for Azar Village. The site is located on the south side of E. Orange Rd. and east of S. Old State Rd. The development was given Preliminary approval in January 2023.

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) Azar Village received Conditional Preliminary approval on January 26, 2023; and
- 3) The applicant received a one-year extension in January 2025.

Criteria for a Variance

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

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.
Applicant: "We are not aware of any change in regulations that would need to be addressed with new plan submittal."
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
Applicant: "Yes, the engineering of this site had delays in negotiating an offsite water easement with school district and use of electric easement for stormwater treatment basin."
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.

Applicant: "Not applicable."

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: "Agreed, this project is otherwise compliant. It just required more time for design plans than we had anticipated in late 2025 and is now ready for construction."

"On behalf of the property owner, we would like to request a second extension as we wrap up final approvals of the plat for the Azar Village Subdivision. The delay occurred during final engineering approval, but we anticipate construction finalization in Summer 2026 with the final plat being recorded in late 2026."

Staff Comments

This is the first extension request by Variance for this project. Under the recent changes in the Subdivision Regulations, this request would not require a Variance. Staff believes this is a reasonable request, as progress is being made on the engineering with an intent to develop and plat in 2026.

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 **Azar Village** be *Approved*.

Commission / Public Comments

Ms. Lexus Cain, Plan 4 Land, was present and sworn in. She stated that the school board has signed the necessary easements and contractors are lined up to begin construction in the spring.

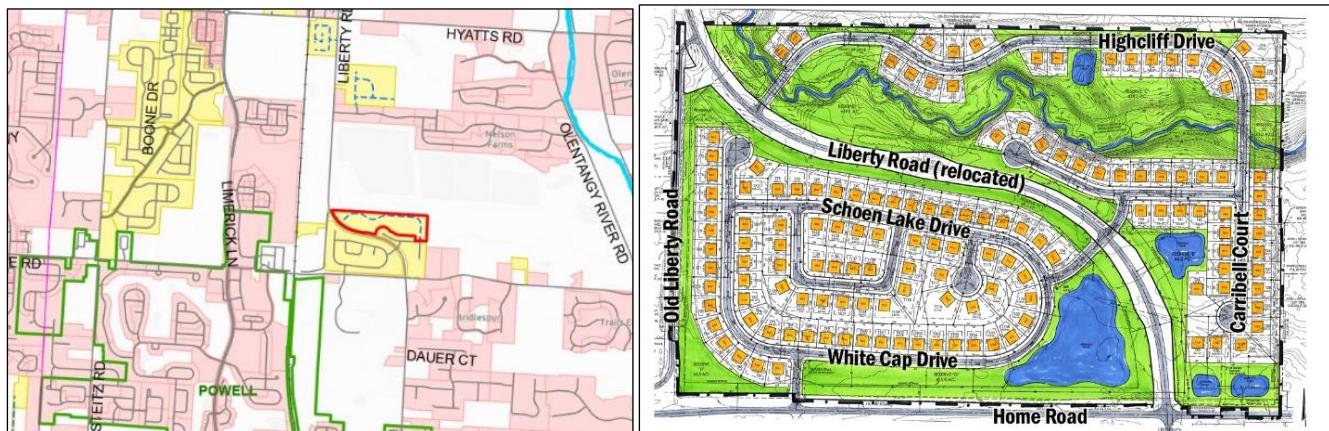
Mr. Price made a motion to Approve the Variance and one-year extension for Azar Village, based on the Findings of Fact. Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

05-14.V Liberty Trace, Section 4 – Liberty Twp. – Requesting additional 2-year extension

Applicant: Pulte Homes / **Engineer:** EMH & T

Preliminary approval: 04/24/14 (overall Preliminary)

Extensions: 1/28/21 – 1/28/22, 1/27/22 – 1/27/24 (via variance #1), 1/24/24 - 1/25/26 (variance#2)



Request

The applicant, Pulte Homes, is requesting a two-year extension via Variance for Liberty Trace, Section 4. This is the final section of the development and will include 23 single-family residential lots on 34 acres.

Facts

- 1) The Subdivision Regulations state that “the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded”;
- 2) Liberty Trace received overall Preliminary approval on April 24, 2014;
- 3) Liberty Trace, Section 1 was recorded January 15, 2016, which held the Preliminary approval until January 2021;
- 4) Section 2, Phases A and B and Section 3, Phases A and B have all been recorded;
- 5) The applicant received a one-year extension of the remaining lots in January 2021 to January 2022;
- 6) The applicant received a two-year extension via Variance in January 2022;
- 7) The applicant received a second two-year extension via Variance in January 2024; and
- 8) The applicant is requesting a fourth extension via Variance for 2 years.

Criteria For a Variance

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

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.

- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

Applicant's Response: "Pulte Homes is requesting a variance and extension from the noted sections of the DCRPC Subdivision Regulations relative to the final section of the Liberty Trace subdivision which is planned to contain 23 residential building lots. Pulte has been evaluating and planning the development of this section for some time which is complicated by various environmental aspects including the need to install two stream culvert crossings. Pulte and our engineering and environmental consultant (EMH&T) have continued to plan for the design, permitting and development of this section. Recent changes to the jurisdiction and regulations relative to the necessary environmental permitting, in particular state regulations, have made the environmental aspects of this process more feasible. Pulte has recently approved EMH&T to proceed with final engineering design of this section. In order to allow for the completion of the engineering design, final platting approvals and development of this final section of the community, Pulte is requesting a two (2) year extension of this Preliminary Plat."

Staff comments: Staff understands the cited reasons for requesting this extension by variance (environmental issues resulting in longer than anticipated engineering and permitting). However, the applicant has identified no significant changes from the previous request, except for an intent to move the engineering forward in the next two years. The environmental issues are unique to the property, as a drainage course and associated floodplain are located within the remaining section, but those features existed when the subdivision received its initial approval. The Commission has taken a more thoughtful approach to extensions and recently changed the regulations to allow a longer initial approval period with the goal of reviewing fewer (if any) Variances for extensions. Additionally, the applicant notes that there may be changes in the layout, which would require a new Preliminary Plan. For these reasons, staff cannot recommend approval of this Variance and extension.

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 two-year extension for **Liberty Trace, Section 4** be **Denied**.

Commission / Public Comments

Ms. Nicki Martin of Pulte Homes was present and sworn in. She expressed appreciation for the staff's review and noted that she understands their position. Ms. Martin explained that environmental regulations tend to be cyclical and often influenced by political factors. She stated that the State of Ohio has revised its regulations over the past two years regarding ephemeral streams and the requirement to purchase mitigation credits. As a result, anticipated development costs have decreased, making the long-delayed project financially viable again. With this in mind, the applicant hopes to proceed with the existing layout and is requesting the variance to allow the development to move forward.

In response to a question from Mr. Vidor about the project timeline if the variance were approved, Ms. Martin said that after several changes in engineering firms, they are now under contract with EMH&T and are actively preparing required applications.

Mr. Matlack asked if they had looked into the Floodplain development requirements for the stream

crossings. Those would be handled through the Building Safety Department. She said that with being in the Olentangy Watershed, EMH & T has looked into this.

Mr. Snodgrass inquired about when improvements to Edgehill Drive and Carribell Court were completed, and Mr. Sanders estimated the work occurred around 2017–2018. Mr. Snodgrass expressed concern that, despite an additional access point on Old Liberty Road, renewed construction activity would impact an established neighborhood after more than a decade of inactivity. He also voiced concerns about setting a precedent by repeatedly extending approvals for projects that remain inactive for long periods. Chairman Shafer agreed, noting that regulations at the environmental, county, and township levels evolve over time.

Ms. Holt asked if the applicant would be open to a shorter length of time for the extension. Ms. Martin indicated they would be.

Mr. Weade questioned why the applicant would not just restart the review process, noting that RPC review fees are not that substantial and that a new submission would allow all agencies to review an updated plan.

Mr. Matlack made a motion to deny the Variance and Extension request based on the Findings of Fact. Mr. Snodgrass seconded the motion. VOTE: Majority for Denial, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.

OTHER BUSINESS

- Consideration for Approval: Liability Expenditure: \$10,007.00

Ms. Holt made a motion to Approve the Liability Expenditure for \$10,007.00. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

RPC STAFF AND MEMBER NEWS

- Reminder: Bios for members interested in serving on the Executive Committee are due by Feb. 10th

Having no further business, Mr. Price made a motion to adjourn the meeting at 6:41 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, February 26, 2026, 6:00 PM at the Byxbe Campus Conference Room, 1610 State Route 521, Delaware, Ohio 43015.