



# Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## *\*AGENDA\**

Thursday, May 25, 2017 at 6:30 PM  
Frank B. Willis Building, 2079 US 23 North, Conference Room,  
Delaware, Ohio 43015

### I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of April 27, 2017 RPC Minutes
- Executive Committee Minutes of May 17, 2017
- Statement of Policy

### II. VARIANCES / EXTENSION

07-05.1-3.V Edwards Land Co. - Liberty Twp. - variance from Sec. 204.04, and 102.03-Nelson Farms

### III. ZONING MAP/TEXT AMENDMENTS

17-17a ZON Pulte Homes - Orange Twp. - 43.9 acres from PC and MFPRD to SFPRD  
 17-17b ZON 216 Home Road LLC/Home High LLC - Orange Twp. - 33.5 acres from  
 PC and MFPRD to PC  
 18-17 ZON Dolores Buell - Harlem Twp. - 13.042 acres from AR-1 to FR-1  
 19-17 ZON David Weade - Berkshire Twp. - 6.14 acres from A-1 to FR-1  
 20-17 ZON Kingston Twp. Zoning Commission - Kingston Twp. - Zoning code text amendments  
 21-17 ZON Mallory & Mark Kemmerling - Berkshire Twp. - 7.11 acres from A-1/FR-1 to FR-1

### IV. SUBDIVISION PROJECTS

#### Preliminary

		Township	Lots/Acres
08-17	Berlin Manor	Berlin	95 lots / 88.98 acres

Preliminary/Final (none)

Final (none)

T=TABLED, W=WITHDRAWN

### V. OTHER BUSINESS

- Consideration for Approval: Contract, Berkshire Twp. Comprehensive Plan update, \$5,000.00

### VI. POLICY / EDUCATION DISCUSSION

### VII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

- Call to Order
- Roll Call
- Approval of the April, 2017 RPC Minutes
- May 17, 2017 Executive Committee Minutes

1. Call to order

Chairman Stites called the meeting to order at 8:45 a.m. Present: Dave Stites, Mike Frommer and Jeff George. Absent: Susan Kuba and Gary Merrell. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from April 19, 2017

*Mr. George made a motion to Approve the minutes from the April meeting as presented. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. New Business

- Financial / Activity Reports for April 2017

REGIONAL PLANNING RECEIPTS		APRIL	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$1,025.00
Fees A (Site Review)	(4202)	\$300.00	\$1,800.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$1,200.00
Membership Fees	(4204)	\$21,270.00	\$221,710.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$1,890.74
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$0.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$28,700.00	\$58,395.00
Charges for Serv. B (Final. Appl.)	(4231)	\$22,300.00	\$27,945.00
Charges for Serv. C (Ext. Fee)	(4232)		\$600.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$400.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$1,200.00	\$2,700.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$765.00
Soil & Water Fees	(4243)	\$725.00	\$2,500.00
			\$12.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			\$229.66
Other Misc. Revenue (GIS maps)	(4730)		\$0.00
Misc. Non-Revenue Receipts	(4733)	\$25.14	\$155.14
Sale of Fixed Assets	(4804)		\$0.00
<b>TOTAL RECEIPTS</b>		<b>\$75,325.14</b>	<b>\$321,627.54</b>

Balance after receipts	\$1,022,668.72
Expenditures	<u>\$ 30,593.52</u>
End of April balance (carry forward)	\$992,075.20

Mr. Stites questioned the expenditure limits for requiring Commission approval. Currently expenses of \$501-\$1,000 need a signature of both the Executive Director and RPC Chairman and expenses over \$1,000 need to be approved by the full Commission. He asked if this should be amended to be current with today's costs. Mr. Sanders stated that it has not been a problem in the past but would look into changes if needed in the future.

***Mr. George made a motion to Approve the financial reports as presented for audit. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

- Site Review: none
- May RPC Preliminary Agenda
  - 1.) Rezoning:
    - Pulte Homes – Orange Twp. – 43.9 acres from PC and MFPRD to SFPRD
    - Pulte Homes – Orange Twp. – 33.5 from PC and MFPRD to PC
    - Dolores Buell – Harlem Twp. – 13.042 acres from AR-1 to FR-1
    - David Weade – Berkshire Twp. – 6.14 acres from A-1 to FR-1
    - Kingston Twp. Zoning Commission – Kingston Twp. – Zoning code text amendments
    - Mallory & Mark Kemmerling – Berkshire Twp. – 7.11 acres from A-1/FR-1 to FR-1
  - 2.) Preliminary:
    - Berlin Manor – Berlin Twp. - 95 lots / 88.98 acres
  - 3.) Preliminary/Final: none
  - 4.) Final: none
  - 5.) Variance / Extension:
    - Nelson Farms, Sections 1-3 – Liberty Twp. – requesting additional extension
- Director's Report
  - 1.) Attended MORPC State of the Region, created ad for program;
  - 2.) Plat size issue continues – Evans Farm Section 1 discussion;
  - 3.) Delaware County Trail Committee Plan: article in the paper, probably one more meeting before draft presented to Commissioners;
  - 4.) Liberty Township Comp Plan meetings complete, working on grammar check and final layout;
  - 5.) Berkshire Township Comp Plan – completed Recommendations chapter, working on background material;
  - 6.) Continued involvement in the county's rebranding, probable presentation soon; and
  - 7.) Updated the "Statistics" section of the County website.

**4. Old Business (none)**

5. Other Business (none)

6. Personnel (none)

7. Adjourn

Having no further business, Mr. George made a motion to adjourn the meeting at 10:25 a.m. Mr. Frommer seconded the motion. *VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, June 21, 2017 at 8:45 a.m. at 109 North Sandusky Street, 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 speak, at which time the chair will allow questions from the members of 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.

**II. VARIANCES / EXTENSIONS**

07-05.1-3.V Edwards Land Co. – Liberty Twp. – variance from Sec. 204.04, and 102.03–Nelson Farms

**Applicant:** Nelson Farms Assoc. LLC

**Engineer:** EMH & T

**Preliminary approval:** 05/25/06

**Extensions granted:** 10/25/12 (to begin 3/13 for 1 year), 03/27/14 for 1 year via variance, 02/26/15 for 1 year via variance

**I. Request**

Nelson Farms Assoc. LLC. is requesting a variance to sections 102.03 and 204.04 regarding the expiration and extension of the Preliminary Plan. The applicant is requesting a 1-year extension beyond the time limit allowed in the Subdivision Regulations to complete the platting of a subdivision (five years after the first plat is recorded) in the Nelson Farms subdivision in Liberty Township. Sections 2, Phase C and Section 3 remain unplatted to date.

The proposed subdivision is located on the west side of SR 315, north of Home Road.

**II. Facts**

1. The Subdivision Regulations require that a Subdivision be completely platted within five years of the first Section being recorded;
2. Nelson Farms, Sections 1-3 received Preliminary approval on March 25, 2006;
3. Section 1, Phase A was recorded March 2008, giving the remaining sections until March 2013 to be

recorded.

4. The project was given a 1-year extension October 2012 to begin March 2013 until March 2014;
5. Section 2, Phase A was recorded January 13, 2014;
6. A variance was granted March 2014 for a 1 year extension to March 2015;
7. A second variance was granted March 2015 to allow for a 1 year extension to March 2016;
8. Section 2, Phase B was recorded September 16, 2015; and
9. The applicant seeks a third one-year extension for the remainder of the subdivision by variance to March 2018.

### **III. 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:*** "We hereby request a variance from Sections 102.03 and 204.04 of the Delaware County Subdivision Regulations to allow additional time until May 25, 2018, for the completion of the Nelson Farms development. The reason for this variance is due to the housing recession of the past six years, which has resulted in a slower pace of development. The granting of this variance request shall not be detrimental to the public health, safety, and welfare, and not injurious to other parties. The granting of this variance will not vary the provision 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."

***Staff comments:*** This area is the subject of engineering challenges in extending sanitary sewer through the site. Recent agreements by the County Commissioners should lead to progress on this issue, including the setting of a bid date on May 18<sup>th</sup> for the extension project. Zoning on the site has been extended by the township and development in the area has not changed.

### **IV. Staff recommendations**

DCRPC staff recommends that due to engineering challenges and regional sewer improvements and based on the Findings of Fact, the Variance request from Sec. 102.03 & 204.04 for **Nelson Farms, Sections 1-3** and a one-year Extension of the Preliminary be *Approved*.

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### III. ZONING MAP/TEXT AMENDMENTS

#### 17-17a ZON Pulte Homes – Orange Twp. - 43.9 acres from PC and MFPRD to SFPRD

##### I. Request

Pulte Homes, on behalf of the owner Home High LLC, is requesting a 43.9-acre rezoning from PC and MFPRD to SFPRD to allow a 146 single-family lot subdivision, Clear Creek.

##### II. Conditions

**Location:** south of Home Rd., west of the proposed extension of Gooding Blvd.

**Present Zoning:** Planned Commercial (PC) and Multi-Family Planned Residential District (MFPRD)

**Proposed Zoning:** Single-Family Planned Residential District (SFPRD)

**Present Use(s):** Agriculture

**Proposed Use(s):** 146 single family house lots

**Existing Density:** N/A

**Proposed Density:** 3.33 du / gross acres

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and central sanitary sewer

**Critical Resources:** streams / drainage courses, wetland, slope  $\geq 20\%$

**Soils:** GwB Glynwood Silt Loam 2-6% slope

GwC2 Glynwood Silt Loam 6-12% slope

LyD2 Lybrand Silt Loam 12-18% slope

##### III. Introduction

**Site History:** in January 2004, the DCRPC reviewed a rezoning application for this overall 83-acre site from MTB Corp. called Clear Creek. The proposal included a 69-acre Planned Commercial and Office development area along U.S. 23 and a 14-acre Multi-Family PRD area designed with 45 housing units in 15 3-unit buildings (3.13 units/gross acre). The plan included the relocation of Home Road to a location more appropriate for further extension to the east and a northerly extension of Gooding Boulevard from its end point at the Delaware County District Library. Office uses were intended for the area west of Gooding but north of a small wooded ravine, with the Multi-Family development south of that ravine as a buffer against existing condos to the south. That plan went through several iterations at the township level but the same general concept was ultimately approved.

In October 2007, the Commission reviewed and conditionally approved a proposal by Menard Inc. to develop an overall area of 70 acres (including the existing PC area as well as a small additional FR-1-zoned parcel) to Planned Commercial to develop as a Menards building material and supply store. That proposal was ultimately pulled, with the project eventually developed on the east side of U.S. 23 instead.

In October 2014, the Commission reviewed and conditionally approved a request from ICSP called “Project Sandstone,” which was a multi-building Amazon data center. That plan utilized the entire site, preventing the extension of Gooding Boulevard. After significant review, the applicant pulled the proposal and siting the project elsewhere.

In 2015, Home Road was relocated as a project of the County Engineer to an improved, widened intersection as previously planned. The improvement includes a road stub for Gooding Boulevard and provides access to the remaining site along the northeast corner. The road is located within an easement, with platted right-of-way needed.

**Proposal:** The current proposal relocates the alignment of Gooding Boulevard slightly, providing less acreage on the east side and more acreage on the west side. The plan is to utilize all the land west of the road for single-family use, except for a 3-acre parcel at the northern edge of the site. Two accesses to Gooding are provided; one is roughly 130 feet into the site from the current terminus behind the library, and one is approximately 300 feet south of the stub at Home Road.

Lots are arranged in blocks to the north, with a long cul-de-sac to the south. The 146 lots have a minimum width of 52 feet, with a total lot size of .15-acre, or 6,500 square feet. The plan notes that 20% open space (or 8.78 acres) is required (note that the plan includes the correct acreage but lists “70%” as the requirement). Open space provided is 10.2 acres, with 2.3 acres included in pond areas.

#### **IV. Comprehensive Plan**

Orange Township’s 2008 Comprehensive Plan acknowledges the current zoning as the proposed land use, including Planned Commercial in the larger area and multi-family south of the ravine. This is, therefore, a departure. However, the amount of acreage dedicated to office use west of Gooding Boulevard seemed to be excessive and lacking in exposure from U.S. 23. Significant office and commercial use is available east of U.S. 23 along the proposed extension of Home Road. Commercial and office outlots south of this site and at the Menards development. It is appropriate for the site to be reconfigured with land uses as proposed. Other details will be discussed below.

#### **V. Issues**

**Traffic and access:** Access points are similar to the previously-approved project. A design with at least two access points is desirable. Internal network of roads appears to result in a positive circulation throughout the site. The southern-most east/west cul-de-sac appears to be exceedingly long. This detail will have to meet the County Engineer’s standards during the Subdivision and Final Engineering process. Staff supports the completion of Gooding Boulevard to U.S. 23.

**Drainage:** Appears adequate, but detailed drainage will be designed as part of the Subdivision process. The RPC owns a dataset showing the OEPA setbacks for the Olentangy Watershed. Setbacks based on stream type either need to be preserved or mitigated. This data should be included for the Township’s review of the Development Plan.

**Signage:** Description of the signage is included in text form. Township needs a rendering.

**Sanitary Treatment:** Service letter is included. The development of this site is critical for the extension of sewer to lands east and north across U.S. 23.

**Pedestrian facilities:** The application indicates a sidewalk throughout, but only on one side of the street. An additional, wider multi-use path will be provided along Gooding Boulevard, completing the facility from its terminus at the library and allowing pedestrian connection from this neighborhood to the bridge over U.S. 23.

Staff recommends sidewalks along both sides of the internal streets, however.

## **VI. Divergences**

Eight divergences are requested, with all of them based on similar rationale:

1. Density increase from 2.0 to 3.3;
2. Reduction in lot frontage from 75 and 60 feet at the right-of-way to 52 feet at the setback line;
3. Reduction in front yard setback from “30 feet or as allowed in the Development Plan” to 25 feet as allowed in Section 21.09;
4. Reduction of side yard setbacks from 12.5 feet for each side yard and 25 feet between buildings to six feet for each yard and 12 feet between buildings;
5. Reduction in rear yard setbacks from 35 feet to 15 feet for interior lots;
6. Reduction of minimum lot depths at 135 feet to allow typical 140-foot perimeter lots and 120-foot interior lots;
7. Increase in maximum building coverage to allow for 45% lot coverage, includes garages and covered porches;
8. Divergence from the requirement that no single acre contain more than three dwelling units.

**Summary of applicant’s rationale:** The divergences relate to a different form of single-family housing that will allow the Township to meet the goal of “a variety of residential development, [including] townhouses, condos, and apartments in suitable areas.” Market conditions in the Township and throughout Central Ohio support other types of single-family housing than such traditional, large homes on large lots as limited by current SFPRD standards. Based on certain design characteristics of the proposal, the development will function much like the empty nester multi-family development to the immediate south, while still offering a detached, single-family empty nester home setting that has more market acceptance today.

***Staff Comment:** While this has elements of what some communities would consider a development plan amendment, the residential side is quite different than the previous application. The number of units has increased from 45 multi-family units to 146 single-family lots. While these lots may not generate the same number of trips per day as a residential unit on a traditional, quarter-acre development, the increase in traffic will still be substantial over the previous proposal. Additionally, while it may eventually be the case, this housing type has not yet proven to generate fewer school-age children than a typical single-family unit.*

*As is usually the case, the higher density is driving the need for all these divergences. The market has changed in recent years as buyers seek less maintenance. Generally speaking, when densities increase, quality of construction and details need to increase as well. Higher densities and small lots have been approved in Evans Farm, but because it was a mixed-use walkable community with a mix of lot types and house styles. All the architectural concepts seem to be similar. Most units are shown with a single-story configuration, with optional second-story lofts and larger loft/bedroom combinations.*

*Regarding the rear yard setback divergence, it should be noted that the lots in Olentangy Crossings to the north, which also back up to an arterial backage road, are designed with a depth of 135 feet, plus a 70-foot buffer/mounding strip. The lots along Gooding Boulevard are designed with a depth of 140 feet and no additional buffer. These lots need additional buffering and mounding to maintain the value of the residential side and buffer the views into the site from the commercial area. Staff recommends rather than targeting a specific density figure, the plan be amended to allow additional depth and buffering along Gooding Boulevard.*



## **VII. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Pulte Homes from PC and MFPRD to SFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

- 1.) *Increase lot depth and buffering along Gooding Boulevard and deeper reserves at the entrance features;*
- 2.) *Consider increasing lot width at the building line;*
- 3.) *Provide additional signage detail;*
- 4.) *Provide sidewalks on both sides of the internal streets;*
- 5.) *Ensure OEPA stream buffers are shown on the Development Plans.*

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17-17b ZON      216 Home Road LLC/Home High LLC – Orange Twp. – 33.5 acres from PC and MFPRD to PC

### **I. Request**

216 Home Road LLC/Home High LLC is requesting a 33.5-acre rezoning from PC and MFPRD to PC to amend the existing PC zoning to include commercial uses.

### **II. Conditions**

**Location:** West of US 23 at Home Rd. and proposed Gooding Blvd.

**Present Zoning:** Planned Commercial (PC)

**Proposed Zoning:** Planned Commercial (PC)

**Present Use(s):** Agriculture

**Proposed Use(s):** Planned Commercial

**Existing Density:** N/A

**Proposed Density:** N/A

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and central sanitary sewer

**Critical Resources:** streams / drainage courses, wetland

**Soils:** GwB Glynwood Silt Loam 2-6% slope

GwC2 Glynwood Silt Loam 6-12% slope

PwA Pewamo Silty Clay Loam 0-1% slope

BoA Blount Silt Loam 0-2 % slope

### **III. Introduction**

**Site History:** In January 2004, the DCRPC reviewed a rezoning application for this overall 83-acre site from MTB Corp. called Clear Creek. The proposal included a 69-acre Planned Commercial and Office development area along U.S. 23 and a 14-acre Multi-Family PRD area designed with 45 housing units in 15 3-unit buildings (3.13 units/gross acre). The plan included the relocation of Home Road to a location more appropriate for further extension to the east and a northerly extension of Gooding Boulevard from its end point at the Delaware County District Library. Office uses were intended for the area west of Gooding but north of a small wooded ravine, with the Multi-Family development south of that ravine as a buffer against existing condos to the south. That plan went through several iterations at the township level but the same general concept was ultimately approved.

In October 2007, the Commission reviewed and conditionally approved a proposal by Menard Inc. to develop an overall area of 70 acres (including the existing PC area as well as a small additional FR-1-zoned parcel) to Planned Commercial to develop as a Menards building material and supply store. That proposal was ultimately pulled, with the project eventually developed on the east side of U.S. 23 instead.

In October 2014, the Commission reviewed and conditionally approved a request from ICSP called “Project Sandstone,” which was a multi-building Amazon data center. That plan utilized the entire site, preventing the extension of Gooding Boulevard. After significant review, the applicant pulled the proposal and siting the project elsewhere.

In 2015, Home Road was relocated as a project of the County Engineer to an improved, widened intersection as previously planned. The improvement includes a road stub for Gooding Boulevard and provides access to the remaining site along the northeast corner. The road is located within an easement, with platted right-of-way needed.

**Proposal:** The current proposal relocates the alignment of Gooding Boulevard slightly, providing reduced acreage on the east side and increased acreage on the west side. The Commercial and Office area under consideration in this application includes a 4.5-acre parcel north of Home Road (“Parcel 1”), a 26-acre site between Gooding Boulevard and U.S. 23 (“Parcel 2”), and a 3-acre parcel west of Gooding and south of Home (“Parcel 3”). The largest parcel includes a right-in/right-out on U.S. 23, a right-in only access on Home Road, and four full accesses on Gooding. The parcel north of Home Road indicated a full access aligned with Gooding and a right-in only on Home Road. The 3-acre parcel shows two full accesses.

#### **IV. Comprehensive Plan**

Orange Township’s 2008 Comprehensive Plan acknowledges the current zoning as the proposed land use, including Planned Commercial in this area. It is appropriate for the site to be reconfigured with land uses as proposed. Other details will be discussed below.

#### **V. Issues**

**Traffic and access:** Access points are noted in the introduction and are limited along U.S. 23 and Home Road with four allowed along Gooding. A traffic study will determine whether accesses are proposed at safe locations, and may recommend additional turn-lanes will be required at Home Road access points. Staff supports the completion of Gooding Boulevard to U.S. 23.

**Drainage:** Detailed drainage will be designed as part of the Subdivision process. The RPC owns a dataset showing the OEPA setbacks for the Olentangy Watershed. Setbacks based on stream type either need to be preserved or mitigated. This data should be included for the Township’s review of the Development Plan.

**Signage:** Description of the signage is included in text form and through divergence requests. Township needs renderings.

**Sanitary Treatment:** Service letter is included. The development of this site is critical for the extension of sewer to lands east and north across U.S. 23.

**Pedestrian facilities:** A wide multi-use path will be provided along Gooding Boulevard as well as along the south

side of Home Road.

**VI. Divergences**

Ten divergences are requested:

1. Phasing plan has not been determined due to the size of the project and market conditions.  
*Staff Comment:* This is a fairly common issue in large commercial developments. As long as the extension of Gooding Boulevard is built with the first section of either this or the previous project, it is appropriate for phasing to be market-driven.
  
2. Divergence is requested for the parcels that front on U.S. 23 for approval to exceed the maximum height of 50 feet. Buildings are proposed to reach a maximum height of 78 feet, or five stories. Buildings within 100 feet of Gooding Boulevard are proposed to meet the 50-foot height.  
*Staff Comment:* This may be reasonable if the Fire Department is comfortable with the proposal. This additional height seems to be excessive for the parcel on the north side of Home Road, given the setback divergences requested and the need for additional parking to serve a larger building.
  
3. Divergence is requested to reduce the parking stall size from 9-feet wide by 20-feet deep to a size of 9-feet wide by 18-feet deep for 90-degree spaces. The application states that this depth is sufficient to park a typical vehicle.  
*Staff Comment:* Staff measured some existing parking lots in both Orange Township and in Columbus and found that where spaces appeared to be 18 feet, the drive aisles were typically 22-24 feet in width for two-way traffic. Where spaces were a width of 20 feet, drive aisles tend to be 20 feet as well. The Zoning Resolution notes that aisle ways should be “of a sufficient width to permit easy and smooth access” but does not appear to define a number. If 18 feet is acceptable, staff recommends a drive aisle of 22 feet.
  
4. Applicant would like the flexibility to use concrete pavers, brick pavers, or permeable pavers in addition to the required asphalt material as required in the code.  
*Staff Comment:* This is a reasonable request and an encouraged feature, if designed properly. Ideally, the site will be designed as a whole rather than with individual users splitting off their development area.
  
5. Divergence is requested to eliminate interior lot line parking setbacks to allow for shared parking among users where currently a 6-foot setback is required.  
*Staff Comment:* Depending on the design, this may be appropriate. However, open space and landscaping should be distributed through the site, which the level of detail in the submission does not show.
  
6. Divergence requested for the reduction of off-street parking space requirements as follows:

Use	Request	Code Requirement
Restaurants	1 per 75 square feet of gross floor area	1 space per two seats plus 1 per employee at the largest shift, no fewer than 25
General office	1 per 300 square feet of gross floor area	1 space per 400 square feet plus one per employee
Medical office	1 per 250 square feet of gross floor area	1 space per 400 square feet plus one per employee

<b>Day Care Facility</b>	1 for each employee on the largest shift	1 per employee plus 1 per each 5 children.
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**Staff Comment:** Parking requirements are typically excessive when each use must provide its own spaces. The idea here is to share parking areas and reduce some of the redundant requirements. The proposed appears to be a reasonable request but could be a challenge to track if the area is developed slowly with single users.

- Request for a front setback divergence from the required 70 feet along Home Road for the parcels south of Home Road. Divergence for the parcel north of Home Road from 70 feet to 25 feet.

**Staff Comment:** This is a reasonable request.

- Divergence requested to allow a building within 25 feet of the northern property line for the parcel north of Home Road where the code requires 100 feet since it is currently zoned as a residential district. Divergence is also requested on the largest parcel to allow buildings to be a minimum of 95 feet from the proposed SFPRD zoning west of Gooding Boulevard where the current setback is 100 feet.

**Staff Comment:** The setback to the north is probably acceptable. Although the Comprehensive Plan notes that land as future commercial, that was likely an application of recommended commercial along the corridor. However, the topography and natural features of that site suggest that it should remain in its current natural state.

- Divergence is requested to allow signs located on or along a wall of a building that faces a street, parking lot, or service drive, no more than 76 feet above finished grade in the parcels along U.S. 23, citing the fact that certain users, such as hotels and offices, may desire signs along the top wall of those buildings. (The current code limits such signs to a maximum height of 15 feet.)

Divergence is requested to allow each individual use to have one sign not more than 3 feet in height and 12 square feet be allowed to project from a building not more than 5 feet. Such signs would not be included in the allowed aggregate sign area of each building. (The code currently allows a smaller sign, 15 inches in height and 5 square feet in area, not to be counted in the aggregate sign area.)

**Staff Comment:** The application notes that this is desirable for the scale of a walkable community. Staff would recommend the applicant provide the Township with photographic examples of this size in use somewhere to gauge the appropriateness of this divergence.

- Divergence is requested for monument style freestanding signs as follows:

Location	Request	Code Requirement
Parcel 1 North of Home Road	One freestanding sign at a maximum height of 28 feet.	One freestanding sign at a maximum height of 8 feet.
Parcel 2 South of Home Road	Two freestanding signs at a maximum height of 28 feet.	Two freestanding signs at a maximum height of 8 feet.
Total Area, Both Parcels	Graphic area of 128 square feet per side.	Graphic area of 128 square feet total.

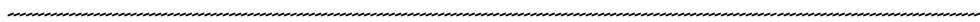
<b>Setback</b>	30 feet from Home Road and U.S. 23	Based on a table where the maximum size of 128 square feet total requires a 27-foot setback.
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*Staff Comment:* Orange Township has maintained a restrained collection of signage along U.S. 23. The only tall monument sign north of Powell Road is the Walmart/Kohl’s sign at the Northpointe Shopping Center. Other large developments include ground signs that appear to be no taller than 8 feet with some smaller signs for individual uses within developments. Some developments only allow wall signs for individual uses. These divergences for monument sign height seem to be excessive, particularly the one related to Parcel 1. The larger size is probably appropriate.

**VII. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by 216 Home Road LLC/Home High LLC from PC and MFPRD to PC to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, subject to:

- 1.) Gooding Boulevard should be completed with the first phase of either this or the previous zoning; and
- 2.) Divergences conditionally approved as noted within the report.



**18-17 ZON      Dolores Buell – Harlem Twp. – 13.042 acres from AR-1 to FR-1**

**I. Request**

Dolores Buell is requesting a 13.042-acre rezoning from AR-1 to FR-1 in order to split the lot into additional parcels.

**II. Conditions**

**Location:** South side of SR 37 East, west of N. County Line Rd.

**Present Zoning:** Agricultural (AR-1)

**Proposed Zoning:** Farm Residential (FR-1)

**Present Use(s):** Agriculture

**Proposed Use(s):** Residential

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

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

**School District:** Big Walnut Local School District

**Utilities Available:** private on-lot treatment systems

**Critical Resources:** none

**Soils:** BeA Bennington Silt Loam 0-2% slope

CeB Centerburg Silt Loam 2-6% slope

**III. Introduction**

This is a straight rezoning and does not require a development plan. The assumption is that the area is being rezoned for future subdivision.

According to the survey, this parcel has 1158.06 feet of frontage along State Route 37 and 572.68 feet of frontage along North County Line Road 51. Harlem Township’s zoning resolution requires 2 acres exclusive of

all easements and rights-of-way, and frontage of 175 feet for 2-3 acres, 210 feet for 3-4 acres, 250 feet for 4-5 acres, and 300 feet for 5 acres or larger. Frontage should not be an issue for this parcel.

Further subdivision of this lot (unless combined with other land) will be accomplished through the No Plat lot split process, allowing township and county agencies the opportunity to review and approve the proposed lots. As a state route, driveway accesses may be limited to Shared Access Points.

Staff has generally supported rezoning requests from 5 acres to 2 as land is utilized in a more efficient manner. Staff also recommends that the applicant consult with the Delaware General Health District to determine the feasibility of on-site treatment on the site.

#### **IV. Comprehensive Plan**

Harlem Township's 2007 Comprehensive Plan indicates this area would be Planned Industrial/Commercial, which differs from the proposal. This was an effort to preserve valuable highway frontage for non-residential uses. However, there is no sewer service in the area and 1.95-acre lots are appropriate. This rezoning could generate up to 6 lots, below the maximum density.

#### **V. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Dolores Buell from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *The applicant discussing potential on-site sewage treatment with the Health District.*

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19-17 ZON      David Weade – Berkshire Twp. – 6.14 acres from A-1 to FR-1

#### **I. Request**

The applicant, David Weade, is requesting a 6.14-acre rezoning from A-1 to FR-1 to allow the lot to be split into two residential lots.

#### **II. Conditions**

**Location:** south side of Berkshire Rd., east of N. Galena Rd.

**Present Zoning:** Agricultural (A-1)

**Proposed Zoning:** Farm Residential (FR-1)

**Present Use(s):** Vacant

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

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

**Proposed Density:** 1 du / 1.95 acres

**School District:** Big Walnut Local School District

**Utilities Available:** Del-Co Water and private on-lot treatment systems

**Critical Resources:** pond, wetland, slope  $\geq 20\%$

**Soils:** BeA Bennington Silt Loam 0-2% slope

    PwA Pewamo Silty Clay Loam 0-1% slope

    CaB Cardington Silt Loam 2-6% slope

    CaC2 Cardington Silt Loam 6-12% slope

### III. Introduction

This is a straight rezoning and does not require a development plan. The assumption is that the lot is being rezoned for future subdivision into additional lots.

According to the survey, this parcel has 560.19 feet of frontage along Berkshire Road. Berkshire Township's zoning resolution requires 1.95 acres exclusive of all easements and rights-of-way, and frontage of 150 feet for less than 2 acres, 175 feet for 2-3 acres, 200 feet for 3-4 acres, 250 feet for 4-5 acres, and 300 feet for 5 acres or larger. Frontage should not be an issue for this parcel.

Further subdivision of this lot (unless combined with other land) will be accomplished through the No Plat lot split process, allowing township and county agencies the opportunity to review and approve the proposed lots.

Staff has generally supported rezoning requests from 5 acres to 2 as land is utilized in a more efficient manner. Staff also recommends that the applicant consult with the Delaware General Health District to determine the feasibility of on-site treatment on the site.

### IV. Comprehensive Plan

Berkshire Township's 2008 Comprehensive Plan indicates this area would be single-family residential at 0.5 units per acre without centralized sewer. This rezoning could generate up to 3 lots, below the maximum density.

### V. Staff Recommendations

Staff recommends Conditional Approval of the rezoning request by David Weade from A-1 to FR-1 to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to*:

- 1.) *The applicant discussing potential on-site sewage treatment with the Health District.*

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## 20-17 ZON      Kingston Twp. Zoning Commission – Kingston Twp. – Zoning code text amendments

### I. Request

On May 10, 2017, the Kingston Township Zoning Commission initiated amendments to the Kingston Township Zoning Resolution.

### II. Description

The amendments are summarized as follows, with responses after each one:

1. Remove the requirement that cell phone towers be disguised as a pine tree.  
**Staff comment:** *While many township codes reference this in their language, it has been difficult to enforce in less urban areas and may actually draw more attention to such facilities.*
2. Twenty-four incorrect internal references that occurred with a previous revision where section numbers were changed but the references were not updated (20.02 became 20.04 and 20.09 became 20.10).  
**Staff comment:** *Catching these changes is difficult when performing a set of broad amendments and this is simply a necessary clean-up.*

3. Strike sections having to do with a Certificate of Compliance and a Temporary Certificate of Compliance.  
*Staff comment:* This acknowledges the current practice of a limited zoning staff. The code continues to require a Zoning Certificate prior to applying for a Building Permit but no longer requires the second step of a Compliance Certificate which includes provisions for an inspection.
4. Insertion of definition of “Agritourism” including conditions.  
*Staff comment:* The amendments use recommended language that is the result of DCRPC research into the state enabling language. In accordance with that statute, Agritourism is defined as a permitted use, but requires ingress and egress, setbacks, off-street parking, and the disposal of waste. As such, these uses do not require a permit or zoning change but must meet the definition and provide the conditions noted.
5. Amending existing language for Outdoor Storage of Inoperable and or Unlicensed Vehicles in the Farm Residential district to allow up to four vehicles (without defining them as inoperable or unlicensed) to be permitted but additional units must be screened. The language currently prohibits any such unscreened vehicles.  
*Staff comment:* After considerable thought and discussion, members of the Zoning Commission feel that in a rural setting with large lots and existing issues with multiple vehicles, it is reasonable to allow outdoor storage of a limited number of vehicles of all types, which would include operable as well as inoperable, on a parcel. Junk vehicles and nuisances are noted as being addressed by the Trustees as granted by the ORC.
6. Same amendment as above, but in the Agricultural Preservation district.  
*Staff comment:* same comments as above.

### III. Staff Recommendations

Staff recommends **Conditional Approval** of the text amendments to the Kingston Township Zoning Resolution to the DCRPC, Kingston Twp. Zoning Commission, and Kingston Twp. Trustees, *subject to review by the County Prosecutor’s office.*

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21-17 ZON      Mallory & Mark Kemmerling – Berkshire Twp. – 7.11 acres from A-1/FR-1 to FR-1

#### I. Request

The applicants, Mallory and Mark Kemmerling are requesting a 7.11-acre rezoning from A-1 and FR-1 to FR-1 to allow the lot to be split into two residential lots.

#### II. Conditions

**Location:** east side of Carter’s Corner Road, south of Rose Crans Rd.

**Present Zoning:** Agricultural (A-1) and Farm Residential (FR-1)

**Proposed Zoning:** Farm Residential (FR-1)

**Present Use(s):** One single family house

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

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

**Proposed Density:** 1 du / 1.95 acres



**School District:** Big Walnut Local School District

**Utilities Available:** Del-Co Water and private on-lot treatment systems

**Critical Resources:** pond, wetland, streams/drainage course

**Soils:** PwA Pewamo Silty Clay Loam 0-1% slope

CaB Cardington Silt Loam 2-6% slope

CaC2 Cardington Silt Loam 6-12% slope

### **III. Introduction**

This is a straight rezoning and does not require a development plan. However, a plan has been submitted showing the creation of two flag lots – one for the existing house and one for a new building site.

According to the survey, these parcels have 180.3 feet of frontage along Carter’s Corner Road. Berkshire Township’s zoning resolution requires 1.95 acres exclusive of all easements and rights-of-way, and frontage of 150 feet for less than 2 acres, 175 feet for 2-3 acres, 200 feet for 3-4 acres, 250 feet for 4-5 acres, and 300 feet for 5 acres or larger. Two side-by-side flag lots may be divided provided they use a Shared Access Point as permitted by the DCRPC. The current lot width is 360 feet, which should allow both lots to retain 300 feet of width.

Further subdivision of this lot (unless combined with other land) will be accomplished through the No Plat lot split process, allowing township and county agencies the opportunity to review and approve the proposed lots.

Staff has generally supported rezoning requests from 5 acres to 2 as land is utilized in a more efficient manner. Staff also recommends that the applicant consult with the Delaware General Health District to determine the feasibility of on-site treatment on the site. The proposal would likely utilize the existing driveway, which would meet the shared access point language in the zoning code.

### **IV. Comprehensive Plan**

Berkshire Township’s 2008 Comprehensive Plan indicates this area would be agricultural or single-family at 1 unit per 5 acres, slightly less than the proposed density. However, the site is adjacent to FR-1 lots to the north, making this a reasonable request.

### **V. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Mallory and Mark Kemmerling from A-1 and FR-1 to FR-1 to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to:*

- 1.) *The applicant discussing potential on-site sewage treatment with the Health District.*

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#### IV. SUBDIVISION PROJECTS

##### Preliminary

08-17 Berlin Manor – Berlin Twp. - 95 lots / 88.98 acres

##### I. Conditions

**Applicant:** John, Wicks, RPDD

**Subdivision Type:** Single family Planned Residential development

**Location:** North side of Cheshire Rd., west of Lackey Old State Rd.

**Current Land Use:** Vacant

**Zoned:** Residential

**Zoning Approval:** May 24, 2017 (Board of Trustees approval)

**Utilities:** Del-Co water and central sanitary sewer

**School District:** Olentangy Local School District

**Engineer:** Advanced Civil Design

##### II. Staff Comments

Berlin Manor is a 95-lot single-family subdivision, including two existing estate lots, with frontage on both Cheshire Road and Lackey Old State Road. It takes its main access from Cheshire Road. The site is fairly divided by the Berlin Township Hall and Cheshire Cemetery into two parts. The main road enters the site from the south heading north, curving around the western and northern end of the west sector, and exits to the north. One road branches off the main road, heading east and ending in a cul-de-sac. Another road branches northward, also ending in a cul-de-sac.

Six reserves are being created, totaling 27.44 acres of open space. In the southwest corner of the site, west of the main entrance, is a 5.02-acre parcel that includes a 10' wide asphalt path along Cheshire Road and a retention basin. East of the main entrance, is a 4.47-acre parcel that includes a 10'-wide asphalt path along Cheshire Road. In the center of the west sector loop is a 3.39-acre parcel that includes an 8' wide asphalt path. In the southeast corner of the site, abutting Cheshire Road, is a 6.31-acre parcel. In the northeast corner of the subdivision, adjacent to the estate lots, is a 4.37-acre parcel that includes a retention basin.

*A technical review was held on April 18, 2017, after which the applicant has addressed all of the required changes.*

##### III. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **Berlin Manor** to the DCRPC, *subject to the zoning becoming effective after the 30-day referendum period.*

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Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. OTHER BUSINESS

- Consideration for Approval: Contract, Berkshire Twp. Comprehensive Plan update, \$5,000.00

VI. POLICY / EDUCATION DISCUSSION

VII. RPC STAFF AND MEMBER NEWS

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, June 29, 2017, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*