



# Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## **\*MINUTES\***

Thursday, January 29, 2015 at 7:00 PM

Frank B. Willis Building, 2079 US 23 North, Conference Room,  
Delaware, Ohio 43015

### **I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of December 18, 2014 RPC Minutes
- Executive Committee Minutes of January 21, 2015
- Statement of Policy

### **II. VARIANCES/EXTENSIONS**

06-04.V Summerwood Lakes – Berkshire Twp. – variance from Sec. 102.03 and 204.04

### **III. ZONING MAP/TEXT AMENDMENTS**

01-15 ZON Driven Automotive – Berkshire Twp. – 5.12 acres from A-1 to PCD  
 02-15 ZON Gale Koehler – Berkshire Twp. – 2.18 acres from A-1 to FR-1  
 03-15 ZON Eric & Jennifer Hames – Harlem Twp. – 6.52 acres from AR-1 to FR-1  
 04-15 ZON Donna Feazel & Maxine Fling, Trustees – Harlem Twp. – 4.421 acres from AR-1 to FR-1  
 05-15 ZON Berkshire Township Zoning Commission – Berkshire Twp. – text amendments

### **IV. SUBDIVISION PROJECTS**

#### **Preliminary**

		<b>Township</b>	<b>Lots/Acres</b>
10-13	Glenmead, Sections 1 & 2 (revised)	Berlin	65 lots / 67.763 acres
02-15	Harbor View (FKA Nelson Tract)	Berlin	23 lots / 29.91 acres
01-15	Seldom Seen Acres, Lot 3413, Division 1	Liberty	02 lots / 02.996 acres

#### **Preliminary/Final** (none)

#### **Final**

02-13.1	Vinmar Village, Section 1	Genoa	32 lots / 22.248 acres
19-14	Olentangy Crossings, Sec. 2, Lot 7353, Div. #2 (Lot 7523)	Orange	01 lot / 01.608 acres

**T=TABLED, W=WITHDRAWN**

### **V. OTHER BUSINESS**

- Consideration for Approval: fee for Releasing an Easement created by Plat

### **VI. POLICY / EDUCATION DISCUSSION**

- Sanitary Engineer comments

### **VII. RPC STAFF AND MEMBER NEWS**

- Recognition of years of service

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Mr. O’Brien called the meeting to order at 7:00 p.m.

▪ **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Susan Kuba, Fred Fowler, Ken O’Brien, Gary Merrell, Tiffany Jenkins, Gary Gunderman, Tom Hopper, Susan Dorsch, Dave Stites, Matt Huffman, Tom Farahay, Joe Proemm, Dan Boysel, Tom Brown, Bonnie Newland, and Mike Dattilo. Alternates: Adam Howard, Doug Reidel, James Hatten and Charlie Cooperider. Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the December 18, 2014 RPC Minutes**

*Mr. Stites made a motion to Approve the minutes from the last meeting, seconded by Mr. Sedlacek. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **January 21, 2015 Executive Committee Minutes**

**1. Call to order**

Chairman O’Brien called the meeting to order at 8:45 a.m. Present: Ken O’Brien, Tiffany Jenkins, Jeff George and Dave Stites. Susan Kuba was absent. Staff: Scott Sanders and Stephanie Matlack.

**2. Approval of Executive Committee Minutes from December 10, 2014**

*Mr. George made a motion to Approve the minutes from December 10<sup>th</sup>. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**3. New Business**

- Financial / Activity Reports for December 2014

REGIONAL PLANNING RECEIPTS		DECEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$410.00	\$6,150.00
Fees A (Site Review)	(4202)	\$600.00	\$5,400.00
Insp. Fees (Lot Line Transfer)	(4203)		\$2,300.00
Membership Fees	(4204)		\$268,280.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$3,982.30
Assoc. Membership	(4206)		
General Sales	(4220)		\$10.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$4,700.00	\$136,204.60
Charges for Serv. B (Final. Appl.)	(4231)	\$7,460.80	\$37,914.60
Charges for Serv. C (Ext. Fee)	(4232)		\$600.00
Charges for Serv. D (Table Fee)	(4233)		\$975.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,325.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$5,400.00
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)		\$10,785.00
Soil & Water Fees	(4243)	\$600.00	\$6,275.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$207.64
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$9.00	\$1,369.28
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		\$14,079.80	\$487,178.42

**Balance after receipts** **\$655,276.64**  
**Expenditures** **\$ 24,967.82**  
**End of December balance (carry forward)** **\$630,308.82**

*After discussion of the financial reports, Mr. George made a motion to approve the financial reports as presented for audit. Mrs. Jenkins seconded the motion. VOTE: Majority For, 0 Opposed. Motion carried.*

- Site Review: none
- January RPC Preliminary Agenda
  - 1.) Rezoning:
    - Driven Automotive – Berkshire Twp. – 5.12 acres from A-1 to PCD
    - Gale Koehler – Berkshire Twp. – 2.18 acres from A-1 to FR-1
  - 2.) Variance:
    - Summerwood Lakes – Berk. Twp. – Sec. 102.03 and 204.04
  - 3.) Preliminary:
    - Glenmead, Sections 1 & 2 (revised) – Berlin - 65 lots / 67.763 acres
    - Harbor View (FKA Nelson Tract) – Berlin - 23 lots / 29.91 acres
    - Seldom Seen Acres, Lot 3413, Division 1- Liberty - 02 lots / 02.996 acres
  - 4.) Preliminary/Final: *(none)*
  - 5.) Final:
    - Vinmar Village, Section 1 – Genoa - 32 lots / 22.248 acres
    - Olentangy Crossings, Sec. 2, Lot 7353, Div. #2 (Lot 7523) – Orange - 01 lot / 01.608 acres
  - 6.) Extension:
    - Summerwood Lakes – Berk. Twp. – requesting additional extension

*At 9:50 a.m., Mr. Stites made a motion to go into Executive Session per ORC 121.22 (G) (1) for the consideration of employment of a public employee. Mr. George seconded the motion.*

*Roll call vote: Mr. O’Brien, Aye, Mrs. Jenkins, Aye, Mr. George, Aye, Mr. Stites, Aye. Motion carried.*

*At 10:30 a.m. Mr. Stites made a motion to return to regular session, seconded by Mr. George. Roll call vote: Mr. O’Brien, Aye, Mrs. Jenkins, Aye, Mr. George, Aye, Mr. Stites, Aye. Motion carried.*

- Director’s Report

- 1.) Attended an Orange Township Zoning Commission meeting regarding the mapping we did as background for their Adult-Oriented Businesses as they are considering changes;
- 2.) Attended a stakeholder meeting for the City of Powell’s land use planning process;
- 3.) Served as a moderator for a League of Women Voters panel on the Simon-Tanger project (summary of meeting provided by LWV in minutes book);
- 4.) Attended a meeting of the OPAL Multi-Use path committee;
- 5.) Attended the initial stakeholder meeting on the US 42 Access Management study by ODOT;
- 6.) Final steps on Berkshire’s reformat and various amendments;
- 7.) Starting Oxford Zoning Code update in February;
- 8.) Starting on Annual Report;
- 9.) Received zoning change for Delaware Township and request for Zoning Code work;
- 10.) Continued Comprehensive Plan background work for Liberty Township;
- 11.) Continuing to improve the online mapping – Zoning Map, Parks and Trails, and Development Pattern;
- 12.) Health District’s Community Health Improvement Plan is rolling out today (1/21/15) – I served on a couple committees including the communications committee;

- Director’s End-of-Year Report – January 2015

- 1.) Financial

2014 Dues income:	\$268,280
Projected 2014 development and contract income:	\$45,400
Actual 2014 development and contract income:	\$218,889 (\$173,489 over)
Projected 2014 expenses:	\$331,697
Actual 2014 expenses:	\$312,072 (\$19,625 under)

- 2.) Zoning Reviews

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Zoning Cases	58	54	41	25	16	13	8	16	19	33	27
Acres Rev.	3619	1795	1302	508	100	256	96	235	439	1396	879

- 3.) Subdivision Activity

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Preliminary Non-Res.	8	18	32	17	19	21	1	21	7	12	14
Preliminary Residential	1634	1602	996	110	140	43	5	12	264	791	1176
Final Non-Residential	12	3	33	18	26	20	0	1	4	32	2
Final Residential	858	928	1007	185	115	56	152	101	142	240	277
Total lots reviewed	2512	2551	2068	330	300	140	158	135	417	1075	1469

- 4.) NPA Splits and Transfers

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Transfers reviewed	63	89	46	35	53	21	29	18	32	21	26
Transfer acres	156	244	180	117	372	84	62	40	80	35	94
Splits (new lots)	57	65	83	33	22	9	8	11	16	24	25

Splits (existing)	20	19	21	11	8	7	1	4	10	8	7
Total Splits	77	84	104	44	30	16	9	15	26	32	32

5.) Building Permits in Unincorporated Areas (includes multi-family)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Residential Building Permits (unincorporated)	1903	1311	835	683	444	358	404	472	593	655	502
Residential Building Permits (municipalities)	1125	1064	757	656	259	264	519	261	685	742	811
Commercial Building Permits (unincorporated)			50	40	43	27	36	16	24	20	26

4. Old Business

- Job descriptions – Reviewed suggestions made by Mr. Stites. Staff to make changes and email to Executive Committee members to discuss at the February 18<sup>th</sup> meeting.

5. Other Business

- Establish a fee for Releasing an Easement created by Plat – Mr. Sanders recommend \$500 for this application process.

***Mrs. Jenkins made a motion to recommend Approval of establishing a fee for Releasing an Easement created by Plat, seconded by Mr. George. VOTE: Unanimously For, 0 Opposed. Motion carried.***

- Discussion of plat size changes and changes to the recorded plat distribution chart – due to the needs of various agencies, it was determined that Mr. Sanders facilitate a meeting between offices that are required to sign subdivision plats in order to come to an agreement on size requirements.
- Mrs. Jenkins requested time at the end of the January RPC meeting to discuss zoning needs/requirements versus Sanitary Engineer needs/requirements along with more information about what the Sanitary Engineer letter submitted with rezoning applications mean to Townships. It was also stated that she might have additional discussions at the next Zoning Officer training that Mr. Sanders organizes.

6. Personnel

- Director Evaluation – Mr. Stites stated he would compile recommendations/comments from all Executive Committee members and meet with Mr. Sanders in the next two weeks to review the evaluation with him.

7. Adjourn

***Having no further business, Mr. George made a motion to adjourn the meeting at 11:10 a.m. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

***The next regular Executive Committee meeting will be Wednesday, February 18, 2015 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

### 06-04.V Summerwood Lakes – Berkshire Twp. – variance from Sec. 102.03 and 204.04 - requesting a variance for an additional extension of the Preliminary Plan

**Applicant:** Homewood Corp.

**Engineer:** CT Consultants

**Preliminary approval:** 03/25/04

**Extensions granted:** 03/31/05, 09/29/05, 12/22/11 (via variance), 1/31/13 (via variance), 1/30/14 (via variance)

#### I. Request

Homewood Corp. is requesting a variance to sections 102.03 and 204.04 of the DCRPC Subdivision Regulations 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 Summerwood Lakes subdivision in Berkshire Township.

The proposed subdivision is located on the east side of 3 B's and K Road, north of Dustin Road. The subdivision proposes 100 lots on 81 acres.

#### II. Facts

1. The Subdivision Regulations require that a Subdivision be completely platted within five years of the first Section being recorded;
2. Summerwood Lakes received Preliminary approval on March 25, 2004;
3. Section 1 was recorded December 2006, giving the remaining sections until December 2011 to be recorded.
4. The project was given a 1-year extension via variance until December 2012;
5. Quorum was not met at the December, 2012, meeting and the project was extended to January, 2013 where the applicant received a second 1 year extension to January, 2014;
6. The applicant received a third one-year extension January 30, 2014 to expire January 2015.

#### 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:*** "Homewood Corporation is asking for a variance to sections 204.04 and 102.03 regarding the expiration and extension of the Preliminary Plan. The Preliminary Plan was approved and the Section 1 Final Plat was recorded on 12/15/2006. According to section 204.04 of the DCRPC code, the Preliminary Plan expires five years after the date of recording Section 1.

*To date, only Section 1 has been developed and Final Plat recorded. Section 2 was due to begin earlier this year, however a delay in development approvals did not allow us to start, but will begin in the spring. The future sections account for 68 lots and considerable open space. All three sections have been engineered and there is no reason to believe that the development will not ultimately be built according to plan.*

*Due to the declining housing market and general economic conditions, Homewood respectfully requests a variance to section 102.03 to allow for an extension of one year. A significant improvement in sales over the past two years has led to us anticipating development of Section 2 this spring, however, is not anticipated to be completed with the overall development until 2016.*

*The granting of this variance would not be detrimental to the public health, safety and welfare to other parties. The conditions of which this variance is sought are unique to this property due to the scope and size of the overall project. A considerable hardship would occur to not only the owner of the property, but to existing homeowners who have purchased within the subdivision should the Preliminary Plan expire. The Preliminary Plan will continue to be followed and no other variances are being sought to vary any other provision of the original approval."*

***Staff comments:*** *While one section has been recorded, there has been little activity within the subdivision. Final Engineering for Section 2 was submitted to the County Engineer's office for review in July/ August of 2013. Additional stormwater revisions were discussed in May of 2014. This indicates progress on the site. The land to the north has been developed as Berkshire Middle School and a bus facility, with large lots developed to the south. Based on recent activity, it is reasonable to continue to extend the time-frame of this subdivision. Staff recommends that the extension be limited to one year and that a future section should provide a pedestrian connection to the school site to the north.*

#### **IV. Staff recommendations**

DCRPC staff recommends that based on market and economic conditions, the variance request from Sec. 102.03 & 204.04 for **Summerwood Lakes** be *Approved*.

DCRPC staff recommends *Conditional Approval* of a 1-year extension for **Summerwood Lakes** to the DCRPC, *subject to a Variance being granted*.

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

Mr. Jay Barry with CT Consultants was sworn in by Mr. O'Brien. Mr. Barry stated that Section 3 was submitted to the County Engineer for review. Section 2 has been delayed due to a wetlands issue that they are

working with the Army Corps of Engineers on.

***Mr. Farahay made a motion to Approve the Variance for Summerwood Lakes, based on the findings of fact and for a 1 year extension of the Preliminary approval. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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### **III. ZONING MAP/TEXT AMENDMENTS**

#### **01-15 ZON Driven Automotive – Berkshire Twp. – 5.12 acres from A-1 to PCD**

##### **I. Request**

The applicant, Steve Pinkston of Driven Automotive LLC, is requesting a 5.12-acre rezoning from A-1 to PRD to allow the development of car sales and storage units.

##### **II. Conditions**

**Location:** 10239 SR 37, Sunbury

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

**Proposed Zoning:** Planned Commercial District (PCD)

**Present Use(s):** former single family home, several out buildings

**Proposed Use(s):** car sales and storage units

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

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

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

**Soils:** BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

CaB Cardington Silt Loam 2-6% slope

##### **III. Issues**

The applicant seeks to relocate an existing business from 686 Cherry Street west to this location. The company notes that they have a partnership with U-Haul, offering services such as equipment rental and service. A four-bay service building, including a storage bay, restroom facilities, waiting area/reception and three offices are shown on the development plan. Approximately 34 parking spaces will be provided in front of the building, with outdoor storage and indoor storage extending north throughout the entire site.

The site is surrounded to the west by Vineyard Church and to the east by undeveloped land, with both sides being within the incorporated areas of the Village of Sunbury. The site has been cleared of all visible structures.

##### **IV. Process**

The Berkshire Township Zoning Resolution provides for the filing of a Development Plan at the time of rezoning. The process allows for either a one-step or a two-step zoning process. The current application includes drawings, elevations, and other detail, but does not specifically respond in textual form to “Section 15.05 – Design Features and Section 15.05 – Design Features.” Providing such a text is not only beneficial to the Zoning Commission and Trustees in determining the appropriateness of the rezoning, but also allows some flexibility for future expansion or redevelopment of the site. Without it, the owner is only allowed to develop the site exactly as proposed.



## **V. Use**

The PCD Permitted Uses utilizes the NAICS system, and includes 811 – Repair and Maintenance, but not 493190 – Warehousing and Storage. The Warehousing and Storage category, or 493, appears in Berkshire Township’s Planned Industrial zoning district. The proposed service use is a permitted use in the district, while the storage use is allowed in the PI district. The inclusion of storage in this case would be appropriate, as it is proposed to be located behind the structure and away from direct road frontage. The Zoning Commission may wish to determine whether any of the other permitted uses listed in the current text should be prohibited for this particular Development Plan.

## **VI. Comprehensive Plan**

The 2008 Berkshire Township Comprehensive Plan recommends Planned Office uses at this location, but recognizes that along the U.S. 36/S.R. 37 corridor, additional non-residential uses are appropriate. Additionally, the Village of Sunbury plans non-residential development along the corridor as well. It is likely that the land immediately east of this site will serve as a mix of commercial and industrial uses as development pressure increases for those uses. However, the text of the plan assumes provision of sewer and proper access management. These issues are addressed below.

## **VII. Issues**

### **Parcel Size**

The minimum size for a PCD rezoning is 10 acres. A divergence from this requirement should be requested, which is probably reasonable given the location.

### **Access**

The plan shows a main access from U.S. 36/S.R. 37, a road with an existing Access Management Plan in place through ODOT. A change of use will require a letter from ODOT. If access is granted, easements may be needed to the adjacent parcel to the east, based on spacing requirements. It may also be limited to a temporary full access until such other access is granted, at which time this access would convert to the right-in/right-out.

### **Drainage/Stormwater**

The site appears to drain surface water from adjacent lands from the east. A fairly significant watercourse begins on the site and drains under the highway on the property to the west. No details as to stormwater management is included, although the submitted drawing appears to show the location of major stormwater routing. A general feasibility letter should be included from the County Engineer’s office.

### **Sewage Treatment**

On-site treatment is not shown. If an on-site system is used, this could be under the permitting authority of the EPA, based on total usage. There is no letter included from the EPA or the Health District regarding the site. This area is not in an existing sewer service area of the county and would likely need to connect to the system under the administration of the Village of Sunbury. If not currently available to the site, accommodations should be made to connect to sewer when it becomes available via appropriate easements.

### **Signage/ Landscaping**

No signage plan is included in the package. The building itself will be easily visible from the highway and ground signs may be unnecessary. Any wall signs must be approved. No landscaping plan is provided. Also, the PCD regulations state that sites shall not exceed 50% pervious surfaces. No calculation is provided, but it does not appear that the plan meets this standard or otherwise seeks a divergence.

### **Building design**

The Design Standards of the PCD district do not require specific materials, but do reference “blend[ing] with

other traditional or historical architecture of the community...” This cannot be determined with the detail provided.

**Utilities**

No utility letters are provided. DALIS information shows a Del-Co water line along the site’s road frontage.

**VIII. Staff Recommendations**

Staff recommends **Denial** of the rezoning request by Driven Automotive, to the DCRPC, Berkshire Twp. Zoning Commission, and Berkshire Twp. Trustees, *based on:*

1. *Lack of detail in responding to individual items in the Zoning Resolution;*
2. *Lack of approved access for a commercial/ industrial use;*
3. *Lack of stormwater feasibility letter from the County Engineer;*
4. *Lack of reference to proposed sewage treatment.*

**Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Gunderman made a motion to recommend Denial of the rezoning application by Driven Automotive based on staff recommendations #1-4. Mr. Farahay seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**02-15 ZON      Gale Koehler – Berkshire Twp. – 2.18 acres from A-1 to FR-1**

**I. Request**

The applicant, Gale Koehler, is requesting a rezoning of 2.18 acres from A-1 to FR-1 to allow a lot split.

**II. Conditions**

- Location:** 11018 Vans Valley Rd., Galena
- Present Zoning:** Agricultural (A-1)
- Proposed Zoning:** Farm Residential (FR-1)
- Present Use(s):** single-family home
- Proposed Use(s):** single-family home
- Existing Density:** 1 du / 5 acres
- Proposed Density:** 1 du / 2 acres
- School District:** Big Walnut Local School District
- Utilities Available:** Del-Co Water and private on-lot treatment systems
- Critical Resources:** none
- Soils:** BeA Bennington Silt Loam 0-2% slope  
PwA Pewamo Silty Clay Loam 0-1% slope

**III. Issues**

The applicant currently owns a home on a 5.34-acre parcel with road frontage on Vans Valley Road. Within the past four months, the applicant transferred to 4.718-acre parcel from adjacent property to the south, resulting in an overall 10-acre parcel. The owner proposes to rezone a 2.180-acre area of the site, including the existing home. This home and lot will be split from the overall acreage, leaving a 7.215-acre residue with 320 feet of frontage. The split will require approval through the typical No-Plat review agencies, including the RPC offices. The residue will not require any review.

The application includes a Development Plan which indicates the existing septic system as well as a secondary area for future use. A soil test is on file with the Health District, which will be one of the signatories in the No Plat approval package.

The Regional Planning Commission has typically approved rezonings from a 5-acre minimum lot size to a ~2-acre minimum lot size when such a change is not contrary to the surrounding development, as it is a more efficient use of land. In this case, there is a 2-acre site to the east and the resulting change will not change the character of the area.

#### **IV. Staff Recommendations**

Staff recommends **Approval** of the rezoning request by Gale Koehler, to the DCRPC, Berkshire Twp. Zoning Commission, and Berkshire Twp. Trustees.

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

No one was present to represent the applicant.

***Mr. Farahay made a motion to recommend Approval of the rezoning application by Gale Koehler. Mrs. Jenkins seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.***

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#### **03-15 ZON      Eric & Jennifer Hames – Harlem Twp. – 6.52 acres from AR-1 to FR-1**

##### **I. Request**

The applicants, Eric and Jennifer Hames, are requesting a 6.52-acre rezoning from AR-1 to FR-1 to allow a lot split.

##### **II. Conditions**

**Location:** 13745 Robins Rd., Westerville

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

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

**Present Use(s):** vacant

**Proposed Use(s):** lot split

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

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

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

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

**Critical Resources:** streams/drainage course

**Soils:** BeB Bennington Silt Loam 2-4% slope

    PwA Pewamo Silty Clay Loam 0-1% slope

    BeA Bennington Silt Loam 0-2% slope

##### **III. Issues**

The applicants own a 6.520-acre parcel in the center of a series of four lots of roughly the same size. This is the only lot within those four lots that does not have a house on it. The acreage includes a stream which meanders east to west, bounded by woods. The existing homes are north of the stream and woods.

The applicants seek to rezone this parcel to allow for it to be split approximately along the stream. This would create a 2.209-acre parcel on Robins Road and a 4.311-acre parcel to the north, utilizing a 60-foot access (flag lot). The split will require approval of both lots through the typical No-Plat review agencies, including the RPC offices.

The Regional Planning Commission has typically approved rezonings from a 5-acre minimum lot size to a ~2-acre minimum lot size when such a change is not contrary to the surrounding development, as it is a more efficient use of land. In this case, the creation of the new lot in the front will not change the character of the area although it will differ from the surrounding lots. This new building site will be separated from the existing homes by the wooded stream. Staff recommends however, that the applicant record a Shared Access Point easement when the NPA is requested, which will reduce the overall number of driveway access points on the road.

**IV. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Eric and Jennifer Hames, to the DCRPC, Harlem Twp. Zoning Commission, and Harlem Twp. Trustees, *subject to recommending that the applicant create a Shared Access Point as part of the lot split.*

**Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Stites made a motion to recommend Approval of the rezoning application by Eric and Jennifer Hames. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**04-15 ZON Donna Feazel, Maxine Fling, Trustees – Harlem Twp. – 4.421 acres from AR-1 to FR-1**

**I. Request**

The applicants, Donna Feazel and Maxine Fling, Trustees, are requesting a 4.421-acre rezoning from AR-1 to FR-1 to allow for the split of two lots with 10.202 acres remaining.

**II. Conditions**

**Location:** 4161 SR 605, Galena

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

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

**Present Use(s):** single family home, out building and agriculture

**Proposed Use(s):** 2 single family house lots

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

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

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

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

**Critical Resources:** none

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

CeC2 Centerburg Silt Loam 6-12% slope

**III. Issues**

The applicants own a 14.558-acre parcel along State Route 605, just south of unincorporated Center Village. There is an existing home on the southern portion of the site. Otherwise, the site has been in agriculture with woods and stream crossing the southern edge of the site.

The applicants seek to rezone the middle 4.421 acres to allow for the creation of two new lots. The lots would be 2.277 acres and 2.144 acres in size, each with 185 feet of frontage. The split will require approval of both lots through the typical No-Plat review agencies, including the RPC offices. The remaining land will be a total of 10.202 acres with two 60-foot strips of land accessing S.R. 605. This remaining acreage will likely be split into two lots larger than 5 acres each.

The Regional Planning Commission has typically approved rezonings from a 5-acre minimum lot size to a ~2-acre minimum lot size when such a change is not contrary to the surrounding development, as it is a more efficient use of land. In this case, the creation of the new lot in the front will not change the character of the area. Staff recommends that the applicants record a Shared Access Point easement when the NPA is requested, which will reduce the overall number of driveway access points on State Route 605.

**IV. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Donna Feazel and Maxine Fling, Trustee, to the DCRPC, Harlem Twp. Zoning Commission, and Harlem Twp. Trustees, *subject to:*

1. *Ensure that the proposed parcel lines acknowledge the setbacks for the existing buildings.*
2. *Recommend that the existing treatment areas for the existing home be indicated on a plan to ensure the rezoned area matches the future parcel lines.*
3. *Recommend that the applicant create a Shared Access Point as part of the lot split.*

**Commission / Public Comments**

No one was present to represent the applicant.

Mr. O'Brien questioned the location of where the centerline setback would be taken from. Mr. Sanders explained that it would be taken from the original centerline.

***Mr. George made a motion to recommend Conditional Approval of the rezoning application by Donna Feazel and Maxine Fling, subject to staff recommendations #1-3. Mr. Farahay seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**05-15 ZON      Berkshire Township Zoning Commission – Berkshire Twp. – text amendments**

**I. Request**

The Berkshire Township Zoning Commission is in the final stages of completing some minor amendments of its zoning code as noted below. They plan to meet on February 5<sup>th</sup> to finalize the amendments and initiate the adoption process. Staff has been involved in managing the overall document and making the changes as discussed.

**II. Summary of Amendments**

1. Overall reformatting, linked table of contents, updated township board information;
2. [Definitions] Clarification of Clear Sight Triangle, Net Dev. calculation, Open Space types, Sign definitions;
3. Additional language in the Permitted Signs section (historical markers, school pride signs, menu boards);
4. Clarification of distance between billboards;
5. Limitation on colors on monument signs;
6. New language allowing (with a permit and with conditions): Model Home Signs, Drive-Through Menu Boards, A-Frame Signs, and Temporary Business Signs;

7. Removal of new “lollipop signs” as a permitted use with a permit but allowing their continuation and maintenance through the Conditional Use section;
8. Clarification of Sign Area Measurement, Compliance with other codes, Fire and Health Hazards, Public Interference, Information to be Provided on Sign, Frontage, and Maintenance;
9. Significant additional information under the “Permit” section, generally following the typical “model” permit section;
10. Clarification/simplification of the Landscaping tables and requirements.

### **III. Staff Recommendations**

Staff recommends **Approval** of the request by Berkshire Township Zoning Commission to the DCRPC, Berkshire Twp. Zoning Commission, and Berkshire Twp. Trustees.

### **Commission / Public Comments**

Mr. George thanked Mr. Sanders for all his work on the revisions.

*Mrs. Kuba made a motion to recommend Approval of the text amendments to the Berkshire Twp. Zoning Code. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## **IV. SUBDIVISION PROJECTS**

### **Preliminary**

**10-13 Glenmead, Sections 1 & 2 (revised) – Berlin Twp. - 65 lots / 67.763 acres**

### **I. Conditions**

**Applicant:** Makapa LLC  
**Subdivision Type:** Single family residential  
**Location:** east side of Gregory Rd., about 2000' north of Cheshire Rd.  
**Current Land Use:** Vacant, agricultural  
**Zoned:** R-2 with PRD overlay  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** CT Consultants

### **II. Staff Comments**

Glenmead is a subdivision that was originally zoned in September of 2007 and received a Preliminary subdivision approval in March of 2014. That plan showed a number of very deep lots that resulted in a stormwater management system that crossed the backs of many of the lots. The site had been redesigned so that the detention areas can be in open space and the lots can be a smaller, more marketable size and shape. There is a single access to Gregory Road, providing access into the subdivision as well as access to the school site. This will allow car and bus traffic to be separated during arrival and departure times at the school site. The layout shows the road continuing to the eastern end of the property, with a second road traveling north, intersecting with an east/west road that provides access to two different parcels. There is also a loop street which creates a large area of useable open space.

The design includes a portion of the Piatt Road extension. This road was identified on the 2002 Thoroughfare

Plan as an arterial north/south road that would connect Piatt Road to Berlin Station Road and eventually to Curve Road. In addition to serving as a major route through this part of the County, it will provide access to other Olentangy District property directly north of this site.

*A technical review was held on January 20, 2015, after which the applicant has addressed all of the required changes.*

### **III. Staff Recommendation**

Staff recommends *Preliminary Approval* of **Glenmead, Sections 1 & 2 (revised)** to the DCRPC.

### **Commission / Public Comments**

Mr. Jay Barry with CT Consultants was present to represent the applicant. He stated that they are working with the Army Corps of Engineers on a maintenance plan for the McKenzie ditch to the south, and will be submitting that to the County Engineer soon.

*Mr. Gunderman made a motion for Preliminary Approval of Glenmead, Sections 1 & 2 (revised). Mr. Fowler seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.*

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## **02-15 Harbor View (FKA Nelson Tract) – Berlin Twp. - 23 lots / 29.91 acres**

### **I. Conditions**

**Applicant:** Pulte Homes  
**Subdivision Type:** Single Family residential  
**Location:** 3791 Africa Rd., Galena  
**Current Land Use:** single family residence, wooded  
**Zoned:** Farm Residential District (FR-1)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** Stantec Consulting Services

### **II. Staff Comments**

Harbor View is a subdivision being developed under the existing FR-1 zoning, which requires a one-acre lot size and 150 feet of frontage. The site is a single thin parcel, allowing only one street, proposed as “Nelson Road,” through the site. Due to the frontage requirement, lots are spread across the site, with eight of the lots arranged as “single-loaded” on only one side of the street. The existing house will remain on a 2.01-acre lot along Africa Road and a 1.19-acre open space parcel will be platted on the south side along Africa. Stormwater management will utilize a majority of this parcel. A sidewalk is planned along the north side of the road. It will be developed and platted in a single section. Drainage is a significant issue on the site and will continue to be worked on through the Final Engineer approval process.

*A technical review was held on January 20, 2015, after which the applicant has addressed most of the required changes, except the resolution of the existing driveway on Africa Road, which needs to be relocated to the internal street.*

### **III. Staff Recommendation**

Staff recommends *Conditional Preliminary Approval* of **Harbor View** to the DCRPC, *subject to relocating the existing driveway to the internal road when it is complete.*

### **Commission / Public Comments**

Mr. Kevin Kershner with Stantec was present to represent the applicant. He stated that they did not have any issues with the staff report but clarified that the existing driveway that accesses Africa Road will be relocated through the permit process by the County Engineer.

Mr. O'Brien asked what triggers the date of relocation. Mr. Kershner stated that the County Engineer listed several reasons that would trigger the relocation. Mr. O'Brien asked who would pay for it. Mr. Kershner said the developer would be responsible. He confirmed it would be bonded for up to 10 years.

***Mr. George made a motion for Conditional Preliminary Approval of Harbor View, subject to relocation of the existing driveway to the internal road. Mrs. Jenkins seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.***

01-15                      Seldom Seen Acres, Lot 3413, Division 1 – Liberty Twp. - 02 lots / 02.996 acres

### **I. Conditions**

**Applicant:** G.Davis on behalf of SSA, Ltd., owner  
**Subdivision Type:** Commercial  
**Location:** south east corner of Sawmill Dr. and Sawmill Parkway  
**Current Land Use:** Vacant  
**Zoned:** Planned Commercial  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** Douglas Smith, McGill Smith Punshon, Inc.

### **II. Staff Comments**

G.Davis, CCM has proposed a split of an existing, platted lot to allow for the construction of a daycare facility called All About Kids. The existing lot was platted as part of Seldom Seen Acres in 1999, which included land on both sides of Sawmill Parkway. Since that plat was created, residential condominium development has occurred to the west and commercial development has occurred to the north of the site. Access will be taken from Sawmill Drive to the north and will extend to the southern boundary of the new lot, allowing future access to the remainder to the south. No direct access will be taken from Sawmill Parkway. Future access will also come from an existing curb cut to the south.

***A technical review was held on January 20, 2015, and the following changes will need to be made to the Preliminary Plan:***

- 1. RPC number is 01-15;***
- 2. Name should be updated to “Seldom Seen Acres, Lot 3413, Division #1”;***
- 3. Public Road on the south side of the plat needs to be built to the radius return of the private drive extending north.***

### **III. Staff Recommendation**

Staff recommends *Conditional Preliminary Approval* of **Seldom Seen Acres, Lot 3413, Division 1** to the DCRPC, *subject to*

- 1. Adding “RPC #01-15”;***
- 2. Name should be updated to “Seldom Seen Acres, Lot 3413, Division #1”;***
- 3. Public Road on the south side of the plat needs to be built to the east to the radius return of the drive extending***



north.

**Commission / Public Comments**

Mr. Greg Davis, contractor for the project was present. He stated that final construction plans were submitted to the County today.

Mr. Huffman stated that on behalf of Liberty Twp., they were excited to welcome All About Kids to the Community.

Mr. Gunderman questioned the storm water retention plans. Mr. Davis stated that the storm water would be under the parking lot and maintained by the applicant.

***Mr. Gunderman made a motion for Conditional Preliminary Approval of Seldom Seen Acres, Lot 3413, Division 1, subject to staff recommendations #1-3. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**Preliminary/Final** (none)

**CONSENT AGENDA**

**Final**

**02-13.1 Vinmar Village, Section 1 – Genoa Twp. - 32 lots / 22.248 acres**

**I. Conditions**

- Applicant:** Vinmar Investments
- Subdivision Type:** Single Family Residential
- Location:** east side of SR 3, west of South Old 3 C
- Current Land Use:** vacant
- Zoned:** Planned Residential District (PRD)
- Utilities:** Del-Co water and public sanitary sewer
- School District:** Big Walnut
- Engineer:** Stantec Consulting Services, Kevin Kershner

**II. Staff Comments**

Vinmar Village is a Planned Residential District subdivision that received zoning approval from Genoa Township on December 20, 2012. It consists of 87 lots where the average lot width is 90 feet and the average lot size is 13,500 square feet. The development will include 31.38 acres of open space, including both passive open space and a small active park with trails and other facilities.

Section 1 includes the entry to South Old 3C Highway, which is via an arterial road called Olivero Drive. This is a no-load street that stubs to the north. Other roads include Mariposa Drive and Grace Court, a cul-de-sac to the south. A total of 7.421 acres of open space are being dedicated with this Section. This land is adjacent to Old 3 C and Olivero Drive.

**The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County**

agencies, a requirement for Final approval.

**III. Staff Recommendation**

Staff recommends *Final Approval* of **Vinmar Village, Section 1** to the DCRPC.

**Commission / Public Comments**

**Mr. Merrell made a motion for Final Approval of Vinmar Village, Section 1. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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19-14                    **Olentangy Crossings, Sec. 2, Lot 7353, Div. #2 (Lot 7523) – Orange Twp. - 01 lot / 01.608 acres**

**I. Conditions**

- Applicant:** Continental Real Estate
- Subdivision Type:** commercial
- Location:** Pullman Dr., north of Lewis Center Rd., east of US 23
- Current Land Use:** vacant
- Zoned:** Planned Commercial (PC)
- Utilities:** Del-Co Water, public sanitary sewer
- School District:** Olentangy
- Engineer:** Woolpert

**II. Staff Comments**

The division of Lot 7353 in Olentangy Crossings, Section 2 is intended to allow the creation of a lot that is sized to house a stand-alone emergency room building. Olentangy Crossings, Section 2 was originally platted in October, 2006, with a subsequent division which created this lot in November, 2008. The 2008 Division allowed for the creation of other lots to the north of this site. This is the second Division of that original lot.

Development will include a driveway that aligns with Lacher Drive and a second access farther north on Pullman Drive. Both of these roads are private roads built to public standards. Development of the site will include the building, parking, and a reconfigured stormwater treatment area in the southwest corner of the site. This will be a dry basin. A driveway is stubbed to the undeveloped land to the north. No direct access is allowed to U.S. 23.

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

**III. Staff Recommendation**

Staff recommends *Final Approval* of **Olentangy Crossings, Sec. 2, Lot 7353, Div. #2 (Lot 7523)** to the DCRPC.

**Commission / Public Comments**

**Mr. Merrell made a motion for Final Approval of Olentangy Crossings, Sec. 2, Lot 7353, Div. #2 (Lot 7523). Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**V. OTHER BUSINESS**

- Consideration for Approval: establishing a fee for Releasing an Easement created by Plat.

Staff recommends that this fee be established as \$500. This is equivalent to the base Final Plat fee of \$400 plus the \$100 per lot fee. The Executive Committee recommends this as well.

***Mr. Farahay made a motion to Approve establishing the fee of \$500 for Releasing an Easement created by Plat. Mr. Brown seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**VI. POLICY / EDUCATION DISCUSSION**

- Sanitary Engineer comments –

Mrs. Jenkins stated that the Sanitary Engineer’s office is gearing up to start an update on the Sewer Master Plan. She is hoping the contract would be signed this month. Township officials may be contacted by her staff or the consultant to discuss their needs/wants for their jurisdiction. She also explained the need for more communication during the rezoning process. She believes there is disconnect between the zoning and engineering process (landscape and no build areas).

There were many individuals in favor of an additional work session, possibly within a training session held by RPC staff for Zoning Officers.

**VII. RPC STAFF AND MEMBER NEWS**

The Regional Planning Commission would like to acknowledge the following Representatives and Alternates who have served for at least 10 years and are either current members, or who ended their term(\*) during 2014:

William Thurston	41 years	Tom Farahay	15 years
Jack Smelker	31 years	Doug Riedel	12 years
Bonnie Newland	27 years	Gary Gunderman	12 years
Chris Bauserman	24 years	Rick Sedlacek	12 years
Fred Fowler	23 years	Mike Dattilo	11 years
Tom Hopper	19 years	Doug Price	11 years
Holly Foust*	16 years	Dave Jackson	10 years
Steve Burke	15 years		

***Having no further business, Mr. Sedlacek made a motion to adjourn the meeting at 8:20 p.m. Mrs. Kuba 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, 2015, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.***

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*Ken O'Brien, Chairman*

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*Stephanie Matlack, Executive Administrative Assistant*