



# Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## **\*MINUTES\***

**Thursday, June 25, 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 May 28, 2015 RPC Minutes
- Executive Committee Minutes of June 17, 2015
- Statement of Policy

### **II. VARIANCES**

01-05.V Cheshire Woods, Sec.'s 2-4–Berkshire Twp.–requesting additional extension of Prel. Approval

### **III. EXTENSIONS**

01-05 Cheshire Woods, Sec.'s 2-4 – Berkshire Twp. – requesting 2 years extension

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

14-15 ZON Brown Township Zoning Commission – zoning code update  
 15-15 ZON R.L. Voit Jr. Family Limited Partnership – Harlem Twp. – 3.005 acres from AR-1 to FR-1  
 16-15 ZON Wilson Investment Management LLC – Berlin Twp. – 21.78 from FR-1 to PRD/R-3 overlay  
 17-15 ZON Pulte Homes of Ohio LLC – Liberty Twp. – 134.39 acres from FR-1 to PR

### **V. SUBDIVISION PROJECTS**

#### **Preliminary**

		<b>Township</b>	<b>Lots/Acres</b>
09-15	Sycamore Trail	Berlin	18 lots / 21.29 acres
08-15	Northpointe Plaza	Orange	5 lots / 26.11 acres

#### **Preliminary/Final**

27-03.1.C.1	Northstar, Section 1, Phase C, Part 1	Berkshire	12 lots / 05.03 acres
27-03.1.C.2	Northstar, Section 1, Phase C, Part 2	Berkshire	33 lots / 15.47 acres

#### **Final**

01-05.3.A	Cheshire Woods, Section 3, Phase A	Berkshire	35 lots / 28.74 acres
27-03.2.A	Northstar, Section 2, Phase A	Berkshire	10 lots / 07.22 acres

**T=TABLED, W=WITHDRAWN**

### **VI. OTHER BUSINESS (none)**

### **VII. POLICY / EDUCATION DISCUSSION (none)**

### **VIII. RPC STAFF AND MEMBER NEWS (none)**

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairman Stites called the meeting to order at 7:00 p.m.

▪ **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Ric Irvine, Fred Fowler, Ken O’Brien, Barb Lewis, Steve Burke, Tiffany Jenkins, Gary Gunderman, Tom Hopper, Susan Dorsch, Dave Stites, Matt Huffman, Bill Thurston, Dan Boysel, and Mike Dattilo. Alternates: Doug Riedel, James Gauldin, and Charlie Cooperider. Arrived after roll call: Joe Proemm. Staff: Scott Sanders and Stephanie Matlack.

▪ **Approval of the May 28, 2015 RPC Minutes**

*Mr. O’Brien made a motion to Approve the minutes from the last meeting. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **June 17, 2015 Executive Committee Minutes**

1. **Call to order**

Chairman Stites called the meeting to order at 9:00 a.m. Present: Ken O’Brien, Susan Kuba, Tiffany Jenkins, and Dave Stites. Jeff George was absent. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from May 20, 2015**

*Mr. O’Brien made a motion to Approve the minutes from the last meeting, seconded by Mrs. Jenkins. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. **New Business**

- Financial / Activity Reports for May 2015

REGIONAL PLANNING RECEIPTS		MAY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$410.00	\$2,050.00
Fees A (Site Review)	(4202)		\$600.00
Insp. Fees (Lot Line Transfer)	(4203)		\$1,300.00
Membership Fees	(4204)		\$272,375.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$465.79
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)		\$19,399.60
Charges for Serv. B (Final. Appl.)	(4231)	\$5,600.00	\$18,299.60
Charges for Serv. C (Ext. Fee)	(4232)		\$300.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$1,800.00
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)		\$1,845.00
Soil & Water Fees	(4243)		\$800.00
<b>MISCELLANEOUS REVENUE</b>			

Other Reimbursements	(4720)		
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)		\$56.00
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		\$6,310.00	\$319,890.99

<b>Balance after receipts</b>	<b>\$852,115.42</b>
<b>Expenditures</b>	<b>- \$ 33,265.42</b>
<b>End of May balance (carry forward)</b>	<b>\$818,850.00</b>

*After discussion of the financial reports, Mr. O’Brien made a motion to approve the financial reports as presented for audit. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- Site Review:
  - 1.) The Glade at Highland Lakes – Genoa Twp. – 45 lots / 50.27 acres
  
- June RPC Preliminary Agenda
  - 1.) Rezoning:
    - Brown Township Zoning Commission – zoning code update
    - R.L. Voit Jr. Family Limited Partnership – Harlem Twp. – 3.005 acres from AR-1 to FR-1
    - Wilson Investment Management LLC – Berlin Twp. – 21.78 from FR-1 to PRD/R-3 overlay
    - Pulte Homes of Ohio LLC – Liberty Twp. – 134.39 acres from FR-1 to PR
  - 2.) Preliminary:
    - Sycamore Trail – Berlin Twp. – 18 lots / 21.29 acres
    - Northpointe Plaza – Orange Twp. – 13 lots / 26.11 acres
  - 3.) Preliminary/Final:
    - Northstar, Section 1, Phase C, Part 1 - Berkshire Twp. - 12 lots / 05.03 acres
    - Northstar, Section 1, Phase C, Part 2 – Berkshire Twp. - 33 lots / 15.47 acres
  - 4.) Final:
    - Cheshire Woods, Section 3, Phase A – Berkshire Twp. - 35 lots / 28.74 acres
    - Northstar, Section 2, Phase A – Berkshire Twp. - 10 lots / 07.22 acres
  - 5.) Variance/Extensions:
    - Cheshire Woods, Sections 2-4 – requesting additional 2 year extension
  
- Director’s Report
  - 1.) Met with Commissioner Barb Lewis to review the activities of the DCRPC.
  - 2.) Reworked portions of the website. Added a new landing page for online mapping which provides a brief tutorial of how to customize data in the map view.  
<http://www.dcrpc.org/DCRPCGIS/maphome.htm>
  - 3.) Attended a Partnership for a Healthy Delaware County meeting regarding the Community Health Improvement Plan (CHIP).

- 4.) Attended an ACHIEVE/GoHealthy Delaware County – updates on current environmental health issues.
  - 5.) Hired a GIS intern – OWU graduate to work 20 hours per week. Currently organizing digital files and will help in updating information/creating new data.
  - 6.) Participated in the biannual MORPC Northwest Area summit.
  - 7.) Participated as a stakeholder in Powell’s Comprehensive Plan process with other county agencies and Liberty Township.
  - 8.) Continued attendance on the MORPC Data Task Force discussing regional data – currently discussing how information is updated over time, what the governance structure could be.
  - 9.) Continued working with Oxford Township on a Zoning Resolution update.
  - 10.) Forwarded Comp Plan draft to Concord Township.
  - 11.) Continued involvement as Trustees President with Convention and Visitors Bureau.
4. **Old Business** *(none)*
  5. **Other Business** *(none)*
  6. **Personnel** *(none)*
  7. **Adjourn**

*Having no further business, Mr. O’Brien made a motion to adjourn the meeting at 10:20 a.m. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next regular Executive Committee meeting will be Wednesday, July 22, 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

### 01-05.V Cheshire Woods, Sec.'s 2-4–Berkshire Twp.–requesting additional extension of Preliminary Approval

#### I. Request

Homewood Corp. and Sotseks II are requesting a variance to allow an additional 2-year extension of the Preliminary Plan for the Cheshire Woods subdivision in Berkshire Township.

The proposed subdivision is located on the south side of Cheshire Road, about 2000 feet east of I-71.

#### II. Facts

1. The Subdivision Regulations state that “the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded.”
2. Cheshire Woods, Section 1-4 received Preliminary approval on January 27, 2005, and received a six-month extension on January 26, 2006 to expire July 27, 2006;
3. Cheshire Woods, Section 1 was recorded June 20, 2006, which would hold the Preliminary approval until June 2011;
4. The applicant received a Variance and two-year extension of the remaining lots in June, 2011 to June 2013.
5. A second extension by variance was approved June 2013 to expire June 26, 2014.
6. A third extension by variance was approved June 2014 to expire June 26, 2015, with a request that a phasing plan be submitted and a recommendation that an additional connection to Rome Corners Road be achieved.
7. Development of the site has continued, including the engineering review of Section 2 and the filing of Section 3 Phase A Final Plat on the June, 2015 RPC agenda.
8. The applicant is requesting a fourth extension by variance for an additional two years.

#### 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:*** “To date, Section 1 has been developed and the Final Plat recorded. Section 3, Phase A has been developed and the plat should be on the July agenda. [Section 3, Phase A is on the June 26<sup>th</sup> agenda.] Section 2 is engineered and ready for submittal and development this fall. In addition, Section 3, Phase B has also had the

*engineering updated and is ready for submittal for development in 2016. These future sections account for 154 lots and considerable open space. All four 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 of the past, Homewood respectfully requests a variance to section 102.03 to allow for an extension of two years.”*

*“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:** This project was delayed by the economic conditions of 2006-2011. The applicant is seeking approval of engineering for Section 2 and Section 3, Phase A is built with a Final Plat on the current RPC agenda for approval.

The site continues to be developed to the south, in an area that was previously assumed to utilize access to the east through future sections of Cheshire Woods Estates. That Preliminary Plan has since expired. Staff is concerned that continued development to the south will impact the safety of the overall road network. We support the extension by variance of Section 2 between Section 1 and the Interstate, as well as Section 3, Phase B, which is under review by County Engineer. Staff typically recommends a 1-year extension, so that the situation can be re-evaluated annually.

#### **IV. Staff Recommendation**

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, as well as current market and economic conditions, the variance request from Sec. 102.03 & 204.04 and a one-year extension for **Cheshire Woods, Sections 2 and 3** be *Approved*. Staff also recommends that this be the final variance and extension approved for Cheshire Woods, Sections 2 and 3. *[Staff amended the recommendation to Cheshire Woods, Sections 2-4 and the at the meeting.]*

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

Mr. Jim Lipnos with Homewood Corp. was sworn in by Chairman Stites. Mr. Lipnos stated that the original project had three builders. One went out of business and one recently bought out the other. A new partner has come on board and the project is progressing.

There was discussion of phasing and which sections would be developed next. Mr. Sanders asked for a copy of the phasing plan. Mr. Lipnos stated he would provide one to Mr. Sanders. He also said that Section 3 would be broken into three separate phases (A, B and C). Mr. Lipnos stated that they will continue dialog with the property owners to the east.

Mr. George stated that the property to the east has gone through several owners. He said the property to the south is now being farmed. Homewood has no control over the property to the east. He occasionally plows roads for the Township and that he doesn't feel that the length of the Rome Corners entrance down to the end is that far.

Mr. Reidel stated that they would reanalyze the traffic impact on Cheshire and Rome Corners as if there is no additional connection to the east.

*Mr. O'Brien made a motion to recommend Approval of the Variance request for Cheshire Woods, Sections 2-4 based on the Findings of Fact #1-8 listed in the staff report as well as the fact that the property to the east has changed hands and is no longer active. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.*

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### III. EXTENSIONS

#### 01-05 Cheshire Woods, Sections 2-4 – Berkshire Twp. – requesting 2 year extension

**Applicant:** Homewood Corp.

**Engineer:** Advanced Civil Design

**Preliminary Approval:** 01/27/05

**Previous Extensions:** 01/26/06 to 07/27/06, 06/30/11 to 6/27/13 (via variance), 06/27/13 to 06/27/14 (via variance), 06/26/14 to 06/26/15 (via variance)

#### I. Staff Comments

The applicant is requesting a 2-year extension for the Cheshire Woods, Sections 2-4, based on the economic downturn. Extension requests allow additional conditions to be placed on the applicant. Based on changes to the surrounding area, notably within Cheshire Woods Estates to the east, access and traffic circulation may become an issue with the development of the next section. Staff recommends development of an additional connection to Rome Corners Road.

#### II. Staff Recommendation

Staff recommends **Conditional Approval** of a 12-month Extension for the **Cheshire Woods, Sections 2 and 3** to the RPC, *subject to the Variance being granted. [Staff amended the recommendation to include Sections 2-4.]*

#### Commission / Public Comments

Mr. Jim Lipnos with Homewood Corp. was present.

*Mr. O'Brien made a motion for Conditional Approval of a 12-month extension of Cheshire Woods, Sections 2-4, with the condition that the traffic be re-analyzed as if there were no new access to Rome Corners Road. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.*

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### IV. ZONING MAP/TEXT AMENDMENTS

#### 14-15 ZON Brown Township Zoning Commission – zoning code update

#### I. Request

The Brown Township Zoning Commission on June 4, 2015 initiated changes to the township's Zoning Resolution. The Commission is set to hold a hearing on July 2, 2015, to consider the matter.

RPC staff worked with the township to reformat the overall document, adding features that make the document more user-friendly. Additionally, the township is proposing the following amendments, summarized

here:

- Addition of wind turbine-related language and definitions.
- Removed Crematory from the FR-1.
- Removed the standard language “any use not specifically authorized by the express terms of this chapter...” from the “Prohibited Uses” language of several districts to allow flexibility.
- Added NAICS code section to the Planned Commercial district.
- Deleted language related to Noise where it refers to a different Article.
- Minor adjustments to the Adult Entertainment language.
- Addition of language requiring the BZA to issue its decisions in writing.

## **II. Staff Recommendation**

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

## **Commission / Public Comments**

*Mr. O’Brien made a motion to recommend Conditional Approval of Brown Township Zoning Resolution amendments, subject to review of the proposed amendments by the County Prosecutor’s office. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## **15-15 ZON      R.L. Voit Jr. Family Limited Partnership – Harlem Twp. – 3.005 acres from AR-1 to FR-1**

### **I. Request**

The applicant Raymond Voit Jr., is requesting a 3.005-acre rezoning from A-1 to FR-1 to allow the creation of a new residential lots.

### **II. Conditions**

**Location:** south side of Trenton Rd., west of Green-Cook Rd.

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

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

**Present Use(s):** vacant

**Proposed Use(s):** single family house lot

**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:** none

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

BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

### **III. Issues**

The applicant, Raymond Voit Jr. Family Limited Partnership II, owns an undeveloped 8.92-acre parcel with frontage on both Trenton Road and Green-Cook Road. They seek to rezone the western 3.005 acres of the site from AR-1 to FR-1, leaving a remainder 5.917 zoned AR-1. The intention is to split the rezoned 3.005 acres into a lot for sale or development. The new lot will have 250.01 feet of frontage on Trenton Road.



The division of the lot will require the RPC's No Plat Approval process, with review and approval by the typical review agencies, including the Health District. The site includes Pewamo and Bennington soils, which drain poorly.

Staff generally supports rezonings from AR-1 to FR-1 as the smaller lots are a more efficient use of land, particularly in areas where surrounding development has occurred in the FR-1. The township's Comprehensive Plan supports this as well.

**IV. Staff Recommendations**

Staff recommends **Approval** of the rezoning request by R.L. Voit Jr. Family Limited Partnership to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees.

**Commission / Public Comments**

No one was present to represent the applicant.

*Mr. Irvine made a motion to recommend Approval of the rezoning request by R.L. Voit Jr. Family Limited Partnership. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**16-15 ZON      Wilson Investment Management LLC – Berlin Twp. – 21.78 from FR-1 to PRD/R-3 overlay**

**I. Request**

The applicant Wilson Investment Management LLC., is requesting a 21.78-acre rezoning from FR-1 to PRD with R-3 overlay for the creation of a 34 lot single family subdivision, Johnny Cakes Corners.

**II. Conditions**

- Location:** 6246 Cheshire Rd., Galena
- Present Zoning:** Farm Residential (FR-1)
- Proposed Zoning:** Planned Residential District with R-3 overlay
- Present Use(s):** single-family home with several outbuildings
- Proposed Use(s):** 34 single family house lots
- Existing Density:** 1 du/acre
- Proposed Density:** 1.84 du/NDA, 1.6 du/gross acre
- School District:** Olentangy Local School District
- Utilities Available:** Del-Co Water and central sanitary sewer
- Critical Resources:** wetland
- Soils:** BeA Bennington Silt Loam 0-2% slope  
BeB Bennington Silt Loam 2-4% slope  
CaB Cardington Silt Loam 2-6% slope  
CaC2 Cardington Silt Loam 6-12% slope

**Surrounding Land Uses:** To the south and west are Meadows at Cheshire (2.145 du/ac, .28-.35 acre lot size) and Harbor Pointe (1.54 du/ac, .33 acre lot size); to the west are 2-5-acre road frontage lots with varying widths between 155 feet and 120 feet; to the north is the Double Eagle (private) golf course; to the east is undeveloped land in Berkshire Township recommended for 1.25 units per acre with sewer, similar to developments in

Berkshire to the south.

### **III. Process**

This is a rezoning to a PRD overlay on an R-3 district. Berlin Township has three zoning districts which define the density and open space requirements. Each district sets the lot size, which in turn establishes the maximum density for a site. The PRD then allows flexibility in layout and provides other Development Plan requirements similar to Planned Residential district language throughout the county. In the Berlin Township Zoning Code, the R-3 district (with a PRD overlay) allows a minimum lot size of 10,890 square feet (0.25 acres). It allows a maximum density of 1.85 units per Net Developable Acre.

### **IV. Proposal**

The Development Plan indicates a single access to 3 B's and K Road, just south of the existing Cheshire Road roundabout. Two roads provide frontage for the 34 lots. The development includes the existing field, plus the 60-foot strip to the west. This strip currently serves as frontage and driveway for the lot located directly south of the site and owned by James W. Miller. This new road configuration will provide access to that existing lot from an internal street. No other access is desired due to Cheshire Road's traffic and surrounding development.

Lots are generally 100' x 140' (14,000 s.f.) or .32 acre. The minimum frontage in the R-3 designation is 80 feet. All lots meet or exceed this requirement. It appears that five or six lots located on the cul-de-sacs meet the width requirement at the building line, but not along the frontage. This has been identified in previous rezoning cases as a possible adjustment that needs to be made to the zoning code and would be a reasonable request.

Open space of 20% is required in the R-3/PRD designation. This would result in 4.356 acres where the plan proposes 4.4 acres. This open space is located as a 2.5-acre park at the southeast corner of the site. Additionally, 1.9 acres is located as a buffer to the roundabout and along Cheshire Road. The southeastern open space includes a stormwater detention pond.

All the open space areas indicate ample landscaping and buffering. Sidewalks are provided throughout the site, with walking paths through the larger open space area.

### **V. Comprehensive Plan**

The proposal complies with the R-3 density of 1.85 units per net developable acre. However, the 2011 Berlin Township Comprehensive Plan recommends that this area be developed with residential uses at a density of 1 unit per net developable acre. If the typical 15% for roads was removed, the result is 18.5 acres, which results in a maximum density of 18 lots. Berlin Township recently clarified language in its Comprehensive Plan to be consistent in referencing that Net Developable Acreage is to be used in all subareas.

### **VI. Divergences**

The applicant has asked for three divergences, which are summarized here:

1. Divergence requested to allow patios, decks, porches or landscape structures to encroach within the 50 foot distance up to a distance of 25 feet.  
*Staff comment: The language in the resolution specifically states buildings and staff's understanding is that it relates to the building setback. Accessory buildings are allowed to be 10 feet from the rear lot line. The features listed above will likely be considered accessory structures.*
2. Divergence requested throughout the development to allow the side yard setback to be reduced from 12.5 feet (25 foot total between houses) to 3 feet on one side "for the sole purpose of accommodating driveway placement to allow side-load garages..."

**Staff comment:** *Again, the side-yard setback relates to primary structures, particularly in the language referencing distance between buildings. Driveways are typically acceptable at a three-foot setback. The plat will have language that prohibits driveways from encroaching on any drainage easements, however.*

3. Divergence requested to allow an unbuildable lot to be transferred to the land to the south to allow the existing property to take access from an internal street. The divergence is needed because the access strip will be approximately 67 feet in width, where 80 feet is the required frontage.

**Staff comment:** *Staff supports this divergence. The development plan includes detailed language how and when the lot will be conveyed to the Millers, as well as when the new driveway will be created. The Millers will own the land on either side of the driveway but the Homeowners Association will maintain the landscaping and other features of the lot. The applicant is not taking advantage of the Miller acreage to calculate the development density.*

## **VII. Utilities**

The typical utility letters are included. Sanitary service letter notes that sewer is available both in capacity and adjacent sewer line, although easements will need to be secured for extension. County Engineer letter notes feasibility of stormwater as well as street design. Entry location is the result of previous conversations with the County Engineer's office and RPC staff.

## **VIII. Criteria for Approval**

The code requires conformance to the development standards throughout the resolution, as well as compatibility with the remainder of the district and surrounding areas and conformance with the Comprehensive Plan.

**Staff Comment:** Except as noted, the plan appears to comply with the code. Some adjustments may be needed either through divergence or through changes to the plan to adhere to the code. The Comprehensive Plan recommends 1 dwelling unit per net developable acre in this subarea. Looking at Subarea 9, the only land that is developable includes this property and a portion of the golf course to the north. Since the adoption of the plan, the intersection improvement was made at 3 Bs and K and Cheshire. Cheshire Road will continue to be a significant east/west route across the county. The applicant has chosen to rezone to the R-3 designation, which is 1.85 DU/NDA, where more recent applications have chosen the R-2 designation, at 1.25 DU/NDA, which would result in 23 units. The lot size is comparable with the nearby Meadows at Cheshire while a lower density might allow the plan to more closely resemble Harbor Pointe which has a higher price point and increased tax base for the township.

## **IV. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Wilson Investment Management LLC to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

1. *Reduce the density in accordance with the Comprehensive Plan. Based on excluding right-of-way, this number would be 18 units. However, the impact of neighboring roads should be taken into consideration, as well as the proposed lot sizes and frontages. It would be appropriate to allow this property to conform to the R-2 standards;*
2. *Recommended review of the first two divergences as applying to primary structures only and unnecessary;*
3. *Recommended approval of the divergences needed for an unbuildable lot to be transferred to the Millers to the south;*
4. *Recommended approval of an additional divergence to allow selected lots that, due to the nature of cul-de-sac bulbs, do not have the required 80 feet of frontage since they do achieve the required width.*

## **Commission / Public Comments**

Mr. Jack Mautino, Division President of Westport Homes in Ohio, was present. He explained this is a very small site with nearly 50% of it impacted by two major arterials and significant commercial development going on to the east. This project compares favorably to both Harbor Point and The Meadows at Cheshire.

Mr. Gunderman questioned the lack of connection to the south. Mr. Sanders stated that it would require a combination of several parcels and owners to come together.

**Mr. O'Brien made a motion to recommend Conditional Approval of the rezoning request by Wilson Investment Management LLC., subject to staff recommendations #1-4. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.**

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**17-15 ZON      Pulte Homes of Ohio LLC – Liberty Twp. – 134.39 acres from FR-1 to PR**

**I. Request**

The applicant Pulte Homes of Ohio LLC., is requesting a 134.39-acre rezoning from FR-1 to PR for a 75-lot single family subdivision.

**II. Conditions**

**Location:** south of Home Rd., and east and west of Perry Rd.

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

**Proposed Zoning:** Planned Residential District (PR)

**Present Use(s):** 1 single family home

**Proposed Use(s):** 75 single family house lots

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

**Proposed Density:** .56 du/acre, .96 du/net developable acre

**School District:** Olentangy Local School District

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

**Critical Resources:** slopes > 20%, streams/drainage course

**Soils:** LyD2 Lybrand Silt Loam 12-18% slope

GwB Glynwood Silt Loam 2-6% slope

GwC2 Glynwood Silt Loam 6-12% slope

**III. Proposal**

The applicant seeks a rezoning for several parcels of land owned by Park National Bank Trustee, with a 1.7-acre parcel with ownership by 813 Home Road LLC for the purposes of creating a 75-lot single-family subdivision.

The existing site slopes from a high point of 900 feet in the southeastern corner to 810' along Perry Road and eventually 780' along the floodway of the Olentangy River to the west. Two high-tension power lines and five towers cross the site, surrounded by utility easements. Approximately six streams run through the site toward the Olentangy River. Because the overall site includes several large parcels, the site includes three single-family homes, all of which appear to be intended for removal. Despite the ravines, there are large areas of open land that will allow development.

The plan shows two accesses – one at Home Road and one at Perry Road. One road traverses the site connecting the two accesses with a secondary east/west road ending in a cul-de-sac to the west. A Common Access Driveway provides access to four lots in the southeastern corner of the site. Lots have a minimum frontage of 80 feet at the front building setback line, tapering to 50-55 feet at the right-of-way. The density is approximately 1 unit per net developable acre, which matches the underlying FR zoning, with the gross density at only .56 units per acre. Open space of 83.79 acres is proposed to be dedicated, mostly to conservation areas. This is 62.3% of the overall area where the current code does not specify an open space percentage.

One estate lot of 8.4 acres is proposed with frontage and access from Perry Road. This lot will include a building site with a reserve of 7.7 acres surrounding the house location. This area will be a conservation and no-build area and counted as open space for the overall community.

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

The 2006 Comprehensive Plan recommends areas within the Olentangy and Scioto watershed corridors for residential uses at 1 unit per net developable acre. This site meets that density while preserving ground water and environmental features by limiting development to areas outside the ravines and minimizing stream crossings. The plan references a desire for Conservation Subdivisions but the current code does not have language specific to such development. This project meets the typical criteria for a Conservation Subdivision by proposing a “neutral” density, maintaining at least 50% of the site in open space, providing that at least 80% of the lots back up to open space (almost all of these lots do), and limiting development to non-critical environmental areas.

#### **V. Divergences**

The applicant has asked for several divergences which are summarized here:

1. Divergence requested for the setback for the lots at the Home Road entrance to be 30 feet from Home Road where the code requires 80 feet.  
**Staff comment:** *This may be logical, but Home Road will continue to have increased traffic and will eventually be widened. Any divergence should ensure that future widening does not significantly impact the future owners of those lots.*
2. Divergence request for side-yard setback to allow a side-yard of 12.5 feet with 25-foot spacing where the code currently requires 25-foot side yard setback.  
**Staff comment:** *This continues to be an issue and is reasonable at this average lot size.*
3. Divergence request to allow non-structural landscape walls that do not exceed 36 inches in height no closer than 5 feet of the property line.  
**Staff comment:** *This is reasonable and probably needed, given the topography of the site.*
4. Divergence request to allow driveways to encroach into the side yard up to 2 feet from the property line.  
**Staff comment:** *This is a request on another rezoning on this month's agenda. This is probably reasonable, although two feet seems rather small. Regardless of any divergence granted by the township, driveways will not be allowed to encroach into any drainage easements that may be located between lots on the Final Plat.*
5. Divergence request to allow up to three temporary, free-standing subdivision sales signs to be placed in the community until ninety percent of the lots are sold where the code allows for a single sign.  
**Staff comment:** *Applicant seeks to place one large sign along Home Road and then a smaller sign at both Home Road and Perry Road. Two signs are probably reasonable at any one time, based on the proposed phasing of the project.*
6. Divergence request to allow two Model Homes/Sales Offices in the community until 95% of the homes are sold.  
**Staff comment:** *Given the number of lots and the limitations noted in the text, this is reasonable.*
7. Divergence request to allow entry way fencing to exceed 42 inches but no higher than 6 feet.  
**Staff comment:** *The signage exhibit does not include a scale but this appears to relate to a three-rail fence as part of the entrance feature. Given the character of Home Road, this is probably reasonable. Features must be located outside the sight lines for existing traffic. Staff recommends additional information for this divergence.*
8. Divergence request to allow driveways to be located within 100 feet of the intersection of any two public

roads for lots 31, 37, 41, and 42.

**Staff comment:** *This is usually a reasonable request but these all seem unnecessary for these lots. Lot 31 is next to the intersection with the CAD. This would not be a public road, but if it were, the lot could take access from it instead. Lot 37 appears to be located with plenty of distance to the intersection. Lots 41 and 42 are located adjacent to Home Road. They would therefore be good candidates for having their driveways as far of the intersection as possible.*

9. Divergence request to allow the sign column at the Home Road access to allow a sign face of not more than three square feet per side, if such divergence is needed.

**Staff comment:** *The proposed sign may comply. Staff suggests continuing to work with the applicant to define additional detail on this request.*

10. Divergence to allow four lots on a Common Access Driveway.

**Staff comment:** *Number of lots on a CAD is a limitation of the Subdivision Regulations, not the zoning code. However, Liberty Township typically has required all lots to also have frontage on a county-approved street. While this may require a township divergence, the number of lots will require a variance from the Subdivision Regulations. Staff would support such a variance if the cross section of the CAD (pavement buildup) matches that of the other streets in the subdivision. A low-volume/low-density road could also be used.*

11. Divergence request to allow principal structures in subarea A 1 to a height of up to 50 feet for roof peaks and architectural elements.

**Staff comment:** *This subarea refers to the large 8.40-acre parcel on Perry Road. The code currently limits structures to 40 feet with an additional eight feet allowed for attached structures. This is a reasonable request if the fire department agrees.*

## **VI. Pedestrian Trail**

The plan indicates a pedestrian trail through the area of the Common Access Driveway, connecting from Orange Township to the main road through the site. A path is also provided on one side of both streets within the development. A second path continues from the end of the western cul-de-sac to Perry Road. This will provide a potential link from this development into Orange Township, as well as providing a connection across the Olentangy to the Trail's End development. This will require a connection through an Orange Township development, where the township has indicated the presence of an easement for that purpose. It will also require that the Home Road bridge over the Olentangy accommodate a connection as well.

Staff strongly supports this, but notes that the applicant should continue to work with other agencies to ensure the proper placement of this facility. The path to the west will likely need to be engineered to appropriately cross the existing topography.

## **VII. Utility letters and other items**

Typical utility letters are included. There is sanitary capacity and service is available along the 42" Perry-Taggart line to the west of the site. County Engineer's office indicates feasibility of stormwater and road network. That office is also recommending a curb-and-gutter system instead of open ditches as recently supported by the Township Trustees in another project.

Preliminary Jurisdictional Wetland Determination has been performed on the site. The site includes several streams, swales, and wetlands, most of which will be in open space conservation areas.

Traffic Study is included. The road configuration includes two accesses, which staff supports. Site distance and road improvement commitments will be reviewed during the subdivision phase.

**VIII. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Pulte Homes of Ohio LLC, to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to:*

1. *Clarifying the acreage of all proposed features in a single graphic – details are spread across several drawings that include/ don't include land west of Perry and the existing home at 7273 Perry Road;*
2. *Further review of the divergence to allow a reduced setback for two lots from Home Road;*
3. *Recommend approval of Divergences 2 (side yard setback), 3 (non-structural landscape walls), 6 (model homes);*
4. *Recommend approval of Divergence 4 (driveway setback), although three feet may be more appropriate;*
5. *Recommend approval of two signs through Divergence 5;*
6. *Recommend more detail be provided for Divergence 7 (entry fencing), and 9 (entry sign column);*
7. *Recommend that Divergence 8 (driveways within 100 feet of intersections) either isn't necessary or is not advised for the lots adjacent to Home Road;*
8. *Noted that Divergence 10 requires a variance from the Subdivision Regulations and that a low volume/ low density street would be preferable;*
9. *Recommend approval of Divergence 11 (height of roof elements for the large acreage tract) with review and comment from Fire Department.*

**Commission / Public Comments**

Mr. Matt Callahan with Pulte Homes was present. He stated they were in general agreement with the staff recommendations.

Mr. Gunderman asked Mr. Sanders if the deviation for the setback along Home Road were not granted, would those lots as they are laid out be able to have houses on them. Mr. Sanders explained that it is his assumption as why they are asking for the divergence. He suggests those lots could be moved to other areas of the development. Mr. Gunderman was more in favor of recommending against those lots then adding a condition of further review. Mr. Callahan said the divergence is to allow the building within 30 feet to a future proposed ROW of Home Road.

***Mr. Gunderman made a motion to recommend Conditional Approval of the rezoning request by Pulte Homes of Ohio LLC, subject to staff recommendations #1, #3-9. No divergence on setback requirements on Home Road is recommended. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.***

**V. SUBDIVISION PROJECTS**

**Preliminary**

09-15                    Sycamore Trail – Berlin Twp. - 18 lots / 21.29 acres

**I. Conditions**

**Applicant:** James Property Management Ltd.  
**Subdivision Type:** single family residential  
**Location:** West side of Africa Road, north of Cheshire Rd.  
**Current Land Use:** Vacant  
**Zoned:** Planned Residential with R-2  
**Zoning Approved:** 3/22/2015

**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** Terrain Evolution

## **II. Staff Comments**

Sycamore Trail is an 18-lot subdivision located on Africa Road in Berlin Township. The entrance aligns with the future entrance of Brookview Manor to the east. Lots are roughly 22,000 s.f., or half-acre in size. It includes a single entrance and single road extended toward the west. Improvements to Africa Road will be required, but will be combined into a larger project with adjacent development. The site will dedicate 11.208 acres of open space. Walking paths have been designed through the open space areas.

***A technical review was held on June 16, 2015, after which the applicant has addressed all of the required changes except those requested by the Sanitary Engineer's office.***

## **III. Staff Recommendation**

Staff recommends *Conditional Preliminary Approval* of **Sycamore Trail** to the DCRPC, *subject to resolving issues with the Sanitary Engineer's office.*

## **Commission / Public Comments**

Mr. Thom Ries with Terrain Evolution was present. He explained that the client would be meeting with the Sanitary Engineer on Wednesday to resolve the sewer issue.

Mr. O'Brien commented favorably on the improved plan.

***Mrs. Jenkins made a motion for Conditional Preliminary Approval of Sycamore Trail to the DCRPC, subject to resolving issues with the Sanitary Engineer's office. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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08-15            Northpointe Plaza – Orange Twp. - 5 lots / 26.11 acres

## **I. Conditions**

**Applicant:** Tuller Square Northpointe LLC  
**Subdivision Type:** commercial  
**Location:** North side of Meadow Park Ave., west of Highfield Drive  
**Current Land Use:** commercial/retail  
**Zoned:** Planned Commercial and Office (PC)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** EMH & T

## **II. Staff Comments**

This subdivision is intended to create up to five new building sites in the Northpointe Plaza shopping center. Currently some of the required green space is located in a parcel with frontage on U.S. 23. This plan will convert that area into a building lot while also creating four new "second-row" outlots between the rear stores and the frontage lots. Each of these lots will be required to dedicate open space/green areas to maintain the required amount lost when the frontage lot is developed. Additional striping will be required on Meadow Park Avenue, but no public improvements are required.



*A technical review was held on June 16, 2015, after which the applicant has addressed all of the required changes.*

**III. Staff Recommendation**

Staff recommends *Preliminary Approval* of **Northpointe Plaza** to the DCRPC.

**Commission / Public Comments**

No one was present to represent the applicant.

*Mr. O'Brien made a motion for Preliminary Approval of Northpointe Plaza. Mr. Thurston seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**Preliminary/Final**

**27-03.1.C.1 Northstar, Section 1, Phase C, Part 1 – Berkshire Twp. - 12 lots / 05.03 acres**

**I. Conditions**

**Applicant:** Northstar Residential Development

**Subdivision Type:** Planned Commercial

**Location:** south side of Wilson Rd., at intersection of Wilson and Big Bluestem Way

**Current Land Use:** Vacant

**Zoned:** Planned Residential District (PRD)

**Zoning Approved:** 12/10/2001

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

**School District:** Big Walnut

**Engineer:** EMH & T

**II. Staff Comments**

Northstar is a development of approximately 965 acres in Berkshire Township and approximately 773 acres in Kingston Township approved at various times between 2001 and 2013. The Berkshire Township part of Northstar received zoning approval in December, 2001. Preliminary Approval was granted for the commercial side and Wilson Road extension in December, 2003. These areas, as well as most of the golf course in Berkshire Township, was platted in December, 2007.

Section 1, Phases B through E received Preliminary Approval in August, 2005. This approval expired, but there have been no major changes since the original submission. Along with the Final Plat approval, the applicant is requesting re-approval of the Preliminary Plan for Section 1, Phase C, Part 1.

The development takes access from the south side of Wilson Road. It includes the extension of Big Bluestem Way to its intersection with Gingerfield Way. It provides access to 12 lots on either side of the road. Lots are generally 1/3 acre in size. Improvements are in and no additional improvement to Wilson Road was required. This Part is being platted concurrently with Part 2 and the extension of Gingerfield Way.

**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 *Preliminary and Final Approval* of **Northstar, Section 1, Phase C, Part 1** to the DCRPC.

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

Mr. Thom Ries with Terrain Evolution was present to represent Nationwide.

**Mr. O'Brien made a motion for Preliminary and Final Approval of Northstar, Section 1, Phase C, Part 1. Mrs. Lewis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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27-03.1.C.2      **Northstar, Section 1, Phase C, Part 2 – Berkshire Twp. - 33 lots / 15.47 acres**

### **I. Conditions**

**Applicant:** Northstar Residential Development

**Subdivision Type:** Planned Commercial

**Location:** south side of Wilson Rd., at intersection of Wilson and Big Bluestem Way

**Current Land Use:** Vacant

**Zoned:** Planned Residential District (PRD)

**Zoning Approved:** 12/10/2001

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

**School District:** Big Walnut

**Engineer:** EMH & T

### **II. Staff Comments**

Northstar is a development of approximately 965 acres in Berkshire Township and approximately 773 acres in Kingston Township approved at various times between 2001 and 2013. The Berkshire Township part of Northstar received zoning approval in December, 2001. Preliminary Approval was granted for the commercial side and Wilson Road extension in December, 2003. These areas, as well as most of the golf course in Berkshire Township, were platted in December, 2007.

Section 1, Phases B through E received Preliminary Approval in August, 2005. This approval expired, but there have been no major changes since the original submission. Along with the Final Plat approval, the applicant is requesting re-approval of the Preliminary Plan for Section 1, Phase C, Part 2.

This development continues the extension of Big Bluestem Way to the south, ending in a cul-de-sac. It provides access to 33 lots on either side of the road. Lots are a minimum 1/3 acre in size, with several being larger, up to 2/3 acre. Improvements are in and no additional improvement to Wilson Road was required. Lots either back of up to the golf course on the west or a wooded ravine in adjacent properties to the east. This Part is being platted concurrently with Part 1 and the extension of Gingerfield Way.

**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 *Preliminary and Final Approval* of **Northstar, Section 1, Phase C, Part 2** to the DCRPC.

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

Mr. Thom Ries with Terrain Evolution was present to represent Nationwide.

**Mr. O'Brien made a motion for Preliminary and Final Approval of Northstar, Section 1, Phase C, Part 2. Mrs. Lewis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried**

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## **CONSENT AGENDA**

### **Final**

**01-05.3.A Cheshire Woods, Section 3, Phase A – Berkshire Twp. - 32 lots / 28.74 acres**

#### **I. Conditions**

**Applicant:** Homewood Corp.  
**Subdivision Type:** Single Family Residential  
**Location:** south side of Cheshire Rd., east of I-71  
**Current Land Use:** vacant  
**Zoned:** Planned Residential (PRD)  
**Zoning Approved:** 06/06/2004  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Big Walnut  
**Engineer:** Advanced Civil Design

#### **II. Staff Comments**

Cheshire Woods, Section 3, Phase A includes the extension of Somerford Drive toward the south and east/west Lawton Street. Lawton then connects with an existing portion of Lawton Street in Cheshire Woods Estates to the east. Somerford provides access for ten lots and Lawton Street creates frontage for 22 lots. Open space is being platted in two reserves. A large meadow of 7.237 will be located between this section and the one to the north. A larger 9.725-acre reserve is located to the south, preserving an area of woods.

**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 **Cheshire Woods, Section 3, Phase A** to the DCRPC.

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

**Mr. Gunderman made a motion for Final Approval of Cheshire Woods, Section 3, Phase A. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**27-03.2.A Northstar, Section 2, Phase A - Berkshire Twp. - 10 lots / 07.22 acres**

**I. Conditions**

**Applicant:** Northstar Residential Development  
**Subdivision Type:** Single Family Residential  
**Location:** south side of Wilson Rd., south of the intersection of Wilson Rd. and Big Bluestem Way  
**Current Land Use:** vacant  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co Water, central sanitary sewer  
**School District:** Big Walnut  
**Engineer:** Terrain Evolution

**II. Staff Comments**

Northstar, Section 2, Phase A is the extension of Gingerfield Way from its intersection with Big Bluestem Way to the township line between Berkshire and Kingston. Frontage is provided for 10 residential lots which are a minimum of .4 acres, with the two corner lots being larger than a half-acre. This plat also includes the creation of a 1.161-acre open space which is adjacent to a planned open space area in a future section of the project. This Phase is being platted concurrently with Section 1, Phase C, Part 1 and Part 2, which provides access from Gingerfield way to Wilson Road via Big Bluestem Way.

**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 **Northstar, Section 2, Phase A** to the DCRPC.

**Commission / Public Comments**

***Mr. Gunderman made a motion for Final Approval of Northstar, Section 2, Phase A. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**V. OTHER BUSINESS**

- Mrs. Jenkins stated that the Sewer District has official kicked off the Sewer Master Plan Update. They will be having a stakeholders meeting on July 16<sup>th</sup> at the Willis Building. Invitation will be mailed.

**VI. POLICY / EDUCATION DISCUSSION (none)**

**VII. RPC STAFF AND MEMBER NEWS (none)**

***Having no further business, Mr. BoyseI made a motion to adjourn at 8:20 p.m. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

***The next meeting of the Delaware County Regional Planning Commission will be Thursday, July 30, 2015, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.***

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*Dave Stites, Chairman*

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*Stephanie Matlack, Executive Administrative Assistant*