



Delaware County Regional Planning Commission

109 North Sandusky Street
P.O. Box 8006, Delaware, Ohio 43015
740-833-2260 www.dcrpc.org
Scott B. Sanders, AICP Executive Director



MINUTES

Thursday, September 28, 2017 at 6:30 PM
Frank B. Willis Building, 2079 US 23 North, Conference Room,
Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of August 31, 2017 RPC Minutes
- Executive Committee Minutes of September 20, 2017
- Statement of Policy

II. VARIANCES / EXTENSIONS

21-14.V Creekside Industrial Park - Orange Twp. - Sec. 102.03 and 204.04 - additional extension

III. ZONING MAP/TEXT AMENDMENTS

30-17 ZON Peachblow Land II, LLC. - Berlin Twp. - 193.3 acres from FR-1 to R-3/PRD overlay

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

Final

		Township	Lots/Acres
18-16	Orangepoint Outparcels	Orange	04 lots / 12.48 acres

T=TABLED, W=WITHDRAWN

V. OTHER BUSINESS

VI. POLICY / EDUCATION DISCUSSION

VII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairman Stites called the meeting to order at 6:30 p.m.

▪ **Roll Call**

Representatives: Jeff George, Chet Heid, Ric Irvine, Fred Fowler, Jeff Benton, Steve Burke, Mike Frommer, Tom Hopper, Joe Shafer, Dave Stites, Tracey Mullenhour, Ed Reely, Lee Bodnar, Bill Thurston, Ed Snodgrass, Dan Quick, Josh Vidor, Tim Gose, and Mike Dattilo. *Alternates:* Cheryl Friend, Eric Mackling, Claudia Husak, and Dave Jackson. *Arrived after roll call:* Bill Piper, Alt. Staff: Scott Sanders, Da-Wei Liou, Phil Bennetch, and Stephanie Matlack.

▪ **Approval of the August 31, 2017 RPC Minutes**

Mr. Vidor made a motion to Approve the minutes from the last meeting. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **September 20, 2017 Executive Committee Minutes**

1. Call to order

Chairman Stites called the meeting to order at 8:50 a.m. Present: Dave Stites, Gary Merrell and Mike Frommer. Susan Kuban and Jeff George were absent. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from August 23, 2017

Mr. Merrell made a motion to Approve the minutes from the last meeting, seconded by Mr. Frommer. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

3. New Business

- Financial / Activity Reports for August 2017

REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)	\$820.00	\$6,970.00
Fees A (Site Review)	(4202)	\$300.00	\$2,700.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$2,600.00
Membership Fees	(4204)		\$226,355.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$4,104.59
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$0.00
Charges for Serv. A (Prel. Appl.)	(4230)		\$78,028.60
Charges for Serv. B (Final. Appl.)	(4231)	\$5,200.00	\$52,338.90
Charges for Serv. C (Ext. Fee)	(4232)		\$1,200.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$3,900.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$100.00	\$1,775.00
Soil & Water Fees	(4243)	\$200.00	\$3,350.00
			\$12.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			\$229.66
Other Misc. Revenue (GIS maps)	(4730)		\$0.00
Misc. Non-Revenue Receipts	(4733)		\$262.22
Sale of Fixed Assets	(4804)		\$0.00
TOTAL RECEIPTS		\$7,220.00	\$385,825.97

Balance after receipts	\$970,338.40
Expenditures	<u>- \$ 30,080.93</u>
End of August balance (carry forward)	\$940,257.47

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

- Site Review: none
- September RPC Preliminary Agenda
 - 1.) Rezoning:
 - Peachblow Land II, LLC. – Berlin Twp. – 193.3 acres from FR-1 to R-3/PRD overlay
 - 2.) Preliminary: none
 - 3.) Preliminary/Final: none
 - 4.) Final:
 - Orange Point Outparcels – Orange Twp. – 4 lots / 12.48 acres
 - 5.) Variance / Extension:
 - Creekside Industrial Park – Ora. Twp. – requesting additional extension
- Director’s Report
 - 1.) Liberty Township Comp Plan – no change - township wants to do a roundtable with trustees and ZC;
 - 2.) Berkshire Township Comp Plan – no change – internal discussion, then will vote at next meeting;
 - 3.) Delaware County Trail Committee Plan: stakeholder meetings went well;
 - 4.) Hosted County Planning Directors Association meeting at the CCAO offices in Columbus – normal turnout of about 12, planned December meeting at CCAO conference;
 - 5.) 36/37 Corridor Study by NBBJ, attended stakeholder meeting with county utilities, Berlin, Berkshire, Brown to discuss process, also uploaded numerous GIS files for use by the consultant; and
 - 6.) Orange Township is utilizing a group of students in the Planning Master’s program at OSU to update its Comprehensive Plan. I attended a class meeting last week and presented the background maps and data we have available. Also spoke with the Township regarding continued involvement through the process.

- 2018 Budget – 1st review

Mr. Sanders presented the proposed 2018 Budget. This proposal uses actual and predicted revenue and expenses for 2018. In addition to staff's draft projections, the following topics were discussed:

- 1.) Salaries proposed at 3% increase,
- 2.) Health Insurance, Workman's Comp and Medicare rates to be provided by the County Administrator next week;
- 3.) Materials and supplies are conservative estimates, there are no significant expenses anticipated for 2018;
- 4.) Projecting to purchase a new computer for the Planner I/GIS Operator;
- 5.) Audit services are included at \$3,000 (completed every two years);
- 6.) Membership dues were calculated with a 30¢ per capita credit for those jurisdictions that are current, applied to the existing \$1.04 per capita dues amount.

The Executive Committee should review the proposal and be prepared to discuss at the October 18th meeting. The full Commission will review the draft budget at the October 26th RPC meeting. The vote will take place at the November 30th RPC meeting.

4. Old Business

- Subdivision Regulation amendments are continuing to be reviewed and hope to be on the October agenda for recommendation.

5. Other Business

6. Personnel

7. Adjourn

Having no further business, Mr. Frommer made a motion to adjourn the meeting at 9:40 a.m. Mr. Merrell seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, October 18, 2017 at 8:45 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.

- **Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted an opportunity to make their formal presentation. The audience will then be granted an opportunity to speak, at which time the chair will allow questions from the members of the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration. The Chairperson may limit repetitive debate.

II. VARIANCES / EXTENSIONS

21-14.V Creekside Industrial Park – Orange Twp. – Sec. 102.03 and 204.04 – additional extension

I. Request

Highdev II, LLC. is requesting a variance to allow an additional 1-year extension of the Preliminary Plan for Creekside Industrial Park in Orange Township.

The proposed application is located on the east side of US 23, behind Menard's.

II. Facts

1. Section 204.04 of the Delaware County Subdivision Regulations state that, "The Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval;"
2. Creekside Industrial Park received Preliminary approval on October 31, 2014;
3. The Preliminary plan received a one-year extension on October 27, 2016 to expire October 27, 2017;
4. The applicant is requesting a second one-year extension.

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: "The owner is hoping to begin construction on both roads around September 20th. Owner believes that their contractor is ready to go and the project has the appropriate approvals. However, unforeseen delays in governmental agreements to secure support necessary to make this project happen have caused a slight delay in commencing construction. They have every intention of this project being constructed so that they can solicit users for this development. However, this will not allow us to submit the final plat prior to the October expiration date.

Considering that the variance request is for extension of the preliminary plan only, we do not believe this will be detrimental to public health, safety and welfare or injurious to other parties. The conditions of this

variance are for timing only to allow the owner to put in place adequate agreements and funding to make this project happen. The uniqueness of the variance request to this property include its location and market conditions as well as the progression of surrounding development in order to secure agreements and funding related to regional development such as this that provides road and utility connection points. We intend to carry out the preliminary and final construction drawings as previously approved by all agencies and begin that construction later this month. We have met with the County Engineer's Office for preconstruction and have a contractor on board. This variance request is not intended to vary any regulations of appropriate agencies other than a timing extension. "

Staff comments: Staff agrees that there is progress on the site. The County Commissioners recently discussed the financial arrangements surrounding the construction of Greenmeadows Drive as part of this development.

IV. Staff Recommendation

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sections 102.03 & 204.04 and a one-year extension (to October 26, 2018) for **Creekside Industrial Park** be *Approved*.

Commission / Public Comments

Ms. Rebecca Wright was present to represent the applicant, but had nothing to add to the staff report, and therefore was not sworn in.

Mr. Vidor made a motion to Approve the Variance request for Creekside Industrial, based on the Findings of Fact, along with a 1-year extension. Mr. George seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained, (Orange Twp.). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

30-17 ZON Peachblow Land II, LLC. – Berlin Twp. – 193.3 acres from FR-1 to R-3/PRD overlay

I. Request

The applicants/owners, Peachblow Land II LLC, Kenney Asset Management LLC, and Triangle Properties, are requesting a 193.3-acre rezoning from FR-1 to R-3 with PRD overlay for the development of Berlin Meadows.

II. Conditions

Location: north side of Shanahan Rd., south side of Peachblow Rd.

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: R-3 with PRD overlay

Present Use(s): vacant

Proposed Use(s): 425 single-family house lots

Existing Density: 1 du/1 ac

Proposed Density: 2.2 du/ac (gross), 2.72 du/ac (net)

School District: Olentangy Local School District

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: wetlands, streams, slopes $\geq 20\%$

Soils: GwB Glynwood Silt Loam 2-6% slope

GwC2 Glynwood Silt Loam 6-12% slope

PwA Pewamo Silty Clay Loam 0-1% slope

BoA Blount Silt Loam 0-2% slope

III. Introduction

Berlin Meadows is a proposed single-family development of 425 lots on 193.3 acres between Peachblow and Shanahan Roads west of proposed Evans Farm. Two accesses are proposed, one via Peachblow Road and one via Shanahan Road. The road layout combines curvilinear and grid patterns. Connections are made through road stubs for future development to the east, west, and north. Three of these stubs are provided for a future section of the Evans Farm development, which has zoning approval but has not entered the subdivision process. Three other stubs are provided for future potential development.

According to the site and landscape plans, sidewalks and street trees are provided throughout on both sides of the streets. There are three lot configurations generally grouped together in areas of the development. The smallest lots, at 57' x 120' or 6,840 square feet, are located in the middle of the site. There are 136 lots at this size.

To the south and west are 145 lots that are 60' x 140' or 8,400 square feet. To the north are 144 lots at the largest size of 65' x 140' or 9,100 square feet.

Open space totaling 75.1 acres (38.85% of total area) includes 10 detention basins, 8' wide asphalt paths throughout, 10' wide asphalt paths on Peachblow and Shanahan Roads. Individual open spaces are not labeled on the plan, but a large wooded area of about 25 acres is proposed as a preservation area. Approximately 15 acres are located under the powerlines that cross diagonally across the western portion of the site. Other open space areas are provided as a buffer adjacent to the Worthington Arms manufactured home park, a gazebo, a tot lot, and a community green with benches. Brick entry features are shown along Shanahan Road and Peachblow Road.

IV. Comprehensive Plan

Berlin Township's 2010 Comprehensive Plan indicates that part of this area is recommended for single-family residential use at 1.85 units per net developable acre to the northeast and planned industrial or commercial to the south and west. The plan also indicates that a road extending east from the U.S. 23 intersection with Greif Parkway will be continued to the east. That road is not specifically planned to continue into this site, but consideration should be given to the fact that the road will eventually provide access to the site. This proposal does not conform to the recommendations of the Comprehensive Plan, an issue that will be discussed within the Divergence section of the report.

V. Issues

Traffic and access: A letter from Smart Services, Inc. is included noting that upon successful rezoning, the developer will need to perform a traffic impact study at the final development plan stage.

There is no letter from the County Engineer's office because preliminary layouts provided to that office did not

include a no-load street as requested. North Road currently forms a T intersection with Shanahan Road. When Evans Farm was proposed in Berlin Township, the County Engineer’s office noted that North Road needs to be extended through the site as a no-load street, leaving the configuration of the road up to the Evans Farm developer. That portion of Evans Farm is not in the subdivision stage, so all discussions have been of a preliminary nature. This project needs to show an unloaded street beginning at Peachblow Road, approximately 2200 feet west of the railroad and proceeding south. The first project to submit a preliminary plan will dictate the final geometry of the road.

Lighting: No lighting plan was provided, but the proposal commits to conform to the zoning resolution.

Sanitary Treatment: A service letter is included stating conditional capacity to the site because “construction of regional offsite improvements is necessary to provide sanitary service to the development and construction sequencing might impact the proposed development.” The utility plan shows that initial sanitary access would likely come from the west down the north side of Shanahan Road.

VI. Divergences

Six divergences are requested:

1. To allow the reduction of the minimum lot area from 10,890 square feet to 6,840 square feet, noting that a divergence was granted for Evans Farm.

Staff Comment: Staff does not generally oppose smaller lots if certain conditions are met. As the width of the lot is reduced, the quality of the design and materials must be increased. Divergences were granted for Evans Farm for several reasons. The chief reason was the mix of uses and walkability of the site. Sidewalks and open space make this project walkable, but there is no mix of uses. Open space exceeds the minimum required, but there are no larger passive areas except for the wooded acreage in the middle of the site. Evans Farm provided a book of potential house styles that indicates a commitment to architectural details and additional guidance as to the placement of garages. Many of the narrower lots in areas adjacent to this proposal are designed with alleys to reduce the “snout house” effect of front-projecting garages. No such guidance is provided with this application.

	Proposal	R-3
Density	2.72 N.D.A.	1.85 N.D.A.
Min. Lot Size (w/PRD)	6,840, 8,400, 9,100 s.f.	10,890 s.f.
Frontage	57', 60', 65'	80'
Open Space	38.85%	20%

A portion of the northern parcel (Kenney Asset Management) with frontage on Peachblow Road is not included in the application for rezoning. This area is adjacent to a parcel zoned Planned Industrial and could potentially be incorporated as a non-residential use of some sort for the benefit of the development and surrounding community.

2. To allow the reduction of the minimum lot frontage from 80 feet to 44'-7".
Staff Comment: This appears to only apply to a few lots and only at frontage – otherwise, the lots meet the dimensions noted in the introduction. Comments under #1 above regarding the overall design of the proposal apply here as well.
3. To allow a reduction in the minimum side yard setback from 12.5 feet to 5 feet.

Staff Comment: This reduces the building spacing to less than half of that currently required, or 10 feet between buildings. The application notes the cluster-style new urbanist development that can be created with tighter spacing. However, as noted above, the other standards for New Urbanism are absent. Also, drainage improvements and access for service vehicles is limited with such narrow spacing.

4. To allow the rear yard setback to be reduced from 50 feet to 25 feet on all lots adjacent project boundaries.

Staff Comment: This is probably reasonable, given the adjacent use of the properties, but is being driven by the higher densities and is not necessarily justified by the fact that Evans Farm received a similar divergence.

5. To allow the density to exceed 1.85 du/n.d.a. up to 2.72 du/n.d.a.

Staff Comment: The application notes that this density divergence was recently approved for Evans Farm. The comments under #1 above apply here as well. As also noted above, the Comprehensive Plan called for commercial/industrial development in much of this area based on its location between U.S. 23 and the railroad. However, the prior approval of Evans Farm blocks the railroad and access from U.S. 23 is limited for commercial development at this eastern location. It is unlikely that significant non-residential development would be viable this far from the highway, so residential is appropriate. However, the only mix of uses is single-family residential and open space. While that open space is ample, it isn't distributed throughout the site sufficiently. The design of the site is more comparable to the developments around Cheshire and Piatt, which are approved at lower densities.

6. To allow two marketing signs to be posted instead of one.

Staff Comment: The site has frontage on two different roads as noted in the application. This request is reasonable.

VII. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Peachblow Land II LLC, Kenney Asset Management LLC, and Triangle Properties from FR-1 to R-3/PRD to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees, *subject to:*

- 1.) Reduction of the density to 1.85 units per acre unless open space is distributed throughout the site and there is a commitment to build a no-load street through the site;
- 2.) Discussion of the purpose of the land along Peachblow Road, part of the northern parcel and whether it could be incorporated into the development;
- 3.) Provide acreage details of all open spaces;
- 4.) Provide a no-load street through the site which is designed as the extension of North Road;
- 5.) Provide additional pedestrian connections to the wooded lot from the south (between lots 154-166 along Road "G" on the plans), access and drainage improvements may need to be designed at several locations based on site conditions.

Commission / Public Comments

Mr. Todd Faris with Faris Planning & Design was present to answer questions from the Commission. He stated that they will continue to work with the County Engineer on the road issue and look at incorporating Scott's recommendations into the design.

Mr. George asked other than it being allowed at Evans Farm, why they have asked for the density increase. Mr.

Faris stated that they were trying to preserve as much open space and natural features as possible, and to carry through the similar density of Evans Farm.

Ms. Husak commented that the preservation of open space seemed to be “left over” space and not purposefully planned open space. The center open space does not seem accessible for the residents to the south.

Mr. Heid stated that this project does not have mixed use like Evans Farm is proposing. Also, the Fire Department has some issues with this proposed layout.

Mr. George made a motion to recommend Denial of the rezoning request by Peachblow Land II LLC, Kenney Asset Management LLC, and Triangle Properties from FR-1 to R-3/PRD. Mr. Vidor seconded the motion. VOTE: Majority For Denial, 1 Opposed (Kingston Twp.), 1 Abstained (Berlin Twp.). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final

18-16 Orangepoint Outparcels – Orange Twp. - 04 lots / 12.48 acres

I. Conditions

Applicant: Orangepointe LLC
Subdivision Type: Planned Commercial and Office
Location: east side of US 23, north of Orange Point Dr.
Zoned: Planned Commercial and Office District (PDC)
Preliminary Approval: 11/17/16
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: EMH & T

II. Staff Comments

Orangepoint Outparcels is a 4-lot commercial subdivision with frontage on US-23 and Orange Point Drive. The site will initially include a 15,273 square-foot Point Blank Range & Gun Shop, 5 self-storage units totaling approx. 70,000 square feet, the associated parking, and a stormwater basin. Access for both services

will be off Orange Point Drive.

A strip of land located between the site and Superkick to the east is under separate (but related) ownership (Capitol Square Corp Chester J J-Solove R J). After significant discussion at the October, 2016 RPC meeting, the applicant added the extension of Graphics Way to the subdivision plans.

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 **Orangepoint Outparcels** to the DCRPC.

Commission / Public Comments

Mr. Irvine made a motion for Final Approval of Orangepoint Outparcels. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. OTHER BUSINESS

- 2018 Budget - will be presented to the Commission at the October 26th meeting for review. Vote to take place at the November 30th meeting.
- Subdivision Regulations - Mr. Sanders stated that the public notice has not been placed yet due to continuing to work on comments received from consultants.

VI. POLICY / EDUCATION DISCUSSION (none)

VII. RPC STAFF AND MEMBER NEWS (none)

Having no further business, Mr. Bodnar made a motion to Adjourn the meeting at 6:55 p.m. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, October 26, 2017, 6:30 PM at the Delaware County Commissioners, 101 N. Sandusky St., Conference Room, Delaware, Ohio 43015