



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, October 27, 2016 at 6:30 PM

Delaware County Commissioners Conference Room, 101 N. Sandusky St.,
Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of September 29, 2016 RPC Minutes
- Executive Committee Minutes of October 19, 2016
- Statement of Policy

II. VARIANCES *(none)*

III. ZONING MAP/TEXT AMENDMENTS

20-16 ZON	Westport Homes – Berkshire Twp. - 31.69 acres from A-1 to PRD
21-16 ZON	Harlem Twp. Zoning Commission – Harlem Twp. – Zoning code amendments
22-16 ZON	Countrytyme Land LLC – Harlem Twp. – 5.004 acres from AR-1 to FR-1
23-16 ZON	Countrytyme Land LLC – Harlem Twp. – 5.002 acres from AR-1 to FR-1
24-16 ZON	Countrytyme Land LLC – Harlem Twp. – 5.001 acres from AR-1 to FR-1
25-16 ZON	Countrytyme Land LLC – Harlem Twp. – 5.126 acres from AR-1 to FR-1
26-16 ZON	Countrytyme Land LLC – Harlem Twp. – 5.394 acres from AR-1 to FR-1

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary

21-16	Old Harbor Estates, Section 2	Berlin	24 lots / 15.39 acres
20-16	Sunset Cove, Reserve A, Div. #1	Liberty	03 lots / 5.12 acres
18-16	Orange Point Outparcels	Orange	04 lots / 12.48 acres

Preliminary/Final *(none)*

Final

22-16	Big Bear Farms, Sec. 10, Div. #1 easement vacation	Liberty	01 lots / 04.37 acres
01-14.4	North Farms, Section 4	Orange	27 lots / 11.362 acres
01-14.8	North Farms, Section 8	Orange	20 lots / 08.910 acres

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

21-14	Creekside Industrial Park	Orange	08 lots / 92.55 acres
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VI. OTHER BUSINESS

- Consideration for Approval – ESRI maint. Contract with Del. Co. GIS - \$1,677.00
- 2017 DCRPC Budget – 1st review

VII. POLICY / EDUCATION DISCUSSION

VIII. 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, Gary Merrell, Barb Lewis, Jeff Benton, Mike Frommer, Tom Hopper, Joe Shafer, Jon Trainer, Dave Stites, Ed Reely, Joe Proemm, Mike Dattilo and Doug Price. *Alternates:* Helen Caraway, Adam Howard, John Piccin, and James Hatten. *Arrived after roll call:* Bonnie Newland (R). *Staff:* Scott Sanders, Da-Wei Liou, Phil Bennetch and Stephanie Matlack.

▪ **Approval of the September 29, 2016 RPC Minutes**

Mr. Price made a motion to Approve the minutes from September 29th. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **October 19, 2016 Executive Committee Minutes**

1. Call to order

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

2. Approval of Executive Committee Minutes from September 21, 2016

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

New Business

- Financial / Activity Reports for September 2016

REGIONAL PLANNING RECEIPTS		SEPTEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$8,465.00
Fees A (Site Review)	(4202)	\$1,200.00	\$5,100.00
Insp. Fees (Lot Line Transfer)	(4203)	\$200.00	\$3,600.00
Membership Fees	(4204)		\$221,608.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$502.40	\$5,956.50
Assoc. Membership	(4206)		
General Sales	(4220)		\$4.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$3,850.00	\$70,193.40
Charges for Serv. B (Final. Appl.)	(4231)	\$200.00	\$46,227.10
Charges for Serv. C (Ext. Fee)	(4232)		\$600.00
Charges for Serv. D (Table Fee)	(4233)	\$400.00	\$1,400.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,800.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$900.00	\$2,700.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$5,430.00	\$9,910.00
Soil & Water Fees	(4243)	\$825.00	\$5,300.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)		\$460.20
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$14,122.40	\$383,324.20

Balance after receipts	\$903,373.51
Expenditures	- \$ 38,570.78
End of September balance (carry forward)	\$864,802.73

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

- Site Review (*none*)
- October RPC Preliminary Agenda
 - 1.) Rezoning:
 - Westport Homes – Berkshire Twp. - 31.69 acres from A-1 to PRD
 - Harlem Twp. Zoning Commission – Harlem Twp. – Zoning code amendments
 - Countrytyme Land LLC – Harlem Twp. – 5.004 acres from AR-1 to FR-1
 - Countrytyme Land LLC – Harlem Twp. – 5.002 acres from AR-1 to FR-1
 - Countrytyme Land LLC – Harlem Twp. – 5.001 acres from AR-1 to FR-1
 - Countrytyme Land LLC – Harlem Twp. – 5.126 acres from AR-1 to FR-1
 - Countrytyme Land LLC – Harlem Twp. – 5.394 acres from AR-1 to FR-1
 - 2.) Preliminary:
 - Old Harbor Estates, Section 2 – Berlin Twp. – 24 lots / 15.39 acres
 - Sunset Cove, Reserve A, Div. #1 – Liberty Twp. – 3 lots / 5.12 acres
 - Orange Point Outparcels – Orange Twp. – 4 lots / 12.48 acres
 - 3.) Preliminary/Final: (*none*)
 - 4.) Final:
 - Big Bear Farms, Sec. 10, Div. #1 easement vacation – Liberty Twp. – 1 lots / 4.37 acres
 - North Farms, Section 4 – Orange Twp. – 27 lots / 11.362 acres
 - North Farms, Section 8 – Orange Twp. – 20 lots / 8.910 acres
 - 5.) Extensions:
 - Creekside Industrial Park – Orange Twp. – 8 lots / 92.55 acres
- Director’s Report
 - 1.) Genoa Township community visit on September 26th and discussed platting process, development plan reviews, zonings with zoning and development staff;
 - 2.) Co-hosted a Central Ohio Greenways stakeholders group meeting on October 3rd to discuss proposed trails – county group meets for the first time next Friday;
 - 3.) Kingston Township community visit with trustees and staff, discussed agritourism, recent marijuana rule changes, and other issues on October 12th;
 - 4.) Subdivision Regulations are on the County Commissioners’ October 27 agenda;

- 5.) Continuing to work on flowchart that captures the subdivision platting process across the various departments and starting a process to track projects, probably through GIS, in a way that can be shared by all departments and possibly the public;
 - 6.) Attending MORPC Sustainability Summit this Friday;
 - 7.) Continued Liberty Township Comp Plan – meeting regarding roads and trails. Good attendance and discussion;
 - 8.) Sunbury sent final changes for adoption of their plan – minor text issues. ODOT decided to use the green alternative as the preferred, so no transportation maps had to change.
- Consideration for recommendation of Approval – ESRI contract, Del. Co. GIS - \$1,677.00

Mrs. Kuba made a motion to recommend Approval of paying the ESRI expense of \$1,677.00 to the Delaware County Auditor. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- 2017 Budget – 1st review

Mr. Sanders presented the proposed budget for 2017. This proposal uses actual and predicted revenue and expenses for 2017. In addition to staff's draft projections, the following topics/changes were discussed:

- 1.) Projected platting revenue is conservative at \$75,000.
- 2.) Salaries budgeted at 3% increase. No staffing changes anticipated.
- 3.) Health Insurance rates were provided by the County Administrator.
- 4.) Materials and supplies are conservative estimates, including MS Office software upgrade for three computers. Cost at less than \$1,000. There are no significant expenses anticipated for 2017.
- 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 full Commission will review the draft budget at the October RPC meeting. The vote will take place at the November 19th RPC meeting.

- 2017 Calendar was presented. All RPC meetings to be held on the last Thursday of each month except for December (Dec. 21st). Two RPC meetings (April and October) will be held at the Del. Co. Commissioners meeting room on Sandusky St. due to election room space. One other date (July) is yet to be determined if it will be required to be held at the Commissioners meeting room.

3. Old Business
4. Other Business
5. Personnel
6. Adjourn

Having no further business, Mr. George made a motion to adjourn the meeting at 10:00 a.m. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, November 9, 2016 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 (none)

III. ZONING MAP/TEXT AMENDMENTS

20-16 ZON Westport Homes – Berkshire Twp. - 31.69 acres from A-1 to PRD

I. Request

The applicant, Westport Homes, on behalf of the owners, is requesting a 31.69-acre rezoning from A-1 to PRD to develop a 40-lot, single family subdivision.

II. Conditions

Location: East of South 3 B's & K Rd., south of Cheshire Rd.

Present Zoning: Agricultural (A-1)

Proposed Zoning: Planned Residential (PRD)

Present Use(s): Vacant

Proposed Use(s): 40 single-family house lots

Existing Density: 1 du / 5 acres

Proposed Density: 1.26 du / acre

School District: Olentangy Local School District

Utilities Available: Del-Co Water and central sanitary sewer

Critical Resources: stream

Soils: BeA Bennington Silt Loam 0-2% slope

PwA Pewamo Silty Clay Loam 0-1% slope

CaC2 Cardington Silt Loam 6-12% slope

CaB Cardington Silt Loam 2-6% slope

III. Introduction

The applicant proposes a single-family development which will be an extension of the existing Hidden Creek subdivision. Existing Killdeer Place will be extended into the site, allowing a second east/west road to create frontage for the bulk of the lots. An existing swale and wooded area will be maintained along the north side of the development and a wooded buffer will be maintained along Interstate 71. In all, ten acres of open space are being preserved. Lots are generally designed with at least 90 feet of frontage, except on the cul-de-sac. This frontage generally allows side-load garages, minimizing the negative effect that can sometimes be created with repetitive front-facing garages. Lots that are adjacent to Hidden Creek are approximately 240 feet deep, allowing for a larger distance between homes. Lots are an average size of .41 acres in size, or slightly under a half-acre. Existing lots to the south are .25 acre in size and 135 feet in depth.

IV. Comprehensive Plan

Berkshire Township's 2008 Comprehensive Plan recommends that this area be residential at a density of 1.25

dwelling units per net acre when sewer is provided. Further, the Zoning Resolution also notes the 1.25 units per net acreage as well.

V. Issues

Traffic and access: Traffic has been discussed internally with DCRPC staff and the County Engineer staff. Ideally, a second access would be provided at either Cheshire Road (across land that is not controlled by the applicant) or a second connection to South 3 Bs and K closer to the roundabout. At this time, however, sewer service is not available to the northern portion of this site so the developer is only purchasing and developing the area with access to Kildeer Place. The developer is being required to stub a road into the land to the north in anticipation of future connection and a second access for the development. The proposed number of lots will not necessarily exceed the capacity of the existing road network. The applicant has submitted plans showing how a future road network to the north could be developed.

Drainage: A letter is included stating the feasibility of drainage. Land along the ravine will be preserved in open space and the detention basin appears to be in a logical location.

Signage: Signage is indicated at the entry to the subdivision as a 6-foot post on a 4-foot brick base. The sign will be approximately 9.5 square foot sign hung from a mast-arm and appears to fit with the natural of the existing subdivision.

Sanitary Treatment: Typical capacity letter is included stating that sewer service and capacity is available to serve the area. The letter states that the county will be conducting improvements to the Cheshire pump station and force-main downstream from this site. The plan indicates two existing accesses will be utilized in Hidden Creek.

VI. Divergences

Two divergences are requested:

1. Divergence is requested from section 11.08(11) Minimum Front Setbacks, which requires houses at 40 feet from the right-of-way, or as approved per plan, and front load garages setback at least 50 feet from the right-of-way. The plan requests that setbacks be approved as shown on the plan at 30 feet, 35 feet, and 40 feet to allow for a more interesting streetscape.
2. **Staff Comment:** *The code allows such setback “per plan,” and this is not an excessive difference in the setbacks noted in the Resolution. If a divergence is needed, this is reasonable.*
3. Divergence is requested to allow a higher density than recommended in the Comprehensive Plan. The plan indicates 31.6 gross acres and 28.6 net acres. The proposed 40 lots represent a density of 1.55 units per Net Developable Acreage where, as noted, the Comprehensive Plan and PRD language reference 1.25. This calculation is the result of taking the gross acreage, subtracting 15% for roads (4.75 acres) and 1.22 acres for an existing buried gas line. (It should be noted that a sheet dated July 22, 2016 includes a different calculation resulting in 1.39 units.)

Staff Comment: *Several communities throughout the county use Net Developable Acreage with slight differences in their calculation. In some resolutions, there is an option to utilize the actual acreage that will be dedicated to right-of-way, since the 15% figure is typically excessive. Similar proposals have found that the actual acreage is closer to 12% and this project, with a single east/west road, might fit that model. Secondly, although the gas line will remain untouched in open space except for the road crossing, it is having a negative effect on the density calculation that the Zoning Commission may want to reconsider. If the number of lots and larger lot size is reasonable, and amount of open space is a benefit to the larger community, the Zoning Commission may wish to consider allowing the applicant to see what the result would be if*

these changes in calculation were used. Otherwise, the applicant is choosing the amount of acreage to purchase from the current owner. This acreage potentially could be increased so that the density is closer to, or equal the maximum density.

VII. Staff Recommendations

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

- 1.) *Recommend approval of the setback divergences, if required, per plan submitted;*
- 2.) *Recommend amendment of the density to consider actual right-of-way to be dedicated and/or taking in additional acreage if necessary, to comply with the required 1.25 dwelling units per Net Developable Acre.*

Commission / Public Comments

Mr. Tom Hart was present to answer questions from the Commission. Also present was Jack Mautino and Terry Andrews with Westport Homes. He explained that they would preserve the wooded area south of the stream and open it up to the residents of this project but also to those in the existing neighborhood for a walking path and access.

Mrs. Lewis made a motion to recommend Conditional Approval of the rezoning for Westport Homes, subject to staff recommendations #1 and #2. Mr. Heid seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.

21-16 ZON Harlem Twp. Zoning Commission – Harlem Twp. – Zoning code amendments

I. Request

Harlem Twp. Zoning Commission has initiated a number of minor changes to its Zoning Resolution and has scheduled a Public Hearing on November 7, 2016.

II. Introduction

This is a brief summary of the proposed changes with staff comments:

The addition of a new Definition for Building Use Affidavit, “A document issued by the Zoning Inspector by which a property owner certifies that a building will be used 100% for agricultural purposes”.

New language in the General Development section regarding Temporary or Portable Storage Structures (PODS) including length of time allowed, location, adherence to setbacks, purpose of storage, and other details.

Generally changing all references to Zoning “Certificates” to Zoning “Permits.” This includes references to temporary uses and change of use. New language is also added stating “while a zoning permit will be issued along with the required Building Use Affidavit for any agricultural building to be erected on land presently used for agricultural purpose or for any building incidental to the agricultural use of the land on which said buildings are proposed to be located.”

Staff comments: *The Portable Storage Structure language appears to be reasonable and comparable to other communities that have adopted similar language. Staff understands the concerns that many townships struggle with related to tracking agricultural uses and structures. Although the proposed language specifically states that no permit will be required, creating a process by which an applicant must file paperwork (the affidavit), even if it is not attached to a fee,*

may result in the appearance of a permit requirement. Various legal counsels have generally recommended against such processes. Staff recommends checking with the County Prosecutor's office or private counsel before proceeding with this particular portion of the amendments.

III. Staff Recommendations

Staff recommends **Conditional Approval** of the amendments to the Harlem Twp. Zoning Resolution to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *Consultation with the County Prosecutor's office regarding the amendments, particularly with regard to the Agricultural affidavit and other related items.*

Commission / Public Comments

Mr. Merrell made a motion to recommend Conditional Approval of the amendments to the Harlem Twp. Zoning Resolution subject to staff recommendations. Mr. Fowler seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.

22-16 ZON Countrytyme Land LLC – Harlem Twp. – 5.004 acres from AR-1 to FR-1

I. Request

The applicant, Countrytyme Land LLC, is requesting a 5.004-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

II. Conditions

Location: southeast corner of Fancher Rd. and Green Cook Rd.

Present Zoning: Agricultural (AR-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Vacant

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

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 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: BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

CeB Centerburg Silt Loam 2-6% slope

CeC2 Centerburg Silt Loam 6-12% slope

PwA Pewamo Silty Clay Loam 0-1% slope

III. Introduction

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

The parcel is one of a set of 18 parcels that were created on September 16, 2015 from an original 107-acre tract. The lots are all larger than 5 acres and were therefore exempt from the subdivision process or any other review.

According to the plat of survey, this parcel has 245 feet of frontage along Green-Cook Road and 695.8 feet of frontage along Fancher Road. Harlem Township's zoning resolution requires 2 acres exclusive of all easements

and rights-of-way, and frontage of 175 feet for 2-3 acres, 200 feet for 3-4 acres, and 250 feet for 4-5 acres. Flag lots, or lots with less than the required frontage, are allowed on county roads if separated by a lot with full frontage. Fancher Road is a county road; Green-Cook is a township road. Frontage should not be an issue for this parcel.

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

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

Comprehensive Plan: The Harlem Township plan acknowledges that 2-acre lots are less land-consumptive than 5-acre lots and supports rezoning to the smaller lot size, particularly when it is not out of character with surrounding developed land use.

IV. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Countrytyme Land LLC for 5.004 acres from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *Consultation with the Delaware General Health District to determine the feasibility of on-site treatment on the site.*

Commission / Public Comments

No one was present to represent the Applicant.

Mr. George made a motion to recommend Conditional Approval subject to staff recommendation. Mr. Price seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.

23-16 ZON Countrytyme Land LLC – Harlem Twp. – 5.002 acres from AR-1 to FR-1

I. Request

The applicant, Countrytyme Land LLC, is requesting a 5.002-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two lots.

II. Conditions

Location: South side of Fancher Rd., east of Green Cook Rd.

Present Zoning: Agricultural (AR-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Vacant

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

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 2 acres

School District: Big Walnut Local School District

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

Critical Resources: Stream/drainage course, slopes $\geq 20\%$

Soils: BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

CeC2 Cardington Silt Loam 6-12% slope

III. Introduction

This is a straight rezoning and does not require a development plan. The assumption is that the lot is being rezoned either for future subdivision into two lots, or the reduction of a single lot below 5 acres. The parcel is one of a set of 18 parcels that were created on September 16, 2015 from an original 107-acre tract. The lots are all larger than 5 acres and were therefore exempt from the subdivision process or any other review.

According to the plat of survey, this parcel has 293 feet of frontage on Fancher Road. The Hanover-Snipetown Cemetery is located along approximately 225 feet of that frontage. The intent is to deed the cemetery to Harlem Township, which indicates that although the township technically owns the cemetery (supported by the County Prosecutor), no deed or legal description of the area can be located.

The creation of a cemetery lot would potentially leave approximately 69 feet for access to a second lot. However, this area is blocked with a guard rail which protects drivers from going down a slope that leads to a stream and culvert. Neither the staff nor the County Engineer's staff supports a new lot taking access from this location. Access could be gained from a new access strip to the east, which is also being considered for rezoning. Unfortunately, as noted, this type of rezoning does not require a development plan or proposal to show the intent of the rezoning.

Harlem Township's zoning resolution requires 2 acres exclusive of all easements and rights-of-way, and frontage of 175 feet for 2-3 acres, 200 feet for 3-4 acres, and 250 feet for 4-5 acres. Flag lots, or lots with less than the required frontage, are allowed on county roads if separated by a lot with full frontage. Fancher Road is a county road, so a flag lot could be created with land to the east, as long as the eastern lot maintained frontage of 175 feet.

Further subdivision of this lot (unless combined with other land) will be accomplished through the No Plat lot split process, allowing township and county agencies the opportunity to review and approve the proposed lots. Staff feels this process will allow the appropriate review by all related agencies to create the proper access location and required amount of frontage and spacing with other lots.

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

Comprehensive Plan: The Harlem Township plan acknowledges that 2-acre lots are less land-consumptive than 5-acre lots and supports rezoning to the smaller lot size, particularly when it is not out of character with surrounding developed land use.

IV. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Countrytyme Land LLC for 5.002 acres from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *Consultation with the Delaware General Health District to determine the feasibility of on-site treatment on the site.*

Commission / Public Comments

No one was present to represent the Applicant.

Mr. Stites asked if the cemetery was a township cemetery. Mr. Trainer stated that in past records the cemetery was given to the township but somehow fell out of the records as the land changed ownership. It is the townships desire to have the cemetery officially deeded to the Township by the current owner.

Mr. George made a motion to recommend Conditional Approval subject to staff recommendation. Mr. Price seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.

24-16 ZON Countrytyme Land LLC – Harlem Twp. – 5.001 acres from AR-1 to FR-1

I. Request

The applicant, Countrytyme Land LLC, is requesting a 5.001-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

II. Conditions

Location: South side of Fancher Rd., east of Green Cook Rd.

Present Zoning: Agricultural (AR-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Vacant

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

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 2 acres

School District: Big Walnut Local School District

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

Critical Resources: none

Soils:BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

III. Introduction

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

The parcel is one of a set of 18 parcels that were created on September 16, 2015 from an original 107-acre tract. The lots are all larger than 5 acres and were therefore exempt from the subdivision process or any other review.

According to the plat of survey, this parcel has 300 feet of frontage along Fancher Road. Harlem Township's zoning resolution requires 2 acres exclusive of all easements and rights-of-way, and frontage of 175 feet for 2-3 acres, 200 feet for 3-4 acres, 250 feet for 4-5 acres, and 300 feet if larger than 5 acres. Flag lots, or lots with less than the required frontage, are allowed on county roads if separated by a lot with full frontage. Fancher Road is a county road. As noted in the previous case, the intent may be to reduce the size of this lot by providing frontage for the lot to the west. It appears that construction has already taken place on the eastern flag lot, making it a challenge to reconfigure any other lot. Unfortunately, as noted, this type of rezoning does not require a development plan or proposal to show the intent of the rezoning.

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

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

Comprehensive Plan: The Harlem Township plan acknowledges that 2-acre lots are less land-consumptive than 5-acre lots and supports rezoning to the smaller lot size, particularly when it is not out of character with surrounding developed land use.

IV. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Countrytyme Land LLC for 5.001 acres from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *Consultation with the Delaware General Health District to determine the feasibility of on-site treatment on the site.*

Commission / Public Comments

No one was present to represent the Applicant.

Mr. Shafer made a motion to recommend Conditional Approval subject to staff recommendation. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.

25-16 ZON Countrytyme Land LLC – Harlem Twp. – 5.126 acres from AR-1 to FR-1

I. Request

The applicant, Countrytyme Land LLC, is requesting a 5.126-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

II. Conditions

Location: East side of Green Cook Rd., south of Fancher Rd.

Present Zoning: Agricultural (AR-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Vacant

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

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 2 acres

School District: Big Walnut Local School District

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

Critical Resources: stream/water course

Soils: BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

CeC2 Centerburg Silt Loam 6-12% slope

III. Introduction

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

The parcel is one of a set of 18 parcels that were created on September 16, 2015 from an original 107-acre tract. The lots are all larger than 5 acres and were therefore exempt from the subdivision process or any other review.

According to the plat of survey, this parcel has 361 feet of frontage along Green-Cook Road, narrowing to 89 feet to the rear (east) of the property. Harlem Township's zoning resolution requires 2 acres exclusive of all easements

and rights-of-way, and frontage of 175 feet for 2-3 acres, 210 feet for 3-4 acres, and 250 feet for 4-5 acres. Flag lots, or lots with less than the required frontage, are allowed on county roads if separated by a lot with full frontage. Green-Cook is a township road, so frontage will likely not be a problem, but the proper width of the eastern lot will need to be maintained to allow proper lot width.

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

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

Comprehensive Plan: The Harlem Township plan acknowledges that 2-acre lots are less land-consumptive than 5-acre lots and supports rezoning to the smaller lot size, particularly when it is not out of character with surrounding developed land use.

IV. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Countrytyme Land LLC for 5.126 acres from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *Consultation with the Delaware General Health District to determine the feasibility of on-site treatment on the site.*

Commission / Public Comments

No one was present to represent the Applicant.

Mr. George made a motion to recommend Conditional Approval subject to staff recommendation. Mr. Shafer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.

26-16 ZON Countrytyme Land LLC – Harlem Twp. – 5.394 acres from AR-1 to FR-1

I. Request

The applicant, Countrytyme Land LLC, is requesting a 5.394-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

II. Conditions

Location: East side of Green Cook Rd., south of Fancher Rd.

Present Zoning: Agricultural (AR-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Vacant

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

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 2 acres

School District: Big Walnut Local School District

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

Critical Resources: stream/drainage course, slope \geq 20%

Soils: BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope
CeB Centerburg Silt Loam 2-6% slope
CeC2 Centerburg Silt Loam 6-12% slope

III. Introduction

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

The parcel is one of a set of 18 parcels that were created on September 16, 2015 from an original 107-acre tract. The lots are all larger than 5 acres and were therefore exempt from the subdivision process or any other review.

According to the plat of survey, this parcel has 300 feet of frontage along Green-Cook Road, narrowing to 175 feet to the rear (east) of the property. Harlem Township's zoning resolution requires 2 acres exclusive of all easements and rights-of-way, and frontage of 175 feet for 2-3 acres, 210 feet for 3-4 acres, and 250 feet for 4-5 acres. Flag lots, or lots with less than the required frontage, are allowed on county roads if separated by a lot with full frontage. Green-Cook is a township road, so frontage will likely not be a problem, nor will the width of the new lot, which will be at least 175 feet.

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

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

Comprehensive Plan: The Harlem Township plan acknowledges that 2-acre lots are less land-consumptive than 5-acre lots and supports rezoning to the smaller lot size, particularly when it is not out of character with surrounding developed land use.

IV. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by Countrytyme Land LLC for 5.394 acres from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *Consultation with the Delaware General Health District to determine the feasibility of on-site treatment on the site.*

Commission / Public Comments

No one was present to represent the Applicant.

Mrs. Lewis made a motion to recommend Conditional Approval subject to staff recommendation. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

21-16 Old Harbor Estates, Section 2 – Berlin Twp. - 24 lots / 15.39 acres

I. Conditions

Applicant: Old Harbor Estates, LLC
Subdivision Type: Planned Residential
Location: North side of Hollenback Rd., east of S. Old State Rd.
Current Land Use: Vacant
Zoned: R-3 with PRD overlay
Zoning Approval: October 27, 2014
Utilities: Del-Co water and central sanitary sewer
School District: Olentangy
Engineer: Advanced Civil Design

II. Staff Comments

Old Harbor Estates, Section 2 is a 24-lot residential subdivision with frontage on the north side of Hollenback Road, east of South Old State Road. Its main entrance is via Hollenback Road, but it will also have access via South Old State Road through Section 1 of the same project. The main road enters the site on Hollenback from the south heading north, connecting to Old Harbor Estates, Section 1. One cul-de-sac extends east from the middle of the main road, and another road extends shortly west from the north end of the main road.

Four reserves are being created. One is a 2.05-acre parcel at the southeast end of the site and contains a retention basin and stream to the north and a small wetland to the south. The second is a 0.36-acre parcel on the middle west side of the site. The third is a 1.02-acre parcel at the northeast corner of the site. The fourth is a narrow 0.05-acre strip of open space directly south of the west-bound road.

A technical review was held on October 18, 2016, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **Old Harbor Estates, Section 2** to the DCRPC.

Commission / Public Comments

Mr. John Wicks with Old Harbor Estates LLC was present.

Mr. Price made a motion for Preliminary Approval of Old Harbor Estates, Section 2. Mr. Merrell seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

20-16 **Sunset Cove, Reserve A, Div. #1 – Liberty Twp. - 03 lots / 5.12 acres**

I. Conditions

Applicant: Gerald & Lois Borin
Subdivision Type: Single Family Residential
Location: 9694 Sunset Dr., Powell
Current Land Use: Single family residence
Zoned: Farm Residential (FR-1)
Utilities: Del-Co water and private on-lot treatment systems
School District: Olentangy
Surveyor: Patridge & Assoc.
Contact: Joe Clase, Plan 4 Land

II. Staff Comments

Sunset Cove is a 3-lot residential subdivision with frontage on Sunset Court and Sunset Drive. The northwest lot would have frontage on Sunset Court to the north, the northeast lot would have frontage on both Sunset Court to the north and Sunset Drive to the east, and the south lot would have frontage on Sunset Drive to the east and south. There is an existing house on septic on the south lot.

A technical review was held on October 18, 2016, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **Sunset Cove, Reserve A, Div. #1** to the DCRPC.

Commission / Public Comments

Mr. Joe Clase with Plan 4 Land along with the applicant Mr. Jerry Borin were present.

Mr. Merrell made a motion for Preliminary Approval of Sunset Cove, Reserve A, Division #1. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

18-16 **Orange Point 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.
Current Land Use: Vacant
Zoned: Planned Commercial and Office District (PCD)
Zoning Approval: November 21, 1990
Utilities: Del-Co water and central sanitary sewer
School District: Olentangy
Engineer: EMH & T

II. Staff Comments

Orange Point 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.

Language from the original zoning approval in Orange Township (and referenced in a 2006 letter when the development just east of the road extension [409 Orangepoint Drive, “Superkick”] was built) noted that no additional development could take place west of the proposed extension of Graphics Way unless Graphics Way was built as part of that future development. Information regarding the extension was missing from the initial Preliminary Plan as proposed. Although the issue was raised at the Technical Review Committee meeting, the revised plans did not reference the road extension, but the response letter noted:

“The applicant is currently working with Delaware County and Orange Township staff to identify rights and responsibilities for extension of Graphics Way on off-site acreage owned by an affiliate.”

The Auditor’s data indicates that the subject site was divided by survey in 1999, leaving this strip under separate ownership (Capitol Square Corp Chester J J-Solove R J). Referencing the road extension through a response letter does not adequately address the issue raised at TRC.

A technical review was held on September 20, 2016, after which the applicant has addressed all other required changes.

III. Staff Recommendation

Staff recommends *Denial* of **Orange Point Outparcels** to the DCRPC, based on the lack of detail regarding the extension of Graphics Way along the eastern boundary of the project.

Commission / Public Comments

Mr. Lou Visco with Casto was present. He explained that this piece of property was acquired with the merger of Casto with Dick Solove. Tire Warehouse has developed the piece they sold them on the south side of the road. Informally they have spoken with Orange Twp. and Delaware staff and have addressed preliminarily a number of questions and have applied for preliminary approval. There were a list of comments from the initial technical review that needed to be worked out, therefore the preliminary was tabled. Since then, drainage, wetlands, sanitary extension, access, traffic. He stated that, from initial conversations with Scott Sanders, Graphics Way would be extended. It currently ends right at Orange point. He stated there are ongoing discussions with Orange Twp. Zoning regarding the extension of the road to the north to get something worked out. He requested the Commission grant Conditional Approval with the requirement of the extension of Graphics Way.

Mr. Sanders explained that it is unusual to recommend denial. He spoke with Orange Twp. and the County Engineers office and they all felt that if there were some reference on the revisions to the extension he could possibly have recommended conditional approval. Mr. Visco stated it was not his intent to leave it off of the plans.

Mr. George asked if the Commission could accept something from the applicant that says “we guarantee this is going to be resolved and this road will go in regardless of whose tract it’s on”? Mr. Sanders suggested that if it could be shown on the plan and were delivered by a certain date within the next week or so. He did not want it to just be a phrase in the minutes that someone later could come back and question the intension.

Mr. Stites asked Mr. Visco if he would like to request a tabling, acknowledging that he had some work to do. Mr. Visco stated that he would like to request a 30-day tabling.

Mr. Merrell made a motion to Approve the 30-day table request for Orange Point Outparcels. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final

22-16 **Big Bear Farms, Sec. 10, Div. #1 easement vacation – Liberty Twp. - 01 lots / 04.37 acres**

I. Conditions

- Applicant:** S-K Powell 2 Opportunity, LLC
- Subdivision Type:** Commercial
- Location:** north side of Attacks Dr., west of Sawmill Rd.
- Current Land Use:** Vacant
- Date recorded:** July 9, 2008
- Utilities:** Del-Co Water, central sanitary sewer
- School District:** Olentangy
- Engineer:** Advanced Civil Design

II. Staff Comments

The subject site was platted in the unincorporated portion of Liberty Township as a resubdivision of a section of Big Bear Farms, Section 10, Lot 4615. While land to the west and north have developed within the township, the site remains undeveloped. In August, 2015, the site was annexed to the City of Powell and the intent is the construction of a senior care and residential facility. As such, certain easements were no longer appropriate for the proposed use.

Despite being subject to the City of Powell’s zoning and development authority, the easements were created by platting through the Regional Planning Commission. The County Prosecutor recommended that the applicant take this easement vacation through the RPC’s process in accordance with Subdivision Regulations 205.06(B). Any easements that were exclusive to the county have been vacated directly through the County Commissioners and new easements, where needed, have been recorded. This process was advertised in accordance with the Regulations and there were no comments from either the various county agencies or private utilities.

The applicant has presented to the RPC Office a survey of the easements to be vacated, a requirement for approval.

III. Staff Recommendation

Staff recommends *Final Approval* of **Big Bear Farms, Section 10, Division #1 easement vacation** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Big Bear Farms, Section 10, Division #1 easement vacation. Mr. Fowler seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

01-14.4 North Farms, Section 4 – Orange Twp. - 27 lots / 11.362 acres

I. Conditions

Applicant: M/ I Homes
Subdivision Type: Single Family Residential
Location: South of Shanahan Rd., west of North Rd.
Current Land Use: Vacant
Zoned: Single Family Planned Residential (SFPRD)
Zoning Approval: December 4, 2013
Preliminary Approval: January 30, 2014
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: Advanced Civil Design

II. Staff Comments

North Farms, Section 4 is part of a large residential subdivision located just south of Shanahan Road and on both sides of North Road. To the east is the railroad and to the west is land owned by Olentangy Local Schools. Shanahan Middle School, Heritage Elementary School and Olentangy High School and their recreational facilities are located there.

One main access is located along North Road, heading west. Two parallel streets enter the site from the north heading south and joining. This provides access to the rest of the subdivision directly north. One of the two parallel streets continues south to provide access to the rest of the subdivision directly south and west. There are two reserves in this section. One is a 1.299-acre parcel in the southeast corner of the site. The second is a 0.131-acre parcel in the northeast corner of the site. Sidewalks are included.

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 North Farms, Section 4 to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of North Farms, Section 4. Mr. Fowler seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

01-14.8 North Farms, Section 8 – Orange Twp. - 20 lots / 08.910 acres

I. Conditions

Applicant: M/ I Homes
Subdivision Type: Single Family Residential
Location: South of Shanahan Rd., west of North Rd.
Current Land Use: Vacant
Zoned: Single Family Planned Residential (SFPRD)
Zoning Approval: December 4, 2013
Preliminary Approval: January 30, 2014
Utilities: Del-Co Water, central sanitary sewer

School District: Olentangy
Engineer: Advanced Civil Design

II. Staff Comments

North Farms, Section 8 is part of a large residential subdivision located just south of Shanahan Road and on both sides of North Road. To the east is the railroad and to the west is land owned by Olentangy Local Schools. Shanahan Middle School, Heritage Elementary School and Olentangy High School and their recreational facilities are located there.

Its main accesses are via other sections of the subdivision directly to the west and south. The first street enters the site from the south heading north, curving west, and continuing through to the rest of the subdivision to the west. The second street enters the site from the site heading north and intersecting with the first street. There is one 1.776-acre reserve located in the northeast corner of the site. Sidewalks are included.

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 **North Farms, Section 8** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of North Farms, Section 8. Mr. Fowler seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. EXTENSIONS

21-14 Creekside Industrial Park – Orange Twp. - 08 lots / 92.55 acres

Applicant: Highdev II, LLC
Engineer: Kleingers Group
Preliminary approval: 10/30/14

I. Staff Comments

The applicant is requesting a 1-year extension for the Creekside Industrial Park. With the increased interest, the applicant anticipates construction in the next few months.

II. Staff Recommendation

Staff recommends *Approval* of a 12-month Extension for the **Creekside Industrial Park** to the RPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. George made a motion for Approval of a 12-month extension for Creekside Industrial Park. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

- Consideration for Approval – ESRI maint. Contract with Del. Co. GIS - \$1,677.00

Mr. Shafer made a motion for Approval of the \$1,677 expenditure for the ESRI maintenance contract. Mr. Price seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- 2017 DCRPC Budget – 1st review

Mr. Sanders presented the first draft of the 2017 Budget. There are no major expenses anticipated. Traditional expenses include continuing education and related travel, unexpected building maintenance, general materials and supplies. This proposed budget continues to remain conservative in revenue estimates. The current projected carry forward into 2017 and anticipated continuance of steady platting allowed the Executive Committee to recommend a 30¢ credit on dues paid the previous year. A full copy of the budget will be emailed to all representatives and alternates by Monday 10/31/16.

The 2017 DCRPC meeting calendar was also presented for review. Adoption of the calendar would take place at the November 17th meeting.

VII. POLICY / EDUCATION DISCUSSION

- Subdivision Regulations revisions were adopted by the County Commissioners this morning in a session following a Public Hearing and are effective immediately.

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

Having no further business, Mr. Price made a motion to adjourn the meeting at 7:25 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, November 17, 2016, 6:30 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.