



**DELAWARE COUNTY
REGIONAL PLANNING COMMISSION**
50 Channing Street, Delaware, Ohio, 43015 Phone -833-2260 Fax 740833-2259

Philip C. Laurien, AICP, Executive

MINUTES
Thursday, January 25, 2001 at 7:00 PM
Delaware Joint Vocational School Auditorium
1610 St. Rt. 521, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of December 28, 2000 RPC Minutes
- Executive Committee Minutes of January 17, 2001
- Special Meeting : Executive Committee Minutes of January 24, 2001
- Statement of Policy

II. VARIANCES (none)

III. ZONING MAP/TEXT AMENDMENTS

- 01-01 ZON Steve , Shelly, Shawn Lehner-Radnor Twp-5.9 acres from FR-1 to PREC
- 02-01 ZON Oxford Twp. Zoning Commission – Oxford Twp. – text amendments
- 03-01 ZON Grover & Mary Johnson–Orange Twp–28 acres from FR-1 to SFPRD
- 62-00B ZON Virginia Homes – Genoa Twp. – 214 acres from RR to PD-1

IV. SUBDIVISION PROJECTS

Township Lots/Acres

Preliminary

29-98.3.3/4/5	Scioto Reserve, Sec. 3, Ph.'s 3, 4, 5	Concord	114 lots / 43.30acres
01-01	Shiraz	Delaware	04 lots / 11.01acres
02-01	Sawmill Parkway Extension	Liberty	01 lot / 46.82 acres
43-00.3.1/2	Golf Village, Section 3, Phases 1 & 2	Liberty	
43-00.5.1	Golf Village, Section 5, Phase 1	Liberty	48 lots / 20.17 acres
43-00.9.1	Golf Village, Section 9, Phase 1	Liberty	38 lots / 17.80 acres
37-00	Trotters Gait	Liberty	38 lots / 60.27 acres

T=TABLED

Preliminary/Final (none)

Final (none)

V. EXTENSIONS

- 28-99 Hickory Woods – Genoa Twp. – 14 lots / 33.19 acres – request 6 month extension
- 47-99 Maplewood Farms – Berkshire Twp. – 3 lots / 30.70 acres – request 6 month extension

VI. OTHER BUSINESS

- Consideration of expenditure: Liability Insurance \$7,561.00
- Director Evaluation

VII. POLICY / EDUCATION DISCUSSION

I. ADMINISTRATIVE BUSINESS

■ Call to Order

Chairwoman Foust called the meeting to order at 7:00 p.m.

■ Roll Call

Representatives present: Don Poland, Robert Hedrick, Fred Fowler, Loretta Firis, Chad Antle, Dale Simpkins, Tom Hopper, Leslie Warthman, Holly Foust, Charles Heimlich, Yvonne Ball, Bill Thurston, Lowell Hetzner, Bonnie Newland, Kevin Moran and Larry Starling. *Alternates present:* Tom D’Amico, Scott Pike, and Thomas Farahay. *Arrived after roll call:* Gary Spanner (Rep.). *Staff present:* Philip Laurien, Paul Deel, Mike Bissett, Jiyeong Lee, Da-Wei Liou and Stephanie Matlack.

■ Approval of the December 28, 2000 RPC Minutes

Mr. Starling made a motion to approve the minutes from the last meeting, seconded by Ms. Warthman. VOTE: Unanimously For, 0 Opposed. Motion carried.

■ January 17, 2001 Executive Committee Minutes

1. Call to order

Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Dick Gladman, Loretta Firis, Commissioner Ward, and Larry Starling. Staff present: Phil Laurien and Stephanie Matlack.

2. Approval of Executive Committee Minutes

- a. **December 20, 2000** – *Mr. Gladman made a motion to approve the minutes of the December 2000 Executive Committee meeting. Mr. Starling seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. Old Business

- a. **Office Space** – Mr. Laurien explained that he met with County Administrator, Dave Cannon and was presented with an option of purchasing the building at 109 N. Sandusky St. minus the parking lot for \$235,000. The appraised value was \$290,000 for the building (as is) and the parking lot. County Commissioners would allow the RPC to deduct the purchase price from their annual dues over a period of 3-5 years to make the principal payments. The estimated improvements totaled \$230,000. Mr. Laurien felt that the DCRPC could not financially spend \$525,000 for this property. Also, as per the By-Laws, the DCRPC must be able to resell the building if the

DCRPC were to be dissolved. Don Brosius’s opinion on this matter is that the building would not be of value without the parking lot, therefor would not advise the DCRPC to engage in a contract. Mr. Laurien will send a letter to Mr. Cannon respectfully declining the offer to purchase the Board of Health Building at 109 N. Sandusky St. minus parking for \$235,000. The Executive Committee agreed to hold off in making any further decisions about office space for now.

4. New Business

- a. **Financial / Activity Reports for December 2000** – The financial report was present:

Ending balance as of 11/30/00		\$531,223.48
<u>Receipts</u>	<u>December</u>	<u>YTD</u>
General Fees (NPA)	\$ 3,135.00	\$ 29,865.00
Inspec. Fees (Transfer)	\$ 220.00	\$ 1,740.00
Fees A (Site Review)	\$ 300.00	\$ 3,500.00
Membership Fees	\$	\$122,277.00
Planning Surcharge (Twp. Assist.)	\$ 1,479.26	\$ 29,934.63
Charges for Services A (Prel. Appl.)	\$33,387.50	\$125,487.45
Charges for Services B (Final Appl.)	\$ 5,480.10	\$119,781.70
Charges for Services C (Ext. Fees)	\$ 300.00	\$ 1,350.00
Charges for Services D (Table Fees)		\$ 800.00
	\$ 3,600.00	
Charges for Services E (Appeal/Var)	\$	\$ 2,400.00
General Sales	\$ 470.00	\$ 6,614.86
Health Dept. Fees	\$ 50.00	\$ 17,180.00
Soil & Water Fees	\$ 525.00	\$ 4,750.00
Other Reimbursements	\$	\$ 156.00
Other Reimbursements A	\$	\$ 150.00
Other Reimbursements B	\$	\$ 50.00
Canceled Warrants	\$10,000.00	\$ 10,000.00
Inter-fund Revenues	\$	\$ 0
TOTAL	\$56,146.86	\$478,837.30
Balance after receipts		\$587,370.34
Expenditures	\$61,143.01	
End of December balance		
\$526,227.33		

Mr. Starling made a motion to approve the Financial reports, seconded by Mr. Ward. VOTE: Unanimously For, 0 Opposed. Motion carried.

- b. **January RPC Preliminary Agenda** – Mr. Laurien stated that there are 4 zoning amendments (none of which he feels have any controversial issues), 7 preliminary applications and 2 extensions. There are no final applications this month.

5. Other Business

- a. The 2000 DCRPC Inventory was given to the Committee.
- b. Mr. Laurien requested a possible vacation for the month of August 2001 for a “Ride for the Cure”. He is planning a joint venture with the Arthur James Cancer Hospital and Solove Research Center. He hopes to ride his motorcycle 10,000 miles (stopping at other major cancer research hospitals) to raise \$1 million dollars for research. The Committee had no objections to Mr. Laurien’s vacation request.

6. Personnel

- a. **Director Evaluation** – Miss Firis made a motion to recommend up to a 5% pay increase contingent on the evaluation being done prior to the RPC meeting on Jan. 25th. The exact percentage will be calculated through the evaluation form process. Mr. Starling seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Chairwoman Foust stated that she would like to have input from the other Exec. Committee members on the evaluation form. A special meeting was scheduled for Wednesday, January 24th at 4:00 p.m. in the 2nd floor conference room at 50 Channing Street. The completed evaluation will be recommended to the Commission at the January 25th RPC meeting.

- 7. **Adjourn** – Mr. Gladman made a motion to end the meeting, seconded by Commissioner Ward. VOTE: Unanimously For, 0 Opposed. Motion carried.

Meeting adjourned at 10:00 a.m.

The next Executive Committee meeting will be Wednesday, February 14, 2001 at 8:30 a.m. in the 2nd Floor conference room at 50 Channing Street, Delaware, Ohio, 43015

■ January 24, 2001 Special Executive Committee Minutes

1. Call to order

Chairwoman Foust called the meeting to order at 4:05 p.m. Present: Holly Foust, Loretta Firis, Commissioner Ward and Larry Starling. (Dick Gladman was absent.) Staff present: Stephanie Matlack.

2. Other Business

- a. Consideration for recommendation of expenditure: Liability Insurance \$7,561.00 – *Commissioner Ward made a motion to recommend approval of the Liability Insurance expenditure for \$7,561.00. Miss Firis seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. Personnel

- a. Director Evaluation – *At 4:15 p.m., Commissioner Ward made a motion to go into Executive Session to discuss the director’s annual evaluation. Mr. Starling seconded the motion. Mrs. Matlack called roll call. VOTE: Chairwoman Foust, Aye, Miss Firis, Aye, Commissioner Ward, Aye, Larry Starling, Aye. Motion carried.*

Mr. Starling made a motion to return to regular session at 5:15 p.m. Commissioner Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Starling made a motion to recommend a 5% salary increase for Mr. Laurien to be effective 01/07/01, seconded by Commissioner Ward. VOTE: Unanimously For, 0 Opposed. Motion carried.

- 4. Adjourn – *Commissioner Ward made a motion to adjourn the meeting, seconded by Mr. Starling. VOTE: Unanimously For, 0 Opposed. Motion carried.*

Meeting adjourned at 5:20 p.m.

The next Executive Committee meeting will be Wednesday, February 14, 2001 at 8:30 a.m .in the 2nd Floor conference room at 50 Channing Street, Delaware, Ohio, 43015

■ Statement of Policy

As is the adopted policy of the Regional Planning Commission, all applicants will be granted 10 minutes to make their formal presentation. The audience will then be granted up to 10 minutes 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.

II. VARIANCES (none)

III. ZONING MAP/TEXT AMENDMENTS

01-01 ZON Steve, Shelly and Shawn Lehner - Radnor Twp. – 5.9 acres from FR-1 to PREC

The applicant is requesting to rezone 5.9 acres from Farm Residential (FR-1) to Planned Recreational District (PREC).

I. Conditions

- Location:** East side of SR 203, north of Gallant Road.
- Present Zoning:** Farm Residential (FR-1)
- Proposed Zoning:** Planned Recreational District (PREC)
- Present Use:** Agriculture
- Proposed Use:** Recreational Party Barn
- Existing Density:** 1 unit / 85,000 sq. ft.
- Proposed Density:** N/A
- School District:** Buckeye Valley
- Utilities Available:** Private well and on-site private septic
- Soils:** Pewamo (0-1 percent slopes) - PwA
Martinsville Loam (2-6 percent slopes) – MbB

II. Surrounding Land Use

The site is completely surrounded by agriculture with an active quarry to the west along Merideth Road.

III. General comments

The applicant is requesting Planned Recreational zoning to construct a party barn with a capacity for 250 people on 5.9 acres adjacent to his residence on the east side of SR 203 north of Gallant Road. Access is proposed to SR 203 at the north end of the property with a commercial standard entrance paved to the right-of-way as required by ODOT. The total party barn space will be 6,240-sq. ft. with 84 parking spaces provided [minimum 83 required (1 per 75 sq ft)]. The project will be developed in 1 phase.

The site will be served by a well and on-site private septic (OEPA letter provided). A stormwater retention pond is proposed on the west side of the site. The site is screened by a tree line on the south side and a wooded area as well as the applicants existing home to the north. Perennial bushes are proposed to surround the building with a porch along the west side. The new building and the parking lot will be setback 315 feet from SR 203.

IV. Criteria for Approval

“In approving an application for a Planned Recreational District the reviewing authorities shall determine:”

- 1.) If the proposed development is consistent in all respects with the purpose, intent and general standards of the Zoning Resolution;
- 2.) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply;
- 3.) If the proposed development advances the general welfare of the township and the immediate vicinity.

V. Staff Comments on meeting criteria for approval:

1. Compliance with local zoning

The development plan is generally consistent with the standards of the Planned Industrial District, except for the following:

- a.) Parking lot lighting should indicate down lighting to avoid lighting adjoining properties.
- b.) OEPA recommends 1,600 feet of leaching for the development. The location for the leaching is not provided in the development plan. The Delaware County Health Department must also approve the leaching location for the property.
- c.) Exact location of retention pond is unclear. The pond must not be closer than 25 feet to the right-of-way or 55 feet from centerline of SR 203.
- d.) The location and rendering of the 8’ by 4’ sign is not provided.

2. Compliance with the Comprehensive Plan

- a.) The Delaware County 1993 Regional Land Use Plan for this area shows the land to be partially unsuitable and partially suitable for development. The Plan is not site specific enough to recommend land use for this parcel.
- b.) Radnor Township has no comprehensive plan. However, given the location adjacent to the active quarry access to SR 203, and barn-like architecture of the structure, PREC zoning would be a reasonable request if adjacent property owners do not object.

3. Advancing the general welfare of the Township

If the development plan were amended to correct deficiencies noted in V 1.) a – d and adjacent property owners do not object the proposal would advance the general welfare of Radnor Township.

Staff Recommendation

Staff recommends *conditional approval* of the 5.9 acre rezoning from FR-1 to PREC, to the RPC, Delaware County Rural Zoning Commission, and the County Commissioners, subject to staff comments.

Commission / Public Comments

Mr. Shawn Lehner and his mother Shelly Lehner were present to answer questions from the Commission. Mr. Lehner stated that a hydrologist is scheduled to assess the drainage of the site. The lighting concern raised by staff will be addressed prior to the Township meeting. He explained that the sign will have the facility name and phone number on it and will be located close to SR 203 at the end of the driveway.

Mr. Starling made a motion to recommend conditional approval of the rezoning request by the Lehner’s, subject to staff comments. Mr. Simpkins seconded the motion. VOTE: 19 For, 0 Opposed, 1 abstained (Mr. Fowler). Motion carried.

**02-01 ZON Oxford Twp. Zoning Commission – Oxford Twp. –
text amendments**

Applicant: Oxford Twp. Zoning Commission

Request: Adoption of Township Zoning Resolution

I. General

Oxford Township is currently controlled by Delaware County zoning. The Township Trustees established a Zoning Commission, which has prepared an initial township zoning resolution for adoption by the township electors. The township has used the Delaware County and Brown Township Zoning Resolutions as a model. The Township will use the same zoning districts as the County. The only significant differences are that the Township Resolution prohibits flag lots and the minimum lot size for FR-1 lots are 2 acres with 200’ frontage (County allows 85,000-sq. ft. with 150’ frontage). The text includes changes that were suggested by the DCRPC when reviewing the most recent amendments to the County Zoning Resolution (RPC # 37-00 ZON), except where noted below. A zoning map was submitted with the text, a requirement for adoption of zoning.

To support the Zoning Text and Map, DCRPC staff recommends the preparation and adoption of a separate comprehensive plan in order to provide the justification and rational for the regulatory framework.

II. Text

Article I – Title

No comments

Article II – Purpose

Township authority to regulate zoning is derived from ORC Chapter 519. Chapter 303 is for County zoning. The purpose of zoning in townships is limited to “promoting the public health, safety and morals”. Comfort and general welfare are not included in 519.02. Suggest these words be deleted.

Article III – Interpretations of Standards

No comments

Article IV - Definitions

Suggest the inclusion of the following definitions:

- Adult Family Home
- Adult Group Home
- Adult Care Facility
- Common Access Driveway (CAD)
- Conditional Use
- Frontage
- Lot Width
- Non Conforming Use
- Non Conforming Lot

Permitted Use
Structure

Article V – Districts and Boundaries

Section 5.03 should add “as shown on the Delaware County Zoning Map” after FR-1 in the first sentence and also change the text to state “on the adoption of this resolution” not “on the effective date of this amendment”.

Article VI- Application of Resolution

Section 6.04- Last sentence may encroach on building code authority. Please check with County Prosecutor.

Section 6.05- 2nd paragraph, revocation of rights to non-conforming use, please check with County Prosecutor.

Article VII - Farm Residence District

Section 7.03 Permitted Uses

Permits accessory buildings (barn, shed, garage) to be built before the main structure (house).

This allows a pole barn to be built on site before a single family home in rural areas. This may be desirable for agriculture, but it has proved to be a problem for rural residential lots in other jurisdictions where illegal businesses are started in accessory buildings when a home is not required first. May wish to rewrite this.

Section 7.04 Conditional Uses

A general comment is that all conditional uses need specific, objective conditions to be met. The Home occupation is well crafted; some of the other uses need performance standards that can be judged. Article XXXI provides subjective criteria that are not adequate without performance standards.

a.)”Expanded home occupation” differentiates this from the standard home occupation

h.) Conversion of existing residential structures to permit occupancy by more than one family could be a problem. Same comment throughout the resolution.

i.) Permanent dwellings for domestic help.

RPC Staff Concern: the Farm Bureau submitted to DCRPC an Attorney General opinion No. 93-034 “that when a migrant labor camp is constructed and used for the direct and a immediate purpose of housing migrant workers to harvest the land on which the camp is located, the camp is exempt from township zoning pursuant

to ORC 519.21 (A) even if the migrant workers subsequently harvest crops on other land that the camp owner leases or if the camp owners subsequently "leases" the workers to other farmers in the area while allowing the workers to stay in the camp." Please consult with the County Prosecutor.

Section 7.05 Prohibited Uses

h.) Telecommunications Towers. This section should reference ORC 519.211 not 303.211. 519.211 provides for the regulation of cell towers. This language prohibits cell towers. Since most land in FR-1 is agricultural, this may be overreaching. Suggest that the language say cell towers are regulated pursuant to township authority under ORC 519.211. Then, if an abutter or trustee objects, the township can prohibit that particular tower.

i.) Flag lots are prohibited, but there is no definition of flag lots. Suggest elimination of this section and require minimum 200' frontage on an improved public, or private road, including Common Access Drives.

Section 7.06- Development Standards

b.) Lot Frontage

- Frontage should be required along a public or private road or CAD approved by the Delaware County Commissioners (not by the Township trustees).
- Since the minimum lot size is 2 acres, there does not need to be a frontage requirement for lots less than 2 acres.
- Suggest elimination of the increased frontage for larger lots. Suggest standard 200' frontage. Increasing frontages have been struck down where there is no legitimate government interest shown.
- The second paragraph should be deleted; it implies that flag lots are allowed.
- The first sentence in the third paragraph should be deleted. The Common Access Drive is approved through the subdivision process and the frontage requirement would allow CAD's without the BZA's approval. Or, CADs could potentially be conditional uses, which would then require BZA approval.

f.) Side yard setback

Reference to zero lot lines or common wall housing under Sec. 7.04 should be deleted. There is no such provision in 7.04.

Article VIII- Low Density Residential District (R-2)

Section 8.01- Prohibition of zero discharge land application systems may be

overreaching. Our legal research indicates this is the domain of the OEPA and cannot be regulated locally. However, if public sewer is a strong desire in a rezoning, lack of public sewer may be a consideration to deny rezoning.

Section 8.02- Application

Should apply to all lands less than two acres not one.

Delete "this amendment to" before Zoning Resolution and replace with "the adoption of and subsequent amendments to"

Section 8.03 Permitted Uses

- Home Occupations permitted in the FR-1 District could also be permitted in the R-2 district.
- May wish to treat child day care for six or fewer children, and adult family homes as defined in ORC 3722 since these are permitted uses that cannot be prohibited by zoning.

Section 8.05 Prohibited Uses

f.) Telecommunications Towers. This section should reference ORC 519.211 not 303.211.

Section 8.06- Development Standards

f.) Side yard setback

Reference to zero lot lines or common wall housing under Sec. 8.04 should be deleted. There is no such provision in 8.04.

Article IX- Medium Density Residential District (R-3)

General comment- Why adopt this district? Since Oxford Township has no public sanitary sewer service and none planned by the county, is this district needed or desirable?

Section 9.01- Same comment as 8.01.

Section 9.03 Permitted Uses

Staff Comment: Home Occupations permitted in the FR-1 District could also be permitted in the R-3 district.

Section 9.05 Prohibited Uses

f.) Telecommunications Towers. This section should reference ORC 519.211 not 303.211.

Section 9.06- Development Standards

f.) Side yard setback

References section 7.04 (o). This should be corrected.

Article X Planned Residence District PRD

Section 10.02- This language was the subject of a recent lawsuit in Delaware County Common Pleas Court (99CVF 07274, J.D Partnership vs. Berlin Township Board of Trustees et al.) Suggest this section be eliminated. Please check with Duncan Whitney or Mary Ann Hemmeter in the County Prosecutor’s office. Same comment in Articles XIV, XVII, XXI, XXIII.

Section 10.05 Prohibited Uses

f.) Telecommunications Towers. This section should reference ORC 519.211 not 303.211.

Section 10.06 Procedure

Suggest item 4.) be included in preliminary development plan (utility feasibility).

d.) Recent Delaware County Common Pleas case (98-CV-F-07-256, George Wallingford vs. Liberty Township) found the identical reverter clause to be unconstitutional (plat is not recorded and development is not commenced within 3 years, the zoning shall revert back to the FR-1 District). Please check with the County Prosecutor. Same comment wherever this clause appears.

Section 10.07 Development Standards-

a.) Intensity of Use- the density permitted is one unit per 2 acres with 30% open space, or one unit per acre with 50% open space. Suggest that the words “or as approved per plan” be added after the words “not less than 0.25 acres”.

b.) Open Space- Requires 30% of the total gross acreage to be open space. States that “Treated effluent holding ponds” do not count toward required open space. Permits agriculture as open space. Consider allowing the open space aspects of educational facilities to be counted as open space (ball fields, etc).

e.) “Mobile homes” are permitted in PRD. Please use caution in using this term. As correctly defined in Article IV, mobile homes predate 1974 HUD code. Probably don’t need this section at all since permanently sited manufactured homes are covered by the definition of single family home.

Article XIII – Neighborhood Commercial

Section 13.02 – refers to “all areas currently zoned C-2 as of the date of adoption of this amendment”. It should state “all areas zoned C-2 under County Zoning at the date of adoption of this resolution”.

Article XIV – Planned Commercial and Office District

Section 14.04- Eliminate

Section 14.06 d.)- Same comment as 10.06 d.)
e.) This section should reference section 14.06 (d) not 13.06.

Article XVI – Industrial District

Section 16.02 – refers to “all areas currently zoned I as of the date of adoption of this amendment”. It should state “all areas zoned I under County Zoning at the date of adoption of this resolution”.

Section 16.03- Prefer to see uses identified by North American Industrial Classification System numbers. For example, are all enclosed manufacturing uses OK? Explosives manufacture?

Article XVII – Planned Industrial District

Section 17.04- eliminate

Section 17.06 c. Reverter clause- Same comment as 10.06 d.)

Section 17.06.e.) This section should reference section 17.06 (d) not 13.06.

Article XIX – Agricultural Preservation District

Section 19.02- Define “prime agricultural lands”

Section 19.05 f.) Flag lots-It is not necessary to list this as a prohibited use if it is clearly stipulated in the development standards. Flag lots not defined.

Section 19.06 Development Standards

b.) Lot Frontage

Staff comments: Road frontage should be measured along a public or private road or CAD approved by the County Commissioners. The minimum lot size is 5 acres; therefore frontage requirements are not needed for lots less than 5 acres.

g.) Side Yard Setback

Staff comments: Strike the reference to 7.04 (o)

Article XXI – Planned Institutional District

Section 21.02 – refers to “all areas currently zoned PINS as of the date of adoption of this amendment”. It should state “all areas zoned PINS under County Zoning at the date of adoption of this resolution”.

Article XXII-Recreation District

Section 22.02 eliminate the words “and which are not regulated by the Planned Recreational District.”

Section 22.06 a) change “zoning board” to “zoning commission.”

Article XXIII – Planned Recreation District

Section 23.02 – Staff comment: Strike the word “applicable”

Article XXIV Adult Entertainment District

General comment-There are no permitted or conditional uses in the AE district. This needs to be corrected. Suggest that the purpose state the “avoidance of adverse secondary effects of adult entertainment”, since this is a buzz word phrase in landmark adult entertainment zoning cases (see Renton vs. Playtime Theaters 106 S. Ct. 925, 89 L.Ed 2d 29 1986). Check with County Prosecutor.

Section 24.01 refers to Section 26.01 to 26.04. Change to 24.01 to 24.03.

Section 24.03 Definitions.

Staff comments: The definitions should be in Article IV – Definitions.

Article XXV – General Development Standards

Section 25.01 e.) -Parking standards- Suggestions-

- 4 spaces per dwelling is high, but it shouldn’t be a problem in rural areas with long driveways
- Hospital, funeral homes and nursing homes standards seem high, but there aren’t any in Oxford Township currently.
- Restaurants- minimum 25 spaces is high
- Retail- suggest 1 per 200 square feet of gross floor area.
- Industrial suggest 1 per 2 employees/shift plus 1 per 10,000 square feet of gross floor area

Section 25.08- Might want a local Floodplain Regulations Zone, with use restrictions in addition to the counties floodplain management standards.

Section 25.11 – Driveway Construction

b.) & c.) Reference Section 25.11 (a) not 21.11 (a)

Section 25.11- maximum grade of 10% is considered normal. 8% maximum seems restrictive, but Oxford Township is fairly flat, so this may be OK.

Article XXVI Sign and Billboard Regulation

Section 26.07 – Permit

The permit should be issued by the Township Zoning Inspector not the County Zoning Inspector.

e.) Removal of Signs: Change “county” to “township”

Article XXVII- Non Conforming Uses

Section 27.04- Our legal research with similar language in Shawnee Hills

unearthed two cases (Negin v. Mentor, 69 Ohio St. 2d 492 and Schreiner vs. Russell Township, 60 Ohio App. 3d 152, that suggest this language may be inadequate. DCRPC has new draft language to cure the problem. Please check with the County Prosecutor.

Article XXIX- Zoning Commission

Section 29.01: Change “where there is a Township or regional planning commission” to “county or regional planning commission”

Article XXX – Amendments

Section 30.01: Should reference ORC 519 not 303.

Article XXXI- Board of Zoning Appeals

Section 31.01: Should reference ORC 519 not 303.

Section 31.04: Should reference ORC 519 not 303.

Article XXXII - Enforcement

Section 32.01, 32.02, and 32.03: Should reference ORC 519 not 303.

Article XXXIII – Severability and Repeal

Section 33.02: Should reference ORC 519 not 303.

Staff Recommendation

ORC 519.07 states that the Zoning Commission “shall submit the proposed zoning resolution, including text and maps, to the regional planning commission... for approval, disapproval, or suggestions.”

Staff recommends that the proposed resolution be amended to reflect the suggestions noted. Staff would recommend *conditional approval subject to staff suggestions* of the proposed Zoning Resolution to the DCRPC, the Oxford Township Zoning Commission, and the Oxford Township Trustees.

Commission / Public Comments

No one was present to speak on behalf of the Township.

Mr. Simpkins made a motion to recommend approval of the Oxford Twp. Zoning resolution, subject to staff comments. Mr. Moran seconded the motion. VOTE: 19 For, 0 Opposed, 1 Abstained (Mr. Thurston). Motion carried.

03-01 ZON Grover and Mary Johnson – Orange Twp. – 28 acres from FR-1 to SFPRD

Location: East side of I-71, north of Big Walnut Road

I. Conditions

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: SFPRD

Present Use: Vacant, woods and ravine

Proposed Uses:

- 37 single family lots
- 8.2 acres of open space in ravine, includes 4 acre reserve for future on-ramp to I-71

Existing Density: 1 unit/acre in FR-1

Proposed Density: 1.29 units per acre (gross density overall)

School District: Olentangy

Utilities Available- Del Co Water, Delaware County sanitary sewer.

Soils: CaB Cardington 2-6% slope

CaC Cardington 6-12% slope

AmF Amanda silt loam, very steep slopes

LsA Lobdell

II. Conformance with Local Comprehensive Plans

The 1991 Orange Township Comprehensive Plan recommends Residential, 2 dwelling Units per acre. The request conforms to the plan.

The Orange Township 1999 Comprehensive Plan update has not yet been adopted. It also recommends residential at 2 dwelling units per acre.

III. Conformance with Development Standards

1.) No overall landscaping plan is submitted. Entrance and sign details are

included, but no overall plan, which should show retention of wooded areas.

2.) No renderings of proposed structures are included. These may be waived if the text descriptions are considered adequate.

3.) Provisions for water, sanitary sewer and surface drainage. Letters have been included that indicate county sanitary sewer and Del-Co Water can service the site at the density proposed. There is good drainage with on site ravines, and detention off stream is shown on the plan.

4.) Proposed Traffic Patterns and their relationship to existing conditions-

a.) There are no street names for the two streets.

b.) The westerly road is intended to align with the recently approved Planned Communities entrance road for Dominion Club at Highland Lakes. By direct overlay of the plans, however, it appears that there is an 80-foot offset. This needs to be resolved so they align. By conversation with Deputy County Engineer Scott Pike and Jack Brickner of Planned Communities, the Dominion Club entrance will shift to the east.

c.) The easterly new road shows a 50-foot right of way serving nine lots, with continuation to the adjacent parcel. This road should be a 60-foot right of way if it will ultimately serve more than 15 lots. The development text states that this road is intended to be a cul de sac with its entrance from lands to the east after future development. The ROW still needs to be 60' if the street does not qualify for low volume, low density status by County Engineer's standards.

d.) The westerly road ends in a cul de sac with a CAD extending north. There is additional ridge top land north of the CAD that extends into Genoa Township. This ridge top may be difficult to access except through this site. Therefore, this public street should potentially extend into Genoa Township to service that ridge top, eliminating the CAD. This would require a County Engineer's variance to length of a cul de sac, but there is a valid topographic reason for it. Genoa Township should be consulted before finalizing this design.

e.) The Delaware County Thoroughfare Plan recommends a new interchange on this property to I-71. The development plan recognizes the interchange by a four-acre reserve. The development plan should also state that the reserve is a set aside for a future on ramp to I-71. If the county or state

does not purchase this reserve for the interchange, it could be additional development area.

f.) No sidewalks are shown or pavement widths. Sidewalks are normally required in Orange Township for PRD lots.

5.) Divergences requested: Because of the two entrances to the development, two entrance signs are requested. It would seem that the eastern street at best needs only a temporary entrance sign since it is eventually expected to be cul-de-sac(ed) and served by a new entrance to the east.

6.) Open space-10% is required, and is mostly provided in ravines. The flat open space to the north of the CAD would be eliminated if this westerly street were extended.

7.) Lot Layout- Ravines on Lots 12 and 21 appear to be significantly impacted by the design. Lot 21 contains a deep natural ravine, which should be left unaltered according to the Orange Township Comprehensive Plan.

IV. Required Findings for SFPRD

1.) That the proposed development is consistent in all respects with the purpose, intent, and general standards of this zoning resolution.

DCRPC Staff Finding: The development plan is a work in progress and needs minor amendment: see III, 1,2,4,5 above.

2.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

DCRPC Staff Finding: Yes

3.) That the proposed development advances the general welfare of the township and the immediate vicinity.

DCRPC Staff Finding: If the development plan were amended as noted in III, 1,2, 4 & 5 above, and divergences are granted, it would advance the general welfare of the township.

V. DCRPC Staff Recommendation

Staff recommends conditional approval of the zoning change from FR-1 to SFPRD, subject to granting of divergences and resolution of the development plan issues noted in item III 1,2,4 & 5 on the development plan.

Commission / Public Comments

Mr. Tony Eyerman was present on behalf of the applicant. He stated that the staff report shows that there is 8.28 acres of open space including the 4-acre reserve. It should say that the 4-acre reserve is not included in this application. The report further states what the applicant will do if the County opts not to purchase the 4 acres. He agrees with the RPC's comments and is working with the County Engineer on the alignment with Highland Lakes.

Ms. Warthman questioned the sight distance between the two ingress/egress areas, even though one is temporary. Mr. Eyerman stated that the County Engineer was the one that proposed that temporary access to serve the (9) nine lots until they can be accessed from the eastern development. After the eastern connection, the temporary access will be blocked off with a cul-de-sac.

Ms. Warthman asked if the widening of Big Walnut Road has been considered into this project. Mr. Eyerman stated that he has spoken with the County Engineer. Ms. Warthman asked about how the right-of-way would affect the lots. Mr. Eyerman said that the new recommendations from the County Engineer are for a 55 foot ROW for each side (110' total). Ms. Warthman asked what the resulting property line setback from Big Walnut and the proposed ROW would be. Mr. Eyerman stated 100' from centerline.

Mr. Starling made a motion to recommend conditional approval of the rezoning request by Mr. and Mrs. Grover Johnson, subject to staff comments. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

62-00B ZON Virginia Homes – Genoa Twp. – 214 acres from RR to PD-1

I. Request

This request is for a Planned Residential development to construct 256 single-family homes on 214.10 acres on the north side of Jaycox Road between Worthington Road and I-71 in Genoa Township. Approximately 12 acres are on the east side of Worthington Road. The subdivision will be called "Sheffield Park".

II. Conditions

Present Zoning: Rural Residential

Proposed Zoning: Planned District 1

Present Use: Agriculture/Woods, farm residences and outbuildings

Proposed Use: 256 single-family house lots in a Planned development, open space

Open Space required: 15% (Common open space)

Open Space provided: 35.18% or 75.32 acres

Existing Density: 1 unit/ 2 acre

Proposed Density: 1.20 units/acre

Permitted Density: 1.1 units per acre (Genoa Township Comprehensive Plan Area V)

Proposed Lot Sizes: 12,600 sq. ft. minimum; Typically 90' X 140'

School District: Olentangy

Utilities Available: Del Co Water, Delaware County sanitary sewer.

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

III. Facts

1. Surrounding Land Use:

West: I-71 and 3.8 acre vacant parcel

North: Agriculture and woods

South: 1 – 5 acre tracts fronting on Jaycox Road

East: Vacant and agricultural

2. Sanitary Sewer

Delaware County Sanitary sewer can serve this site if the developer can obtain an easement to a 21" interceptor at Big Walnut Road to the southwest. There is adequate capacity for the development density proposed according to the Sanitary Engineer.

3. Water

Del-Co water is available via a 10" line on Worthington Road and a 4" line on Jaycox Road. Del-co indicates that the static pressure at the high points of the property may be approximately 42 PSI depending upon the final ground elevation. While this is in the acceptable range (35 PSI – 90 PSI), it is considered to be low.

4. Traffic

MS Consultants is preparing a traffic study. The study area consists of Worthington Road and Jaycox Road in the vicinity of the proposed site. It will also examine the impacts on the intersections of Worthington and Big Walnut Road (approximately 3000 feet to the south) and Jaycox and Africa Road (approximately 1000 feet to the west), two intersections that will be impacted by this development.

The only preliminary information provided is that no improvements will be warranted at Big Walnut and Worthington intersection. The County Engineer may require widening a portion of Jaycox Road. Turn lanes may be required on Worthington Road at the entrance to the site.

A new limited access collector road will be constructed near the west end of the property at Jaycox Road extending through the site to Worthington Road. A series of loop streets provide access to this new street. Jaycox Road will "T" into the new road. Two stubs are proposed along the north property line for future development of the adjacent tract. Access to the 12 acres to the east will line up with the street to the west. This street will stub to the east property line for potential future extension. The township must also approve all proposed "eyebrows" within the development.

5. Drainage

The land is rolling with ravines and some wooded areas. There are 3 storm water detention ponds shown on the development plan including 2 west of Worthington Road (1 existing pond) and 1 east. The County Engineer's Office indicates that there appears to be adequate stormwater detention, but they will need to review and approve the stormwater management plan. An additional pond may be needed on the west side of the site.

6. Compatibility with existing and future probable uses

The use proposed is compatible with the surrounding land uses, but the density exceeds current and future densities in the planning area. Buffering and landscaping is shown except for the property to the north.

7. Compliance with the Genoa Township Comprehensive Plan

The current Township Comprehensive Land Use Plan Area V recommends 1.1 units per acre, or the sewer capacity of the area, whichever is less; or up to 1.35 units per acre with Conservation standards). The development plan submitted slightly exceeds the allowable density at 1.20 units per acre. (No conservation standards.)

The Comprehensive plan also states that development in Planning Area V is to be

discouraged until Planning Area I has been developed. Planning Area I (south of Big Walnut Road and Area V) is almost entirely developed.

IV. Section 524.21 Application Procedure

The Development Plan lacks the following information.

- 1.) A completed traffic study needs to be submitted.
- 2.) The lots are not consistent on all exhibits. Some plans show more lots. There is no lot line for lots 255 and 256. It is not noted whether existing structures are to remain. These 2 lots should have access within the subdivision, not Worthington Road.
- 3.) There are no statements regarding the timetable for project phasing.
- 4.) Lot 244 appears to be less than 200 feet from Worthington Road.

V. Section 524.23 - Required findings for Approval of a Planned Development

The Final Development Plan must “support the following requirements”:

- a.) The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances or inconveniences.

DCRPC Staff Finding: Yes, if the County Engineer approves the stormwater management plan.

- b.) Any Exception from the zoning resolution requirements is warranted by the design and amenities incorporated in the development plan.

DCRPC Staff Finding: No exceptions are requested but two would be required. The density exceeds the Comprehensive Plan allowance. The design places lot 244 within 200’ of Worthington Road.

- c.) Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.

DCRPC Staff Finding: The site is compatible and provides linkages to the north and east.

- d.) The proposed change to a planned development district is in conformance with the standards, objectives and policies of the Genoa Township Land Use Policy Statements.

DCRPC Staff Finding: Yes

- e.) The site must have direct access to a major street without creating traffic on minor residential streets outside the district.

DCRPC Staff Finding: The development will not create traffic on residential streets outside the district.

- f.) Existing and proposed utility services are adequate for the proposed development.

DCRPC Staff Finding: Yes, if an easement can be obtained for sanitary sewer.

- g.) Each phase of the development as it is proposed to be completed, contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment.

DCRPC Finding: Yes.

VI. Findings

- 1.) Total number of units shall not exceed 235 or 1.10 units per acre.
- 2.) A completed traffic study needs to be submitted.
- 3.) A sanitary easement must be acquired from the property to the southwest.
- 4.) Some open space should be designated as active recreation. Detention areas can not be counted as “common open space”. The actual amount of common open space must be determined and must be at least 15%.
- 5.) Landscaping/buffering along the north should be provided. The existing treeline should be preserved.
- 6.) Statements regarding the timetable for project phasing.
- 7.) Comply with 200’ zoning set backs on Worthington Road.

DCRPC Staff Recommendation

Staff recommends that the application for PD-1 zoning on 214.10 acres by Virginia Homes be *conditionally approved*, subject to staff comments and the findings in Section VI, to the RPC, Genoa Twp. Zoning Commission and the Genoa Twp. Trustees.

Commission / Public Comments

Mr. David Ruma of Virginia Homes was present to represent the applicant. He stated that the density seems to be the main issue of concern with this project.

When the project was started, he met with the County agencies and area residents. The two main concerns were the potential traffic on existing Jaycox Road and the proximity to the homes that were close to Jaycox Road fronting along the south side of Jaycox Road. After looking into the possibilities of improving Jaycox Rd., it was concluded that the best situation was to relocate the cut-through traffic and the traffic that would be created (by this development) between Worthington Rd. and the bridge over I-71, within the development. To overcome the significant cost that that road would add to the project, the number of lots were increased. The Genoa Twp. Comprehensive Plan (in a planned district) allows for either 1.1 (with 15% open space) or 1.35 (50% open space) units per acre. 21 lots were added to the plan (1.2/units per acre) to help overcome the cost of this street. The public open space is just above or at 35%. A traffic study was completed prior to the road being relocated through the development. A new traffic study is currently underway. They are working on obtaining a sewer easement from the property to the south. The phasing is done and will be submitted to the Township. They also plan to adhere to the 200-foot setback along Worthington Rd.

Ms. Warthman made a motion to recommend conditional approval of the rezoning request from Virginia Homes, subject to staff comments. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

**29-98.3.3/4/5 Scioto Reserve, Section 3, Phases 3, 4 and 5 –
Concord Twp. – 114 lots, 43.3 acres**

Applicant: Triangle Properties Inc.
Subdivision Type: Single Family Residential
Location: North side of Home Road, east of South Section Line Road.
Current Land Use: Vacant
Zoned: PRD
Utilities: Del-Co water and sanitary sewer with land application, County maintenance
School District: Olentangy
Engineer: R.D. Zande and Associates Inc.

Staff Comments

Scioto Reserve Section 3, Phases 3, 4 and 5 consist of 114 lots on 43.3 acres as

part of the overall Scioto Reserve subdivision on the north side of Home Road, east of South Section Line Road. The site is zoned PRD with a density of 3.27 du/acre and three open space areas (two of which have a pond) making up 8.38 acres (19.37%). The recorded Section 3, Phase 2 is located to the south with future phases to the east. The golf course driving range is located to the south with the 15th and 16th hole to the north. Section 3, Phases 3, 4 and 5 consist of the continuation of Scioto Parkway to the north and then east, as well as three cul-de-sac’s extending to the south and north. There is also a stub connection to land to the west. This development is to be served by an alternative land application sewage system that will be owned and maintained by Delaware County.

The application received a technical review on January 16th, 2000 after which the applicant has addressed all of the required changes, except for the following:

- An access easement is needed for the open space lot on the east side of the Scioto Parkway.
- Drainage issues have not been resolved to the satisfaction of the County Engineer.

Staff Recommendation

Staff recommends *conditional Preliminary approval* of Scioto Reserve, Section 3, Phases 3, 4 and 5 to the RPC, subject to staff comments.

Commission / Public Comments

Mr. Kevin Kershner of RD Zande was present to represent the applicant. He stated that he has been working with the County Engineers office to resolve the detention concerns from the cul-de-sac. He also stated that they would provide an easement for the open space.

Mr. Laurien stated that the golf course would need to be submitted as part of the plat at some point. Mr. Kershner agreed. He is not opposed to platting the golf course but would like to discuss with the RPC the method of how it should be done.

Mr. Spanner made a motion for Preliminary approval of Scioto Reserve, Section 3, Phases 3, 4 and 5, subject to staff comments. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

01-01 Shiraz Subdivision – Delaware Twp. – 4 lots (CAD), 11.014 acres

Applicant: MHD Companies
Subdivision Type: Single Family Residential (CAD)
Location: North side of Braumiller Rd., west of Berlin Station Rd.
Current Land Use: Agricultural
Zoned: Farm Residential (FR-1)
Utilities: Del-Co water and private septic
School District: Delaware City Schools
Engineer: Scioto Land Surveying Service

Staff Comments

The site is agricultural with residential lots across Braumiller Road to the south, agriculture to the west and large lot residential to the east. The zoning of the site and surrounding area is Farm Residential with a one-acre minimum lot size. The CAD is to serve four lots (1.618, 1.491, 1.216 and 5.006) on a very flat site with a power line crossing lot 4 to the north. The CAD is proposed to have no ditching. The plan shows drainage flowing westward, but it is unclear how the CAD will be drained. The Tri-Township fire district is currently working out details regarding the size of the turnaround and hydrant locations with the developer.

A technical review was held on January 16th, 2001, after which the applicant has addressed all of the required changes except for the following:

- Drainage of the CAD is unclear
- Note on plan restricting lot 1 from access to Braumiller Road if using the CAD.

In regards to the Electric Power line on the site, the following note, shall be placed on the final plat:

“NOTE: Potential health and environmental impacts associated with high voltage power line electromagnetic fields are not completely understood at this time.”

Staff Recommendation

Staff recommends *conditional Preliminary approval* of Shiraz Subdivision to the RPC, subject to staff comments.

Commission / Public Comments

Mr. Frank Celio of Scioto Land Surveying Service was present to represent the applicant. He stated that he concurs with the staff comments and will work with the County Engineer regarding the drainage on the CAD and will add the note

regarding the electric power line to the plat.

Mr. Simpkins made a motion for conditional Preliminary approval of the Shiraz subdivision, subject to staff comments. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

02-01 Golf Village, Sawmill Parkway Extension – Liberty Twp.– 1 lot / 46.82 acres

Applicant: Triangle Real Estate
Subdivision Type: Parkway/Golf Course hole
Location: Extension of the Sawmill Parkway north of Seldom Seen Road to Home Road
Current Land Use: Agriculture and woods.
Zoned: Planned Residence (PR)
Utilities: Del-Co water and Delaware County sanitary sewer.
School District: Olentangy
Engineer: RD Zande, Kevin Kershner.
Soils: PwA - Pewamo Silty Clay Loam, 0-1% slopes
GwB – Glynwood Silt Loam, 2-6% slopes
BoA Blount Silt Loam, 0-2% slopes
BoB- Blount Silt Loam, 2-6% slopes
LyD2 – Lybrand Silt Loam, 12-18% slopes, eroded

Staff Comments

This portion of overall 932.7 acre Golf Village planned residential development includes the right-of-way of the Sawmill Parkway extension as well as a portion of Rutherford Road to be improved and relocated on the east and west side of the new Parkway and one hole of the golf course. The golf course hole included on the plan is the 5th hole on the southeast corner of the Sawmill Parkway and Rutherford Road. The overall development includes single family, multi-family apartments and condominiums, and retail /office commercial community surrounding a new golf course in Liberty Township. The 231.42-acre golf course will serve as permanent private open space. This subdivision site was recently rezoned to PRD and PCD (Case#17-00ZON and 18-00ZON).

The application received a technical review on January 16, 2001 after which the applicant has addressed most of the required changes, except the following:

- There must be an easement for the Del-Co water line outside of the right-of-way along the west side of the Parkway.

Staff Recommendation

Staff recommends conditional Preliminary approval of Golf Village, Sawmill Parkway Extension to the RPC, subject to staff comments.

Commission / Public Comments

Mr. Kevin Kershner of RD Zande was present to represent the applicant. He asked if the comment on the requirement for side walks on both sides of the street applied even if there are no lots on either side of the street. Chairwoman Foust said yes, it was in the development plan. Mr. Kershner stated that he would continue to work with the Map Dept. on the street names.

Chairwoman Foust stated that there are some lots where the minimum 30’ distance from the edge of the intersection to the center of the private driveway cannot be met. As a reminder, all buildings that are to be removed must be removed prior to final plat approval. This will eliminate any setback encroachments. Per the approved development plan, the only building to remain at its current site is the Coughlin residence. The open space should be listed as permanent green space, per the development plan. The fire chief should also review the cul-de-sac for accessibility.

Mr. Laurien noted that the golf course must be part of the plat. Mr. Kirshner acknowledged that the golf course would be included in the plat.

Mr. Spanner made a motion for conditional Preliminary approval of the Golf Village, Sawmill Parkway Extension subject to staff and Chairwoman Foust (Liberty Twp.) comments. Mr. Simpkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

43-00.3.1/2 Golf Village, Section 3, Phases 1 & 2 – Liberty – 57 lots / 34.88 acres

Applicant: Triangle Real Estate
Subdivision Type: Planned residential (single family)
Location: South side of Rutherford Rd. approximately 1,500 feet west of the Conrail RR

Tracks, Liberty Twp.
Current Land Use: Agriculture and woods
Zoned: Planned Residence (PR)
Utilities: Del-Co water and Delaware County sanitary sewer.
School District: Olentangy
Engineer: RD Zande, Kevin Kershner.
Soils: PwA - Pewamo Silty Clay Loam, 0-1% slopes
GwB – Glynwood Silt Loam, 2-6% slopes
BoA Blount Silt Loam, 0-2% slopes
BoB- Blount Silt Loam, 2-6% slopes
LyD2 – Lybrand Silt Loam, 12-18% slopes, eroded

Staff Comments

Golf Village is a 932.7 acres planned residential (single family, multi-family apartments and condominiums) and retail /office commercial community surrounding a new golf course, along the to-be-extended Sawmill Parkway from Seldom Seen Road to Home Road, in Liberty Township. The 231.42-acre golf course will serve as permanent private open space. The overall density will not exceed 1.5 units/acre (1246 units /837 residential and golf course acres), with the minimum lot size being 10,400 Sq. Ft. This subdivision site was recently rezoned to PRD and PCD (Case#17-00ZON and 18-00ZON).

Section 3, Phase 1 and 2 include 57 single family lots on 34.88 acres. It is on the south side of Rutherford Road and the east side of the proposed Parkway. Trail Lake Drive is the main street through this section providing access to both Rutherford Road and the Parkway. Highground Court is a cul-de-sac just south of the entrance from Rutherford. Northbluff Lane is a loop street off Trail Lake Drive. There will be 7.99 acres of open space in 6 reserve lots, including a large detention pond. The density of this section is 1.63 units/acre.

The application received a technical review on January 16, 2001 after which the applicant has addressed most of the required changes, except the following:

- Designate open space areas as active or passive recreation.
- Change Indian Springs Drive to Trail Lakes Drive on all of the plans.
- Note required by zoning inspector regarding zoning permits not being issued until completion of the Parkway is not on the plans.
- Sidewalks are required on both sides of all subdivision streets (per Twp. Zoning Officer).

Staff Recommendation

Staff recommends conditional Preliminary approval of Golf Village, Section 3,

Phases 1 & 2 to the RPC, subject to staff comments and the completion of Sawmill Parkway extension.

Commission / Public Comments

Mr. Kevin Kershner of RD Zande was present to represent the applicant. He asked if the comment on the requirement for side walks on both sides of the street applied even if there are no lots on either side of the street. Chairwoman Foust said yes, it was in the development plan. Mr. Kershner stated that he would continue to work with the Map Dept. on the street names.

Mr. Laurien noted that the golf course must be part of the plat. Mr. Kirshner acknowledged that the golf course would be included in the plat.

Chairwoman Foust stated that there are some lots where the minimum 30’ distance from the edge of the intersection to the center of the private driveway cannot be met. As a reminder, all buildings that are to be removed must be removed prior to final plat approval. This will eliminate any setback encroachments. Per the approved development plan, the only building to remain at its current site is the Coughlin residence. The open space should be listed as permanent green space, per the development plan. The fire chief should also review the cul-de-sac for accessibility.

Mr. Spanner made a motion for conditional Preliminary approval of the Golf Village, Section 3, Phases 1 & 2, subject to staff and Chairwoman Foust (Liberty Twp.) comments. Mr. Simpkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

43-00.5.1 Golf Village, Section 5, Phase 1 – Liberty - 48 lots / 20.17 acres

Applicant: Triangle Real Estate
Subdivision Type: Planned residential (single family)
Location: North side of Rutherford Rd. approximately 3,500 feet west of the Conrail RR Tracks and 1,500 feet west of the proposed Sawmill Parkway extension
Current Land Use: Agriculture and woods, house and outbuildings.
Zoned: Planned Residence (PR)
Utilities: Del-Co water and Delaware County sanitary sewer.
School District: Olentangy
Engineer: RD Zande, Kevin Kershner.

Soils: PwA - Pewamo Silty Clay Loam, 0-1% slopes
GwB – Glynwood Silt Loam, 2-6% slopes
BoA Blount Silt Loam, 0-2% slopes
BoB- Blount Silt Loam, 2-6% slopes
LyD2 – Lybrand Silt Loam, 12-18% slopes, eroded

Request

Golf Village is a 932.7 acres planned residential (single family, multi-family apartments and condominiums) and retail /office commercial community surrounding a new golf course, along the to-be-extended Sawmill Parkway from Seldom Seen Road to Home Road, in Liberty Township. The 231.42-acre golf course will serve as permanent private open space. The overall density will not exceed 1.5 units/acre (1246 units /837 residential and golf course acres), with the minimum lot size being 10,400 Sq. Ft. This subdivision site was recently rezoned to PRD and PCD (Case#17-00ZON and 18-00ZON). Section 5, Phase 1 includes 46 single-family lots on 20.17 acres. St. Julian Way extends north from Rutherford Road and loops to the west to connect with Wildflower Drive. Wildflower Drive stubs to the north line of this section. There will be 2.5 acres of open space in 2 lots. An existing pond will be used for stormwater retention on the large reserve lot in the southwest corner of this section. The gross density of Phase 1 is 2.28 units/acre. All existing structures will be razed

The application received a technical review on January 16, 2001 after which the applicant has addressed most of the required changes, except the following:

- Extend the St. Julians Way or Wildflower Drive street name from Rutherford Rd to Home Road if approved by EMS, Fire Departments and Map Dept.
- Note required by zoning inspector regarding zoning permits not being issued until completion of the Parkway is not on the plans.
- Sidewalks are required on both sides of all subdivision streets (per Twp. Zoning Officer).

Staff Recommendation

Staff recommends *conditional Preliminary approval* of **Golf Village, Section 5, Phase 1** to the RPC, subject to staff comments and the completion of Sawmill Parkway extension.

Commission / Public Comments

Mr. Kevin Kershner of RD Zande was present to represent the applicant. He asked if the comment on the requirement for side walks on both sides of the street applied

even if there are no lots on either side of the street. Chairwoman Foust said yes, it was in the development plan. Mr. Kershner stated that he would continue to work with the Map Dept. on the street names.

Chairwoman Foust stated that there are some lots where the minimum 30’ distance from the edge of the intersection to the center of the private driveway cannot be met. As a reminder, all buildings that are to be removed must be removed prior to final plat approval. This will eliminate any setback encroachments. Per the approved development plan, the only building to remain at its current site is the Coughlin residence. The open space should be listed as permanent green space, per the development plan. The fire chief should also review the cul-de-sac for accessibility.

Mr. Laurien noted that the golf course must be part of the plat. Mr. Kirshner acknowledged that the golf course would be included in the plat.

Mr. Spanner made a motion for conditional Preliminary approval of the Golf Village, Section 5, Phase 1, subject to staff and Chairwoman Foust (Liberty Twp.) comments. Mr. Simpkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

43-00.9.1 Golf Village, Section 9, Phase 1 – Liberty Twp. - 38 lots / 17.80 acres

- Applicant:** Triangle Real Estate
- Subdivision Type:** Planned residential (single family)
- Location:** West side of the proposed Sawmill Parkway extension approximately 2,000 feet south of Home Road, Liberty Twp.
- Current Land Use:** Agriculture and woods.
- Zoned:** Planned Residence (PR)
- Utilities:** Del-Co water and Delaware County sanitary sewer.
- School District:** Olentangy
- Engineer:** RD Zande, Kevin Kershner.
- Soils:** PwA - Pewamo Silty Clay Loam, 0-1% slopes
GwB – Glynwood Silt Loam, 2-6% slopes

- BoA Blount Silt Loam, 0-2% slopes
- BoB- Blount Silt Loam, 2-6% slopes
- LyD2 – Lybrand Silt Loam, 12-18% slopes, eroded

Staff Comments

Section 9, Phase 1 is a 17.8-acre portion of the overall 932.7-acre Golf Village planned residential development. The overall development includes single family, multi-family apartments and condominiums, and retail /office commercial community surrounding a new golf course, along the to-be-extended Sawmill Parkway from Seldom Seen Road to Home Road, in Liberty Township. The 231.42-acre golf course will serve as permanent private open space. This subdivision site was recently rezoned to PRD and PCD (Case#17-00ZON and 18-00ZON).

This 17.8-acre phase will be north of Rutherford Road on the west side of the new Sawmill Parkway. The design includes the extension of Village Club Drive from Sawmill Parkway to the west with two permanent green space lots and a small loop street called Andrew Lake Place. The golf course is located to the north and south side of the development with the new clubhouse location to the southeast. This phase is entirely single family residential with an average lot size of ¼ of an acre and a density of 2.13 du/ac with 1.07 acres of open space.

The application received a technical review on January 16, 2001 after which the applicant has addressed most of the required changes, except the following:

- The Delaware County Engineer has concerns regarding storm water management.
- Note required by zoning inspector regarding zoning permits not being issued until completion of the Parkway is not on the plans.
- A letter from the electric company is required for the pond under the powerline.
- Sidewalks are required on both sides of all subdivision streets (per Twp. Zoning Officer).

Staff Recommendation

Staff recommends *conditional Preliminary approval* of Golf Village, Section 9, Phase 1 to the RPC, subject to staff comments and the completion of Sawmill Parkway extension.

Commission / Public Comments

Mr. Kevin Kershner of RD Zande was present to represent the applicant. He asked if the comment on the requirement for side walks on both sides of the street even if there are no lots on either side of the street. Chairwoman Foust said yes, it was in the development plan. Mr. Kershner stated that they sent a separate letter to the

County Engineer’s office to show the detention basin along the side of the railroad tracts.

Commission / Public Comments

Mr. Kevin Kershner of RD Zande was present to represent the applicant. He asked if the comment on the requirement for side walks on both sides of the street applied even if there are no lots on either side of the street. Chairwoman Foust said yes, it was in the development plan. Mr. Kershner stated that he would continue to work with the Map Dept. on the street names.

Chairwoman Foust stated that there are some lots where the minimum 30’ distance from the edge of the intersection to the center of the private driveway cannot be met. As a reminder, all buildings that are to be removed must be removed prior to final plat approval. This will eliminate any setback encroachments. Per the approved development plan, the only building to remain at its current site is the Coughlin residence. The open space should be listed as permanent green space, per the development plan. The fire chief should also review the cul-de-sac for accessibility.

Mr. Laurien noted that the golf course must be part of the plat. Mr. Kirshner acknowledged that the golf course would be included in the plat.

Mr. Spanner made a motion for conditional Preliminary approval of the Golf Village, Section 9, Phase 1, subject to staff and Chairwoman Foust (Liberty Twp.) comments. Mr. Simpkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Chairwoman Foust stated that she appreciates receiving revised preliminary plans, especially if she has concerns. If she doesn’t see the revisions, then she can’t support the preliminary plan at the RPC meeting. She encourages all engineers and applicants to get the Zoning officers the revised plans prior to the RPC meeting each month.

37-00 Trotters Gait – Liberty Twp. – 38 lots, 60.27 acres

Applicant: Timberock LLC.
Subdivision Type: Single Family Residential
Location: South side of Seldom Seen Rd. east side of Riverside Dr., Liberty Twp.

Current Land Use: Horse Farm
Zoned: Farm Residential (FR-1)
Utilities: Del-Co water and County sanitary sewer
School District: Olentangy
Engineer: Hockaden and Associates, Inc – Stults and Associates,

Inc.

Staff Comments

This development was originally approved (Preliminary) by the DCRPC in September 2000 for 23 lots utilizing on site septic systems. The surrounding land uses in the area include large lot single family residential and agriculture to the north south and east, and the O’Shaughnessy Reservoir to the west. The 60-acre horse farm is to be divided into 38 lots ranging from 1.001 to 3.712 acres. The design includes two private streets (Rosalind Blvd. and Rosalind Lane) each with an access from Seldom Seen Road. Additional right of way is to be dedicated to accommodate the straightening of the curve in Seldom Seen Rd. All existing horse barns will be razed. The existing house will remain (Lot 17). Drainage will be routed to the ditch along Seldom Seen Road as well as a pond on lot 17. Trees in Seldom Seen Rd. right-of-way will be removed. Del-Co water is requiring the developer to extend an 8” line from the north side of Seldom Seen Road at the entrance of Woods on Seldom Seen for adequate fire protection. A sanitary pump station will be constructed on the back of lot 5/6 with an easement along lots 3 - 6 for access to Riverside Dr.

A technical review was held on September 19, 2000, after which the applicant has addressed all of the required changes:

- Del-co requests an 8 inch waterline stub from Rosalind Lane to the south property line between lots 17 and 18 and that an 8” waterline be extended from SR 257.

Staff Recommendation

Staff recommends *conditional Preliminary approval* of Trotters Gait Subdivision to the RPC, subject to staff comments and Del-Co water requirements.

Commission / Public Comments

Mr. Kurt Ziessler with Hockaden Engineers was present to represent the applicant.

Mr. Laurien asked how the situation is to be resolved with the issue of two engineering firms participating in this plan. Mr. Ziessler said that the road plans which include the streets, the storm sewer and the water lines have been approved by the County Engineer were prepared by another engineer. Hockaden Engineers prepared the new lot layout and the sanitary sewer plan. Mr. Laurien asked if there would be two engineering stamps on the plans. Mr. Ziessler said yes.

Chairwoman Foust stated that the front setback for lot 2 is too far back. The minimum setback is 50 feet behind where the lot first becomes 150 feet wide. On lots 19, 20, 21

and 22 the front setbacks are shown as curves parallel to the street curves. They should be changed to straight lines since they are determined by where minimum lot width occurs, instead of being a minimum distance from the right-of-way. A reminder that all buildings that are to be removed, must be removed prior to the final plat approval. This will eliminate possible setback encroachments. Also, if the pump station is in a building, it will require a zoning permit.

Mr. Starling made a motion for conditional Preliminary approval of Trotters Gait, subject to staff and Chairwoman Foust (Liberty Twp.) comments. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS

28-99 Hickory Woods – Genoa Twp. – 14 lots / 33.19 acres

Applicant: Ms. Denise Ranck
Consultant: Scioto Land Surveying Service

Staff Comments

Hickory Woods received preliminary approval on July 22, 1999. A 6-month extension was granted on June 28, 2000. The applicant has requested a second 6-month extension. The property owners, who live out of state, are still trying to determine feasibility of proceeding with the project. They are currently marketing the project to other developers.

Staff Recommendation

Staff recommends *approval* of the second 6-month extension of the Hickory Woods subdivision preliminary plan, to the RPC. If there is no visible progress by the end of six months, staff will recommend a complete re-filing of the preliminary plan.

Commission / Public Comments

Mr. Spanner made a motion to approve the extension request for Hickory Woods for 6 months. Mr. Moran seconded the motion. VOTE:

Unanimously For, 0 Opposed. Motion carried.

47-99 Maplewood Farms – Berkshire Twp. – 3 lots / 30.70 acres

Applicant: Mr. Joseph Kuhn
Consultant: Todd Willis, PE

Staff Comments

Maplewood Farms received preliminary approval on January 27, 2000. Mr. Kuhn has requested a 6-month extension in order to complete the mylar and obtain the appropriate signatures for final application submittal.

Staff Recommendation

Staff recommends *approval* of the 6-month extension request for the Maplewood Farms subdivision preliminary plan, to the RPC.

Commission / Public Comments

Mr. Starling made a motion to approve the extension request for Hickory Woods for 6 months. Mr. Poland seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

- Consideration of expenditure: Liability Insurance \$7,561.00
Mr. Thurston made a motion for approval of the Liability Insurance expenditure, seconded by Mr. Moran. VOTE: Unanimously For, 0 Opposed. Motion carried.

• **Director Evaluation**

Chairwoman Foust read the overall comments from Mr. Laurien’s evaluation created by the Executive Committee.

“The Executive Committee wishes to express our deep appreciation, on behalf on the entire Delaware County Regional Planning Commission, to Mr. Laurien for his level of commitment to Delaware County as a whole, and to its individual members. He has been responsive to daily questions and concerns regarding technical issues in methods of operation. He has demonstrated a commendable spirit of cooperation and willingness to work with the Delaware County Commissioners in our quest for alternative office space, and has handled this in a responsible manner. He exhibits strong leadership skills: staff training has reached an all-time high, with Mr. Laurien promoting excellent teamwork. He is responsible for the much appreciated efficient and professional conduct of the monthly RPC meetings. He has spearheaded and

continues with, professional, high-quality, accurate and realistic comprehensive planning for the RPC member communities. Mr. Laurien has earned great respect for himself, the RPC staff and the entire Commission with his dedication, planning abilities, and public relations skills.”

The Executive Committee recommended an increase of the maximum 5% effective January 7, 2001.

Mr. Simpkins made a motion a motion to approve the salary raise of 5% for Mr. Laurien, seconded by Mr. Moran. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION (none)

Having no further business, Mr. Moran made a motion to adjourn the meeting, seconded by Ms. Warthman. VOTE: Unanimously For, 0 Opposed. Motion carried.

Meeting adjourned at 8:30 p.m.

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, February 22, 2001,
7:00PM at the Delaware Joint Vocational School North Campus,
1610 St. Rte. 521, Delaware, Ohio 43015.*