

DELAWARE COUNTY REGIONAL PLANNING COMMISSION

109 N. Sandusky Street, Delaware, Ohio, 43015 Phone 740-833-2260 Fax 740-833-2259
www.dcrpc.org

Philip C. Laurien, AICP, Executive Director

MINUTES

Thursday, January 26, 2006 at 7:00 PM

Delaware Hayes Services Building,

140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of December 29, 2005 RPC Minutes
- Executive Committee Minutes of January 18, 2006
- Statement of Policy

II. VARIANCES

04-06.V Stilson Tract – Liberty Twp. - variance for 6 lot CAD

III. PUBLIC CONSTRUCTION PROJECTS *(none)*

IV. ZONING MAP/TEXT AMENDMENTS

- 01-06 ZON Nancy & William Butsko – Harlem Twp. – 2.4 acres from AR-1 to FR-1
- 02-06 ZON Country View of Sunbury, Marvin Miller atty. – Trenton Twp. – 12.1467 acres – RR to CF
- 03-06 ZON **T** Phillip Vilardo and State Street Capital – Genoa Twp. – 72.139 acres from RR to PD-2
- 04-06 ZON David Perry Co. – Orange Twp. – 2.923 acres from FR-1 to PCD
- 05-06 ZON Mike Kelley – Scioto Twp. – 3 acres from PC to C-2
- 06-06 ZON Nelson Farms Assoc. – Liberty Twp. – 0.63 acres from FR to PR
- 07-06 ZON Highland Management Group & Wingate Land Group – Liberty Twp – 77.966 acres from FR-1 to PR

V. SUBDIVISION PROJECTS

Township Lots/Acres

Preliminary

02-06.1/2	Mansard Estates, Sections 1 & 2	Genoa	117 lots / 104.6 acres
07-04.7	Olentangy Crossings, Section 7	Orange	04 lots / 41.05 acres
03-06.1-4	Meadows at Lewis Center, Sections 1-4	Orange	135 lots / 75.87 acres
01-06	T Westbrook Farms	Oxford	27 lots / 68.00 acres

Preliminary/Final *(none)*

Final

01-98.4.B	Sage Creek, Section 4, Phase B	Berkshire	08 lots / 24.09 acres
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T=TABLED, W=WITHDRAWN

VI. EXTENSIONS

06-05	Cheshire Woods Estates	Berkshire	50 lots / 139.3 acres
01-05	Cheshire Woods Sections 1-4	Berkshire	271 lots / 228.68 acres
05-05	The Estates at Sherman Lakes	Berlin	34 lots / 40.70 acres
02-05	Estates at Medallion	Genoa	11 lots / 07.42 acres
03-05	Wilshire, Sec. 7, Phases 1 & 2	Orange	49 lots / 34.60 acres

VII. OTHER BUSINESS

- Consideration for Approval: refreshments for meetings (max. \$300)
- Consideration for Approval: Legal fees, Loveland & Brosius \$2,101.26
- Consideration for Approval: By-Laws amendment regarding month of budget approval (Art.III,Sec.2, Art. VII, Sec.3(a))

VIII. POLICY / EDUCATION DISCUSSION

- Subdivision Regulation Amendment initiation
- Feb. 9th, 7:00 p.m. – Hayes Building, Q & A public session regarding new Lot Split process
- Feb. 24th Luncheon: Changes in Ohio's Township Powers

IX. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ Call to Order

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

▪ Roll Call

Representatives: Paul Snajd, Rick Sedlacek, Robert Hedrick, Fred Fowler, Steve Burke, Steve Jefferis, Tom Hopper, Leslie Warthman, Holly Foust, Charles Heimlich, Dick Gladman, Larry Crile, Bill Thurston, Marvin Miller, Lloyd Shoaf, Linda Castner, Bonnie Newland, Mike Dattilo, and Larry Starling.

Alternates: Jack Smelker and Pat Blayney. Arrived after roll call: Sandra Stults (R) and Robert Jones (R).

Staff present: Phil Laurien, Paul Deel, Scott Sanders, Joe Clase, Da-Wei Liou and Stephanie Matlack.

▪ Approval of the December 29, 2005 RPC Minutes

Mr. Miller made a motion to approve the minutes from the December 29, 2005 meeting. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ January 18, 2006 Executive Committee Minutes

1. Call to order

Chairwoman Foust called the meeting to order at 8:45 a.m. Present: Holly Foust, Dick Gladman, Steve Burke, Jim Ward and Lloyd Shoaf. Staff present: Phil Laurien and Stephanie Matlack.

2. Approval of Executive Committee Minutes

December 21, 2005 – Mr. Gladman made a motion to approve the minutes of the December meeting. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. Old Business

a. Contract updates –

- 1) **Berlin Twp.** – a referendum has been filed against the R-3 and R-4 districts of the updated zoning resolution.
- 2) **Brown Twp.** – zoning resolution work continuing.
- 3) **Concord Twp.** – complete zoning resolution update complete. David Leitch (new zoning officer) to review then work will continue.
- 4) **Subdivision Regulations** – Don Brosius is finished with his review.
- 5) **Genoa Twp.** – zoning code on hold, possible workshop in coming weeks.
- 6) **Harlem Twp.** – comp. plan work continuing, estimate completion April 2006.
- 7) **Liberty Twp.** – version 6 of the updated Comp. Plan underway, final hearing 2/2/06.
- 8) **Orange Twp.** – adult entertainment code version 8 complete, working on other sections of the zoning code using free planning hours.
- 9) **Oxford Twp.** – Comp. Plan work continuing, estimated completion date June 2006.
- 10) **Troy Twp.** – finishing zoning code update
- 11) **Morrow Co.** – contract signed to create GIS based zoning map, work in progress
- 12) **Etna Twp., Licking Co.** - contract drafted, needs outside legal review.

Mr. Laurien explained that the draft contract amount is \$24,500 which includes billing the Township \$2000.00 per month for 10 months, at which time the Township would receive 12 draft copies of the Plan. Staff would then make revisions, then bill the final \$2000.00 and present 12 color final Plans. Mileage and printing costs would be billed as used, not to exceed \$2,500.00. Any meetings staff attend beyond the 12 included would be billed at \$350.00 per meeting.

4. New Business

a. Financial / Activity Reports for December 2005

REGIONAL PLANNING RECEIPTS		DECEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,110.00	\$13,520.00
Fees A (Site Review)	(4202)	\$400.00	\$3,690.00
Insp. Fees (Lot Line Transfer)	(4203)	\$220.00	\$1,640.00
Membership Fees	(4204)		\$218,369.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$2,535.95	\$48,028.90
Associate Membership Fees	(4206)		\$3,000.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$8,130.00	\$120,000.27
Charges for Serv. B (Final. Appl.)	(4231)	\$1,520.00	\$84,727.74
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$4,100.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$3,200.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$1,500.00
General Sales	(4220)	\$40.50	\$2,451.85
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$1,150.00	\$24,060.00
Soil & Water Fees	(4243)	\$567.00	\$5,380.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$0.30
Other Reimbursements A	(4721)	\$10.97	\$87.45
Other Misc. Revenue (GIS maps)	(4730)	\$216.48	\$3,504.28
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Asset	(4804)		\$0.00
TOTAL RECEIPTS		\$16,550.90	\$537,259.79

Balance after receipts	\$103,638.04
Expenditures	- \$ 69,216.74
End of December balance	\$ 34,421.30

Mr. Gladman made a motion to approve the financial reports. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

b. January RPC Preliminary Agenda – Includes: 1 variance request for a 6 lot Common Access Driveway subdivision, 7 rezoning amendments, 4 preliminary plan applications, 1 final plat application and 5 extension requests. Mr. Laurien explained that there may be some controversy with case#07-06 ZON. The County Engineer, RPC staff, ODOT, all agree that there needs to be a connection between Woodland Hall and Woodland Glen subdivisions. The plan presented does not include that connection.

c. Recommendation for approval: Refreshments for meetings (max. \$300.00) –
Mr. Burke made a motion to recommend approval to expend not more than \$300.00 toward refreshments for meetings. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

d. Recommendation for approval: Legal fees, Loveland & Brosius \$2,101.26 –
Mr. Gladman made a motion to recommend approval of the legal expenditure for Loveland & Brosius for \$2,101.26, seconded by Mr. Burke. VOTE: Unanimously For, 0 Opposed. Motion carried.

e. Legal Assistance for Etna Township: Jeff Glasgow -

Mr. Laurien explained that Don Brosius represents Etna Twp. and the RPC; therefore RPC would need outside legal assistance. Mr. Laurien presented the Committee with a resume for Mr. Jeffrey Glasgow, former assistant prosecuting attorney for Franklin County.

Mr. Gladman made a motion to recommend approval to retain Mr. Glasgow for legal assistance in regards to Etna Township, providing that his hourly rate is not greater than Loveland & Brosius. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- f. **Subdivision Regulations** – Mr. Laurien suggested the following timeline for the subdivision regulation amendments: 1/26/06 initiate the amendments, 2/15/06 advertise for public hearing, 2/23/06 take public input at the RPC meeting, and 3/30/06 RPC meeting adopt regulations and send to the Commissioners for a vote. If the regulations are approved at the first County Commissioners meeting in April, the amendment could be in force in early May (after the 30 day waiting period).

6. **Other Business**

- a. **Resolution for meeting procedures and methods of notification** – resolution drafted by Attorney Peter Griggs was presented to the Committee for review. Chairwoman Foust questioned whether the resolution should be incorporated into the By-Laws and pointed out that some of the language in the proposed resolution conflicts with language in the By-Laws and must be resolved prior to any approvals. Mrs. Matlack explained that the procedures were done as a separate resolution so that the By-Laws would not have to be amended if the Commission wanted to change those procedures. [After the meeting, Mrs. Matlack asked for legal advice on this matter. Mr. Griggs stated that it is a business decision of the Commission as to include the meeting procedures into the By-Laws but it is most typical to have those procedures established through a resolution. If the resolution is approved, the By-Laws would need to be amended to state that “the meeting procedures are to be established by resolution adopted by the RPC”.] *This item will be discussed at the next Executive Committee meeting.*

7. **Personnel** (*none*)

8. **Adjourn**

Having no further business, ***Mr. Gladman made a motion to adjourn the meeting. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

The next regular Executive Committee meeting will be Wednesday, February 15, 2006 at 8:30 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**

04-06.V Stilson Tract – variance for 6 lot CAD

Applicant: Nelson Farms Associates

Location: Behind (west) 6448 SR 315, Liberty Township.

I. Request

The applicant requests a variance from Section 306.01 of the Subdivision Regulations which allows a maximum 3 lots on a CAD (except that 2 additional lots may be allowed if the additional lots have road frontage and are adjacent to the CAD at its access to the road). If approved, the applicant would develop a 6-lot CAD as an addition to the Nelson Farms subdivision.

II. Facts

1. The Delaware County Subdivision Regulations specify in section 306.01 that a CAD shall access no more than three lots, except as provided in Section 306.07 (two additional lots allowed contiguous to the CAD and with existing road frontage).
2. The property is an 11.75 acre flag lot surrounded by the proposed Nelson Farms subdivision to the north, Del-Co water treatment facility to the west and south, and a 5.3 acre lot with a residence to the east.
3. A 22' deep ravine crosses through the middle of the site essentially separating the north side from access to SR 315. A CAD entering the site from Nelson Farms to serve 6 lots north of the ravine would avoid having to construct a street across the ravine. Constructing a standard road would require extensive re-grading of the ravine. Use of a CAD is more sensitive to the site conditions than a public street.
4. The applicant is also the developer of the adjacent Nelson Farms subdivision to the north.

III. Criteria for a Variance

The burden is on the applicant to demonstrate in writing, each of the following:

1. The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.

Staff finding: Crossing the ravine with a street would have a much greater impact on the public health, safety and welfare than a 6 lot CAD that avoids the ravine. As long as the CAD is designed in accordance with the proposed CAD regulations and all 6 lots are buildable lots, then the request would not be a detriment to the public health, safety and welfare.

2. The conditions, upon which this variance request is based, are unique to the property for which this variance is sought.

Staff finding: The conditions are unique in that the ravine separates a large portion of the property from access to SR 315, unless substantial grading is done to the ravine for a road.

3. Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.

Staff finding: There would be an unnecessary hardship if the applicant was required to cross the

ravine when a viable alternative access is available.

4. The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

Staff finding: The applicant shall meet the township requirements for minimum lot size and frontage for all lots on the proposed CAD.

IV. Staff Recommendation

Staff recommends **Conditional Approval** of the variance for a six-lot Common Access Drive for the Stilson Tract, *subject to:*

1. *The CAD being designed in accordance with the proposed CAD requirements in the Subdivision Regulations*
2. *All lots conforming to township zoning.*

Commission / Public Comments

Mr. Charles Driscoll of Nelson Farms Co. was present on behalf of the applicant. He agreed with the staff conditions.

Mr. Miller made a motion for conditional approval of the variance request for the Stilson Tract to allow a six-lot common access drive, subject to staff comments. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

III. PUBLIC CONSTRUCTION PROJECTS *(none)*

IV. ZONING MAP/TEXT AMENDMENTS

01-06 ZON Nancy & William Butsko – Harlem Twp. – 2.4 acres from AR-1 to FR-1

I. Request

The applicant, William J. Butsko, is requesting a 2.4 acre rezoning from AR-1 to FR-1. This acreage is part of the applicants' 13.45 acre property.

II. Conditions

Location: West side of Miller Paul Rd, about 1,800 feet north of Woodtown Rd, Harlem Twp.

Present Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Agriculture

Proposed Use(s): Single-family residence

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 septic systems

Critical Resources: none

Surrounding land uses: Scattered single-family residences and agricultural land

Soils: BeA: Bennington Silt Loam (0 to 2% slopes)

PwA: Pewamo Silty Clay Loam (0 to 1% slopes)

III. Comments

Based on the survey submitted with the rezoning application, it appears that the applicants' intent is to file a no-plat application to split this proposed 2.4 acre lot out of the original 13.45 acre tract. The proposed layout would conform to the standards of the FR-1 district leaving an 11.05 acre residual flag lot taking access to the north of this lot.

Approval of any rezoning does not assure an approval of proposed lot splits. The applicant should consult with appropriate county and township departments to ensure that this lot will meet all current standards. This no-plat lot split will be subject to administrative review by Harlem Township, the Delaware General Health District, the Delaware County Engineer and the RPC.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as agriculture. The plan recommends that residential development in this area be on large lots but does not recommend minimum lot acreage. The township is currently working with RPC staff to update the plan.

Some surrounding lots are zoned FR-1 and this proposal appears to be in character with the area. The applicant should be aware that this lot will significantly reduce frontage on Miller-Paul Road and if subdivision development is proposed on the residual tract, a public road may be required with a connection to the west.

IV. Staff Recommendations

Staff recommends **Approval** of this rezoning case from AR-1 to FR-1 for William J. Butsko to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees.

Commission / Public Comments

No one was present to represent the applicant.

Mrs. Warthman made a motion to recommend approval of the rezoning request by William Butsko, seconded by Mr. Miller. VOTE: Unanimously For, 0 Opposed. Motion carried.

**02-06 ZON Country View of Sunbury, Marvin Miller atty. – Trenton Twp. – 12.1467 acres –
FR-1 and Nursing Home zoning to Community Facilities**

I. Location: 14961 North Old 3C Highway, Trenton Township

II. Conditions

Present Zoning: Farm Residence (8.14 acres) and Nursing Home (4 acres)

Proposed Zoning: Community Facilities

Surrounding land uses:

- **To the east:** Large lot single family residential
- **To the south:** Large lot single family residential and agricultural
- **To the west:** Agricultural
- **To the north:** Perfect Creek floodplain and agricultural

Present Use: Nursing home on 4 acres, vacant ground on 8 acres.

Proposed Uses: Nursing Home expansion

School District: Big Walnut

Utilities Available- Del-Co Water

Soils: Pewamo, 0-2 %, Sloan 0-2 % and Centerburg 2-6%.

III. Issues

- A. Existing Nursing Home Zoning- Trenton Township zoning records from 1965 show that four acres of the 12.14 proposed for CF rezoning were zoned for a nursing home. The nursing home was built after that and is a permitted use, even though the township's zoning map still designates all 12.14 acres as Farm Residential. The Applicant wishes to expand the nursing home and has purchased bed licenses from another nursing home to secure state approval.
- B. 100 year floodplain- The 100 year floodplain of Perfect Creek does not have a cross section elevation on the FEMA Flood Plain map for Delaware County as digitized by the DALIS office. The applicant's plan indicates 100 year floodplain cross sections of 1068 and 1069 feet mean sea level. The new building will be built at a first floor elevation of 1074.64, which would be out of the floodplain. The applicant should check with Fred Fowler, Delaware County Code Compliance to verify the floodplain elevations.
- C. Community Facilities District – The applicant wishes to place the entire 12.14 acres in the Community Facilities District.
- 1.) This is the correct district for a nursing home. The rezoning would then change the zoning map to show the entire 12.14 acres as properly zoned CF for the nursing home use.
 - 2.) The use has frontage on a major arterial, as required.
 - 3.) Since the CF is a straight district, no development plan approval is required as part of the rezoning. A development plan has been submitted, however.
 - 4.) The Trenton Township Zoning Officer must check for compliance regarding setbacks, parking, signage and so forth. It appears that the proposed parking areas do not meet side yard setbacks. The front setback of 75 feet measured from the centerline of the road appears to be close to the requirement but must be checked on a plan of a larger scale than that provided for the rezoning.

5.) Approval of the rezoning does not guarantee approval of the development as submitted.

D. Conformance to the Comprehensive Plan- The 2004 Trenton Township comprehensive Plan recommended this area for mixed use traditional neighborhood design. The nursing home would fit that recommendation.

IV. DCRPC Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning from FR-1 and Nursing Home to Community Facilities for the 12.14 acres of Sunbury Realty located west of SR 605 in North Condit, Trenton Township at 14961 N. Old 3C Highway, *subject to:*

1. *All structures must be at least one foot above the 100 year flood plain. This should be checked with Delaware County Code Compliance.*
2. *All setbacks being verified and met. Side yard parking setbacks do not appear adequate, front setback may be OK but must be checked.*
3. *All signage meeting the zoning resolution.*

Commission / Public Comments

Mr. David Krock of ADR & Associates was present to represent the applicant.

Mr. Blayney made a motion to recommend Conditional Approval of the rezoning request for Country View of Sunbury, subject to staff comments. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Miller). Motion carried.

03-06 ZON T Phillip Vilardo and State Street Capital – Genoa Twp. – 72.139 acres from RR to PD-2

This application was tabled by the Township. Therefore, not presented.

04-06 ZON David Perry Co. – Orange Twp. – 2.923 acres from FR-1 to PCD

I. Request

The applicant The David Perry Co. is requesting a rezoning from Farm Residential (FR-1) to Planned Commercial and Office (PC) collectively for three parcels on the northeast corner of S. Old State Road and Candlelite Lane in Orange Twp. This rezoning request is to facilitate the construction of a commercial strip mall. The properties consist of:

- 8813 S. Old State Rd., owned by George & Margaret Perry
- 8859 S. Old State Rd., owned by Robert & Shirley Sanders (Shuster Lot #185)
- 1519 Candlelite Ln., owned by Theodore Robert Atwood (Shuster Lot #186)

II. Conditions

Location: East of S. Old State Rd., north of Candlelite Ln., Orange Twp.

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Planned Commercial and Office (PC)

Present Use: Three (3) single family residences

Proposed Use: Retail strip mall w/ 12 commercial units
School District: Olentangy Local School District
Utilities Available- Del-Co Water, Delaware County Sewer.

III. General Comments

The development plan indicates an L-shaped 24,224 square foot building that will contain 12 attached commercial units. The plan indicates two drive-thru facilities, one at each end of the proposed building. One hundred and thirty-three (133) parking spaces are proposed to surrounding the proposed building with landscaping in the tree lawns and a fifteen (15) foot wide perimeter green strip.

The development plan indicates two full access points on Candlelite Lane and a limited right-in/right-out access on S. Old State Road. The County Engineer’s office has expressed approval of these access points. The plan also indicates an underground storm water detention area to be located under the proposed parking lot. The applicant should work with the Delaware County Engineer’s office to ensure that this is adequate for this site. The applicant has submitted exhibits for landscaping, signage, and utilities along with the development plan. Construction is proposed to begin in 2006 and be completed in 2007.

Surrounding land uses include Drug Mart Plaza strip mall (Giltz Subdivision) on the south side of Candlelite Lane and NP Limited (Polaris) further south. Oak Creek Subdivision is located on the west side of S. Old State Road to the north of a Speedway gas station. A condominium project is planned on adjacent lands to the north in the City of Columbus. Five single-family residences are located to the east of this site on one acre lots in Shuster Subdivision. The southern two lots in this proposal were platted in Shuster Subdivision when it was recorded in 1960. It is anticipated that this land to the east will be commercial in the future.

IV. Divergences

Divergence Requests: The applicant has indicated a request for divergence regarding the following issues.

1. **Parking Location:** The applicant has requested a divergence from Section 21.01(d) limiting no more than 40% of the front setback from being used for parking along S. Old State Rd. The applicant has proposed evergreen shrubs to buffer the additional parking.

Staff Comments: The development plan indicates that twenty-nine (29) parking spaces would line this frontage to cover 75% of the total frontage. To meet the 40% standard, 14 parking spaces would need to be removed. At a standard parking ratio of 5 spaces per 1,000 square feet the shopping center only needs 97 parking spaces. Removal of these 14 spaces leaves 119 spaces, which is adequate and no divergence is needed.

2. **Parking Spaces:** The applicant has indicated that each of the uses (e.g. restaurants, offices and retail stores) have different parking requirements per Section 21.01(e) and they wish to apply for a divergence according to new revised standards.

Land Use	Section 21.01(e)	Divergence Proposal
Restaurants	1 for each 2 seats, plus 1 for each employee on the largest shift.	1 per 75 sq. ft.
Offices	1 per 400 sq. ft., plus one for each employee.	1 per 300 sq. ft.
Retail Stores	5 plus 1 per 400 sq. ft.	1 per 250 sq. ft.

Staff Comments: Staff would support a divergence request for 119 parking spaces, which will be more than adequate.

3. Building Setback from Road: The applicant is requesting to reduce the building setback from Candlelite Lane from 50 feet (as required by Section 21.09) to 25 feet.

Staff Comments: Staff does not support this request, since there is a significant area within the building envelope that would allow for the building to be reconfigured. Also, the plan does not indicate sufficient setback from S. Old State Road (70 feet) as required in Section 21.09. The plan should reflect this setback.

4. Setbacks from Abutting Residential: The applicant is requesting a divergence from Section 21.10 to reduce the required 100 foot building setback to 30 feet from adjacent residential uses to the north and east. They are also requesting a reduction from the 20 foot landscaping strip requirement to only require a 15 foot wide strip.

Staff Comments: The 100 foot setback would be excessive due to the scale of the condominiums to the north and properties to the east will likely redevelop commercial in the future. So staff would support a reduction of the 100 foot setback to 45 feet (as shown on the plan) for the northern and eastern property lines, but would not support the proposed reduction of the landscape strip along either property line. Because of the reduced building setback this buffer will be necessary to mitigate the impact to the adjacent residential uses.

5. Lighting Regulations: The applicant has requested a divergence to increase the permitted height of outdoor light poles to 25 feet from 20 feet as listed in Section 21.13.

Staff Comments: A lighting plan needs to be submitted to indicate location and type of all lighting fixtures. A divergence should not be approved without a full review of all lighting proposed to demonstrate a need for the divergence.

6. Signs: The applicant is requesting a divergence from sign standards (Section 22.03) to allow for wall signs to be posted at 20 feet in height, rather than the maximum 15 feet. A divergence is also requested to allow monument signs to be 12 feet tall rather than the maximum 8 feet.

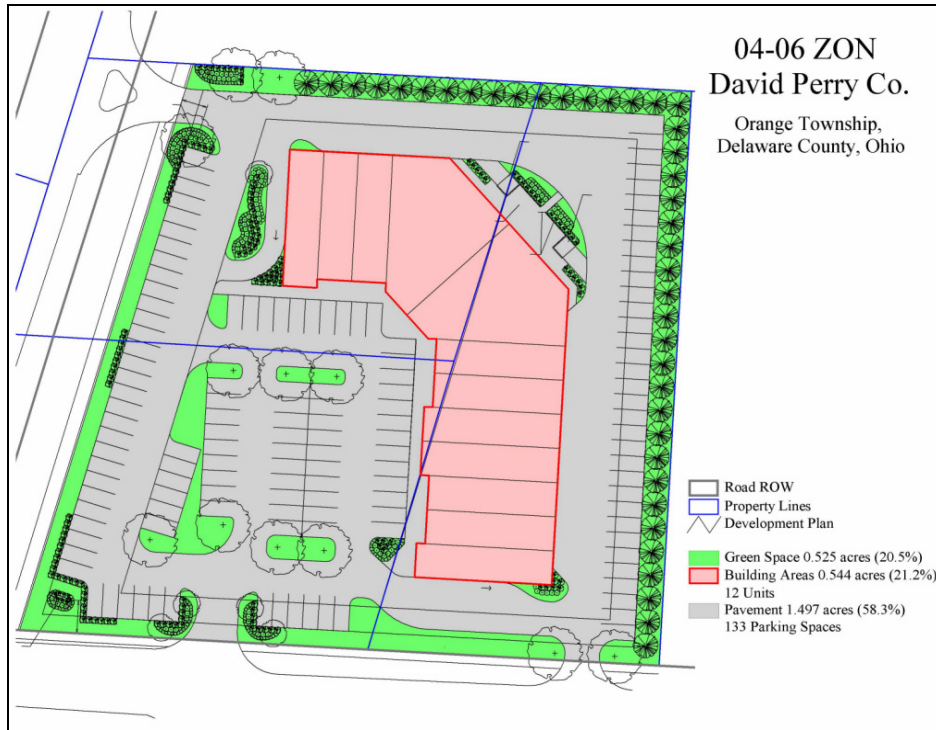
Staff Comments: Because the building is oriented farther from the intersection, staff would support the divergence request for increasing the height of wall signs, but the monument signs should not exceed 8 feet tall. Signage exhibits need to be submitted for the wall signs when tenants are determined to ensure conformance with other standards.

V. Compliance with the PC Development Plan Standards

In addition to those issues already raised, staff finds that the proposed development plan does not conform to Section 14.07(o) which requires “the ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks not exceed in the aggregate seventy-five percent (75%) of the total area of the lot or tract.”

Staff comments: The following exhibit depicts staff’s calculation that represents 79.5% coverage of such

features. The applicant should remove appropriate building and parking coverage to conform to Section 14.07(o). If the 14 parking spaces are eliminated along S. Old State rd. this will provide some of this additional green space.



VI. Section 14.06(c) - Required findings for Approval of a PC Development

The Zoning Commission and Trustees may approve Planned Commercial Development zoning provided they find that the proposed use complies with all of the following requirements:

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

Staff Finding: Yes, if appropriate modifications are made to the development plan as mentioned in this report.

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

Staff Finding: The 2001 Orange Township Comprehensive Plan recommends this site for single-family development at 2 dwelling units per acre with public water and sewer. Due to the site's adjacency to Columbus, its ability to annex and the commercial development to the south and west staff would recommend the township modify their Comprehensive Plan to recommend this site along with the remaining lots in the Shuster Subdivision for Planned Commercial (PC) zoning.

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

Staff Finding: Yes, if appropriate modifications are made to the development plan as mentioned in this report.

VII. Staff Recommendation

Staff recommends **Conditional Approval** for The David Perry Co.'s rezoning proposal for 2.923 acres from FR-1 to PC to the RPC, Orange Township Zoning Commission & Trustees, *subject to:*

1. *Approval of the proposed storm water system by the Delaware County Engineer's office.*
2. *Removal of 14 parking spaces along S. Old State Road to conform to Section 21.01(d).*
3. *Approval of a divergence from Section 21.01 (e) to only require 119 parking spaces.*
4. *Modification to the development plan to reflect the required 50 foot setback from Candlelite Lane and 70 foot setback from S. Old State Road as required in Section 21.09.*
5. *Approval of divergence from Section 21.10 to allow a 45 foot building setback from adjacent residential uses.*
6. *Modification to the development plan to include a 20 foot landscape buffer adjacent to residential uses, as required in Section 21.10.*
7. *Submission of a lighting plan.*
8. *Approval of divergence from Section 22.03 for wall signs to be 20 feet high.*
9. *Modification to the development plan to limit monument signs to 8 feet in height.*
10. *Reduce building and pavement coverage to a maximum of 75% of the total lot area.*

Commission / Public Comments

Mr. Don Plank, attorney for the applicant was present. He stated that the design followed the development to the south (Drug Mart site). The developer would prefer to eliminate parking in the back rather than along S. Old State Rd. As the plan moves forward, they should be able to come closer to conformance and not need as many divergences. A lot of flexibility has been built into the plan.

Mrs. Warthman made a motion to recommend conditional approval of the rezoning request by The David Perry Company, subject to staff comments and subject to the amendment to the Comprehensive Plan. Mr. Miller seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Gladman). Motion carried.

05-06 ZON Mike Kelley – Scioto Twp. – 3 acres from PC to C-2

This application is a request to rezone a 3-acre site on which Ostrander Implement is located to allow an expansion of the retail portion of the business.

I. Conditions

- Location:** 9265 Marysville Road (U.S. 36), Scioto Twp.
- Present Zoning:** Planned Commercial and Office (PC)

Proposed Zoning: Commercial (C-2)
Present Use: Farm Equipment Sales and Service
Proposed Use: Expansion
Proposed Density: N/A
School District: Buckeye Valley
Utilities Available: Del Co Water, on-site waste disposal
Soils: Glynwood Silt Loam (GwB), 2-6% slope

II. Background

Ostrander Implement is seeking the flexibility to expand the retail portion of its business. In order to stay competitive with other implement sales and service centers, the business wishes to reestablish a gift shop that was in operation from 2000-2004 and add a small and limited Saddle Barn franchise. The existing building is 4,410 square feet. With the addition of a 32x40 building and connecting structure including a restroom, the new size will be 5,810 s.f.

III. Conformance with the Development Standards

The purpose of the Neighborhood Commercial zoning as defined in the code, is “for the regulation of future and rehabilitation of existing facilities to provide...small neighborhood shopping areas which are...convenient to the neighborhood yet not designed to service the public at large.”

- 1. Building size:** The C-2 code defines the maximum square footage for structures in this district shall contain more than three thousand (3,000) square feet of floor space. The existing building is larger than that allowed in the C-2 district. With the additional square footage, the building will be 5,810 and will exceed this standard.
- 2. Signage:** A large permanent sign exists on site which may exceed the height limitations. A portable sign was also observed on the site. Any new signage should be incorporated into the current permanent sign and the portable sign should comply with any township regulations for temporary signage, including the time limit for removing the sign.
- 3. Landscaping:** All commercial districts in the township require all yards to be landscaped. The requirements are very general in nature and the applicant should submit a simple landscape plan with the Development Plan.

IV. Criteria for Approval

As a straight district, the township zoning code does not include specific criteria for approval. Staff finds that the request for change to C-2 is incorrect and unnecessary. The applicant should be able to amend his PC Development Plan administratively. It is a matter of local choice whether the township sends Development Plan reviews to the RPC, either for changes in use, or for expansions of existing businesses.

V. Compliance with Comprehensive Plans

The 2005 Scioto Comprehensive Plan identified this site as an existing commercial site. Although no specific recommendations were made for this location, the text of the plan supported the continuation of any businesses along this corridor, seeking to bring any non-compliant issues into conformance should any expansion occur.

VI. DCRPC Staff Recommendation

Staff recommends **Denial** of the rezoning of 3 acres from PC to C-2 to the RPC, Scioto Township Zoning Commission, and Scioto Township Trustees.

The staff would recommend **Conditional Approval** for a PC Development Plan amendment, *subject to the following conditions:*

1. A landscape plan being submitted showing areas to remain green space.
2. The portable sign being removed or regulated as to terms of use.

Staff also recommends that the township develop an application and process whereby an applicant may administratively amend a Development Plan in a zoned PC district.

Commission / Public Comments

No one was present to represent the applicant.

Mrs. Warthman made a motion to recommend Denial of the rezoning request for Mike Kelley, based on staff recommendation. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

06-06 ZON Nelson Farms Assoc. – Liberty Twp. – 0.63 acres from FR to PR

Request: Nelson Farms Assoc. is requesting a PR zoning for the purpose of adding 0.63 acres to the proposed Nelson Farms subdivision in Liberty Township.

I. Conditions

- Present Zoning:** Farm Residence District (FR-1)
- Proposed Zoning:** Planned Residence District (PR)
- Present Use:** Vacant.
- Proposed Use:** Residential
- Existing Density:** 1 unit per acre
- Proposed Density:** 0.95 units/acre in Nelson Farms
- School District:** Olentangy
- Utilities Available -** Del Co Water, Delaware County sanitary sewer.
- Soils:** GwB – Glynwood 2-6 % slope

II. Staff Comments

This request is to allow 2 lots within the proposed Nelson Farms subdivision to be reconfigured to accommodate the proposed CAD subdivision on the remainder of the Stilson property to the east (Variance case 04-06V on tonight’s agenda). The Nelson Farms subdivision, located to the north is zoned PR and has received overall preliminary subdivision approval by the RPC. The applicant has submitted a development plan with text showing the proposed lot configuration.

III. DCRPC Staff Recommendation

Staff recommends **Approval** of the application by **Nelson Farms Assoc.** for PR zoning of 0.63 acres, to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees.

Commission / Public Comments

Mr. Charlie Driscoll of Nelson Farms Association was present.

Mr. Miller made a motion to recommend approval of the rezoning request by Nelson Farms Association. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-06 ZON Highland Management Group & Wingate Land Group – Liberty Twp – 77.966 acres from FR-1 to PR

Request: Highland Management Group is requesting a PR zoning to develop a residential subdivision with large open spaces and flexible lot sizes, including cluster homes between the Woodland Hall and Woodland Glen subdivisions in Liberty Township.

I. Conditions

Present Zoning: Farm Residence District (FR-1)

Proposed Zoning: Planned Residence District (PR)

Present Use: Ag. /partially wooded and 2 residences with accessory buildings/use.

Proposed Use: Residential subdivision

Existing Density: 1 unit per acre

Proposed Density: 1.116 units per acre

School District: Olentangy

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

Soils: GwB – Glynwood 2-6 % slope

GwC2 – Glynwood 6-12 % slope

LyD2 – Lybrand 12-18 % slope

LyE2 – Lybrand 18-25 % slope

BoA – Blount 0-2 % slope

BoB – Blount 2-6 % slope

LsA – Lobdell 0-2 % slope

II. Project Description

This proposal is an infill development located between Liberty Road and Riverside Drive as well as between Home Road and Carriage Road. The site is generally flat to the north and west with a small ravine along the south side of the property and a drainage course to the northeast. The northwest corner is heavily wooded and trees line the perimeter of most of the property. Surrounding land use is mostly large lot single family residential subdivisions. Adjacent subdivisions include Woodland Hall to the east, Wingate Farms and Westchester to the south. Woodland Glen to the west, and Bridlespur Place to the north. The Knowlton Farm to the north is the only undeveloped tract remaining in this area.

The proposed development “Woodland Hall, Section 2” is designed in an attempt to preserve a large amount of open space while providing a couple of housing options not available in the other sections of the Woodland development. It is comprised of 87 dwelling units arranged into 2 clusters and 2 areas of larger fee simple lots. Approximately 32 acres are set aside for open space (41.48% of the site). The development will extend Woodland Hall Drive from Woodland Hall Subd. to connect to the existing Woodland Hall Drive in Woodland Glen. The street will curve to the south after it enters the site then turn west through the

middle then turn back north before connecting to the west. Riverstone Drive will extend from Woodland Hall then travel north and intersect Woodland Hall Drive before stubbing at the north property line for future extension into the Knowlton Farm. Another street extends from Riverstone Drive to Woodland Hall Drive. Both street intersections on Woodland Hall Drive will contain a traffic circle to slow traffic through the subdivision. Two streets that stub to this development will not contain public streets through this site. Lindell Lane in Woodland Glen will serve one of the cluster home pods but will be gated. Wingate Drive which stubs to the south property line of the site is not proposed to be extended at all.

Woodland Glen Section 2 will be developed in 4 phases. The first phase is to the southwest and includes 34 units on 14.423 acres (2.357 units/acre). The homes are clustered in the northern two-thirds of this phase with a perimeter setback of 50' from the large (1+ acre) lots in Woodland Glen to the north and west. Units will be accessed by private streets. The southern one-third is set aside for open space (6.046 acres). The net density of the cluster is 4.06 units/acre. The second phase is immediately east of the first phase and includes 15 fee simple lots on 30.788 acres (0.487 units/acre). The lots in this phase range from 0.7 to 1.1 acre in size and are arranged around the Riverstone Drive extension and the other (un-named) street. A large open space reserve (15.297 acres) is proposed between this phase and the cluster units to the west as well as along the south perimeter. A large retention pond is proposed along the north side of the open space.

The third phase is located in the northwest corner and includes 28 units on 19.966 acres (1.4 units/acre). The large wooded area is preserved within open space (8.731 acres) for buffering of the cluster homes from the larger lots in Woodland Glen. The net density for phase 3 is 2.49 units per acre. The last phase is to the northeast and contains 10 lots on 12.809 acres (0.78 units/acre). Lots range in size from 0.7 to 1.2 acres and all front on the proposed Riverstone Drive extension. This section also includes 2.265 acres of open space along the north side of Woodland Hall Drive and will contain a retention pond for storm water management.

III. Conformance with Comprehensive Plan

The 1995 Liberty Township Comprehensive Plan established the 900' elevation as the dividing line between the Olentangy Heritage Corridor (below 900') and the Liberty Civic Corridor (above 900'). The plan recommends single family detached residential in both, but the maximum density is 1 unit per acre with 0.75 acre minimum lot size in the areas below 900' and 1.25 maximum units per acre with 0.6 acre minimum lot size above 900'. The development plan does not calculate the acreage in the 2 corridors within the site, but based on available DALIS topo data, the RPC Staff estimates that 57 acres of the site are below 900' (east/south portion) and 20 acres are above 900' (north/west). The maximum yield should be 82 lots (the development plan proposes 87). Additionally, a number of the fee simple lots are under 0.75 acres. It also appears that a large portion of the cluster homes fall below the 900' elevation. The applicant needs to provide more information and make adjustments accordingly.

IV. Issues

1. Use and density – The PR regulations provide for a maximum 2 units per acre but further states that the permitted density shall not exceed the recommended density of the Comprehensive Plan. It appears that there are at least 5 too many units. The applicant needs to provide additional calculations. The applicant needs to be aware that the Woodland Hall Section 1 density cannot be combined with the units in this development for the purpose of lowering the density within this site. That data needs to be eliminated from the development plan.
2. Arrangement of structures/ yard regulations – The development plan indicates that the cluster homes

will be spaced a minimum of 15' as provided by the zoning resolution. The cluster homes in the southwest portion of the site are compacted at a net density of 4 units per acre adjacent to 1-acre-plus lots in Woodland Glen. This is inappropriate. The cluster homes to the northwest are dispersed a little more and separated from Woodland Glen by the large woods, but the density may still be too high. Several of the proposed single family lots do not meet the minimum lot size requirement. All of these factors are driven by the preservation of over 40 percent open space. Except for the woods and the shallow ravine, the site is open and generally flat. Considering the overall low density and large lot sizes of the adjacent subdivisions, an open space cluster subdivision may not be the best development alternative for this site. Staff applauds the applicant's effort to incorporate conservation design elements into the development plan, but this site may not be the right location.

3. Proposed Traffic Patterns and their relationship to existing conditions-

- a) A connection needs to be made to Wingate Drive. The Wingate Farms development contains 63 lots with only one access (SR 315). There needs to be a second point of access for emergency satiations and to allow residents in both Wingate and Woodland developments to interact without traveling onto SR 315. The ravine is only 12' deep in the area of the connection.
- b) A private street cross-section is not provided, however the development plan indicates that private streets will be built to county standards. The township should adopt the County Engineer's design manual standard cross sections and require they be used on private streets in condominiums, as these developments escape platting review and the quality of the street base and surface is totally up to the developer. The township should demand under drains as well as side road drainage and a paving designed to last 20 years. This must be done as a condition of zoning since there is no subdivision review for condominium sites. The layout should also be reviewed by the Fire Chief to determine if the turning radii are sufficient for fire and emergency vehicles.
- c) A bike path is proposed throughout the open space.

4. Provisions for utilities.

- a. Sanitary sewer – Sewer is available through an existing trunk line in Woodland Hall. A letter of service availability has been provided.
 - b. Water – There is an 8" Del-Co water line along Woodland Hall Drive. A service letter has been provided.
 - c. Other utilities – Other utilities are available through adjacent developments. Service letters have been provided from Columbia Gas, Verizon, American Electric Power, and Time Warner.
5. Storm water – The site drains to the south. A storm water management plan has been provided. The development plan shows 2 large retention ponds. The storm water plan must be submitted to and approved by the County Engineer.
6. Architectural design criteria – The development plan includes artist renderings to illustrate the character of the buildings, signs, and mailboxes. The development plan text states that the single family homes will be required to meet the same restrictions and standards as those in Woodland Hall.

7. Landscaping – A landscaping plan has been provided.

Divergences – none requested.

V. Required Findings for PR

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

***DCRPC Staff Finding:** Yes, if items noted in Section IV of the Staff report are adequately addressed prior to the Zoning Commission public hearing.*

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

***DCRPC Staff Finding:** No. The density is too high and the lots do not meet the minimum 0.75 acres required by the Comp Plan.*

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

***DCRPC Staff Finding:** The design preserves open space, which is a benefit, but all of the open space is not available to the single family residents of Woodland Glen and Woodland Hall Section 1, so it does not provide an overall benefit to the township or the immediate vicinity. The site is surrounded by subdivisions that are much lower density and larger lots than what is proposed.*

VI. DCRPC Staff Recommendation

Staff recommends **Denial** of the application by Highland Management Group & Wingate Land Group, for PR zoning of 77.966 acres, to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *due to the reasons noted in Section III, IV, and V of the staff report.*

Commission / Public Comments

Mr. Scott Mallory, developer of Woodland Hall and Woodland Glen was present. He stated that they have assembled parcels from SR 315 all the way to Liberty Road in an attempt to create a master plan community that would tie all the parcels together. The parcel presented today is the final piece. This project consists of 33 acres which is the balance to the north and 45 acres that are currently under contract from the Wingate Land Group. The 45 acres to the south are split into 3 parcels. They only have under contract the parcels to the east and to the west. The parcel in the middle that has the Wingate stub and the “pond area” is not a parcel they currently control. Wingate Land group has consented to allow Woodland Hall to include the parcel in the plan but desire it to be maintained as open space. Mr. Mallory conceded that the 87 units are in excess of the total permitted and agree with reducing it to 82 units.

Mr. Shoaf made a motion to recommend Denial of the rezoning request by Highland Management Group, based on staff recommendation. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. SUBDIVISION PROJECTS

Preliminary

02-06.1/2 Mansard Estates, Sections 1 & 2 – Genoa Twp. - 117 lots / 104.6 acres

Applicant: M/I Homes of Central Ohio

Subdivision Type: Single-Family Homes

Location: West side of Worthington Road, 600' north of Big Walnut Road, Genoa Twp.

Current Land Use: Vacant

Zoned: Planned Residential District (PRD)

Utilities: Del-Co water and public sanitary sewer

School District: Olentangy

Engineer: EMH&T, Andrew Sanderell

I. Staff Comments

The proposed development gains access from a main entrance at Worthington Road and from an existing stub at the end of Grandmere Boulevard in the Grand Oak subdivision. The proposal includes 110 typical PRD building lots and two large acreage lots. The smaller lots are in the 15,000 s.f. – 27,000 s.f. range.

A 5-acre lot will be maintained as a single building site on Big Walnut Road. A 9.5-acre site to the north, with an existing house, will be allowed to subdivide up to a maximum of four lots in the future. Detailed text has been added to the preliminary and will appear on the final plat defining the future limitations of developing the 9.5-acre lot, including meeting the requirements of township zoning and the regulations of the RPC and Engineer's office.

The site includes significant natural resources including ponds and streams which the design shows in open space. The plan shows 18.6 acres of open space exclusive of entry features and stormwater management.

A technical review was held on January 17, 2006, after which the applicant has addressed all of the required changes except the following:

- 1. The Notes refer to "Phases" while the plan has been changed to reflect "Sections";*
- 2. Liberty Township is referenced in Note G;*
- 3. Note L is repetitive and could be simplified regarding the timing of the development of Lot 112 and the construction of Braymoore Drive.*

II. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **Mansard Estates, Sections 1 and 2** to the RPC, based on resolving the comments above and submitting one copy of the revised Preliminary Plan.

Commission / Public Comments

Mr. Andrew Sanderell of EMH & T was present.

Mr. Laurien asked if the 5 acre lot would be one out-lot and not part of the common open space. Mr. Sanderell stated that it is a single residential lot to be platted with the rest of the subdivision and included in the density.

Mrs. Warthman stated that Genoa Twp. has not been asked about owning the open space. She also stated

that all the items from the Technical Review meeting must be accurately reflected in the plan. Mr. Sanderell stated that the open spaces are the center islands in the center of the cul-de-sacs which are inside the right-of-way. He asked how to address the ownership when the Homeowner's Association can not own something inside the ROW. Mrs. Warthman stated that that area would be part of the ROW and maintained by the Township and would need to be subtracted from the open space. Mr. Blayney agreed that the center islands would be part of the ROW and also maintained by the Township.

Mr. Miller made a motion to approve the Preliminary plan for Mansard Estates, Sections 1 and 2, subject to staff comments and Mrs. Warthman's comments. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-04.7 Olentangy Crossings, Section 7 – Orange Twp. - 04 lots / 41.05 acres

Applicant: Planned Communities, Inc.

Subdivision Type: Multi-family parcels and one commercial lot

Location: 1100' East of U.S. 23, east of Orangewick Subdivision, Orange Twp.

Current Land Use: Vacant

Zoned: Multi-Family Planned Residential District (PRD) Planned Commercial, (PC)

Utilities: Del-Co water and public sanitary sewer

School District: Olentangy

Engineer: Floyd Browne Group, Tiffany Jenkins

I. Staff Comments

The proposed development is a northern extension of an unplatted but built public "backage" road in the Olentangy Crossings Subdivision. The street, Rail Timber Way, will be extended from its intersection with Olentangy Crossings East, the new access to Olentangy High School. It will curve slightly toward the west, providing access for a 1-acre commercial lot and three separate condominium building lots totaling 35.45 acres. The road stubs to the north allowing for future extension as development continues.

This area was rezoned by the township in August, 2005 for the commercial lot and 170 condo units. A road connection is provided to Orangewick Drive North. The plan preserves a wooded swale and tree buffers in no-build zones and preservation easements.

A technical review was held on January 17, 2006, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **Olentangy Crossings, Section 7** to the RPC.

Commission / Public Comments

Mrs. Tiffany Jenkins of Floyd Browne Group was present to represent the applicant.

Mr. Laurien asked if she knew what the use of the planned commercial would be. Mrs. Jenkins stated not specifically. The tract is approximately 1 acre and anticipates a small office.

Mr. Miller made a motion for Preliminary approval of Olentangy Crossings, Section 7. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

03-06.1-4 Meadows at Lewis Center, Sections 1-4 – Orange Twp. - 135 lots / 75.87 acres

Applicant: Silvestri Custom Homes

Subdivision Type: Single-family Residential

Location: North side of Lewis Center Rd approximately 500' west of S Old State Rd., Orange Twp.

Current Land Use: Agriculture/Open Field

Zoned: Single Family Planned Residential District, (SFPRD)

Utilities: Del-Co water and public sanitary sewer

School District: Olentangy

Engineer: EMH&T

I. Staff Comments

The proposed development, located northwest of the Lewis Center Road/S Old State Road intersection, contains 135 lots on 75.87 acres (1.78 du/acre). Access to the subdivision is provided from Lewis Center Road at 2 locations approximately 2200' apart. The western street is the proposed Piatt Road extension that will eventually intersect with Shanahan Road to the north. The second access connects to a long loop street that intersects an east west cul-de-sac street along the site's north side. This cul-de-sac street also connects to the (new) Piatt Road. In addition to Piatt Road, 2 additional streets are extended to the north boundary for future connection to adjacent undeveloped land. The proposed lots (minimum 80' X 135') are generally arranged in a grid pattern. Two centrally located open space reserves (2.5 acres each) are surrounded on 3 sides by lots. An existing pond to the east side of the development will be used for stormwater retention and will be located within a future 8.6-acre open space reserve. A long open space strip will be provided along Lewis Center Road for buffering. A second retention pond will be constructed in a reserve lot to the northwest corner of the site. A bike path is proposed along Lewis Center Road and through the large open space lot to the east. A series of existing treelines will be preserved and incorporated into the development design to create neighborhoods and create a buffer along Lewis Center Road as well as the north boundary. The subdivision will be platted in 4 sections, from east to west.

A technical review was held on January 17, 2006, after which the applicant has addressed all of the required changes, except:

- The first 3 Sections of the development contain 100 lots with only a single access from Lewis Center Road. This is too many. The Piatt Road access needs to be constructed with Section 3 or a secondary access must be provided through adjacent properties before the RPC will approve Section 3. Another possibility is to flip Section 3 and 4. We would accept a temporary construction entrance for Section 3 if emergency services have no objection to the proposed phasing of the subdivision.

II. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **Meadows at Lewis Center, Section 1-4** to the RPC, subject to either Section 3 and 4 being flipped, or another access for construction and emergency purposes being provided with Section 3.

Commission / Public Comments

Mr. Andrew Sanderell of EMH & T was present to represent the applicant.

Mr. Blayney made a motion for Conditional Preliminary Approval of Meadows at Lewis Center, Sections 1-4, subject to staff comments. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

01-06 Westbrook Farms – Oxford Twp. - 27 lots / 68.00 acres

Applicant: Anthony Antronica, Countrytyme Land Specialists

Engineer: Mark Hadak, E.I., R.D. Zande & Associates, Inc.

I. Staff Comments

The applicant has requested a 90-day tabling in order to resolve Technical Review issues.

III. Staff Recommendations

Staff recommends approval of the 90-day tabling of Westbrook Farms.

Commission / Public Comments

Mr. Snajd made a motion to approve the 90-day tabling for Westbrook Farms, seconded by Mr. Shoaf. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final

01-98.4.B Sage Creek, Section 4, Phase B – Berkshire Twp. - 08 lots / 24.09 acres

Applicant: Bill Schlanger

Subdivision Type: Single Family Residential (includes CAD)

Location: West side of Trenton Rd, north of Sage Creek Dr, Berkshire Twp

Current Land Use: Wooded / Agriculture

Zoned: Farm Residential (FR-1)

Utilities: Del-Co Water & private treatment systems

School District: Big Walnut Local School District

Engineer: CPS Consulting Group

I. Staff Comments

Sage Creek Section 4 was originally submitted as 1 phase, but due to on-lot treatment issues was divided into 2 phases. The preliminary was approved in October 2003 and contained 20 lots. Phase A (east of Trenton Road) was approved in March 2005.

This phase contains 8 lots on 24.09 acres. The 5 southern lots will be accessed by a CAD. The extreme southwestern lot will be combined with a 60' reserve strip to the west in Sage Creek, Section 3 and will access Sweet Clover Lane. Two of the previously proposed lots to the northwest have been consolidated into a single lot to address Health Dept and OEPA concerns, thus eliminating the proposed CAD shown on the preliminary. This lot will share an access point with the adjacent lot to the south. All lots will utilize mound systems and be served by Del-Co Water. The wooded ravine and creek through the north side of the site will be preserved within a "no-build" easement.

Surrounding land uses include single-family residential and agriculture. Other sections of Sage Creek are located to the east, west and south.

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

II. Staff Recommendation

Staff recommends *Approval* of the Final plat for Sage Creek, Section 4, Phase B to the RPC.

Commission / Public Comments

Mr. Miller made a motion for Final Approval of Sage Creek, Section 4, Phase B. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Hopper). Motion carried.

VI. EXTENSIONS

06-05 Cheshire Woods Estates – Berkshire Twp. - 50 lots / 139.3 acres

Applicant: Rome Corners LLC

Consultant: Kurt Ziessler, Hockaden & Associates

I. Staff Comments

The applicant is requesting a 6 month extension for the Preliminary Plan in order to complete paving prior to final recording.

II. Staff Recommendations

Staff recommends *approval* of the 6-month extension for the **Cheshire Woods Estates** to the RPC.

Commission / Public Comments

Mr. Snajd made a motion to approve the 6-month tabling for Cheshire Woods Estates. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

01-05 Cheshire Woods Sections 1-4 – Berkshire Twp. - 271 lots / 228.68 acres

Applicant: M/I Homes

Consultant: James Whitacre, Advanced Civil Design

I. Staff Comments

The applicant is requesting a 6 month extension of the Preliminary plan for Cheshire Woods Sections 1-4.

II. Staff Recommendations

Staff recommends *approval* of the 6-month extension for the **Cheshire Woods Subdivision, Sections 1-4** to the RPC.

Commission / Public Comments

Mr. Snajd made a motion to approve the 6-month tabling for Cheshire Woods Subdivision, Sections 1-4. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

05-05 The Estates at Sherman Lakes – Berlin Twp. - 34 lots / 40.70 acres

Applicant: Sherman Lakes Estate, LLC.

Consultant: Floyd Browne Group

I. Staff Comments

The applicant is requesting a 6 month extension of the Preliminary plan in order to obtain Africa Road improvement approvals from the County Engineer and the Berlin Twp. Zoning Office.

II. Staff Recommendations

Staff recommends *approval* of the 6-month extension for **The Estates at Sherman Lakes** to the RPC.

Commission / Public Comments

Mr. Snajd made a motion to approve the 6-month tabling for The Estates at Sherman Lakes. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

02-05 Estates at Medallion – Genoa Twp. - 11 lots / 07.42 acres

Applicant: Romanelli & Hughes Building Co.
Consultant: Drew Sanderell, EMH & T

I. Staff Comments

The applicant is requesting a 6 month extension in order to facilitate additional plan preparation required for the final plat.

II. Staff Recommendations

Staff recommends *approval* of the 6-month extension for the **Estates at Medallion** to the RPC.

Commission / Public Comments

Mr. Snajd made a motion to approve the 6-month tabling for the Estates at Medallion. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

03-05 Wilshire, Sec. 7, Phases 1 & 2 – Orange Twp. - 49 lots / 34.60 acres

Applicant: Centex Homes
Consultant: Drew Sanderell, EMH & T

I. Staff Comments

The applicant is requesting a 6 month extension in order to obtain approval of the street, storm and water improvements.

II. Staff Recommendations

Staff recommends *approval* of the 6-month extension for **Wilshire Estates, Section 7** to the RPC.

Commission / Public Comments

Mr. Snajd made a motion to approve the 6-month tabling for Wilshire Estates, Section 7. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. OTHER BUSINESS

- **Consideration for Approval: refreshments for meetings (max. \$300)**

Mr. Snajd made a motion to approve food expenditures for RPC and Executive Committee meetings as described in each year's approved budget. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for Approval: Legal fees, Loveland & Brosius \$2,101.26**

Mr. Miller made a motion to approve the legal costs of \$2,101.26 to Loveland & Brosius. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for Approval: By-Laws amendment regarding month of budget approval:**
Initiated at the 9/29/05 RPC meeting.

Article VII – Boards and Committees of the Commission

Section 3. Duties of the Executive Committee

- a) **Expenditures and Disbursements** – The Executive Committee of the Regional Planning Commission shall review all invoices, payrolls, requisitions, budgets and grants by the state or federal government, and shall prepare a financial report for every meeting of the Commission, and shall prepare an annual financial report for distribution to the membership, and shall prepare a proposed budget for the succeeding year to be approved at the ~~October~~ November meeting of the Commission.

Mr. Snajd made a motion to approve the By-Laws amendment to require the budget approval at the November meeting. Mr. Fowler seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VIII. POLICY / EDUCATION DISCUSSION

- **Subdivision Regulation Amendment initiation –**

Mr. Laurien presented the Commission with a copy of the proposed Subdivision Regulations. (see attached). He explained that there will be a Q&A session on February 9th (which is scheduled for landowners and realtors questions) and February 23rd (DCRPC meeting) and finally the DCRPC will vote on the amendments at the public hearing on March 30th.

Mr. Miller made a motion to initiate the consideration of amendments of the Delaware County Subdivision Regulations. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Feb. 9th, 7:00 p.m. – Hayes Building, Q & A public session regarding new Lot Split process –**
Mr. Laurien explained that this meeting will focus on the (proposed) procedure for the large lot split (5-20 acres) but will also answer questions about the proposed amendments to the Subdivision Regulations.
- **Feb. 24th Luncheon: Changes in Ohio's Township Powers –** Mr. Clase presented the Commission with a brochure inviting them to a seminar focusing on HB148 and SB 18. He stated that Mr.

Laurien and Attorney Don Brosius will lead the lunch time discussion. He asked the Commission to pass this information on to others in their Townships.

IX. RPC STAFF AND MEMBER NEWS

Mr. Miller made a motion to adjourn at 8:40 p.m. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, February 23, 2006, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G35, Delaware, Ohio 43015.

Kolly Foust, Chairperson

Stephanie Maltack, Executive Administrative Assistant