



DELAWARE COUNTY REGIONAL PLANNING COMMISSION

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

Philip C. Laurien, AICP, Executive Director

MINUTES

Thursday, January 29, 2004 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 18, 2003 RPC Minutes
- Executive Committee Minutes of January 21, 2004
- Statement of Policy

II. VARIANCES

03-29-S.V Ed Grover – Grover’s Subd. – Berlin Twp. – requesting CAD variance

III. ZONING MAP/TEXT AMENDMENTS

- 02-04 ZON Grace Baptist Church – Radnor Twp. - 5 acres from FR-1 to PINS
- 01-04 ZON NorthStar LLC – Kingston Twp. – 92 +/- acres from FR-1 to REC
- 03-04 ZON Beverly Rider – Harlem Twp. - 2.997 acres from AR-1 to FR-1
- 04-04.A ZON MTB Corp. – Orange Twp. – 68.86 acres from FR-1 to PC
- 04-04.B ZON MTB Corp. – Orange Twp. – 14.33 acres from FR-1 to MFPRD
- 05-04 ZON Peter Hill – Berlin Twp. – 10.6 acres – modification of existing plan (PCD)
- 06-04 ZON Saunders Enterprises – Concord Twp. – 65.918 acres from FR-1 to PRD
- 07-04 ZON Troy Twp. Zoning Commission – text amendments

IV. SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
43-99.5	Harbor Pointe, Section 5	Berlin	14 lots / 36.59 acres
27-02.D.I	Wedgewood Park, Sec. 2, Ph. D, Pt. I	Liberty	17 lots / 12.53 acres
<u>Preliminary/Final</u> (none)			
<u>Final</u>			
16-03	T The Ravines of Alum Creek	Berlin	67 lots / 38.22 acres
47-00.1.3	North Orange, Section 1, Phase 3	Orange	09 lots / 15.86 acres
47-00.1.2.A	North Orange, Sec. 1, Ph. 2, Pt. A	Orange	02 lots / 18.13 acres
47-00.1.2.B	North Orange, Sec. 1, Ph. 2, Pt. B	Orange	01 lot / 16.85 acres
15-02.3.A	Estates of Glen Oak, Sec.3, Ph.A	Orange	27 lots / 08.44 acres
15-02.3.B	Estates of Glen Oak, Sec. 3, Ph. B	Orange	26 lots / 08.52 acres
27-98.4.B	Abbey Knoll, Section 4, Phase B	Orange	31 lots / 14.17 acres

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

- 02-03.1/2 Walnut Grove Estates, Sec.1&2 Genoa 56 lots / 51.30 acres
- 03-03 Vinmar Farms Genoa 122 lots / 87.20 acres

VI. OTHER BUSINESS

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

- New Members

I. ADMINISTRATIVE BUSINESS

#Call to Order

Vice-Chairwoman Warthman called the meeting to order at 7:00 p.m.

Roll Call

Representatives present: Paul Snajd, John Schmidt, Robert Hedrick, Fred Fowler, Steve Burke, Steve Jefferis, Gary Gunderman, Tom Hopper, Leslie Warthman, Dave Lavalle, Dick Gladman, Bill Thurston, Lloyd Shoaf, George Mason, Robert Jones, Bonnie Newland, and Mike Dattilo. *Alternates present:* Jack Smelker, Scott Pike, and John Werner. *Arrived after roll call:* Gary Spanner (R). *Staff present:* Phil Laurien, Paul Deel, Scott Sanders, Joe Clase, Da-Wei Liou, Bob Sochor, and Stephanie Matlack.

Approval of the December 18, 2003 RPC Minutes

Mr. Gladman made a motion to approve the minutes as presented. Mr. Schmidt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

January 21, 2004 Executive Committee Minutes

1. Call to order

Chairwoman Foust called the meeting to order at 8:35 a.m. Present: Holly Foust, Leslie Warthman, Dick Gladman, Steve Burke and Jim Ward. Staff present: Phil Laurien and Stephanie Matlack.

2. Approval of Executive Committee Minutes

- a. December 10, 2003 – *Mr. Gladman made a motion to approve the*

- a. **Consideration of Comp. time/flex time** – Mr. Laurien proposed an amendment to the Employee Handbook to allow compensatory time off for salaried staff for overtime hours worked. DCRPC staff worked a total of 410.75 hours of uncompensated overtime in 2003 (2002=477 hours of overtime). Staff bonuses have not been issued since 2001. After some discussion the Committee agreed to have Mr. Laurien present the proposed language at the next Executive Committee meeting. Mr. Burke said he would send Mr. Laurien a copy of the language used by the Board of Health as a sample.
- b. **Mileage reimbursement rates** – Mr. Laurien stated that the IRS set mileage rates for 2004 at 37 cents per mile. The Committee agreed to accept this rate for reimbursement.

7. Adjourn

Mrs. Warthman made a motion to adjourn the meeting, seconded by Mr. Burke. VOTE: Unanimously For, 0 Opposed. Motion carried.

Meeting adjourned at 10:05 a.m.

The next regular Executive Committee meeting will be Wednesday, February 18, 2004 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

03-29-S.V **Ed Grover – Grover’s Subd. – Berlin Twp. – requesting a variance to develop a Common Access Driveway with**

a fourth lot without existing frontage

I. Request

The applicant wishes to develop a Common Access Drive subdivision where four lots would access the CAD. Three lots currently exist as flag lots with their legal frontage on 3 B’s & K Road, but share a driveway that accesses Africa Rd. The driveway runs across a private airstrip (Jim Head runway) to access Africa Rd. All of the lots use the private airstrip. Each of the owners owns and flies a private plane(s). Mr. Grover has lived at this location in 1975 and wishes to subdivide his 8.66 acres lot to create an additional house lot.

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 configuration of the lots is unique to the site in that it is surrounded with other development to the north, USA Lands to the west, and an existing airstrip to the south.
3. The CAD will formalize the access agreement between the three existing lots, provide an easement for access to Africa Road, and provide an additional building site.
4. The resulting lots will be over 4 acres each, where the zoning defines 1-acre minimum.
5. A CAD subdivision plat will have to be filed, which will require the signatures of all the affected landowners (Grover, Perone, Edgerton, Head and Sullivan).

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.
 - **The three existing lots currently utilize the access point on Africa Road. The variance will upgrade the drive while adding only one additional lot.**
2. The conditions upon which this variance request is based, are unique to the property for which this variance is sought.
 - **The configuration of the existing lots and the surrounding development is unique to the site.**
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.

- **The applicant could develop a three lot CAD, with one of the existing lots using its access to S. 3Bs and K Road. The addition of the fourth lot minimizes the amount of curb-cuts and should be encouraged. If the two lots with access to 3 B's & K Road wish to access the CAD, they will be required to sign the plat and be included in the maintenance agreement.**

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.
- **The intent of the regulation is for the safety of the public. The CAD does not impair this intent.**

IV. Staff Recommendation

DCRPC staff recommends **Approval** of the variance for a four-lot Common Access Drive requested by Ed Grover to the DCRPC. Staff notes that the granting of the variance does not guarantee subdivision plat approval, since signatures of all affected land owners must be secured on the plat.

Commission / Public Comments

Mrs. Karen Coffman of Scioto Land Surveying Service was present to represent the applicants.

Mr. John Schmidt asked if approving this application would set a precedent? Mr. Laurien stated no, because they could create a 3 lot CAD from the other direction. This would require constructing a new driveway. Normally the frontage is all facing the same road the CAD comes off. This is going in two directions so it is unique.

Mr. Gladman made a motion to approve the variance request, Mr. Schmidt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

02-04 ZON Grace Baptist Church – Radnor Twp. - 5 acres from FR-1 to PINS

I. Location

North side of S.R. 37, about 900 feet west of S.R. 203 (3180 S.R. 37), Radnor Township

II. Request

The applicant is requesting a zoning map change from Farm Residential (FR-1) to Planned Institutional (PINS) for 5.0 acres in Radnor Township. The applicant has obtained property further west on S.R. 37 and has a long-term goal of moving from their existing facility due to increasing attendance. This rezoning is intended to bring an existing church into conformance with the Delaware County Zoning Resolution.

III. Conditions

- Present Zoning:** Farm Residential District (FR-1)
- Proposed Zoning:** Planned Institutional District (PINS)
- Present Use(s):** Religious Organization
- Proposed Use(s):** No change in use
- Existing Density:** 1 d.u. / 1.951 acres
- Proposed Density:** N/A
- School District:** Buckeye Valley Local School District
- Utilities Available:** Del-Co Water and private septic system
- Soils:**
 - BoA – Blount Silt Loam (0 to 2% slopes)
 - BoB – Blount Silt Loam (2 to 4% slopes)
 - GwB – Glynwood Silt Loam (2 to 6% slopes)
 - PwA – Pewamo Silty Clay Loam (0 to 1% slopes)

IV. Issues

- 1) The site currently contains a one-story church building, covering roughly 10,000 square-feet, with 4 small accessory buildings. The existing church has been in operation since 1990 and houses a Christian Day School for Grades K through 12. There are currently 58 students enrolled in this program. The site currently contains a modular building that is being used for classrooms. The church membership and attendance appears to be outgrowing their location and may wish to relocate. This rezoning will allow conformance to the Delaware County Zoning Resolution.
- 2) The Religious Land Use and Institutionalized Persons Act of 2000 states that government entities cannot impose a substantial burden on religious land uses, therefore there is no imminent need for the church to rezone since it is an existing protected land use. In the interest of compliance

and for potential reuse or resale however, the church is agreeable to requesting Planned Institutional zoning, which should not be unreasonably denied given the circumstances.

Surrounding land uses include the Delaware Church of Christ to the east and large-lot single-family residences to the north, south and west.

V. Conformance with Development Standards

The submitted plan does not conform to the following development standard, of the Delaware County Zoning Code:

Article XXV, General Development Standards: Section 25.01(b), Paving:

“All common parking areas and adjacent aisles or driveways are recommended to be paved with an asphalt material or concrete.”

The applicant has requested a divergence to allow zoning conformance using the existing gravel parking lot. Staff feels that this request is reasonable and would not harm the intent of the Delaware County Zoning Resolution.

VI. Criteria for Approval

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

Staff Finding: Yes. The existing development is consistent with this district's purpose. This rezoning would make a potentially non-conforming use conform to the adopted zoning code.

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

Staff Finding: Radnor does not currently have a comprehensive plan. The 1993 Delaware County Master Plan listed Radnor Township in its "North" Planning Area. This area was recommended to maintain its rural character. This parcel has not changed uses since this plan was adopted and therefore generally conforms to the county's master plan.

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

Staff Finding: Yes. The DCRPC staff believes that this existing development does advance the township's general welfare and that of the surrounding communities.

VII. Staff Recommendations

Staff recommends **Approval** of this rezoning case from FR-1 to PINS for the Grace Baptist Church to the DCRPC, the Delaware County Zoning Commission and the Delaware County Commissioners.

Commission / Public Comments

Mrs. April Sanchez of Sanchez and Wolf was present to represent the applicant. She stated that the staff did a fair presentation of facts regarding the request.

Mr. Gladman made a motion to recommend approval of the zoning request for Grace Baptist Church. Mr. Shoaf seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Fowler). Motion carried.

**01-04 ZON NorthStar LLC – Kingston Twp. – 92 +/- acres from
FR-1 to REC**

This application is submitted by NorthStar LLC in order to develop a golf course north of Wilson Road in Kingston Township.

I. Conditions

Present Zoning: Farm Residence District (FR-1)

Proposed Zoning: Recreational District (REC)

Present Use: Agriculture

Proposed Use: 7 holes of a proposed 18-hole golf course

Existing Density: 1 du / 1.95 acre

Proposed Density: N/A

School District: Big Walnut

Utilities Available: Del Co Water, proposed sanitary treatment plant with land application, County maintenance.

Soils: Cardington Silt Loam, 2 to 6 percent slopes (CaB)
 Bennington Silt Loam, 0 to 2 percent slopes (BeA)
 Bennington Silt Loam, 2 to 6 percent slopes (BeB)
 Sloan Silt Loam, 0 to 2 percent slopes (SnA)
 Amanda Silt Loam, 12 to 18 percent slopes (AmD2)
 Pewamo Silty Clay Loam, 0 to 1 percent slopes (PwA)

II. Background

Northstar LLC recently proposed a 1,700-acre mixed-use development in Kingston and Berkshire Townships. The development as proposed would include a mixture of single-family and multi-family residences, approximately 300 acres of commercial/office uses, an 18-hole golf course, and reserves set

aside for a fire station and school. The developer would build a sanitary system and wastewater treatment plant with land application of the treated effluent on the golf course and open spaces within the project. Zoning for Northstar was approved in Berkshire Township but was defeated by referendum in Kingston. The developer is exploring all options for how to proceed in Kingston, but for the moment, wants to begin construction of the golf course, a portion of which lies in Kingston (7 holes on 92 +/- acres). A rezoning to Recreational District (REC) is required since golf courses are not a permitted use in the Farm Residential District (FR-1).

III. Staff Comments/Issues

A. *Compliance with Comprehensive Plans:* Kingston Township does not have a locally adopted comprehensive plan. The township has been working on a plan with DCRPC staff assistance since the Fall of 2001. Recommendations for this area of the Township have not been finalized in the wake of the recent referendum of Northstar.

The proposed use complies with the purpose and intent of the Recreational District in the Zoning Resolution. Section 18.01 states; “ The purpose of the Recreational District is to permit the construction and use of private, semi-public and public recreation facilities within the Township (whether or not established and operated for commercial gain), provided the proposed location of such facility recognizes and protects unique natural scenic areas for conservation of open space and for recreational uses. Proposed recreational facilities are encouraged in low-density areas with a fostering of essentially non-urban activities or activities which are not likely to create a nuisance in terms of noise, odor, smoke and the like to adjoining property owners. It is a further purpose of this district to encourage development of recreational activities upon such lands which are participatory in nature.”

B. *Compliance with Recreational (REC) standards:*

1. Utilities/drainage – The application includes service letters from the original PRD application, including Del-Co Water, County Sanitary Engineer, and Porter-Kingston Fire Department. Since this request is for the golf course only, the letters are adequate. The text indicates that existing drainage is handled through Butler Run and Little Walnut Creek, neither of which is shown anywhere on the plan. It also states that stormwater retention ponds will be provided on site, but none are shown.
2. The applicant indicates that existing and proposed structures/features are included on the preliminary development plan (exhibit D). This plan is

the same plan submitted in the PRD request and includes single family houselots and other features from the Northstar development (the applicant states that these should be ignored). This graphic is unacceptable since no residential zoning has yet been approved. Furthermore existing features are not shown, nor is a landscaping plan provided.

3. Traffic – Access to the golf course is via Wilson Road in Berkshire Township. No direct vehicular access will be in Kingston.
4. Divergence/variance – The applicant has not requested any divergences, but 2 items in the development standards are not in compliance. The Recreational District requires a maximum lot depth to width ratio of 4 to 1 (Section 18,07 B). This is a difficult standard for a golf course since they are rarely rectangular. The district also requires that all lots have at least 300’ of road frontage (Section 18.07 E). Since the majority of the golf course, as well as the access, is located in Berkshire Township, these items should not be a concern and a divergence is reasonable. The shape of the zoning request is unusual and creates a peninsula of FR-1 with only 60’ of access surrounded by REC zoning. The Township should determine if this is appropriate or if the FR-1 “peninsula” should be added to the golf course area in the REC district.

IV. DCRPC Staff Recommendation

Staff recommends **conditional Approval** of the FR-1 to REC rezoning application by NorthStar LLC. to the RPC, Kingston Township Zoning Commission, and Kingston Township Trustees, *subject to staff comments stated in III above.*

Commission / Public Comments

Mr. Robert Weiler and Mrs. Kathy Cook (golf course designer) were present to answer any questions from the Commission. Mr. Weiler stated that the golf course construction has begun in Berkshire Twp.

Mr. Gunderman asked if the applicant intended to have residential around the golf course. Mr. Weiler stated yes. Mr. Gunderman asked if no residential approvals are given would the golf course be sufficient. Mr. Weiler said yes.

Mr. Spanner made a motion to recommend conditional approval of the zoning request for NorthStar LLC, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

03-04 ZON Beverly Rider – Harlem Twp. - 2.997 acres from AR-1 to FR-1

Location: Just south of 16160 Lewis Road, approximately 2000 feet southwest of S.R. 37.

I. Conditions

Present Zoning: Agricultural Residential (1 du/5 ac.)

Proposed Zoning: Farm Residential (1 du/2 ac.)

Present Use: Agricultural

Proposed Uses: Single family building site

School District: Big Walnut

Utilities Available- Personal wells and septic systems

Soils: CeB Centerberg Silt Loam 2-6% slope

BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

PwA Pewamo Silty Clay Loam 0-1% slope

Surrounding Land Uses: Agricultural land and single family acreage lots, all at least 5 acres.

II. Issues

This rezoning case was heard previously by the RPC in February of 2002, along with an area to the north. At that time, it was noted that the case to the north would result in numerous curb cuts along Lewis Road.

Comprehensive Plan - The Harlem Township Master Plan was adopted in 1988.

The township still reflects a rural, low-density character, particularly on the eastern side of the township. The goals set by the master plan include retaining quality residential development at a low density. The plan map designates the area south of Lewis Road as “Agricultural” and the area to the north as “Residential”. All surrounding land that has been split into single-family parcels has been developed according to the standards of the AR-1 density and surrounding lots are at least 5 acres in size.

The site is just under 3 acres, formed between two 5 acre lots, providing an access strip for a potential flag lot. Such zoning has the potential to create a pocket of higher density in the middle of lower density. This new lot and the potential flag lot adjacent to it would each require its own access to a road that is listed in the ODOT road inventory as treated stone with a road width of only 10 feet. Since the Comprehensive Plan implies the lowest density for this location, there is no Township reason to rezone to higher density at this time.

III. DCRPC Staff Recommendation

DCRPC staff recommends **Denial** to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees for the request for FR-1 zoning for 2.997 acres on Lewis Road in Harlem Township. If the Township wishes to see higher densities in the eastern portion of the Township, they should begin by amending their Comprehensive Plan to reflect a higher density.

Commission / Public Comments

Mr. John Faber of Floyd Browne Associates was present to represent the applicant. He stated that there wasn't enough frontage to split a 5 acre lot.

Mr. Terry Dillon (adjacent property owner to the south) stated that all the surrounding lots are 5 acres or more. He stated that in the past he tried to purchase less acreage but the owner would not sell it. He wanted the lots to remain over 5 acres. Mr. Dillon added that many of the residents are opposed to a lot size of less than five acres.

Mr. Gunderman made a motion to recommend denial of the rezoning request by Beverly Rider, based on staff comments. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

04-04.A ZON MTB Corp. – Orange Twp. – 68.86 acres from FR-1 to PC

Location: South side of Home Road, West side of U.S. 23 (Columbus Pike).

I. Conditions

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Planned Commercial and Office (PC) (42.94 acres in retail,

25.92 acres in retail and office)

Present Use: Vacant agriculture and wooded

Proposed Uses: Retail center with office park to the west

Existing Density: 1 du/acre

School District: Olentangy

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

Soils: GwB – Glynwood Silt Loam, 2-6% slope

GwC2 – Glynwood Silt Loam, 6-12% slope

BoA – Blount Silt Loam, 0-2% slope

PwA – Pewamo Silty Clay Loam, 0-1% slope

LyD2 – Lybrand Silt Loam, 12-18% slope

Surrounding Land Use: To the west is single family residential along Home Road, with lots of 1.5 acres attached to undeveloped acreage south of the road-frontage lots. To the east is undeveloped land identified on the 2001 Orange Township Comprehensive Plan as Planned Office and Planned Commercial. To the south is the North Orange Subdivision, a Planned Unit Development of single family, multi family and commercial uses approved in 2001 by Orange Township. To the north across Home Road is the deep ravine of Weeping Rock Creek and several large acreage wooded lots.

II. Plan

The site is generally flat with a wooded area in the southwest corner and a ravine with a jurisdictional stream bisecting the site parallel to the southern border.

A major feature of the design is the relocation of Home Road. Home Road will sweep south from its current location, meeting U.S. 23 approximately 400' south of its current intersection. This relocation was recommended by the Orange Township Comprehensive Plan to facilitate a better location for the extension of Home Road to the east. Moving the intersection will allow Home Road extension to avoid a deep ravine to the east and also increases the distance between it and Lewis Center Road. The signal will be moved to the new intersection and the unused portion of Home Road will be removed. The plan also includes the extension of Gooding Blvd. north from the North Orange development, bisecting this site and intersecting with Home Road.

Sub Area 1 – 42.94 acres

The design includes two large strip retail centers totaling 256,000 square feet of retail space oriented toward U.S. 23. A right-in/right-out-only access road enters the site from U.S. 23, going between the centers and connecting to Gooding Boulevard. Two outbuildings are located on either side of the access road near the 23 frontage.

There is one outlot located on the north side of (relocated) Home Road and 4 lots on the south side.

Sub Area 2 – 25.92 acres

The west side of Gooding is noted as additional Planned Office and Commercial. The site plan notes 10,000 square feet per gross acre of retail and additional office space (potentially 259,200 s.f.), but does not include a design for this area. It is expected that the planned district zoning will be amended as tenants are identified for the western portion of the site.

The remainder of the land includes 45 units of proposed multi-family being reviewed separately under RPC#04-04.B ZON. An existing wooded ravine will buffer the north side of the condominiums from the commercial and office uses to the north.

The 2001 adopted township Comprehensive Plan recommends the total 68.861 acres of land to be Planned Commercial and Office.

III. Conformance with Development Plan requirements

The applicant has provided a detailed text that addresses the Development Plan requirements of the township's PC zoning text. The following are concerns with the application:

- 1.) **Architectural design criteria** has been submitted along with proposed elevations for the major retail buildings fronting U.S. 23. The buildings will present a unified theme while allowing for individual storefront design and use of varying materials. Also, it is noted that the sign code will be followed for any signage within the site, but no sign detail is included.

Comments: This approach has the potential to create a unique look among other developments along U.S. 23, avoiding a strip mall look. The area where the access road passes between the two large buildings presents an opportunity to create a pedestrian-oriented town center commercial area. Consider moving the buildings closer to the road and perhaps draw the two outbuildings toward the interior intersection to take advantage of this arrangement. Sample signage should also be included to the Township.

- 2.) **Provisions for water, sewer, drainage...**

Comments: Utility letters have been provided and the applicant intends to develop provisions for storm water management in compliance to Delaware County regulations.

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

Comments: Gooding Boulevard will serve as the major backage road, so traffic is adequately handled at existing and proposed signals on U.S. 23. The access road should be reconfigured to cross Gooding and enter the condominium development to the west. The applicant has received preliminary approval from the County and ODOT regarding proposed access points and signal locations.

4.) **Compatibility with existing and future probable uses**

Comments: This development appears to be compatible with the portion of North Orange to the south. Generally, the area between Gooding Blvd and U.S. 23 is commercial with residential to the west of Gooding. In this case, the commercial and office area to the west of Gooding could be an appropriate transition area between the large retail of Sub Area 1 and the existing residential to the west of the site. However, there is no detail provided for Sub Area 2 and no preservation noted for the existing wooded buffer along the property line. A pedestrian link should be provided to the condominium site to the west. In addition to the 45 proposed units within the MTB site, 235 condominiums are proposed for the North Orange development immediately to the south.

5.) **Location of Schools, Parks and other facilities**

Comments: The applicant notes that the new Orange Township park is just ½ mile south of the site. However, some additional common open space could be created within the wooded portion of the site for the Clear Creek condominium development.

6.) **Timetable and phasing:** The applicant is requesting a divergence from the phasing plan requirement.

Comments: This is a logical request given market conditions. However, it is reasonable to ask for more detail in the area to the west of Gooding Blvd. It is premature for the Township to commit to 10,000 s.f. of retail per 25.92 gross acres (259,200 s.f.) with this level of detail at this time.

IV. Conformance to the Development Standards

1.) **Building dimensions** – “Buildings may contain such area of floor space as is approved in the development plan.”

Comments: The development plan notes that the amount of square footage shall not exceed 10,000 s.f. per gross acre, except for multi-story office buildings which will not exceed 12,000 square feet. It is unclear if this pertains simply to the size of the buildings or if it indicates an increase in the overall square footage allowed. As stated previously, it may be premature to commit to a maximum square footage with this level of detail.

2.) **Landscaping** – “All yards...shall be landscaped...such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.”

Comments: The applicant has submitted a sample landscaping treatment for the buffer along U.S. 23, but not for the area around the buildings or within the parking lots. The Township should assure that a landscaping plan is developed throughout the zoning and development plan process to achieve the goals of the Township.

3.) **Site Development** – “To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent shall be maintained.”

Comments: The application states that the developer will work with the OEPA and ODNR to maintain existing streams in as natural a form as possible. However, the wooded ravine through the eastern portion of the site is shown as a parking area in the plan. The developer should consider reconfiguring the parking area so that a portion of the existing swale can be preserved. Also, in addition to the 100’ building setback from the stream in Sub Area 2, a no-build/no-disturb area should be added over the stream and wooded ravine.

4.) **Parking** – “Off-street parking shall be provided...with adequate provisions for ingress and egress according to the development plan.”

Comments: The application states that the parking standard for Sub Area 1 will be a ratio of 1 space per 200 s.f. of gross floor area. Sub Area 2 will provide 1 space per 250 s.f. of gross floor area. This complies with the Township’s standard and should be sufficient. However, depending on the mixture of retail uses, shared parking areas might reduce the number of parking spaces.

V. Required Findings for PC zoning

The Zoning Commission and Trustees may approve a Planned Commercial 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.

DCRPC Staff Finding: The overall development plan is generally consistent with the general standards of the resolution, but a detailed landscape plan should be shown.

- 2.) That the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.

DCRPC Staff Finding: The 2001 Comprehensive Plan recommends Planned Commercial and Office and the relocation of Home Road. This proposal does comply with the Comprehensive Plan.

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

DCRPC Staff Finding: The development plan generally does advance the health, safety and morals of the Township.

VI. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the proposed zoning change for 68.86 acres of PC, *subject to:*

1. *Submission of a sample signage design plan.*
2. *Consideration of revising the access road to align with the condo entrance to the west.*
3. *Addition of pedestrian access to the site from Gooding Boulevard.*
4. *Recommendation that the township not commit to a particular square footage of development before a more detailed plan is submitted.*
5. *Inclusion of a detailed landscape plan throughout the zoning and development plan process.*
6. *Noting no-build/no-disturb areas along the existing ravines and treelines.*
7. *Consideration of a reduction in parking, depending on the mixture of retail uses, if allowed by the Township.*
8. *Continue to work with ODNR Scenic Rivers division (Tim Peterkoski, 614-265-6422) on possible ravine preservation, stormwater runoff issues and design constraints.*

Commission / Public Comments

Mr. Ted Miller of Floyd Browne Associates was present to represent the applicant along with Mr. Jim Schmidt of MTB Corp. Mr. Miller stated that they would work with the Township on the sign design and landscaping plans. He stated that with regards to the staff comment of aligning the access road with the condo entrance, there was difficulty in aligning the roads because there are some trees in the ravine. They placed the water quality basin off to the side and wanted to preserve that area. Until the users have been identified, the square footage has been designed around Orange Twp.'s regulations. There will be a 25' setback from the jurisdictional waters. The pedestrian access will continue along Gooding Blvd. He stated the pedestrian access is a pretty important aspect of the plan. They will also be working with ODNR.

Mr. Robert Vennemyer (285 Home Road) stated that his house is the 3rd house down from US 23. He was present to see if there were any more definitive plans for Sub Area B (office space). He is concerned about the amount of traffic that will be generated from this property and the lack of access from the parking area back onto US 23.

Mr. Werner asked if there is a traffic light planned for the intersection of Gooding Blvd. and Home Road. Mr. Pike stated that not at this time but it will be monitored.

Mr. Werner asked if there is a sight distance concern to the west. Mr. Pike stated they have asked Floyd Browne to address that and further review will take place during the engineering review. Mr. Miller stated that the possibility of a signal might be determined during the traffic study. Mr. Laurien stated that the realignment was in ODOT's 23 Access Management Plan and was endorsed in the Delaware County Thoroughfare Plan.

Mr. Gladman made a motion to recommend conditional approval of the rezoning request by MTB Corp., subject to staff comments. Mr. Snajd seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Gunderman). Motion carried.

04-04.B ZON MTB Corp. – Orange Twp. – 14.33 acres from FR-1 to MFPRD

Location: West side of Columbus Pike (US Route 23), south of Home Road in Orange Township, by Planned Communities.

I. Conditions

Present Zoning: Farm Residential (FR-1)
Proposed Zoning: Multi-Family Planned Residential (MFPRD)
Present Use: Vacant agriculture
Proposed Uses: 45 multi family condominiums
Existing Density: 1 du/acre
Proposed Density: 3.13 du/ gross 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

II. Issues

1. These 14.33 acres are part of the Clear Creek Development Plan presented by MTB for the development of the Southwest corner of Home Road and US 23. Clear Creek is a mixed-use planned unit development that will be segmented into zoning cases for each of the individual tracts.
2. The Clear Creek Development Plan is intended to conform to the locally adopted land use plan for each of the tracts. The 2001 adopted township Comprehensive Plan recommended these 14.33 acres of land for Planned Commercial and Office use. This 14-acre section, however, is topographically separate from the other two tracts. It is a narrow ridge top, too narrow for either commercial or single family development without significant overgrading that would spoil the natural drainage swale. A 235-unit multi family development lies adjacent to the south, and the proposed condominiums (15, 3-unit buildings) fit this narrow and isolated site topography. A ravine with 12-18% slopes will provide the separation from future office uses to the north.
3. If the Township concurs with the MFPRD rezoning, the Orange Township Comprehensive Plan should be amended to Proposed Multi-Family for this site.
4. The development is also intended to conform to the recommendations of the US 23 Access Management Standards by ODOT. The traffic signal at the existing Home Road and US 23 intersection will be relocated 600 feet to the south, at the developer's expense. Home Road will be relocated through Clear Creek and the old portion of Home Road would be abandoned. An

extension of Gooding Boulevard from the North Orange development to the south will service the local traffic.

5. Preservation of Stream corridors- the application indicates that ODNR has been contacted regarding potential surface water impacts to the Olentangy River, which lies 4200 feet to the west. Appropriate setbacks from the ravine should be established by ODNR to reduce siltation and runoff (contact Tim Peterkoski at 614 265-6422).

III. Conformance with Development Standards

- 1.) Sanitary Sewer- by letter dated December 3, 2003 the Delaware County Sanitary engineer has noted "sanitary sewer service is available to this property at this time through the North Orange Development. Please be aware that because of the pace of growth in southern Delaware County, sanitary sewer capacity is dynamic in nature. Therefore, capacity for the proposed developments is good for one year from the date of this letter."
- 2.) Water - Del-Co water has indicated they can serve the development.
- 3.) Other Utilities- Verizon phone, Columbia Gas and AEP electric can all provide service.
- 4.) Proposed Traffic Patterns and their relationship to existing conditions- as mentioned previously under issues, the traffic issues are being resolved in accordance with the US 23 ODOT access management plan, the Delaware Co. Thoroughfare Plan and the Orange Township Comprehensive Plan by relocating Home, moving the traffic light approximately 600' to the south, and by extending Gooding Boulevard as a parallel access road. ODOT is aware of the project and in agreement with the improvements.
- 5.) Compatibility with existing and future probable uses- the residential uses at this location are appropriate and conform to existing and future probable uses. Adequate buffering must be provided between Gooding Boulevard and the condominiums. There should be sidewalk/pedestrian connection to Gooding Blvd.
- 6.) Compliance with all requirements of the Planned Districts-
 - a.) No overall landscaping plan is included. The development plan indicates potential trees but does not include a legend or any kind of detail. The small 8-1/2" x 11" "landscape Plan" is in black and white and only shows a detail for mounding systems, but again no

mention of actual plant material. This is inadequate.

- b.) No detailed drainage plan is shown. A ravine/drain swale runs east to west along the northern boundary of the proposed condo site. It is possible that there will need to be site plan revisions upon completion of more drainage analysis for the site. Drainage from this development will run to the Olentangy, a state scenic river. ODNR Scenic rivers staff may have approval authority over some of the drainage design due to proximity to the Olentangy River. Contact Tim Peterkoski.
- c.) Architectural design criteria- a set of verbal criteria and a black and white elevation is submitted. Exterior claddings are listed as “brick, wood, stone, cultured stone, stucco, EIFS or cementitious siding”. Aluminum and vinyl shall only be used for trim materials, but not for siding.
- d.) Divergence requested- the applicant requests a divergence for a specific timetable for construction, since their users are not yet determined.

IV. Required Findings for MFPRD - The Zoning Commission and Trustees may approve a Planned Residential Development 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.

DCRPC Staff Finding: The overall development plan is generally consistent with the general standards of the resolution.

- 2.) That the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.

DCRPC Staff Finding:

The 2001 Comprehensive Plan recommends Planned Commercial and Office for this location. Due to the narrow nature of this ridge top, condominium development is reasonable if the township concurs. If they do concur, it is suggested the Comprehensive Plan should be amended concurrent with the rezoning to MFPRD.

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

DCRPC Staff Finding: The development plan generally does advance the health, safety and morals of the Township.

V. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the proposed zoning change for 14.33 acres of Planned Multi Family Residential *subject to*:

- 1. *Inclusion of a detailed landscape plan with cross sections if requested by the Township.*
- 2. *Check with ODNR Scenic rivers division (Tim Peterkoski) on possible storm water runoff issues and design constraints.*
- 3. *No occupancy of the condominiums should be permitted until the Home Road relocation is completed and the signal is moved 600 feet south on US 23.*

Commission / Public Comments

Mr. Jeff McNealy of Porter, Wright was present to represent the applicant. Mr. McNealy said that they generally concur with the staff recommendations. He stated that the Comprehensive Plan did envision this type of development in tracts that were difficult to use for single family. (He referenced text on page 148 – “condominiums or empty nesters or exclusively elderly housing may fill in some pockets that are too oddly configured for single family homes”.) He believes this submittal conforms to that portion of the Plan. The big issue Mr. McNealy has with the staff recommendations is number 3, regarding no occupancy of the condo’s until the relocation of Home Road is completed and the signal is moved along US 23. The other recommendations are technical ones that are normally developed in the platting process including the traffic study. The relocation of Home Road is about \$1 million. This project itself cannot support that. It would be more appropriate that as a condition of the commercial development (RPC# 04-04A ZON) to the north that Home Rd. be relocated. The extension of Gooding would extend up to Home Road as commercial goes forward. This condo site is not going to drive traffic from Gooding onto Home Road. Mr. McNealy requested that the Commission approve the application with staff comments, eliminating comment number 3. Any technical comments would be addressed at the Township.

Mr. Laurien stated that condition number 3 is just a suggestion to Orange Twp and it doesn’t really need to be deleted. Mr. Laurien stated that the Commission has seen many developments where a developer just wanted to get the residential in and the commercial might come later. His concern is that these units would probably have 400 trips per day and while that is certainly less than what would be generated by the commercial, is it appropriate to put all that at the end of a dead end street and not have another access point out? Mr. Laurien stated that

that is up to the Township to decide.

Mr. Gladman asked if the applicant is working out an emergency access connection to the adjoining developments? Mr. McNealy stated that they had proposed an emergency access (to the south), assuming that Epcon would permit it. They do not have confirmation yet.

Mr. Gladman stated that Orange Twp. is very concerned about the Gooding Blvd. and Home Road connection to be made as soon as possible.

Mr. Jim Schmidt of MTB stated that he has already met with Mr. Peterkoski (ODNR) twice regarding this project.

Mr. Gunderman stated that it's the developer's phasing that is causing the problem. It's their desire to build the condos immediately instead of combining it with retail that is creating the situation. Mr. McNealy stated that is the economics of the deal. If the County had the money to go forward and put Home Road in, which they independently have said is justifiable without this project, then that should have happened first. But to put it all on the backs of the developers of this site is not economically viable.

Mr. Gladman made a motion to recommend conditional approval of the rezoning request by MTB for 14.33 acres of Planned Multi-Family Residential subject to staff comments. Mr. Werner seconded the motion. VOTE: Majority For, 2 Opposed (Mr. Gunderman and Mr. Pike). Motion carried.

05-04 ZON **Peter Hill – Berlin Twp. – 10.6 acres – modification of existing plan (PCD)**

I. Location

160 South 3 B's & K Road, Berlin Township

II. Request

The applicant is proposing amendments to their approved 1998 PCD development plan. They are proposing to reduce the size of a planned office building for the purpose of adding a car wash. DCRPC previously reviewed this case (#03-98 ZON) on January 22, 1998.

III. Conditions

Present Zoning: Planned Commercial and Office District (PCD)

Proposed Zoning: Planned Commercial and Office District (PCD)

Present Use(s): Commercial: 5 storage unit buildings and outdoor storage
Proposed Use(s): Commercial: add 3 storage buildings, 2 office buildings & 1 car wash

School District: Olentangy Local School District

Utilities Available: Del-Co Water and County Sewer

Soils: BeA – Bennington Silt Loam (0 to 2% slopes)
BeB – Bennington Silt Loam (2 to 4% slopes)
CaB – Cardington Silt Loam (2 to 6% slopes)
CaC2 – Cardington Silt Loam (6 to 12% slopes)
LbF – Latham-Brecksville Complex (25 to 50% slopes)

IV. Issues

- 1) Surrounding land uses include Hill's Blacktop office and yard to the north, the ODOT maintenance facility to the east, and Hill's Stone Company and a single-family residence to the south. Open land and woods stretch to the west toward Alum Creek State Park. The surrounding zoning is Planned Industrial and Industrial Districts to the north (PID and I) and Neighborhood Commercial (NCD) to the west and south. The land in Berkshire Township to the east is zoned Planned Commercial Office District (PCD) and Farm Residential District (FR-1).
- 2) Five mini storage buildings are currently located on this site with a fenced outdoor storage area along the south property line. The applicant is proposing to amend their previously approved development plan in order to add a car wash. This amendment would remove approximately 16,800 square feet of proposed office space for a 7,000 square foot car wash to be added to the plan.
- 3) The applicant has submitted a phasing plan in order to anticipate project completion. They plan to have the car wash open 1-year after zoning approval. The large office building is planned to open in December 2006, the 3 remaining storage buildings are planned to open in December 2008 and the front office building is planned to open December 2010.
- 4) There are two existing access points to the property from 3 B's & K Road: (1) a drive on the north to access the storage units and (2) a drive on the south to access the outdoor storage. Both entrances are paved. One additional drive is proposed between them to access the storage units and proposed offices. The car wash would draw traffic primarily from the northern drive with a proposed 10' tall by 7' wide sign that will be elevated 5 feet to advertise the car wash and future office tenants.
- 5) The Berlin Township Comprehensive Plan proposes a new parallel

“backage” road “H” to connect 3 B’s & K Road with Africa Road in the approximate location of the car wash. Although the road alignment is suggestive and can be moved, the general idea was to avoid a 30-foot deep ravine that divides the land between the Hill property and Jerry Greer. This road would align with an east/west connection road through the MTB land on the east side of 3 B’s & K Road in Berkshire Township. A preliminary alignment of Road H was drawn by R.D. Zande Associates for MTB Corp. showing the Road H running under the high tension power lines on the Hill property.

The location of this parallel access road is critical to the future development of the Hill property and the U.S. 36 frontage lands of Yontz, Land Five and Greer, and MTB to the east.

Before the car wash development plan is approved the backage road alignment should be determined jointly by all the landowners affected and some agreement should be reached about how to finance and when to construct such road. ODOT District 6 should be included in this discussion and their possible participation included.

- 6) The development plan is not accurate to scale and there is inadequate detail to determine if proper traffic flow can work as the building is placed without backing up cars waiting in line onto 3 B’s & K Road. The development plan needs to be redrawn to an appropriate scale and incorporate all potential aspects of this development.
- 7) Edge of pavement needs to be delineated on the development plan. The applicant should prove to the Township that they conform to the Maximum Lot Coverage regulation: Article XV, Section 15.07(d).
- 8) It doesn’t appear that the planned storm-water drainage system has been installed. A phasing of this system should be included in the project timetable.
- 9) The proposed sign is too tall, too big and too close to the road right-of-way. It should be removed from this rezoning application, unless it is amended to conform to Article XXII, Section 22.03(c) of the Berlin Township Zoning Resolution.

V. Conformance with Development Plan Standards

The submitted plan does not conform to the following development standards listed in the Berlin Township Zoning Resolution:

- 1) **Article XV, Section 15.07(d): Maximum Lot Coverage:** “On no lot or parcel in (the PCD) zoning district shall structures and paving cover more than fifty percent (50%) of the lot area. Structures shall cover no more than twenty-five percent (25%) of the lot or parcel area.”

Staff has estimated that the planned paved areas and building coverage is approximately 85%, where 50% is allowed by Section 15.07(d). Edge of all paved areas should be delineated on the plan to assist in this calculation. The applicant should provide total lot coverage calculations on the plan. This lot coverage issue should be addressed with the Township and it should be determined whether the intent of the Zoning Resolution was to include gravel areas in this calculation.

- 2) **Article XXII, Section 22.03(c): Freestanding Signs Identifying Commercial of Office Complexes:** “The maximum height of such sign should not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line.”

The proposed sign did conform to the Zoning Resolution when it was approved in 1998, however it has not yet been installed. Since its original approval, Berlin Township has created signage regulations that prohibit freestanding signage within 15 feet of the road right-of-way. The proposed sign appears to be 8 feet from the right-of-way on the plan. This dimension should be labeled. It also has a surface area of 70 square feet per side. This exceeds the size limits provided by the Zoning Resolution. The applicant should use Section 22.03(c) as a model for design of a new sign. In order to use this proposed sign, the BZA would have to issue a conditional use permit. Staff feels the proposed sign is too tall and too large for the site. A reasonably sized monument sign may be more appropriate.

VI. Criteria for Approval

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

Staff Finding: No. The development plan is incomplete.

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

Staff Finding: No. The 1999 Berlin Township Comprehensive Plan recommends an access Road H that will cross the northern flag of this property. The applicant should work with the Township, ODOT and surrounding property owners to determine proper alignment of this new roadway and potentially dedicate appropriate right-of-way.

- 3) If the proposed development advances the general welfare of the Township and the immediate vicinity.

Staff Finding: Not yet. The development plan and access issues are incomplete. Staff does feel that the proposed car wash could advance the general welfare of the area if adequate measures are taken to the access road between Africa Road and 3B's & K Road, south of U.S. 36/S.R. 37, as recommended by the 1999 Berlin Township Comprehensive Plan, and if the other issues noted are resolved.

VII. Staff Recommendations

Staff recommends **Denial** of this PCD rezoning case by Peter Hill to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees.

Staff could, in the future, recommend *conditional approval* of the car wash use but only *subject to the resolution of all the issues listed in this report*.

Commission / Public Comments

Mr. Peter Hill was present to answer the Commission's questions. He stated that the only thing that changed from the previously approved plan is that the front building has been reduced and changed to a car wash. The only part being paved is between the buildings. The storage complex would be gravel.

Mr. Schmidt asked why the detention ponds have not been built? Mr. Hill stated that the green area to the northwest is where the entire outlet is going. There was an area to the rear of the outdoor storage that showed a detention pond but since it is gravel he thought it would naturally drain without one. All the other areas will be storm sewered.

Mr. Schmidt asked if the proposed "backage" road "D" from the Comprehensive Plan is shown on the plan. Mr. Hill stated that there was never a definite location for it, so it was never shown on the development plan. Mr. Laurien stated that it has never been resolved but now is the time to do it since they are asking for a redevelopment. Mr. Laurien stated that at a minimum, the proposed road and a dedication should be shown. Mr. Schmidt stated that the Township should secure a right-of-way at this time. Mr. Laurien agreed.

Mr. Hill stated that he doesn't understand the recommendation for denial when this was previously approved by the RPC and the Township. The only change is the reduction in the size of the one building. Mr. Laurien stated that since that time (Jan. 1998) the Township has adopted a Comprehensive Plan and the sign codes have been changed and now the new proposal doesn't comply. Mr. Hill stated the sign was a

give and take with he and Mr. Schmidt and he was sure it would be again. Mr. Laurien stated that Mr. Hill would either have to conform to the new sign code or request a variance. Road "D" has been established as being important to the Township. Mr. Laurien believes Mr. Hill should be able to continue to use the site commercially but needs to provide a greater level of detail.

Mr. Gunderman made a motion for denial, based on staff comments. Mr. Spanner seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Schmidt). VOTE: Unanimously For, 0 Opposed. Motion carried.

**06-04 ZON Saunders Enterprises – Concord Twp. – 65.918 acres
from FR-1 to PRD**

Location: Across from 6750 Harriott Road, east of Tartan Fields Phases 14 and 16, west of Shawnee Hills.

I. Conditions

- Present Zoning:** Farm Residential (FR-1)
- Proposed Zoning:** Planned Residential (PR)
- Present Use:** Former agriculture and woods
- Proposed Use:** 99 single family homes on 12,600 s.f. lots
- Existing Density:** .66 units per acre (1 unit per 1.5 acre)
- Proposed Density:** 1.5 units per acre
- School District:** Dublin
- Utilities Available:** Del-Co Water, Public sewer via extension of the Tartan Fields land application system
- Soils:** BoA Blount Silt Loam, 0-2% slope
GwB Glynwood Silt Loam, 2-6% slope
GwC2 Glynwood Silt Loam, 6-12% slope
LyD2 Lybrand Silt Loam, 12-18% slope

II. Surrounding Land Use

To the north are lots fronting Harriott Road sized roughly 1.5 acres to 5 acres. To the south is the City of Dublin (Muirfield Village) with 14,000 s.f. lots. To the west is Tartan Fields Phase 14 and 16 with roughly 14,000 s.f. lots. To the east is Shawnee Woods, platted in 2001 with 12,000-15,000 s.f. lots. Also to the east are areas of Shawnee Hills platted in the 1920s, with lots of 3,000-8,000 s.f., some of which have been combined to form building sites.

III. The Plan

The development will be an extension of Tartan Fields, gaining access from existing phases by Rob Roy Drive and Brodie Blvd. Brodie will continue to the north and access Harriott Road. The design shows 99 lots and features two areas of open space at a total of 7.5 acres. Each open space area includes a retention basin.

An existing tree buffer along Harriott Road will be maintained and a wooded ravine will be preserved in the open space to the north. The development will utilize the same street cross-section as Tartan Fields, including sidewalks, street trees, street lights and mailboxes. The applicant is not requesting any variances from the development standards.

Additional covenants and restrictions that are common to other Tartan Fields phases are included in the application.

The open space provided will mostly be preserved as wooded areas or used for stormwater detention. This does not provide any useable open space for the residents of the development. The application states that a park is being developed in the adjacent phase of Tartan Fields behind the Eli Pinney School. As the Township continues to develop, it should assure that there is ample useable open space, distributed throughout the township. The Township should determine whether the 1.5 acres of offsite parkland noted in the plan is sufficient.

IV. Road Network

The staff notes two issues with regard to the road network. First, Brodie Blvd creates an extremely long block of homes. Second, there are three undeveloped tracts of land totaling approximately 12 acres to the east that are still in the Township. Both of these concerns could be resolved with a stub street to the east. That stub street might connect to Logan Street in the Township.

There are several existing rights-of-way within Shawnee Hills that are near the property line and could provide a location for a street connection. These roads have never been built but could be completed as the area continues to develop. The 2002 Shawnee Hills Comprehensive Plan shows a future Ridge Drive, which could continue to the stub street from this development. This would achieve a possible

connection. Of the two potential connections, Logan Street may be preferable because it is more direct. However, Logan Street does not have a modern right-of-way dedicated width, so this may be impractical as well. This issue can be resolved at the subdivision platting phase, so long as the applicant/developer acknowledges at the time of PRD zoning that a street connection may be required.

V. Conformance with Development Standards

The application appears to conform to all the development standards of the Planned Residential District.

VI. Criteria for Approval

“1) Consistent in all respects with the purpose, intent and general standards of the Zoning Resolution.”

Staff finding: The submitted plan meets the general zoning standards of the township code.

“2) In conformity with the comprehensive plan or portion thereof as it may apply.”

Staff finding: The 2004 proposed but not yet adopted Concord Township Comprehensive Plan map recommends 1.5 units per net developable acre in this area, but the Concord Township PRD zoning text does not currently require that densities be calculated using net developable acreage, so the application is in conformance to the purpose and general standards of the resolution.

“3) Advances the general welfare of the County and the immediate vicinity.”

Staff finding: The preliminary development plan does advance the public health, safety and welfare of the vicinity.

VII. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the change in zoning from FR-1 to PRD to the DCRPC, the Concord Township Zoning Commission and the Concord Township Trustees, *subject to the applicant acknowledging that a street connection may be required at the time of subdivision.*

Commission / Public Comments

Mr. Kevin Kershner of RD Zande was present. This is the natural extension of Tartan Fields. This development will have similar housing styles. There is usable open space within a half mile of this development except for 4-5 homes. With regards to the street stub, they do recognize the need for connectivity. They don't believe a stub to the Village of Shawnee Hills is needed due to the standards of the Village roads. They request that the street connection requirement be removed.

Mr. Dan Griffin of Griffin Hines Joint Venture was also present.

Mr. Laurien agreed that it may not be appropriate to connect to a future street in Shawnee Hills, but the adjoining piece, when developed, could either get exclusive access through the proposed development or access from Logan Drive, or both. Mr. Griffith stated that he would have further discussion with the Township and does acknowledge it as a concern of the RPC.

Mr. Mason was concerned with the run-off along the south side of Logan Road. Mr. Kershner stated that there is a natural drain from west to east. This site will have curb and gutters and there is a retention pond planned in the southeast section, which should help the situation.

Mr. Spanner made a motion to recommend conditional approval of the rezoning request by Saunders Enterprises, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Mason). Motion carried.

07-04 ZON Troy Twp. Zoning Commission – text amendments

Applicant: Troy Township Zoning Commission
Request: Review and comment on text amendments

I. Staff Comments

The Troy Township Zoning Commission is proposing an amendment to Article VIII Farm Residential District (FR-1) of the Township Zoning Resolution. The amendment would eliminate the portion of Section 8.06(m) that requires any driveway exceeding 500' in length to be paved. All other restrictions including references to Section 21.01 and 21.10 will remain. Staff has no objection to the amendment. Staff notes however that Section 21.10(b)(3) requires paved passing areas on driveways exceeding 500' in length. The Township should consider amending this section as well to be consistent.

II. Staff Recommendation

The staff recommends **Approval** of the text amendment to the DCRPC, the Troy Township Zoning Commission, and the Troy Township Trustees.

Commission / Public Comments

No one was present to represent the Township.

Mr. Gladman made a motion to recommend approval of the text amendments to the Troy Twp. Zoning Resolution. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

43-99.5 Harbor Pointe, Section 5 – Berlin Twp. - 14 lots / 36.59 acres

Applicant: M/I Homes of Central Ohio
Subdivision Type: Single Family Residential
Location: West side of 3 B's and K Rd approximately 1700' south of Cheshire Rd, Berlin Twp.
Current Land Use: wooded ravine and former agriculture
Zoned: PRD (Planned Residential District)
Utilities: Del-Co Water, public sewer system
School District: Olentangy
Engineer: EMH&T

I. Staff Comments

Harbor Pointe, Section 5 is the last phase of a subdivision that will include 189 single-family house lots around a series of ravines that drain to the Alum Creek reservoir. Section 5 is located on the eastern end of the development and is separated from the other sections by a large ravine. The only connection from Section 5 to the rest of the subdivision is a bike path across the ravine. Access to this section is from 3 B's and K Road via a loop street called Bay Harbor Square. Section 5 contains 14 lots on 36.59 acres (0.38 units/acre). There are 2 large open space reserves totaling 20.33 acres. The overall density of Harbor Pointe is 1.22 du/acre with lots averaging 1/3 acre on the west side of the major ravine. The 14 lots on the east side (Section 5) range from 0.74 acres to 1.32 acres and all back up to open space. Perimeter woods and large no build areas buffer the lots on the north and south of Section 5.

A technical review was held on January 20, 2004, after which the applicant has addressed the required changes.

II. Staff Recommendation

Staff recommends *Preliminary approval* of **Harbor Pointe, Section 5** to the RPC.

Commission / Public Comments

Mr. Todd Garwich of EMH & T was present to represent the applicant.

Mr. Schmidt asked if the bike path was built yet. Mr. Garwich said it would probably be built in the early spring. It is a combination deal with Killdeer Meadows across the street. It will be constructed with the water and sewer lines.

Mr. Smelker stated that the bike path is the access to the sewer easement.

Mr. Schmidt made a motion to recommend conditional Preliminary approval of Harbor Pointe, Section 5, subject to the bike path being installed with the sewer line. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

27-02.D.I Wedgewood Park, Sec. 2, Ph. D, Pt. I – Liberty Twp. - 17 lots / 12.53 acres

Applicant: Virginia Homes
Subdivision Type: Single Family Residential
Location: East Side of Riverside Drive, 3000 feet North of Powell Road
Current Land Use: vacant/former agricultural
Zoned: PRD (Planned Residential)
Utilities: Del-Co Water, public sewer system
School District: Olentangy
Engineer: C. F. Bird and R. J. Bull Inc.

I. Staff Comments

Wedgewood Park, Section 2, Phase D, Part I, is a connector from Section 1, which currently has access on Powell Road to other phases of Section 2 which connects to Riverside Drive. The plan includes Creighton Drive, which travels from east to west through the site. A Common Access Drive to the north serves two lots. Lots are generally 22,000 s.f. in size.

The entire area of Section 2 was reviewed by the RPC in December of 2002. During that meeting, the RPC staff was concerned that a portion of Phase D was not sensitive to the ravines south of this portion. The applicant is continuing to work with the Township and with RPC staff toward achieving a design that both meets the zoning criteria for lot size, while also addressing the topography and natural features of the site. Dividing Phase D into two parts allows the continued development of Section 2 while allowing the applicant to continue to work out the issues raised at the previous meeting.

A technical review was held on January 20, 2004, after which the applicant has addressed all of the other required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **Wedgewood Park, Section 2, Phase**

D, Part I to the RPC.

Commission / Public Comments

Mr. Andrew Gardner of Bird + Bull was present to represent the applicant.

Mr. Werner made a motion for Preliminary approval of Wedgewood Park, Section 2, Phase D, Part I. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Chairwoman Warthman asked if there were any cases the Commission wished to have removed from the Consent Agenda. Hearing none, asked for a motion.

Mr. Gladman made a motion for Final approval of North Orange, Section 1, Phase 3, North Orange, Section 1, Phase 2, Part A, North Orange, Section 1, Phase 2, Part B, Estates of Glen Oak, Section 3, Phase A, Estates of Glen Oak, Section 3, Phase B, and Abbey Knoll, Section 4, Phase B. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Final

16-03 The Ravines of Alum Creek – Berlin Twp. - 67 lots / 38.22 acres

Applicant: J. D. Partnership and T & R Properties, Inc.

Engineer: Bischoff Miller & Associates

I. Staff Comments

The applicant is requesting a 30-day tabling of the Ravines of Alum Creek to continue working on engineering issues. This will bring the total tabling time requested to 180 days, the maximum allowed in Section 102.02 of the Subdivision Regulations.

II. Staff Recommendation

Staff recommends approval of the 30-day tabling for **The Ravines of Alum Creek** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion to approve the final table request for the Ravines of Alum Creek for 30 days. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**47-00.1.3 North Orange, Section 1, Phase 3 – Orange Twp. -
09 lots / 15.86 acres**

Applicant: Planned Communities, LLC

Subdivision Type: Commercial

Location: West side of US Route 23, North of Orange Rd., Orange Twp.

Current Land Use: Former agriculture/Woods

Zoned: Planned Commercial and Office

Utilities: Del-Co water and Delaware County Sanitary Sewer

School District: Olentangy

Engineer: Floyd Browne Associates

I. Staff Comments

North Orange, Section 1, Phase 3, contains 9 lots on 15.86 acres. It includes parcels on either side of Gooding Blvd. at its intersection with U.S. 23. A private loop street, Stagers Loop, will serve the five lots on the north/east side of Gooding. The original Gooding Home is located on one of these lots. The south side of Gooding will include four lots and a new street, Pacer Drive. This new road accesses Gooding road and stubs to the south property line. Orange Township owns the two lots on the west side of Pacer Drive and is currently building a new Fire Station on one of the lots. North Orange subdivision will be served by County sewer and Del-Co water. Preliminary approval for North Orange was granted on December 28th, 2000.

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 *Final approval* of **North Orange, Section 1, Phase 3** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of North Orange, Section 1, Phase 3. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**47-00.1.2.A North Orange, Section 1, Phase 2, Part A – Orange Twp.
- 02 lots / 18.13 acres**

Applicant: Planned Communities, LLC
Subdivision Type: Commercial
Location: West side of US Route 23, North of Orange Rd., Orange Twp.
Current Land Use: Former agriculture/Woods
Zoned: Planned Commercial and Office
Utilities: Del-Co water and Delaware County Sanitary Sewer
School District: Olentangy
Engineer: Floyd Browne Associates

I. Staff Comments

North Orange, Section 1, Phase 2, Part A contains 2 lots on 13.123 acres and 5.008 acres of right-of-way. It includes two parcels on the east side of Gooding Blvd. with frontage on U.S. 23. It includes the extension of Gooding Boulevard about 1200' to the north. A new access road, Halfway Avenue, joins Gooding to U.S. 23 and will be limited as a right-in/right-out access to 23. No direct access will be allowed to U.S. 23 from either of these lots. North Orange subdivision will be served by County sewer and Del-Co water. Preliminary approval for North Orange was granted on December 28th, 2000.

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 *Final approval* of North Orange, Section 1, Phase 2, Part A to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of North Orange, Section 1, Phase 2, Part A. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**47-00.1.2.B North Orange, Section 1, Phase 2, Part B – Orange Twp.
- 01 lot / 16.85 acres**

Applicant: Planned Communities, LLC
Subdivision Type: Commercial
Location: West side of U.S. Route 23, North of Orange Rd., Orange Twp.
Current Land Use: Former agriculture/Woods
Zoned: Planned Commercial and Office
Utilities: Del-Co water and Delaware County Sanitary Sewer
School District: Olentangy
Engineer: Floyd Browne Associates

I. Staff Comments

North Orange, Section 1, Phase 2, Part B contains a 12.310-acre lot and 4.544 acres of right-of-way. It includes the completion of Gooding Boulevard within the North Orange project (about 1,020 feet). A new access road, Corduroy Road, joins Gooding to U.S. 23. No direct access will be allowed to U.S. 23 from this lot. North Orange subdivision will be served by County sewer and Del-Co water. Preliminary approval for North Orange was granted on December 28th, 2000.

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 *Final approval* of North Orange, Section 1, Phase 2, Part B to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of North Orange, Section 1, Phase 2, Part B. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**15-02.3.A Estates of Glen Oaks, Section 3, Phase A – Orange Twp.
 - 27 lots / 08.44 acres**

Applicant: Dominion Homes
Subdivision Type: Single Family Residential
Location: West of South Old State Road and north of Orange Road
Current Land Use: vacant/former agricultural
Zoned: SFPRD (Single Family Planned Residential District)
Utilities: Del-Co Water, Delaware County Sanitary Sewer
School District: Olentangy
Engineer: EMH&T

I. Staff Comments

This is the westerly continuation of the Estates of Glen Oak development. Section 3, Phase A includes the northern extension of Summersweet Circle from Blue Holly Drive in Section 2. Sunflower Street extends to the west and Lilly Place extends north and south of Sunflower Street. This phase includes 27 lots on 8.44 acres, a density of 3.2 units/acre (overall Glen Oak density is 1.77 units/acre). No open space is provided in Section 3, but a 13-acre park will be located to the east in Section 2. The lots are generally 9,600 S.F. and will be served by Del-Co water and County sewer. Section 3 received preliminary approval in July 2003.

Section 3 has been taken out of sequence from the overall Glen Oak/Estates of Glen Oak phasing plan. The Staff, County Engineer, and Township Officials had concerns that too many lots were being developed without secondary access. The developer has agreed to complete the Blue Holly Drive connection from South Old State Road to Orange Road before any occupancy permits are issued in the Estates of Glen Oak Section 3.

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 *Final approval* of Estates of Glen Oak, Section 3, Phase A to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Estates of Glen Oak, Section 3, Phase A. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**15-02.3.B Estates of Glen Oaks, Section 3, Phase B – Orange Twp.
 - 26 lots / 08.52 acres**

Applicant: Dominion Homes
Subdivision Type: Single Family Residential
Location: West of South Old State Road and north of Orange Road
Current Land Use: vacant/former agricultural
Zoned: SFPRD (Single Family Planned Residential District)
Utilities: Del-Co Water, Delaware County Sanitary Sewer
School District: Olentangy
Engineer: EMH&T

I. Staff Comments

The Estates of Glen Oak Section 3, Phase B includes the westerly extension of Summersweet Circle. Lilly Place is extended from Section 3, Phase A terminating at Summersweet Circle. This phase includes 26 lots on 8.52 acres, a density of 3.1 unit/acre (overall Glen Oak density is 1.77 units/acre). No open space is provided in Section 3, but a 13-acre park will be located to the east in Section 2. The lots are generally 9,600 S.F. and will be served by Del-Co water and County sewer. Section 3 received preliminary approval in July 2003.

Section 3 has been taken out of sequence from the overall Glen Oak/Estates of Glen Oak phasing plan. The Staff, County Engineer, and Township Officials had concerns that too many lots were being developed without secondary access. The developer has agreed to complete the Blue Holly Drive connection from South Old State Road to Orange Road before any occupancy permits are issued in the Estates of Glen Oak Section 3.

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 *Final approval* of Estates of Glen Oak, Section 3, Phase B to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Estates of Glen Oak, Section 3, Phase B. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

27-98.4.B Abbey Knoll, Sec.4, Ph. B – Orange Twp. - 31 lots / 14.17 acres

Applicant: Rockford Homes, Inc.
Subdivision Type: Single Family Residential (w/ 3 CADs)
Location: East of South Old State Rd., about ¼ mile north of Orange Rd., Orange Twp.
Current Land Use: Wooded / Vacant
Zoned: Single-family Planned Residential District, SFPRD
Utilities: Del-Co Water & County Sewer
School District: Olentangy
Engineer: Edward J. Miller, EMH&T, Inc.

I. Staff Comments

Abbey Knoll Subdivision is a 183-lot, 108.57-acre single-family subdivision with an overall gross density of 1.7 du/acre. Preliminary approval was granted in July of 1999.

Section 4, Phase B includes 31 lots on 14.18 acres and consists of the eastern extension of Abbey Knoll Drive. This phase also includes the completion of Casselbury Mills Court (cul-de-sac street accessing off Abbey Knoll Drive) and Tweed Court (cul-de-sac street accessing off Casselbury Mills Court). Both of these cul-de-sac streets contain Common Access Driveways (CADs). Casselbury Mills Court contains two CADs, providing access to three lots each. Tweed Court contains one CAD that gives access to three additional lots. There is no open space within this phase.

Surrounding land uses include recorded phases of Abbey Knoll to the west and future phases to the north and east. A few large-lot single-family residences are located directly to the 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 *Final approval* of **Abbey Knoll, Section 4, Phase B** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Abbey Knoll, Section 4, Phase B. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. EXTENSIONS

02-03.1/2 Walnut Grove Estates, Section 1 and 2 – Genoa Twp. - 56 lots / 51.30 acres

Applicant: Vince Romanelli
Engineer: RD Zande, Inc.

I. Staff Comments

The applicant has requested a six-month extension to allow time for construction of underground utilities. Preliminary approval was given in January 2003. This is the applicant's first request for an extension.

II. Staff Recommendation

Staff recommends *approval* of the 6-month extension for **Walnut Grove Estates, Sections 1 & 2**, to the RPC.

Commission / Public Comments

Mr. Gunderman made a motion to approve the 6-month extension of Walnut Grove Estates, Sections 1 and 2. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

03-03 Vinmar Farms – Genoa Twp. - 122 lots / 87.20 acres

Applicant: Vinmar Investments
Engineer: EMH&T, Inc.

I. Staff Comments

The applicant has requested a six-month extension to allow time to work out issues with the County Engineer. Preliminary approval was given in January 2003. This is the applicant's first request for an extension.

II. Staff Recommendation

Staff recommends *approval* of the 6-month extension for **Vinmar Farms**, to the RPC.

Commission / Public Comments

Mr. Gunderman made a motion to approve the 6-month extension of Vinmar Farms. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS *(none)*

VII. POLICY / EDUCATION DISCUSSION *(none)*

VIII. RPC STAFF AND MEMBER NEWS

- **New Members** – Representatives: Dave Lavelle –Kingston Twp., Matt Wyscarver – Harlem Twp., Robert Jones- Village of Sunbury
- **Holly Foust surgery update** - Chairwoman Warthman explained that Holly had back surgery. She is home recuperating but feeling much better.

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

Meeting adjourned at 9:30 p.m.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, February 26, 2004, 7:00PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.