



Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, January 29, 2009 at 7:00 PM

Delaware Hayes Services Building,

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

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of December 18, 2008 RPC Minutes
- Executive Committee Minutes of January 21, 2009
- Statement of Policy

II. VARIANCES *(none)*

III. ZONING MAP/TEXT AMENDMENTS

- 01-09 ZON Edwards Land Co. – Liberty Twp. – 216.3 acres from FR to PR
- 02-09 ZON **WD** Matthew & Winnie Drayer – Genoa Twp. – PD-2 – final development plan
- 25-08 ZON Skilken Properties – Genoa Twp. – 10 acres – RR to PD-2
- 03-09 ZON Orange Township Zoning Commission – text amendments

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary

01-09	T	Golf Village North Commercial, Lots 4978-4985, Div. #1	Liberty	05 lots / 23.325 acres
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Preliminary/Final

02-09		Market at Big Bear, Lot 3641, Div. #1	Liberty	02 lots / 25.783 acres
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Final *(none)*

T=TABLED, W=WITHDRAWN

V. EXTENSIONS *(none)*

VI. OTHER BUSINESS

- Consideration for Approval: Contract for Services: Genoa Twp. Zoning Resolution

VII. POLICY / EDUCATION DISCUSSION

- Planning & Zoning Workshop summary

VIII. RPC STAFF AND MEMBER NEWS

- Recognition of Members

• **ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Dale Johnson, Fred Fowler, Todd Hanks, Ken O’Brien, Steve Burke, Tom Hopper, Joe Clase, Dave Stites, Holly Foust, Dick Gladman, Bill Thurston, Marvin Miller, Eric Fischer, Lloyd Shoaf, Tom Brown, Yvonne Clippinger, Bonnie Newland, and Mike Dattilo.
Alternates: Tiffany Jenkins and Pat Blayney. *Arrived after roll call:* Gary Spanner (R) and David Andrian (R). *Staff:* Scott Sanders, Paul Deel, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the December 18, 2008 RPC Minutes**

Mr. Miller made a motion to approve the December 18, 2008 minutes. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **January 21, 2009 Executive Committee Minutes**

1. **Call to order -**

Chairwoman Foust called the meeting to order at 8:35 a.m. Present: Holly Foust, Steve Burke, Dick Gladman and Lloyd Shoaf. Ken O’Brien was absent. Staff present: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes -**

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

3. **Old Business –**

a. Village of Galena vs. DCRPC lawsuit – Chairwoman Foust asked if there was any news about the lawsuit. Mr. Sanders stated that there have not been any new developments since the last meeting.

4. **New Business -**

a. Financial / Activity Reports for December 2008

REGIONAL PLANNING RECEIPTS		DECEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$820.00	\$6,400.00
Fees A (Site Review)	(4202)		\$2,610.00
Insp. Fees (Lot Line Transfer)	(4203)	\$500.00	\$3,220.00
Membership Fees	(4204)	\$2,171.00	\$278,828.08
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,745.71	\$5,257.66
Assoc. Membership	(4206)		\$900.00
General Sales	(4220)	\$34.00	\$1,476.40
Charges for Serv. A (Prel. Appl.)	(4230)		\$29,721.40
Charges for Serv. B (Final. Appl.)	(4231)		\$27,487.70
Charges for Serv. C (Ext. Fee)	(4232)		\$900.00
Charges for Serv. D (Table Fee)	(4233)		\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$33,150.00
Soil & Water Fees	(4243)		\$3,075.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)	\$525.00	\$525.00

Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)	\$1,370.30	\$1,701.64
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$7,166.01	\$397,052.88

Balance after receipts **\$ 68,421.99**
Expenditures - \$ 26,512.72
End of December balance **\$ 41,909.27**

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

- b. January RPC Preliminary Agenda – includes 2 rezoning, 1 Preliminary and 1 Preliminary/Final application.
- c. Contract and Project updates:
 - 1) Genoa Township – Work has begun on the contract to update the zoning code. Phase 1 work includes reformatting and reorganization of the text.
 - 2) Orange Township – Final details are being worked out on contract language for an update to the 2001 Comprehensive Plan. Township has final draft of contract for approval and signature.
 - 3) Logan-Union-Champaign RPC – asked to be billed for the full amount for their GIS work since it was related to a grant. We have done so.
 - 4) Berlin Township – intends to start their Comprehensive Plan update soon. Initial text of contract has been sent to the township for review.
 - 5) Kingston Township – trustees recently voted to enter into contract for a full review of the zoning code (up to \$8,000). Initial text of the contract to be forwarded to the township on 1/21.
 - 6) All contracts listed above were worked into the budget for 2009 (with the exception of Kingston Township).
 - 7) Other activities since the last Executive Committee meeting include attendance at the Genoa Township Zoning Advisory Board monthly meeting, the organizational meeting of the Berlin Township Zoning Commission and BZA, and a Leadership Delaware presentation during the Economic Development series of sessions.
- d. Executive Committee Meeting times – Mr. Sanders explained that Mr. O’Brien was appointed to represent the County Commissioners on the Executive Committee. Mr. O’Brien initially asked if the Executive Committee meetings could be moved to late afternoon the day of the RPC meetings. After communicating with Mr. Sanders, he asked if the meetings could be moved to 4:30 p.m. on any day except Monday or Thursday. Chairwoman Foust explained that the meetings are held the week prior in order for the Committee or staff to respond with additional research or preparation that may arise from the Executive Committee meeting. All members agreed that the earlier time is better for their current schedules and would not require any overtime for their jurisdictions. Chairwoman Foust asked Mr. Sanders to convey the importance of having a Commissioner in attendance at the Executive Committee meetings. The Committee voiced appreciation that the Commissioners have scheduled their last Thursday meeting of the month around the RPC meetings.

5. Other Business

- a. Consideration for recommendation of approval: Contract for Genoa Township Zoning Resolution update – *Mr. Gladman made a motion to recommend approval of the contract for the Genoa Township*

Zoning Resolution update. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. **Personnel** – Chairwoman Foust explained that the Committee needed to complete the Director’s evaluation for presentation to the Commission. The Committee scheduled a special Executive Committee meeting to take place prior to the January RPC meeting at 6:30 p.m. Chairwoman Foust stated that she would send the form to the Executive Committee members this week with her notes and asked that they add their own. She would compile the comments for a final draft to be presented at the meeting.
7. **Adjourn** – At 9:35 a.m., *Mr. Shoaf 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 18, 2009 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 (none)

III. ZONING MAP/TEXT AMENDMENTS

01-09 ZON Edwards Land Co. – Liberty Twp. – 216.3 acres from FR to PR

Edward Land Co. (optionee of the Pamela Valerie Knowlton property) has applied for rezoning from Farm Residential to Planned Residential for 216.3 acres for the development of 216 single-family lots and 118 acres of reserve/open space.

I. Location

The southwest corner of Home Road and S.R. 315, south of Liberty Presbyterian Church and west of the Olentangy River.

II. Conditions

Present Zoning: Farm Residential

Proposed Zoning: Planned Residential

Surrounding land uses:

East: Olentangy River, Perry Road, and the Wood Tract proposed subdivision;

South: Woodland Hall subdivision on 1+ acre lots;

West: Olentangy Indian Caverns, various sections of Bridlespur and Bridlespur Place Subdivisions;

North: Home Road, with Liberty Presbyterian Church and large frontage lots along Home.

Open Space required: None by zoning code, 50% in the Comp Plan.

Open Space provided: 55%

Present Use: Agriculture and woods

Proposed Uses: 216 single-family units, 91 intended for empty-nesters

Existing Density: 1 unit/acre in FR zone

Proposed Density: 1 unit per gross acre, 1.33 units per net developable acre

School District: Olentangy

Utilities Available- Del Co Water, Delaware County sanitary sewer

Soils: ScA, Scioto Silt Loam, 0-2%; ScB, Scioto Silt Loam, 2-6%;

SdC2, Scioto Silty Clay Loam, 6-12%;

GwB, Glynwood Silt Loam, 2-6%; GwC2, Glynwood Silt Loam, 6-12%;

GzC3, Glynwood Silty Clay Loam, 6-12% severe;

LyD2, Lybrand Silt Loam, 12-18%; LyE2, Lybrand Silt Loam, 18-25%;

RoA, Rossburg Silt Loam, 0-2% (along river);

MoC2, Milton Silt Loam, 6-12% eroded (along river)

III. Project Description

The developer, Edwards Land Company Ltd., is proposing a conservation-style subdivision of 216 lots. To do so, the developer is utilizing Liberty Township's Planned Residential zoning code, which allows flexibility but is not necessarily a conservation-style subdivision code, resulting in the need for several divergences.

Utilizing three parcels owned by Pamela Knowlton and sometimes referred to as Emerald Farms, the subdivision gains access from two existing road stubs in Woodland Hall Section 1 and Woodland Hall Section 2, and will also take access from S.R. 315 (Olentangy River Road). Substantial open space is provided (118 acres) with a goal of maintaining an existing barn/horse stables and providing bridle paths and other areas for horse riding. No development will occur on the 31.4 acres of land between S.R. 315 and the Olentangy River, providing open space, riding areas, and a possible future park. Extensive leisure and bike paths are provided throughout the residential areas and an 8-foot asphalt bike/walking path is provided along the site's Home Road frontage.

The development offers a variety of lot frontages, suggesting a somewhat diverse housing stock. Most lots have a 100-foot frontage. However, 91 lots are intended for empty nesters and are designed for 60 to 80 foot wide lots.

IV. Conformance with the Comprehensive Plan

The 2006 Liberty Township Comprehensive Plan recommends residential for this area. The watershed areas of the Scioto and Olentangy Rivers are recommended for 1 unit per net developable acre. The Township's zoning resolution defines Net Developable Acreage by subtracting wetlands, slopes greater than 20%, rivers, floodplain, and rights-of-way. The development plan shows that after subtracting those areas, the resulting developable acreage is 162.8, which should equal 162 units. The Plan also recommends the consideration of Conservation Subdivisions with 50% open space in this area. The current zoning code does not include the designation for a Conservation Subdivision, but the developer proposes to exceed the 50% recommended in the Plan.

Additionally, the Comprehensive Plan recommends that areas below the 900-foot elevation line should be limited to .75-acre (3/4-acre) lots. The requirement that lots conform to this .75-acre size below a certain elevation reduces the amount of possible common open space in the area where the township would most want to see open space preserved. It also results in additional impact on the overall site by spreading the streets and grading across a larger area. The emphasis should be placed on the density, along with a reasonable minimum lot size rather than requiring a lot size of 32,670 s.f.

V. Specific Areas of Divergence are being Requested from the Zoning Code

1. The applicant is requesting a divergence from the definition of net developable by using actual proposed right-of-way area (12.8%) instead of a general 15% as required by the code.

Staff comment: This has been an issue in other townships and staff generally supports this divergence since the

15% is an average and applies to the entire acreage, which does not take into account the amount of open space that is undeveloped. However, staff notes that the applicant is not proposing the number of units based on Net Developable Acreage, but is instead using a calculation based on the gross acreage.

2. The applicant is requesting a divergence from the requirement that all driveways be 100 feet from the intersection of any two public roads. In some cases, the request is that this requirement be reduced to 40 feet, in others to 0 feet.

Staff comment: *Without specifically listing the lots in this report, staff notes that in several cases, it appears as if some of the noted lots are corner lots that could meet the requirement if the driveway was limited to a specific frontage. Others could potentially meet the requirement if driveway points were shared with the adjacent lot. This requirement in the zoning code seeks to reduce hazards and should be followed as closely as possible. The township should review each request individually to determine if a reduction is necessary. Staff does not support reductions to 0-feet on curves (117, 118, 133, 185, 186) which essentially places a driveway in a blind spot across from an intersecting street.*

3. Divergence from the township's Street Tree Planting and Management Policy

Staff comment: *The application did not specify what portion of the Policy this would affect but it is possible that it is the requirement that trees be seven feet from the pavement where there are no sidewalks. The township can discuss this divergence, but staff strongly supports the use of street trees.*

4. Divergence from the side yard setback of 25 feet for primary structures and 35 feet for accessory structures to allow six-foot setbacks without a masonry wall requirement.

Staff comment: *This request has been made on other developments before. Although 25 feet per lot seems excessive (50-foot structure separation), a 6-foot setback is too narrow and results in a 12-foot structure separation. The township should consult with the Fire Chief regarding this request. Structure separation is usually set at 25 feet, which would require a standard side-yard setback of 12.5 feet.*

5. Divergence to allow 2 free-standing signs to serve as entry features. The application includes landscaping and sign details indicating an elaborate entry feature with signage on either side of the entrance, fencing, formal plantings and a limestone water feature with a cascade effect.

Staff comment: *The entry features as shown might be appropriate for a subdivision of this size, but they seem beyond what would be expected along an historical area known for its natural features. Although attractive, the entry features should be understated and respect the historical and natural character of the area. This would include using as little signage as possible, in which case the divergence is not recommended.*

6. Divergence to allow a six-lot Common Access Driveway

Staff comment: *This is a divergence from the Subdivision Regulations and is not a zoning issue. However, staff notes that the placement of the CAD appears to be for convenience or design reasons and used a tool to achieve a few more lots rather than for the reasons stated in the Subdivision Regulations (unique tract shape, constrained topography, preservation of vegetation, unfeasibility for the building of a street). Because this is a new subdivision, the issues stated above could be resolved by adjusting other lots or by reducing the overall number of lots to the amount recommended in the Comprehensive Plan.*

7. Zoning certificates may be issued for homes prior to completion of the 1½-inch surface course of asphalt. The applicant includes a number of conditions by which this would be granted, including no occupancy permits be granted until such final surface is installed, the installation of all utilities, approval of other improvements by the county engineer, construction of leisure paths and other assurances.

Staff comment: *This request seems reasonable, given the number of assurances and conditions, but we're unsure what the motivation is and whether this is requested for every Section or only the first. The township*

should consult with the County Engineer's office and determine if this request is appropriate.

VI. Other issues

1. **Access** – Staff supports the general layout of roads. Existing road connections are continued and a safe access is provided from S.R. 315. The traffic study shows the need for a north-bound turn lane and a south-bound drop lane. An additional Home Road access appears to be logical, given the amount of frontage on that road. However, the County Engineer has indicated that he does not support an access there. No other potential development land is adjacent to the site except for the 13-acre Fearon property, which is currently wooded and undeveloped. The township should consider whether a stub is warranted to this property as the issue will also be raised at the Subdivision level.
2. **Anthony Gioffre land access** – The 10-acre parcel to the southeast of the site, owned by Anthony Gioffre, currently takes access from a drive that begins on the applicant's property, then travels across the Gioffre's access strip, then back on the Knowlton tract to access the existing barn before turning back on the Gioffre's property. This drive is shown on the development plan and is expected to remain. An agreement should be in place between the owner of the property and the developer for the continued use (public or private) and maintenance of the drive. Since it also leads to Stoneleigh Drive, access control should be part of the development plan. Based on the quality of the existing drive, this may be appropriate to retain and have available for emergency access purposes.
3. **Empty-nester use** – as described in the report, the plan shows two areas of "empty-nester" single-family homes. The building style is described as similar to the Abbotshire development between Loch Lomond and S.R. 315 at the southern edge of the township. Staff supports this as an additional housing option within the subdivision, but would like to have more detail regarding the exact housing style and materials, given the relatively small frontage. Staff also supports using the general road network to access the lots, since many similar developments tend to block road connectivity. However, these housing styles might be more appropriate located in the interior of the project, along Glenmoor and/or Sedgwick. This would reduce the impact on existing homes to the south and reduce the amount of through-traffic along the roads that access them.
4. **Leisure paths and sidewalks** – the application shows numerous paths and some sidewalks, which staff strongly supports. RPC Subdivision Regulations requires sidewalks in subdivisions where frontages are 100 feet or less. This would be applicable in this subdivision on both sides of the street, but this application shows it on only one side in some locations. This requirement can be discussed at the subdivision phase but it should be noted that sidewalks access each home will be expected.

VII. Section 11.06 - Required findings for Approval of Planned Districts

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

- 1) That the proposed development is consistent in all aspects with the intent, and general standards of this zoning resolution.
DCRPC Staff Finding: Generally. The density is within the maximum allowed in the zoning code and the general standards have been met. Divergences have been requested and reviewed elsewhere in this report.
- 2) That the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.
DCRPC Staff Finding: No. The 2006 Liberty Township Comprehensive Plan recommends residential for this area, but not at the density requested. Lot sizes do not conform to the Plan, but staff believes the trade-off is worth it for

the amount of open space preserved.

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

DCRPC Staff Finding: *Yes. By conserving open space, preserving a significant agricultural structure and maintaining the rural character of the area as a part of the development, the application generally advances the welfare of the township and vicinity. Some modifications need to be made as recommended in this report.*

VIII. Staff Recommendation

DCRPC staff recommends **Conditional approval** of the development plan and rezoning by Edwards Land Co. for 216.3 acres from FR to PR to the DCRPC, Liberty Township Zoning Commission and Liberty Township Trustees, *subject to the following:*

1. *Reduction of density to a number closer to the net developable acreage;*
2. *Support the divergence of the net developable acreage calculation;*
3. *Recommend further review of the divergence for driveway placement, consider shared drives;*
4. *Recommend divergence for street tree placement;*
5. *Recommend denial of structure separation – consult with Fire Chief;*
6. *Recommend denial of sign divergence, review entry features;*
7. *Do not support the need of a Common Access Driveway in this development;*
8. *Review certificate timing with the County Engineer;*
9. *Consider access to the Fearon property, either by road or by easement for future access;*
10. *Resolve the Gioffre property access issue;*
11. *Consider moving the “empty-nester” uses toward the center of the development and reduce the number and create larger lots.*

Commission / Public Comments

Mr. Charlie Driscoll with Edwards Land Company was present. He believes the Township would benefit from the empty nester style of housing. He explained that Abbotshire Village, a similar project already developed in Liberty Township, is what Trails End would look like. He also stated that the patio homes are 1 unit per gross acre which is the same as Nelson Farms.

Mr. Fischer asked how the open space would be maintained and if there would be access to the river. Mr. Driscoll stated that they would work with the Township as to what type of planting material would be desirable in that location and possible donation to the Township.

Mr. Hanks asked the average price for the proposed homes. Mr. Driscoll stated that the single-family units would range from \$600,000 - \$650,000 and the empty nesters would be \$500,000 - \$900,000.

Mr. Fischer asked the square footage of the homes. Mr. Driscoll stated 3,000 – 7,000 sq. ft.

Mr. O’Brien questioned the divergence from the driveway to the stop signs. Mr. Driscoll explained the difficulty if the lots are 100 feet wide and the street is opposite it. Mr. Blayney explained that the engineering details have not been submitted and would make sure there are appropriate lines of sight.

Mr. Hanks asked how many acres was to the east of SR 315. Mr. Driscoll estimated 30 acres.

Mr. Miller made a motion to recommend Conditional Approval of the rezoning request by Edwards Land Company, subject to staff comments. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

02-09 ZON WD Matthew & Winnie Drayer – Genoa Twp. – PD-2 – final development plan

This application was withdrawn at the Township.

25-08 ZON Skilken Properties – Genoa Twp. – 10 acres – RR to PD-2

This application is a request to rezone 10 acres at the northwest corner of Big Walnut Road and State Route 3 from Rural Residential (RR) to Planned Commercial (PD-2) for the purpose of developing a retail/office center, including a CVS Pharmacy.

I. Conditions

Location: 6921 Big Walnut Rd., Genoa Township

Present Zoning: Rural Residential (RR)

Present Use: Former American Legion Hall

Proposed Use: CVS Pharmacy and; and unspecified commercial which may be “Any Community Business (CB) and Planned Commercial and Office District (PD-2) uses”.

School District: Westerville

Utilities Available: Del Co Water, County sewer

Critical Resources: Pond and potential wetland

Surrounding Land Uses: West- Single family homes in Walnut Grove Estates Section 1; East –S.R. 3, Genoa Township Fire and Police Department; North- Future Township Fleur Road Park; South- Large Veterinary complex

II. Background

The development plan includes a total of 4 potential retail/office uses to be developed in 2 phases. The only known tenant at this time is a CVS Pharmacy. The remaining buildings may be developed with any of the permitted uses within the Community Business district and the Planned Commercial District. Depending on the end user, there may be less than 3 buildings, 3 is the maximum proposed for Phase 2. Phase 1 includes the CVS Pharmacy (12,900 s. f.) on the south side of the site. A single access is proposed to Big Walnut Road that will also serve as the access to the future building(s) to the north. No access is proposed to SR 3, a limited access highway.

III. Conformance with Local Comprehensive Plans

1. The Genoa 1999 Comprehensive Plan.

The current Comprehensive Plan was adopted in 1999. This site is within Planning Area 2, which recommends as follows:

- “Any further development of this area shall be limited to single family residential uses on lots of two acres or greater. In the event the remaining sites would request rezoning to the Planned Conservation District the maximum permitted density shall be .66 dwelling units per acre. Other uses shall not be permitted in this area.”

2. The Genoa 2008 Draft Comprehensive Plan

The draft 2008 Comprehensive Plan places this tract in Planning Area V and recommend as follows:

- “Single family residential uses on lots of two acres or greater for land not served by centralized sanitary sewer service, or land served by sanitary sewer but not located within an approved Conservation Subdivision.
- Single-family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of three quarters of a dwelling unit (0.75 unit) per net developable acre with centralized sanitary sewer service.
- Single-family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of six tenths of a dwelling unit (0.6 units) per net developable acre with on site sewage disposal systems.
- Residential development in an approved Planned Residential District (PD 1) at a density of 1.1 units per net developable acre, or a maximum of 1.35 units per net developable acre in an approved PD 1 with Conservation Development Standards.

A PD-2 rezoning does not conform to the adopted 1999 Comprehensive Plan or the 2008 Draft Comprehensive Plan.

IV. Development Plan Issues

The applicant has submitted a development plan and text as required in Section 405 and 524 of the Zoning Resolution. In addition, plans are provided for general development standards including, landscaping, lighting, signage and elevations. The following items need further consideration:

1. Provisions for utilities and drainage.
 - a.) Sanitary sewer – Public sewer is currently not available to the site. The site is in the County’s sewer service area and was planned for a capacity of 1.25 dwelling units/acre. The plan shows an 8” sanitary sewer line along the west property line from Big Walnut Road. The developer will need to extend the existing sewer line from Walnut Grove subdivision. A letter of service has not been submitted.
 - b.) Water – Del-Co water is available through a 16” water line along Big Walnut Road according to a letter provided by Del-Co Water Company.
 - c.) Storm water – A retention area/wetland is proposed in the northwest corner of the development. Most of the existing pond would have to be filled to allow the 3 buildings to the north as shown on the plan. The stormwater plan has not been reviewed by the County Engineers office.
 - d.) Other Utilities – AEP has provided a letter of service. No other utility letters of service have been submitted.
2. Open space and lot coverage
 - a) The total lot coverage (buildings and impervious areas) has not been calculated. This cannot exceed 75 percent.
 - b) Arrangement of structures – The three buildings to the north are only conceptual at this time. However, as shown on the plan, they would require filling of some or all of the existing pond.

The applicant requests a divergence from the required 50’ separation of buildings. Since the proposal

is for a retail center, staff would concur with the request. But we would expect that parking areas would be designed to allow cross utilization between tenants as shown.

3. Proposed Traffic Patterns and their relationship to existing conditions-
 - a) The plan proposes a single access to Big Walnut Road. No access is proposed for SR 3. If commercial zoning is desired for this corner, the Township should consider whether additional commercial might be appropriate for adjacent lands to the north and/or west. If so, a connection should be required.
 - b) The applicant requests a waiver of the requirement for a traffic study. Unless the traffic study is not required by the County Engineer, we believe one should be provided for review of the proposed traffic impacts. Also, the Fire Department needs to review the internal access and hydrant locations.
4. Additional development standards/plans:
 - a) Architectural design/renderings – Elevation details have been provided for the CVS building. No other renderings have been submitted. Also, even though the development outside of the CVS is unknown, there still needs to be limitations placed on the amount of retail/office space that could be developed.
 - b) Sign – A sign plan including renderings for the CVS signs is included. A divergence is requested to allow the height of the sign to exceed eight feet. A divergence is also requested for the proposed wall mounted signs to be larger than permitted. Staff does not see a hardship for either request, or how they would advance the general welfare of the Township. We would recommend against these divergences.
 - c) Parking – Shown for the CVS site only. Parking calculations are not provided, only a formula based on use and square footage. The applicant requests a divergence from the requirement that shared parking areas be provided for developments of multiple users. Since the proposed parking formula would create fewer spaces than the zoning code requires, we feel that shared parking should be provided. A divergence is requested for the setback from SR 3. This is reasonable considering the width of the right-of-way. As long as the setback is comparable to the setback for the veterinary clinic to the south, staff would support the request.
 - d) Landscaping – A landscaping plan has been provided. Perimeter trees are proposed along the west and north property lines. A visual barrier (minimum 5 ½ feet) is not shown as required along property lines adjacent to residential districts.

V. DCRPC Staff Recommendation

Staff recommends **Denial** of the request to rezone 10 acres from RR to PD-1 by Skilken Properties to the RPC, Genoa Township Zoning Commission, and Genoa Township Trustees, *based on the comments in this report, including:*

- 1) *The PD-2 zoning does not conform to the 1999 Genoa Comprehensive Plan or the 2008 Draft Comprehensive Plan,*
- 2) *Engineering feasibility has not been shown, particularly with regard to sanitary sewer and stormwater drainage,*
- 3) *The development plan lacks sufficient detail to warrant a preliminary development plan approval, and*
- 4) *Too many divergences are requested without adequate justification.*

Commission / Public Comments

Mr. Charlie Fraas, with Casto, was present to answer questions from the Commission. He explained that the location of this project and the adjacent uses makes this land undesirable for single family residential.

Mr. Brown asked if the 2008 Comprehensive Plan was parcel specific. Mr. Clase stated that it was parcel specific and was listed this area for residential.

Chairperson Foust asked if the Comprehensive Plan is still a draft or has it been adopted. Mr. Clase explained that it was adopted December 2008.

Mr. Blayney made a motion to recommend Denial of the rezoning request for Skilken Properties based on staff comments. Mr. Miller seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Clase). Motion carried.

03-09 ZON Orange Township Zoning Commission – text amendments

I. Introduction

Recent changes to the Ohio Revised Code have changed the number of Township Trustees needed to deny or amend a recommendation by the Zoning Commission. While it recently took a unanimous vote to deny or modify it now takes a majority (two out of three) to deny or modify.

The Orange Township Zoning Commission initiated an amendment in its code, **Section 27.01 – Amendments or Supplements**, to comply with this change. A full set of the proposed changes can be requested from either Orange Township or the RPC offices. **Staff recommends that all townships review their code and make this change as soon as possible.** Failure to update a township code does not affect the fact that the ORC has changed the process.

II. DCRPC Staff Recommendation

Staff recommends *Approval* for the proposed text changes in the township’s zoning code to the DCRPC, the Orange Township Zoning Commission and the Orange Township Trustees.

Commission / Public Comments

Mr. Miller made a motion to recommend Approval of the Orange Township text amendments. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

**01-09 T Golf Village North Commercial, Lots 4978-4985, Div. #1 – Liberty Twp. –
05 lots / 23.325 acres**

Applicant: Golf Village North LLC
Engineer: Civil and Environmental Consultants

I. Staff Comments

The applicant has requested a 90-day tabling to resolve TRC comments.

II. Staff Recommendation

Staff recommends *Tabling for 90-days* of **Golf Village North Commercial Lots 4978-4985, Div. #1** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion to approve the 90-day table request of Golf Village North Commercial Lots 4978-4985, Div. #1. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final

02-09 Market at Big Bear, Lot 3641, Div. #1 – Liberty Twp. - 02 lots / 25.783 acres

Applicant: Liberty Crossing, LLC

Subdivision Type: Division of a platted commercial lot

Location: Northwest corner of Sawmill Pkwy & Powell Rd (3952 W Powell Rd.), Liberty Twp.

Current Land Use: Grocery store w/ commercial tenants in attached strip mall

Current Zoning: Planned Commercial District (PC)

Utilities: Del-Co Water and County Sewer

School District: Olentangy Local School District

Engineer: EMH&T

I. Staff Comments

The applicant is requesting to split an existing 25.783 acre lot (Lot 3641) in the Market at Big Bear subdivision into two lots. The first lot (2.876 acres) would contain a proposed Ace Hardware store. The remaining 22.907 acre lot will contain existing commercial development (Giant Eagle plaza) and future unspecified retail. Access is provided to both lots by existing drives extending from Powell Road to the south and Farmington Avenue to the west.

Surrounding land uses include Big Bear single-family subdivision to the north and west, another section of Big Bear commercial development to the east, and Wedgewood Commerce Park to the south.

A technical review was held on January 20, 2009, after which the applicant has addressed all of the required changes. The applicant has also 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 **Preliminary and Final Approval** of the **Market at Big Bear, Lot 3641, Div. #1**, to the RPC.

Commission / Public Comments

Mr. Ed Miller with EMH & T was present.

Mr. Marvin Miller made a motion for Preliminary and Final Approval of the Market at Big Bear, Lot 3641, Div. #1. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

CONSENT AGENDA

Final (none)

VI. EXTENSIONS (none)

VII. OTHER BUSINESS

- **Consideration for Approval: Contract for Services: Genoa Twp. Zoning Resolution**

Mr. Miller made a motion to approve the contract for services between the RPC and Genoa Twp. Zoning Commission. Mr. Blayney seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Clase). Motion carried.

VIII. POLICY / EDUCATION DISCUSSION

- **Planning & Zoning Workshop Summary** – Mr. Sanders informed the Commission that the Planning & Zoning Workshop held January 24th had 76 attendees. He hoped to plan another workshop in the spring and/or fall.

IX. RPC STAFF AND MEMBER NEWS

- **Recognition of Members** – Mr. Sanders explained that Mr. Charles Heimlich from Marlboro Township had retired as of December 2008. He had been a member of the RPC for 30 years and Chairman of the Executive Committee for 1 year (1988). A certificate would be mailed to his home. Mr. Sanders also read from a certificate for Mr. Jim Ward, who was a member of the RPC and Executive Committee for 12 years. He acknowledged their dedication to and support for planning in Delaware County.

Mr. Sanders also recognized the following individuals who have served on the Commission for over 15 years:

Bill Thurston, Oxford Twp.	35 years
Marvin Miller, Porter Twp.	28 years
Jack Smelker, Sanitary Engineer	25 years
Gary Spanner, Concord Twp.	21 years
Bonnie Newland, Thompson Twp.	21 years
Dick Gladman, Orange Twp.	19 years
Chris Bauserman, County Engineer	18 years
Fred Fowler, Code Compliance	17 years
David Betz, City of Powell	17 years

At 7:45 p.m., Mr. Miller made a motion to adjourn the meeting. 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 26, 2009, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant