



# 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, February 26, 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 January 29, 2004 RPC Minutes
- Executive Committee Minutes of February 18, 2004
- Statement of Policy

**II. VARIANCES**

04-05.S.V Edgewater Estates – Scioto Twp. – requesting a 5 lot CAD

**III. POLICY / EDUCATION DISCUSSION**

- Sewer Master Plan

**IV. ZONING MAP/TEXT AMENDMENTS**

- 08-04 ZON NorthStar Land LLC – Berkshire Twp. – 17 acres from FR-1 to PCD
- 09-04 ZON Rome Corners LLC,c/o Crafton Prpty.'s–Berkshire Twp.–358.239 acres from A-1 to PRD
- 10-04 ZON Trenton Twp. Zoning Commission – Comprehensive Plan review
- 11-04 ZON South Galena Road Development Co. – Berkshire Twp. – 89.378 acres from A-1 to FR-1
- 12-04 ZON Planned Communities – Liberty Twp. – 40.598 acres from FR-1 to PR
- 13-04 ZON Genoa Baptist Church – Genoa Twp. – 81.74 acres from RR to CF

**V. SUBDIVISION PROJECTS**

**Preliminary**

		<b>Township</b>	<b>Lots/Acres</b>
29-98.4.13	Scioto Reserve, Sec. 4, Ph. 13	Concord	29 lots / 8.28 acres
05-03	Olentangy Falls	Liberty	93 lots / 131 acres
01-04	<b>W</b> Scioto Pointe	Scioto	04 lots / 09.79 acres
02-04	Dent Woods	Trenton	03 lots / 16.28 acres

**Preliminary/Final** (none)

**Final**

16-03	The Ravines of Alum Creek	Berlin	67 lots / 38.22 acres
14-03	<b>T</b> Stone's Throw	Genoa	07 lots / 17.98 acres

**T=TABLED, W=WITHDRAWN**

**VI. EXTENSIONS** (none)

**VII. OTHER BUSINESS**

- Formation of a Nominating Committee for Executive Committee members
- Consideration of Expenditure: Liability Insurance \$12,980
- Consideration of Expenditure: ESRI, GIS software maintenance, \$5,957

**VIII. RPC STAFF AND MEMBER NEWS**

- New Representatives and Alternates

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**I. ADMINISTRATIVE BUSINESS**

**#Call to Order**

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

**# Roll Call**

*Representatives present:* John Schmidt, Gary Spanner, Fred Fowler, Jim Ward, Debbie Martin, Gary Gunderman, Leslie Warthman, Dave Lavalley, Holly Foust, Charles Heimlich, Dick Gladman, Yvonne Ball, Bill Thurston, Marvin Miller, Shawn Leininger, George Mason and Mike Dattilo. *Alternates present:* Merlin Sheets, Melissa Stickle, Jack Smelker, Sandra Stults and Scott Pike. *Arrived after roll call:* Kris Jordan (R). *Staff present:* Phil Laurien, Paul Deel, Scott Sanders, Joe Clase, Da-Wei Liou, Bob Sochor and Stephanie Matlack.

**# Approval of the January 29, 2004 RPC Minutes**

**Mr. Spanner made a motion to approve the minutes of the last meeting. Mr. Leininger seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**



Balance after receipts	\$332,120.53
Expenditures	<u>- \$ 39,882.27</u>
End of January balance	\$292,238.26

Mr. Ward made a motion to approve the financial report as presented. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- b. **February RPC Preliminary Agenda** - Mr. Laurien presented the preliminary agenda including 1 variance request, 6 rezoning/text amendments, 4 preliminary and 2 final. He stated that the variance request would be a pilot project for the proposed CAD subdivision regulations. The applicant has agreed to divulge the cost of construction with the RPC. The proposed regulations call for a maximum of 6 lots, 15' wide, paved CAD ditch section on both sides with a crown on the pavement with Tensar type fabric base, 6" of 304 and 2" 404 asphalt paving.

**5. Other Business**

- a. **Consideration for recommendation of expenditure: ESRI yearly software maintenance - \$5,957.00**  
Mrs. Warthman made a motion to recommend approval of the \$5,957.00 ESRI maintenance expenditure. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- b. **Consideration for recommendation of expenditure: Rinehart, Walters and Danner – Liability Insurance - \$12,818**  
Mr. Ward made a motion to recommend approval of the \$12,818 Rinehart, Walters and Danner liability insurance expenditure. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**6. Personnel - (none)**

**7. Adjourn**

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

Meeting adjourned at 10:30 a.m.

The next regular Executive Committee meeting will be Wednesday, March 10, 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**

**04-05.S.V Edgewater Estates – Scioto Twp. – requesting a 5 lot CAD**

**Applicant:** Dennis Erwin and John Kilbury

**Location:** West side of SR 257 approximately 1,700' south of Penn Rd., Scioto Twp.

**I. Request**

The applicant seeks to subdivide a 21.1-acre flag lot into a 5 lot Common Access Drive subdivision called Edgewater Estates. A variance is requested from Section 306.01 which allows a maximum 3 lots on a CAD (except that 2 additional lots may be allowed if the additional lots have road frontage and are adjacent to the CAD at its access to the road).

DCRPC staff has been proposing amendments to the County Subdivision Regulations. One proposed amendment could allow up to six lots on a 15' wide paved common access drive in certain cases.

The applicant is proposing to use this development as a "pilot project" for the proposed amendments to the CAD standards in the Subdivision Regulations. The purpose of the project is to assess the feasibility of the proposed CAD regulations, both in road costs and cross sectional design. The applicant would share with the RPC the true cost of constructing a CAD to the proposed standards.

In addition to the current requirements, additional proposed standards include the following:

- a) Minimum cross-section shall be a base of Tensar-type SS1 plastic material, covered with 6 inches of 304 aggregate base, paved with 2 inches of 404 asphalt.
- b) The CAD easement shall be 60' or wider to permit both driveway construction and roadside drainage, either enclosed or in grassy ditches with a maximum ditch slope of 3:1, and utility easements.
- c) A "T", "hammerhead" or cul-de-sac turnaround that meets Co. Engineer standards shall be provided at the CAD terminus.
- d) The CAD paved surface shall be at least 15 feet.
- e) The applicant shall provide the buyer of the lots in the CAD subdivision with a warranty protecting those buyers against defects in material and workmanship in the construction of the CAD for a period of one year following the date of certification of completion of the CAD by the applicant's engineer.
- f) No on-CAD parking shall be permitted
- g) A pole-sign shall be installed at the subdivider's expense, located at the CAD intersection with the public street, made of a 6-inch by 6-inch cedar post, 8 feet above grade, with a placard sign atop the post, with reflective lettering. All CAD addresses shall be displayed, as well as words "Private Drive". This sign shall be continuously maintained at this location.
- h) All lots shall display their address at the driveway entrance to the CAD.

## II. Facts

1. The Delaware County Subdivision Regulations specify in section 306.01 that a CAD shall access no more than three lots, except as provided in Section 306.07 (two additional lots allowed contiguous to the CAD and with existing road frontage).
2. The property is surrounded by land owned by the City of Columbus to the north and west, so no future expansion is possible. A large water reservoir is located immediately to the west. Connectivity is not an issue with this 21-acre site.
3. The size (21 acres), shape (bent flag lot) and characteristics (rolling topography and soils) of the site limits its development potential (lot yield). The site is well suited for five lots, which would be allowed on a CAD if frontage were available but road frontage is blocked by a very wide (884' wide) house lot on SR 257. The case is unique for all these reasons.

## 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.
  - **If adequate sight distance is assured on SR 257, then the request would not be a detriment to the public health, safety, and welfare and not injurious to other property. Granting of the variance does not absolve the applicant from providing the appropriate information to ODOT for access to SR 257. A CAD constructed to the proposed (not yet adopted) standards provides a stronger driveway to accommodate 5 lots, which would otherwise be permitted if there were more road frontage on SR 257.**
2. The conditions, upon which this variance request is based, are unique to the property for which this variance is sought.
  - **This is a 21-acre oddly shaped flag lot located in a zoning district with a 1-acre minimum lot size. Because of the 90-degree bend in the 60' strip leading to the property, it is unlikely that a road could be built to County standards. Residential lots along SR 257 are generally 1 to 3 acres in size. The frontage lot and house was built in 1900 and blocks normal access to the backland. The 5 lots proposed in this subdivision would be approximately 4 to 5 acres.**
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 rolling property has approximately 20' elevation change. The soils are acceptable for on lot sewage treatment for 5 houses. The site is surrounded by City of Columbus land to the north and west, with a large pond abutting this site directly to the west. The shape of the lot is such that a road would be difficult to construct to County standards. It is also a burden to require this property owner to create only three 7-acre lots in an area where residential lots are typically 1 to 3 acres, and when 5 lots would be allowed if the frontage on SR 257 were not blocked by an odd shaped lot and house built in 1900.**
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 proposed lots would conform to the Scioto Township Zoning Resolution. This request meets the criteria for the use of a CAD due to the characteristics of the property and physical surrounding.**

**IV. Staff Recommendation**

DCRPC staff recommends **Conditional Approval** of the variance for a five-lot Common Access Drive request for Edgewater Estates to the DCRPC, *subject to:*

- 1) *The CAD shall meet all of the requirements in the (current) 1997 Subdivision Regulations;*
- 2) *The CAD shall meet all of the items noted in Section I of the Staff report;*
- 3) *The applicant shall share with DCRPC his complete costs of construction for the common access drive and related ditch drainage. The applicant shall allow selected core samples to be taken of the driveway after construction to analyze the strength of the road at 6 month and 1 year interval.*

**Commission / Public Comments**

Mr. Kilbury was present. He stated that they are willing to work with the county and provide the information on costs.

Mrs. Warthman questioned the length of the CAD and asked if the Fire Chief has given approval. Mr. Deel stated that the project is only in the sketch plan phase. The applicant would still need to meet all the current subdivision regulations.

Mrs. Warthman asked if the individual driveways would be paved. Mr. Laurien stated that it is up to the applicant to pave beyond the Common Access Driveway, if desired.

**Mr. Ward made a motion for conditional approval of the variance for Edgewater Estates, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**III. POLICY / EDUCATION DISCUSSION**

▪ **Sewer Master Plan**

The preliminary report has been published and mailed to the clerk of each jurisdiction. Additional books are available for \$45.00 and CD's are \$10.00.

Mr. Laurien stated that this would be the first countywide sewer master plan. The key to this plan is the density map, which is based on the local zoning and comprehensive plans. The proposed build out population of Delaware County at current Planning and Zoning is 430,000 (revised density map). There are four new defined sewer service areas: Lower Scioto Service Area, Central Alum Creek Service Area, Central Olentangy Service Area, and Big Walnut Service Area. The decision as to which area is served first will be driven both by development and by abating public health hazards. The consultants will study what technology would be the most appropriate sewage treatment technology for each of these areas, where those facilities would be located and what the costs is to sewer each of the different sub areas. Then the Commissioners can prioritize which one to do first and where the money comes from. In the mean time, we may have development driven projects that might help drive the timetable faster.

The RPC staff costs were \$37,000. During the consultant interviews, it was stated that the Sewer Planning Committee saved them about 6 months time by writing the Preliminary Report. This represents a savings of approximately \$200,000 to the County.

The County's Sewer District extends up to the municipal boundaries. Municipalities have the ability to plan outside their boundaries and have the ability to annex territory. They can be planning for some of these unincorporated areas around them. The County also plans for these areas because it's their sewer service district. This results in an overlap of planning areas. The County wishes to avoid duplication of sewer service. The County has offered to the City of Delaware a cooperative agreement where they could swap sewer services in areas where one could serve better than another. The County recently received a letter from the City of Delaware that shows an expanded future sewer planing area for the city. They also state that extension of city sewer requires annexation to the city. (See attached.)

Mr. Ward said that he was very surprised by the letter. He stated that the City approved the county extending sewer into the city without annexation but they would not run city lines out into the county with out annexing.

Mr. Smelker stated that the County would continue to plan for areas in the

sewer service district.

Mr. Gunderman urged the Commissioners to take the annexation restriction out of the negotiations with the City. Mr. Smelker stated that they want to take annexation out of the extension of sewer. The County cannot and will not require property owners to annex to the city to obtain county sewer service in a township area. But if a resident wanted to annex for some other purpose, such as higher densities, better fire protection or a different school district they could. Mr. Gunderman asked if there are other sewer agreements that run on that principle. Mr. Smelker stated that there is one with Columbus, Westerville and Dublin.

Mr. Laurien stated that the City could always offer higher density through their zoning to entice people to annex. What this sewer plan is saying, is we are planning for the areas in the townships that are our county customers and that are asking for service. If the City can serve it more easily, the County would be glad to contract and send sewage to them, let them mark it up, make a profit on it, treat it. We would do the same for them. They could develop areas and send sewage to our plants. The EPA asked the City and County to work towards a cooperative agreement. Since Delaware County is the fastest growing County in the state, it could be a model for others.

Mr. Gunderman stated that it isn't unusual that City's ask for annexation when providing services. If that idea was deleted from negotiations an agreement could probably be worked out.

Mr. Laurien responded "it all depends on who your customers are."

#### IV. ZONING MAP/TEXT AMENDMENTS

**08-04 ZON NorthStar Land LLC – Berkshire Twp. – 17 acres  
from FR-1 to PCD**

##### Introduction

North Star is a planned, 1700-acre, mixed-use golf course community that spans two townships, Berkshire and Kingston. The land lies east of I-71 and north of US 36/SR37. 318 acres has been previously zoned for commercial (PCD) and 521 acres for residential uses (PRD) in Berkshire Township. The golf course portion of North Star has been zoned Planned Recreational in Kingston Township.

This request seeks to include another 17 acres along the north side of US 36 into North Star's Planned Commercial core of 318 acres in Berkshire Township. It offers another potential access point to US 36, and a "face" onto US 36.

#### I. Existing Conditions

**Present Use:** Residential (one house) and Agriculture.

**Proposed Use:** Planned commercial uses (unspecified at this time, final development plan approval will have to determine such uses at a later date).

**Existing Density:** 1-unit/ acre

**Existing Zoning:** Farm residential

**Proposed Zoning:** Planned Commercial and Office

**School District:** Big Walnut

**Utilities Available-** Del Co Water, centralized sewer with land application of treated effluent to a golf course by North Star, with permanent treatment plant ownership and maintenance by Delaware County.

#### II. Issues

1. **Preliminary Development Plan-** The applicant has filed for PCD zoning without a final development plan, so a preliminary development plan is required that gives general information about development character, size and location of the PCD, architectural design criteria for structures and signs, proposed provisions for utilities to the extent known, and so forth. No preliminary development plan has been filed for this 17 acres, but the North Star written devilmnt standards are submitted to control many of the site development standards.

#### 2. **Preliminary Development Plan Requirements:**

##### 1.) The proposed size and location of the PCD

**DCRPC Staff Comment:** Adequately shown, 17 acres, as mapped and described.

##### 2.) The General development character of the tract including, to the extent known, any limitations or controls to be placed on all uses and descriptions of other development features including landscaping.

**DCRPC Staff Comment-** Very little information. No site plan is submitted, but the same standards and criteria approved for the remainder of North Star commercial are offered for this 17-acre tract.

- 3.) **Architectural design criteria** for all structures and criteria for proposed signs with proposed control procedures.

**DCRPC Staff Comment-** generalized written architectural design criteria are submitted.

- 4.) **The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage, to the extent known.**

**DCRPC Staff Comments -** The provisions for Del-Co water service, and centralized sanitary sewer service (treatment plant to be constructed by North Star LLC, approved by Ohio EPA and dedicated to Delaware County for permanent maintenance) were all agreed to as part of the original North Star rezoning. This 17-acre will be similarly served. There will need to be much discussion at the time of final development plan approval by the township regarding location of utility lines, water towers, hydrants, street stubs to adjacent properties, drainage and so forth.

- 5.) **Storm water Drainage-** No drainage plan is submitted. This will have to be submitted with a final development plan and with the subdivision plat. The site can drain to the north to outlet to a ravined seasonal stream that flows to the east branch of the Little Walnut Creek.

- 6.) **The relationship of the proposed development to existing and probable uses of surrounding areas.** The preliminary development plan for the 318 acres of North Star commercial ground to the north shows a road that stubs to the Goodsall land west of this 17 acres. This road should be realigned to the east to connect to the 17-acre tract being rezoned. This would give a second full access point to US 36. A preliminary development plan showing this new road should be submitted to the township with this application for consideration prior to the granting of any PCD zoning for this tract. This road should be aligned with a potential new road for the Goodsall tract on the south side of US 36. The applicant should coordinate this with ODOT District 6.

- 7.) **A description of the common Open Space and proposed use thereof.**

**DCRPC Staff Comment-**The application says there will be no significant open space as part of this 17-acre rezoning. More detail is needed to potentially buffer commercial uses to adjacent residential uses. Again, a preliminary development plan should show at least a perimeter green space to buffer adjacent residential uses to the east.

- 8.) **Specific Statements of divergence from the development standards in this Article or in Articles XXI, XXII, and or XXIII or existing county regulations or standards and the justifications therefor.**

**DCRPC Staff Comment-** No divergences submitted. Without a divergence for a preliminary development plan this application is incomplete. A preliminary development plan should be submitted.

### **III. Criteria for approval**

- 1.) If there are unique circumstances or considerations present which prevent the simultaneous submission of a final development plan with the application and whether the absence of a final development plan is materially detrimental to the public health, safety, or welfare.

**DCRPC Staff Comment:** Because North Star is a very large Planned Unit Development some flexibility is need in the master planning of individual tracts such as this. The time for agreement on internal road alignment, structures, lot coverage, architectural rendering, landscaping and signage will be the final development plan and subdivision plat stage. The major impact from North Star will be traffic. This impact still needs to be assessed and approved as to specific road improvements to US 36 through ODOT. This second potential entrance from US 36 can have the positive aspect of distributing trips, but it will also require turning lanes and improvements to US 36 that must be coordinated with ODOT. Since Berkshire Township has already decided to move forward and zoned the other parts of North Star for PCD without detailed preliminary plan information, this submission, if a road connection through from US 36 to Wilson Road were shown as described, would be acceptable for rezoning to PCD with the clear understanding that many unresolved issues related to design, land use, drainage, signage, lot coverage, setbacks and so forth all must be designed in detail and approved by administrative review of the final development plan, and then platted by Delaware County Regional Planning Commission.

- 2.) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this zoning resolution.

**DCRPC Staff Comment:** Despite the deficiencies that would normally be seen in a preliminary plan, the fact that this tract will come in under the approved guidelines for North Star means this rezoning is generally consistent with the purpose, intent and applicable standards of this resolution for such a large project as this early stage of planning. More will be asked and must be provided later.

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

**DCRPC Staff Comment:** It does conform to the 2001 Comprehensive Plan, which recommends Planned Office for this tract.

- 4.) If the proposed development advances the health, safety and general welfare of the township in the immediate vicinity.

**DCRPC Staff Comment:** Generally yes, but both areas, the 318 acres of approved PCD North Star and this 17 acres proposed for PCD are works in progress. The development plans need significant refinement before the Berkshire Township Zoning Commission and Trustees approve any final development plan.

#### **IV. DCRPC Staff Recommendation**

The DCRPC staff recommends to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees that the requested rezoning from FR-1 to PCD for 17 acres by North Star Land LLC be **conditionally Approved**, *subject to:*

1. *A preliminary development plan being submitted concurrent with this application that shows:*
  - a. *A new access road from US 36 on the south to the relocated Wilson Road within the 318-acre North Star development. ODOT District 6 should approve the entrance location of this road; check with Greg Channel or Ray Lorello, at 740-363-1251.*
  - b. *A perimeter landscape buffer to the east to protect the single-family house on the Wrinkle property.*
  - c. *A generalized drainage plan to show all drainage being taken to the seasonal stream to the north on the North Star land.*

#### **Commission / Public Comments**

Mr. Skip Weiler was present. He stated that he anticipated that the road would go through as stated by Mr. Laurien.

***Mr. Spanner made a motion to recommend conditional approval of the rezoning request by North Star LLC, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**09-04 ZON                      Rome Corners LLC, c/o Crafton Properties–Berkshire  
Twp.–358.239 acres from A-1 to PRD**

**Location:** West side of Rome Corners Road, south of Cheshire Road.

#### **I. Conditions**

**Present Zoning:** Agricultural (A-1)

**Proposed Zoning:** Planned Residential (PRD)

**Present Use:** Agriculture and woods

**Proposed Use:** 273 dwelling units on central sewer, 53 dwelling units with on-site sewage disposal

**Existing Density:** 1 unit per 5 acres

**Proposed Density:** .91 units per (gross) acre

**School District:** Olentangy and Big Walnut

**Utilities Available:** Del-Co Water, County sewer for the western portion of the site

**Soils:** BeA Bennington Silt Loam, 0-2% slope

BeB Bennington Silt Loam, 2-6% slope

CaB Cardington Silt Loam, 0-2% slope

CaC2 Cardington Silt Loam, 6-12% slope

CnA Condit Silt Loam, 0-2% slope

PwA Pewamo Silty Clay Loam

#### **II. Surrounding Land Use**

To the north are single family homes fronting Cheshire Road on 1 acre to 5 acres, including a 17-acre horse farm. To the south is undeveloped agricultural land. To the west across Interstate 71 is Killdeer Meadows, a subdivision under construction which will be on centralized county sewer. To the east are 1-acre to 5-acre road frontage lots on the east side of Rome Corners Road and the Woods at Rome Corners subdivision, platted in 1987.



### **III. The Plan**

The development, referred to on the development plan as Cheshire Woods, is designed as two very distinct districts. There are 273 lots that are proposed to be served by centralized county sewer on the west side of the project. These lots average 13,500 s.f. On the east side of the subdivision, there are 53 lots that are proposed to use on-site sewage disposal systems because they lie outside the drainage area of the current county sewer system. Most of these proposed lots are slightly over 2 acres, with a few up to 2.5 acres in size.

Over 125 acres of open space is designed on the plan in eight different areas. The largest piece of open space is 70 acres along Interstate 71. The plan shows a large existing pond and two proposed retention ponds in this area. Other open space areas are distributed throughout the site, including a large space in the 2-acre lot area.

There are three accesses on the plan; one from Cheshire Road and two on Rome Corners Road. The interior roads form a network that allows 70% of the small sewered lots to back up to open space. One street stub to potential future development is noted to the north.

**Provision of sewer:** Although the County Sanitary Engineer has not had time to review this plan completely, the office has indicated that 219 acres of the site do fall within the current sewer service tributary area. However, the developer may wish to pursue a new design whereby all the lots are on central sewer. The waste from the eastern lots could travel to Rome Corners Road to a temporary lift station until the entire area will have sewer service at some point in the future. If that were the case, the site could be redesigned to allow for more open space, and more lots fronting on open space. This would require permission from the County Commissioners and the installation of a lift station, which is not at all guaranteed.

Even if the two-acre parcels are not provided with sewer, the site should be configured so that the eastern lots are only as large as they have to be for proper siting of on-site sewage disposal systems. As currently designed, the eastern portion of the plan is very land-consumptive, providing no transition from the large lots to the small ones.

### **IV. Conformance with Development Standards**

The application appears to conform to all the development standards of the "old" Planned Residential District except for the following: (Note: Berkshire Township has adopted revised PRD regulations, but the timing of this application predated the effective date of the new zoning regulation.)

**Landscaping:** the plan generally states that the landscaping standard will be met, but no specific plan is indicated. Two street trees are proposed for each lot. It is unclear if this two-tree standard applies to all lots or only the quarter-acre lots. To make the development more cohesive as a neighborhood, the larger lot will require a number of street trees based on each lot's frontage, rather than a total number per lot. No detail has been submitted for the entrance features from Cheshire Road and Rome Corners Road. Such detail should be submitted to the township for approval. Finally, there is no note as to whether any of the existing tree lines and wooded areas will be preserved with no-build/no-disturb areas. These should be added to the plan to preserve rural character and add value to the development.

**Common Open Space:** Although the plan provides 35% open space where 10% is required, it could be better organized. The code requires that open space be "highly accessible to all residents or users" and that useable space shall be "suitably improved" and that natural wooded areas may be left unimproved. There are no details included for the development of the open space and it is unknown which areas will be improved. The open space should be configured in a way that allows access to and between open spaces. Ideally some sort of paved or graveled pathway would be provided throughout the development.

### **Other design concerns:**

**Lot configuration:** The lots on either side of the entrance road from Cheshire are 10,800 s.f. and are the smallest lots on the site. They are also directly adjacent to the existing lots on Cheshire Road. This area should be redesigned as a single-loaded street, allowing the lots to be deeper and the road to be curved, avoiding a canyon-like appearance. If the entrance road were heavily landscaped and curved at its entrance to Cheshire Road it could totally screen itself from the adjacent residential lots on Cheshire.

**Lots on Open Space:** Most of the lots do have direct access to open space, except for the tight block of homes along the southern edge of the development. This area should be reconfigured to allow more of the lots to have direct access to the open space. Consider a small pocket park that several homes could front on in the center of this area. Extending the N/S spine road "A" might also help alleviate the problems with this dense pocket of houses and provide access to the south. Also, the two lots that appear to gain frontage on Rome Corners Road (Lot 308 and 309) should be incorporated into the interior of the site, allowing the open space to extend to the street. This not only reduces the number of curb-cuts on Rome Corners, but also preserves the rural nature and appearance of the existing road.

**Road network:** The plan shows a main road, Street "A", entering from Cheshire Road and traveling south before terminating into Street "G" in a dense block of back-to-back houses. This street should instead form a curving spine artery through the development, traveling directly to the south property line. The plan also shows a street connection to the Rodgers property to the north. This was identified on the township comprehensive plan as an area for a potential township park. This access might be useful if a park is sited there, but the township should determine if the location of the connection is appropriate.

**Sidewalks:** The development plan notes that sidewalks will be provided on both sides of the quarter-acre lots, but no detail is given for the 2-acre lots. At the very least, a walking/biking path should be provided on one side of the street in the area of the larger lots. All paths and sidewalks should be interconnected.

**Lot widths and setbacks:** There are no stated garage setbacks, meaning that "snout houses" with fully-projecting garages in front of the houses are possible. A garage setback should be established preventing snout houses or fully-projecting garages.

#### **V. 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 except for the deficient development standards noted in Item IV. and V. above.

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

**Staff finding:** The 2001 Berkshire Township Comprehensive Plan map recommends single-family residential for this location at 1 unit per 2 acres without central sewer or 1.25 units per acre with central sewer. The density of the sewer tributary area is 1.25 units/acre and the overall density is .91 units/acre. The plan generally complies with the comprehensive plan.

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

**Staff finding:** The preliminary development plan (if amended to correct the deficiencies listed in Sections IV and V above) does advance the public health, safety and welfare of the vicinity.

#### **VI. DCRPC Staff Recommendation**

Staff recommends **Conditional Approval** of the change in zoning from A-1 to PRD to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees, *subject to the following:*

- *Single-loaded and curving entrance road.*
- *Discuss the possibility of sewer service to the entire site with the County Commissioners.*
- *Add curves to road "A" and extend to the south property line.*
- *Revise the design to place more homes on open space.*
- *Discuss possible park land plans with the Township Trustees for the Rodgers land to the north.*
- *Show sidewalk/bike path and street tree cross-sections for all roads.*
- *Establish garage setbacks that require front-loading garages to set back behind the front of the house.*

#### **Commission / Public Comments**

Mr. Kurt Zissler of Hockaden & Associates stated that they have not been in front of the Berkshire Twp. Zoning Commission yet. The 2-acre lot sizes proposed are based on the FR-1 zoning district. They would be very interested in discussing the reduction of the 2-acre lots within the PRD lot size with the Township to add more open space. He stated that he would look into the sewer servicing comment. A stub would be provided to the south. They are wary of having a road from Cheshire Rd. run directly south through the development.

Mrs. Warthman asked what the conditions are to expand the sewer district to include the large lots on the east side of the property. What are the conditions that you look for? Mr. Smelker said that right now it is out of the current sewer service area.

***Mrs. Warthman made a motion to recommend conditional approval of the rezoning request by Rome Corners LLC, subject to staff comments. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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10-04 ZON

Trenton Twp. Zoning Commission – Comprehensive Plan review

**Applicant:** Trenton Township Zoning Commission

## **I. Introduction**

The township zoning commission initiated a comprehensive planning process in 2002. A group of about 36 citizens met at the township hall on August 19, 2002 and participated in a nominal group process that identified the perceived land development strengths, weaknesses, opportunities and threats within the township. The citizens noted such positives as rural atmosphere, low density, open space, cemetery upkeep, agriculture and scenery. Perceived negatives included Annexation threats, predatory developers, increasing traffic, corporate farming, dense population (potential), and eminent domain.

A steering committee was formed and continued to work through 2003 on the plan, resulting in a land use map and accompanying text that sets the tone for future development within the township. This is a summary of the comprehensive plan findings and recommendations.

## **II. Highlights of Trenton Township's Land Use Facts and Issues**

1. 125 new home building permits were issued from 1993-2001.
2. From 1999-2001, 24 new lots were created as no-plat lot splits.
3. Population is projected to increase about 1.15% each year from 2002-2010 (2,190 – 2,291)
4. In 2001, 11 new lots were approved in the township.
5. Agricultural acreage is still 69% of the township, and the number one land use by acreage.  
Loss of farmland is a concern of new residents.
6. 97% of all housing is new, or in very good condition.
7. There were approximately 733 housing units within Trenton Township in October, 2001, more than 99% are single family homes.
8. There is adequate potable water supplied by the Del Co Water Company.
9. Trenton Township may not receive sanitary sewer service in the scope of this plan 2000-2010.
10. The Big Walnut School District is adding an average of 10 new students every year and growth is projected to increase by 13% by 2010-11.
11. Fire protection is provided by the BST&G Fire Department.
12. The township is blessed with significant open space and a network of streams and ravines. With growth there will be a need for more active recreation.

## **III. Objectives of the Comprehensive Plan (summary)**

### **Natural Resources**

1. Obtain linkage of subdivisions by streets, bike paths, or greenway trails so neighborhoods are connected and pedestrian oriented.

2. Retain wooded greenways along ravines, waterways and project perimeters.
3. Amend the zoning resolution to reflect the net developable acreage rather than gross density in calculating the number of dwelling units in Farm Villages and Conservation Subdivisions.
4. Adopt regulations that permit Farm Villages and Conservation Subdivisions in the FR and RR Districts as a Conditional use.
5. Adopt local floodplain protection zoning.
6. Retain natural vegetation and use existing topography as buffers and filter strips for surface water.
7. Establish a 120-foot structural setback from the major streams of the township to preserve surface water quality. Such setback should include subsurface wastewater disposal systems.

### **Agriculture**

1. Permit Farm Villages and Conservation Subdivisions as conditional uses in the FR and RR zoning districts.
2. Preserve farmland by voluntary sale of development rights from farmland to adjacent farm villages.

### **Residential Development**

1. Retain single family densities of at least one unit per 3 acres where there is no centralized sanitary sewer provided.
2. Permit Farm Villages and Conservation Subdivisions as conditional uses in the FR and RR districts.
3. Avoid development of uses or densities that cannot be serviced by currently available or imminently planned infrastructure, unless such development mitigates its unplanned infrastructure impacts.
4. Adopt a Conservation Subdivision zoning text that separates non-developable lands (floodplains, water, slopes greater than 25%, jurisdictional wetlands) from density calculations.
5. Consider a Traditional Neighborhood Development (country village) in Condit, North Condit and Condit Station if public sewer can be provided.

### **Commercial and Industrial Development**

1. Use parallel frontage or backage roads to S.R. 3 and U.S. 36 to service the commercial uses and to control access points onto arterial roads.

### **Recreation**

1. Create a series of neighborhood parks of 15 acres with active recreation with ½ mile spacing in Conservation Subdivisions.

### **Township Services**

1. Acquire new sites for township facilities, including fire, police, road maintenance, etc.
2. Work with elected officials to increase services as needed, but not in a way to compete with urban development, so as to retain a rural community.

### **Planning and Zoning**

1. Revise the zoning text and map in accordance with the comprehensive plan.
2. Develop policies for service provision that relate to the comprehensive plan.
3. Add a Conservation Subdivision alternative to allow for different kinds of open space for land that is not suited to the continuation of agriculture.

### **Transportation**

1. Require commercial parallel access roads and connections between planned commercial developments along major arterial roads, especially S.R. 3 and S.R. 37.
2. Assist appropriate government agencies in the review of corridors for the proposed Alternative N to the County Thoroughfare Plan. Seek the corridor that provides the best traffic efficiency and least impact on Trenton Township.
3. Restrict left turns across traffic on S.R. 3 and S.R. 37. Coordinate turns at new signals.
4. Encourage construction of new roads on the Comprehensive Plan as part of new developments.

## **IV. Highlights of the Map and Recommendations**

### **Sub-Area I**

Majority of the township, except areas along County Road 605 at the intersections of Hartford Road, State Route 3, and N. Old 3C Highway. Approximately 16,260 acres.

### **Recommendations**

1. Retain current minimum lot size of 3 acres in the Rural Residential district and retain this zoning district in areas that are now, or will continue to be, unsewered.
2. To save farmland, Farm Village type conservation subdivisions should be permitted without zoning change use at the overall density of this agricultural district. In other words, a 100-acre tract could be divided into

- 20 lots, each one of which would be less than five acres, saving perhaps 70 acres in farmland open space. The smaller the lot size, say, one acre per lot to accommodate septic systems, the more farmland could be saved as open space, and potentially kept in farm production.
3. To save open space, permit Conservation Subdivisions or Farm Villages at the maximum density of 1 unit per 3 acres.
4. Protect the 100-year floodplain by prohibiting new residential structures within it.
5. Support the new signal and intersection improvement by ODOT at C.R. 605 and S.R. 37.
6. The MORPC 1999 Bikeway Corridor Update includes routes along Centerburg, Condit, Hartford, Longshore, Miller-Paul and Ross Roads. New development along these roads should incorporate these bike paths in their design.
7. Support the conversion of the former inter-urban rail right-of-way (land owned by Weiss, Mohler, Runyon, Sandel and Success Acres) into a bikeway, if pursued by a private or public organization and funded outside the township (route 12 on the MORPC Corridor Update).
8. A new road is recommended by the 2001 Delaware County Thoroughfare Plan coming from Berkshire Township south of Sunbury, into Trenton Township and meeting S.R. 37 at an intersection along the Wilson Farm property. The road linkage can be development-driven as these parcels develop.

### **Sub Area II – North Condit**

Sub Area II is an area surrounding the intersection of Old 3C and C.R. 605. The northern border is 1000' from the intersection; the western border is 2100' from the intersection; 812' to the south and 2400' to the east. Approximately 182 acres

### **Recommendations**

1. Consider a Traditional Neighborhood Development as part of a large mixed use commercial-residential development "node" at North Condit on the S.R. 3 corridor, if public water and public centralized sanitary sewer can be provided. Density would be dependent on availability of centralized sewer, but if a true village were desired, up to 2 du/ac for an area of up to 75 acres.
2. Commercial parcels with access to S.R. 3 should be linked with parallel rear access roads built in increments by developers. Left turn movements across traffic should be at controlled locations spaced at least ¼ mile apart, as approved by ODOT. Most access points should be right turn in and right turn out only, since a non-traversable median in S.R. 3 may someday

be necessary.

3. The frontage lots along the north side of S.R. 3 are recommended for eventual conversion to professional offices. For new construction, access management will be a key. For existing residences that convert to offices, driveways should be joined to reduce curb cuts whenever possible.
4. Permit Conservation Subdivisions of Farm Villages at the density of the underlying zoning, to a maximum of 1 unit per 3 acres.
5. Protect the 100-year floodplain by prohibiting new residential structures within it.
6. The MORPC 1999 Bikeway Corridor Update includes routes along Condit and Hartford Roads. New development along these roads should incorporate these bike paths in their design.
7. Support the conversion of the former inter-urban rail right-of-way (land owned by Sandel) into a bikepath, if pursued by a private or public organization (route 12 on the MORPC Corridor Update).

### **Sub Area III – Condit Station**

Sub Area III is a commercial hub around the intersection of State Route 3 and County Road 605. Approximately 208 acres

#### **Recommendations**

1. Lands within Sub Area III should be developed as Community Business, Planned Commercial and Limited Industrial uses that pay significant property taxes and generate large sales taxes. These could be restaurants, offices, highway service such as gas stations, or even regional commercial uses such as major grocery stores and retailers.
2. Parcels should have limited access to S.R. 3 and be linked with parallel rear access roads built in increments by developers. Left turn movements across traffic should be at controlled locations at least ¼ mile spaced (1/2 mile preferred), as approved by ODOT. Most access points should be right turn in and right turn out only, as a non-traversable median may someday be needed.
3. Only low level, downward-cast lighting should be allowed to prevent glare on adjacent roadways, light pollution on adjacent properties.
4. To avoid sign clutter, ground signs should be the only sign type permitted along S.R. 3 and C.R. 605. Billboard and pole signs should be prohibited.
5. A Trenton Township architectural sign syntax should be developed.
6. Extensive landscaping should be required in parking lots to avoid the “sea of asphalt” to reduce runoff and temperatures. Use landscaping to divide parking areas by using islands at reasonable spacing, at ends of rows, and along S.R. 3 frontage. A standard landscape detail should be adopted.
7. Lands within Subarea III currently are outside the county sanitary sewer

service area. Those lands fronting on S.R. 3 are recommended for planned commercial or office uses if sewage disposal can be provided. Commercial or office uses could be served by on site septic systems if their water usage is limited. They could be served by a privately constructed, but county dedicated and maintained sewage treatment plant with land application of treated effluents.

8. Consider a TND as part of a large mixed use commercial-residential development “node” on the S.R. 3 corridor, if public water and public centralized sanitary sewer can be provided.
9. Single-family parcels may be redeveloped as professional office uses, with access management controls to prevent congestion on S.R. 3 and C.R. 605.
10. Support any improvements made by ODOT along S.R. 3, including limiting access.
11. The MORPC 1999 Bikeway Corridor Update includes routes along Condit Roads. New development along this road should incorporate these bike paths in its design.
12. Support the conversion of the former inter-urban rail right-of-way (land owned by Sandel) into a bikepath, if pursued by a private or public organization (route 12 on the MORPC Corridor Update).

### **Sub Area IV – South Condit**

An area with the intersection of C.R. 605 and Hartford Road as the center. The northern boundary is 3,000’ north; 1,000’ to the south and 2,150’ to the east. To the west, it includes the road frontage lots on the south side of Hartford Road to the old Township Hall. Approximately 370 acres

#### **Recommendations**

1. Retain current minimum lot size of 3 acres in Rural Residential district.
2. Consider a Traditional Neighborhood Development as part of a large mixed use commercial-residential development “node” at North and South Condit on the S.R. 3 corridor, if public water and public centralized sanitary sewer can be provided. Density would be dependent on availability of centralized sewer, but if a true village were desired, up to 2 du/ac for an area of up to 100 acres.
3. Permit Conservation Subdivisions or Farm Villages at the density of the underlying zoning, to a maximum of 1 unit per 3 acres.
4. The MORPC 1999 Bikeway Corridor Update includes routes along Condit and Hartford Roads. New development along these roads should incorporate these bike paths in their design.
5. Support the conversion of the former inter-urban rail right-of-way (land owned by Sandel) into a bikepath, if pursued by a private or public organization (route 12 on the MORPC Corridor Update).

- 6. Acquire land west and north of the township hall for a township park. Ultimately 15-50 acres would be desirable.

**V. DCRPC Staff Recommendation**

Staff recommends **Approval** of the Trenton Township Comprehensive Plan of 2004 to the DCRPC, the Trenton Township Zoning Commission and the Trenton Township Trustees.

**Commission / Public Comments**

Mr. Laurien stated that regarding the issue for joint future planning between Sunbury, Galena, and Trenton Twp. it was agreed that the areas east of Sunbury and Galena are areas in play for future growth. Some are within the sewer contract area the County has with the City of Columbus. In the Sunbury Comprehensive Plan draft it was stated that there should be a joint effort between Berkshire Twp., Trenton Twp., Villages of Galena and Sunbury to discuss the future of lands that would be adjacent to these Villages and to the east of them.

**Mr. Miller made a motion to recommend approval of the Trenton Twp. Comprehensive Plan. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**11-04 ZON                      South Galena Road Development Co. – Berkshire Twp. – 89.378 acres from A-1 to FR-1**

**I. Request**

William Westbrook, optionee, is requesting a zoning map change from Agricultural (A-1) to Farm Residential (FR-1) for 89.38 acres in Berkshire Township to develop a single-family residential street and approximately 39 house lots.

**II. Conditions**

- Location:** 990 South Galena Rd., 800 feet north of Cheshire Rd., Orange Township
- Present Zoning:** Agricultural District (A-1)
- Proposed Zoning:** Farm Residential District (FR-1)
- Present Use(s):** Agriculture / Wooded
- Proposed Use(s):** Single-family Residential
- Existing Density:** 1 du/ 5 acres

- Proposed Density:** 1 du/ 1 acre
- School District:** Big Walnut Local School District
- Utilities Available:** Del-Co Water and private septic systems
- Soils:**
  - AmD2 – Amanda Silt Loam (12 to 18% slopes) eroded
  - BeA – Bennington Silt Loam (0 to 2% slopes)
  - BeB – Bennington Silt Loam (2 to 4% slopes)
  - CaB – Cardington Silt Loam (2 to 6% slopes)
  - PwA – Pewamo Silty Clay Loam (0 to 1% slopes)

**III. Description**

This property lies between I-71 and South Galena Road. The applicant has submitted a development plan indicating 39 single-family lots at a gross density of 1 dwelling unit per 2.3 acres. The plan also indicates an east/west road that would pass through the property. Two north/south parallel access roads have also been identified, one of which was called for in the 2001 Berkshire Township Comprehensive Plan.

Surrounding land uses include single-family residents along area roads with agricultural fields to the north and south. With I-71 adjacent to the west, an ODOT weigh station off the northbound lane abuts the site.

**IV. Conformance with Development Plan Standards**

A development plan is not required with a rezoning application for FR-1 zoning. The development plan that was submitted appears to conform to the standards listed in the Berkshire Township Zoning Resolution. After approval, however, the applicant is not bound to developing the property as specified on the development plan. The applicant should develop the site in full conformance with the standards in Section 8.06 of the Zoning Resolution. On site sewage disposal systems are not guaranteed to work on all the proposed lots as configured in the sketch submitted.

**V. 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.

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

**Staff Finding:** Partially. The 2001 Berkshire Township Comprehensive Plan recommends the eastern half of this property to have a density of 1.25

dwelling units per acre with centralized sewer or 1 du/2 acres without centralized sewer. The FR-1 district would allow densities up to 1 du/acre. There is currently no sewer available to the site, so large lots would be required. The 2001 Berkshire Township Comprehensive Plan recommends the western half of this property for planned industrial use. The far-western half of the property abuts I-71 and the trunk weigh station. The basis for future industrial land use was to establish tax base adjacent to the freeway, to buffer the noise and fumes of the freeway and truck weigh station with industrialized use, served by a north/south spine Road "E" that would be development driven when sewer becomes available. The sketch plan does provide for a section of the north/south spine, but it would also allow housing abutting the weigh station. This application for single-family residential housing does not conform to this recommended use.

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

**Staff Finding:** Yes, for the land east of the north/south spine road, but no for the land west of the spine road. Rezoning this property to FR-1 would allow residential uses that do not conform to the 2001 Berkshire Township Comprehensive Plan, and it would place these residential uses in close proximity to the freeway. Homeowners would likely complain to the state and demand noise walls, reinforcing the Comprehensive Plan's recommendation for industrial use.

**VI. Staff Recommendations**

Staff recommends **Denial** of the A-1 to FR-1 rezoning for South Galena Road Development Co. for the lands west of the proposed north/south spine road, approximately 2,000' west of South Galena Road to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees.

Staff recommends **Approval** of the rezoning for South Galena Road Development Co. for lands east of the proposed north/south spine road.

Staff also notes that if the Township, upon review of this proposed development, feels it is reasonable to rezone the entire parcel for FR-1, then staff makes two recommendations:

- 1) Use the wooded wetland behind the weigh station as a no-build open space reserve to buffer house lots from the weigh station.
- 2) Change the Comprehensive Plan for the western portion of this tract and the tract directly south to Residential to match the eastern portions, so that the rezoning conforms to the plan.

**Commission / Public Comments**

Mr. Bill Westbrook was present. He stated that there have been two informal meetings with the Berkshire Twp. Zoning Commission. They indicated that due to its location (south of 36/37), it would be worth considering the possibility of using the FR-1 zoning because it is so close to other single family residential. A soil scientist has completed a study of the soils for septic suitability. The proposal made by staff would be a real challenge. He did not think they could successfully market single family lots adjacent to a (future) industrial use. He did agree with the need for a buffer along I-71. Two different sewer district areas are serving this site. It is on the outer edge of both areas so it would be a significant amount of time before the entire site could be sewerred.

Mr. Ward agrees with the buffer due to the weigh station. He also stated he doesn't disagree with the FR-1 zoning, as long it doesn't extend beyond the proposed western most north/south road. The area to the west of that road to the interstate should be left as open space. Mr. Westbrook stated that he could offer a buffer without it being 500'.

Mr. Laurien stated that Mr. Greg Channel of ODOT echoed Mr. Ward's comments. The weigh stations not only have noise and air pollution but are also crime locations. Mr. Laurien stated that in the past a truck stop was proposed where the White Castle is today, and was unsuccessful. Home owners along 3 B's and K Rd. came and were adamantly opposed for the reason of noise and diesel fumes from what is now the Pilot (formerly the Speedway) on the east side of the freeway.

***Mr. Ward made a motion to recommend conditional approval of the FR-1 rezoning request with the stipulation that the lands to the west of the western most north/south spine road, which is approximately 4,350 feet west of South Galena Road, remain a wetland with a treed buffer area. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**12-04 ZON                      Planned Communities – Liberty Twp. – 40.598 acres  
from FR-1 to PR**

The applicant, Planned Communities is requesting a PRD for 48 single-family lots on the east side of Liberty Road south of Hyatts Road in Liberty Township.

**I. Conditions**

**Present Zoning:** Farm Residence District (FR-1)  
**Proposed Zoning:** Planned Residence District (PR)  
**Open Space required:** None  
**Open Space provided:** 11.52 acres (28%)  
**Present Use:** Single family residence, agriculture, pond and electric power line with tower  
**Proposed Use:** 48 single-family house lots, open space  
**Existing FR-1 Density:** 1 unit/acre  
**Liberty Township Comprehensive Plan-Residential** at 1.25 units/acre with sewer; .6 acre min. lot size; (yields 50 lots).  
**Proposed Development Density:** 1.18 units/acre; 48 lots.  
**Number of lots needing divergence from .6 Acre standard-** 20 of 48 lots  
**School District:** Olentangy  
**Utilities Available-** Del Co Water, Delaware County sanitary sewer (projected late 2005).  
**Soils:** Blount (BoA & BoB)  
Glynwood (GwB)

**II. Facts**

- A. Mullen Trace is a proposed PRD subdivision located at 6363 Liberty Road, which is approximately 2000' south of Hyatts Road. The proposal includes 48 single-family houselots on 40.598 acres (1.18 du/acre). Approximately 28 percent of the site is set aside for open space including 2 small entry strips and a large area to the northeast. A 100' electric easement with high voltage power lines and a single tower runs from the north to the east property line, and is almost entirely within the proposed open space reserve. An existing pond in the northeast corner of the property will remain and 2 detention ponds are proposed, all within the large open space. A bike path is proposed throughout the open space. The plan includes 28 lots of 0.6 acres or larger and 20 lots of 0.25 acres. An existing house will remain (not noted on the plan) and a barn will be razed. The PR zoning and overall density conforms to the Liberty Township Comprehensive Plan for land use, but 20 of the 48 lots do not conform to the Comprehensive Plan (0.6-acre minimum).
- B. Existing Land Use:  
To the north: Large lots of 5+ acres, some containing single-family homes.  
To the east: Large undeveloped tracts  
To the south: Proposed Nelson Farms subdivision (1.07 du/acre); Del-co water plant.  
To the west: Single family residences on 1-acre lots on the east side of Liberty Road and 1 to 5 acre residential lots on the west side. The Chessie System

railroad tracks are west of Liberty Road.

**III. Conformance with Development Plan Standards in Section 10.07**

**A. Lot sizes**

Lot sizes range from 0.25 to 1.04 acres, where 0.6 acres is recommended. The township may vary the minimum lot size to permit clustering in areas where sensitive, natural features are protected or preserved. In this case no sensitive natural features are preserved. The township may approve a divergence if they feel it is warranted.

**B. Landscaping Plan**

The application includes a landscaping plan. Trees will be planted along all proposed streets. Each lot will be landscaped with deciduous and evergreen plantings.

**C. Architectural Design Criteria for structures and signs**

No renderings were submitted. The text does offer written design criteria. It is not noted if existing structures are to remain although the applicant has stated verbally that the house will stay. The location and rendering of entry signs and features have not been provided. The plan does not indicate whether garages will be permitted to fully protrude in front of the residences, also referred to as "snout houses". The Township may not desire such houses, and may wish to see front loading garage setbacks established behind the building line or front wall of the house.

**D. Sanitary Sewer**

This development is predicated on the construction of the Perry Taggart trunk line along the Olentangy River Valley to the east. According to the service letter provided by the Sanitary Engineer's office, it is estimated that these improvements will be completed in late 2005. Sewer issues have stalled the Nelson Farms development to the south. Sewer would be extended from the Perry Taggart line through Nelson Farms to the site, according to the applicant.

**E. Water**

Del-Co water is available to the site from a 12" line on Liberty Road. A letter of acknowledgement has been submitted by Del-Co.

**F. Drainage**

Stormwater runoff will be routed to 2 proposed detention ponds to the northeast in the open space. The County Engineer's office should review the calculations to determine if enough detention is provided.



#### G. Traffic and future probable development

This development's main access, Street "A", is from Liberty Road. Street "C", located in the southeast corner, provides a connection to the proposed Nelson Farms subdivision to the south as well as the adjacent Cutforth Tract (21 acres) to the east. Street "B" stubs to the north property line. It should be noted that the Nelson Farms development plan does not show a connection to this tract. That development plan would need to be amended. A traffic study has not been submitted. The developer of this project is the same developer of Nelson Farms (165 lots), which will contain a through street from SR 315 to Liberty Road. ODOT and the County Engineer may want to see the impacts of both developments. Street "D" and "E" both terminate in a "T" turnaround. The developer should consult with the County Engineer and the Liberty Township Fire Department to determine if a cul-de-sac is preferred/required.

#### H. Compatibility with existing and future probable uses

The PRD use is compatible with proposed land uses to the south. The area to the north and west contains large lot single family residences, which may require additional buffering. The tract to the east is vacant but is recommended on the Liberty Comprehensive Plan for single family residential at similar densities as this development and Nelson Farms.

#### I. Timetable for development

According to the development plan, "The schedule of this project is dependent on the construction of the Perry Taggart sewer trunk line, by Delaware County, which is indefinite at the submission of this document." Once the improvements are completed, the developer anticipates the project to be developed in 2 to 4 years. The project will begin at Liberty Road. Staff questions if this development can proceed ahead of Nelson Farms, since the sewer would need to come through that development.

#### J. Divergences from the Development Standards

1. Lot Size: A divergence is requested for a reduction in lot sizes to less than 0.6 acres. This request is driven solely on the presence of the 100' electric easement, which cannot be developed anyway. The site is flat and other than the pond in the northeast corner, contains no natural features or critical resources worth preserving. Furthermore, 0.25-acre lots are not in character with surrounding lot sizes, even in Nelson Farms. While the Staff encourages clustering of residential developments to preserve useable open spaces, Liberty Township desires larger lots versus large open spaces. The site could be developed with 6-7 fewer lots, with all lots meeting the 0.6-acre standard and still providing a fair amount of open

space.

2. Setbacks: A divergence for minimum front setback is requested for 22 lots. Side yard setback reduction is proposed for the 0.25-acre lots (20 lots). The setbacks are reasonable only if the lot size divergence is approved (See comments in item 1 above).
3. Driveways: Request for a reduction from 100' from intersecting streets to 55' for 3 lots and 70' for 1 lot. Since these lots are on local residential streets, Staff has no objection to this divergence.
4. Signs: The applicant proposes to submit entry feature and entry feature signs as conditional use at a later date. These details should be included with the rezoning application.
5. Phasing plan: The applicant requests a divergence from this requirement due to the uncertainty of market conditions. The development will begin off Liberty Road and should be completed within 2 to 4 years of commencement. Staff has no objection to this divergence.

#### IV. DCRPC Staff Findings

1. ~~This rezoning request is premature. The increased density of the PR development is predicated on the completion of the Perry Taggart sewer trunk line, which is probably 2 years from completion. Once the new trunk line is completed connections must be made through the proposed Nelson Farms subdivision to the south. Furthermore, the Liberty Township Comprehensive Plan recommends the higher density (1.25 du/acre) "at such time as sewer service is provided to this area".~~ **(Deleted by staff at public meeting.)**
2. Lot sizes are recommended by the Comprehensive Plan to be 0.6 acres. The proposed development includes 20 lots of 0.25 acre. This reduction is based on the presence of the high voltage electric line, not the presence of natural features or critical resources. The smaller lots are not in character with adjacent lot sizes. The number of lots could be reduced to provide the minimum lot size required, and still provide some open space for the existing and proposed ponds. The plan should be redesigned.
3. A traffic study may be required by the County Engineer and ODOT, since this development will connect to the proposed through street in Nelson Farms.
4. Additional information is needed for entry features and entry feature signs.

#### V. Section 10.06(C) – Criteria for Approval of a Planned Residential Development

The Zoning Commission and Trustees may approve a Planned Residential Development zoning district 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 intent, and general standards of this zoning resolution.  
**DCRPC Staff Finding: No, not as requested.** If the development plan were amended in accordance with staff comments in Section IV the plan would be consistent with the development standards.
- 2.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.  
**DCRPC Staff Finding: No, not as requested.** The Comprehensive Plan recommends that lots be a minimum of 0.6 acres. The applicant has not demonstrated that the divergence is necessary for the preservation of any natural characteristics.
- 3.) That the proposed development advances the general welfare of the township and the immediate vicinity.  
**DCRPC Staff Finding:** If the development plan was amended to address staff comments in Section IV, then the development could advance the general welfare of the community.

#### **VI. Staff Recommendation**

DCRPC staff recommends that the application for PR zoning on 40.598 acres on Liberty Road by Planned Communities, Inc. in Liberty Township be **Denied** for the reasons noted in Section IV and V above.

#### **Commission / Public Comments**

Mr. Jack Brickner, Director of Development with Planned Communities was present. He stated that he had received a letter from the sanitary engineer stating sewer would be available approximately in 2005. Typically projects take almost 2 years to get through zoning, engineering and construction. This project could coincide with the availability of that sewer. Since they are involved in the project (Nelson Farms) to the south, extending the sewer to this site would be coordinated through their office. OEPA has been contacted regarding permits. Once the County sewer project has been initiated and the PTI (Permit To Install) have been released, any project upstream of that would also be issued their PTI and construction could start. Over the course of the review, they have presented to staff a design that shows all 0.6-acre lots. They have requested to reduce the number of lots to keep the area under the power

lines and construction of bike/walking trails. They have received approval from the County Engineer and the Fire Chief on the road layout and T turnarounds.

Chairwoman Foust stated that Liberty Twp. is currently considering revisions to their zoning code to use net developable acreage instead of gross density. Do you know an estimate of what that might be if you take out the power lines and the roads? Mr. Brickner did not know.

Chairwoman Foust agreed with Mr. Brickner that in the past the Commission has recommended conditional approval contingent on sewer being done. She asked if the position has changed for a good reason? Mr. Laurien stated that staff did not recommend denial only because of the sewer. That comment would be removed. The main reason is the lot size issue. Almost half the lots are asking for a divergence. The divergence might be worthwhile if there was a beautiful ravine being saved but it's a flat bean field with a power line on it. Staff believed Liberty Twp.'s sentiments were that if there was something worth saving they might consider a divergence but not usually for 40%-50% of the lots. It's really the power line and it's impact on the site that is resulting in the lots being asked to be smaller. Staff believes the number of lots being asked for a divergence is too great given the character of the land to conform to the intent of the comprehensive plan so they recommended denial.

Chairwoman Foust asked if the staff would like Item V. 3.) be removed from the staff comments. Mr. Laurien agreed.

***Mr. Gladman made a motion to recommend approval of the rezoning application by Planned Communities. Mr. Thurston seconded the motion. HAND VOTE: 10 For Approval, 10 Opposed to approval, 1 Abstained. Motion failed.***

Mr. Brickner stated that his engineers sent RPC staff a plan that showed 0.6-acre lots for the whole project but has not heard anything back. They tried to match up lot lines on Liberty Rd. Chairwoman Foust stated that it was more of a design issue. She stated that she voted no because of the lot sizes not complying with the Comprehensive Plan not because of the sewer issue.

***Chairwoman Foust made a motion to recommend conditional approval of the rezoning request by Planned Communities, subject to bringing the lot sizes up to the minimum lot sizes in Liberty Twp.'s Comprehensive Plan and staff comments V.1.) and V.2.). Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***



Township's land to the west. This swap could allow Genoa Township to have direct access to their secluded future township park.

- 5) The missions building and parking surrounding the facility appear to encroach on wetlands.
- 6) The plan indicates phasing of all buildings, but roads, parking areas, and recreational facilities are not included. All site improvements should be listed in the phasing plan to ensure proper development progress. Some features, such as roadways, may need to be constructed at earlier time periods to ensure proper public safety precautions are met throughout the development process.
- 7) A stormwater drainage plan is needed.

#### **V. Conformance with Zoning Standards**

The development plan needs to resolve several requirements in Section 408.05.c,f and g:

- c. *"The location, design, and operation of the Community Facility shall not impose undue adverse impacts on surrounding residents."*

**Staff Comments: This is a very large multi-purpose religious land use.**

**The principal impacts will be traffic, storm-water runoff and visual impact of a large complex of buildings and parking in a residential area. Adjacent neighbors will be adversely impacted by increased traffic.**

- f. *"The maximum height for any structure in this district with a 6/12 roof pitch or greater shall not exceed thirty-five (35) feet, with less than 6/12 roof pitch, thirty (30) feet."*

**Staff Comments: The applicant is requesting a divergence from the height standards but have not stipulated what height the buildings will be. Building heights are both aesthetic and safety issues. The Genoa Township Fire Chief should be consulted on the height issue as it relates to fire protection. The Genoa Township Fire Department has requested that all building have adequate no-parking areas around their exterior to provide adequate fire protection. They should approve all plans prior to rezoning approval.**

- g. *"Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. All parking and loading areas shall conform to the requirements of Article VI."*

**Staff Comments: The applicant is requesting a divergence from the screening height to construct a 2'6" screen versus the required 5'6"**

**screen, due to cost. The 2'6" screen will intended to block headlights in the parking lot for adjacent residences. Adjacent residences may be adversely impacted if the divergence is granted.**

#### **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. This is a large, multi-purpose religious land use with significant future traffic impacts. The unsupported divergences requested for building height and screening are not consistent with purpose, intent and general standards.

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

**Staff Finding:** The 1999 Genoa Township Comprehensive Plan recommends this area for low density residential. The location for a church complex is reasonable as religious land uses should be permitted at any location so long as they can provide access to arterial street and mitigate their impacts. The Religious Land Use and Institutionalized Persons Act of 2000 states that government must show why religious land uses should be regulated. In this case, the church complex is an acceptable use but traffic, drainage and visual impact must be mitigated.

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

**Staff Finding:** No, not as proposed. If the development plan were revised to address staff concerns for traffic, access, fire protection screening and drainage, the use could be appropriate to the public health and safety.

#### **VII. Staff Recommendations**

Staff recommends **Conditional Approval** of this rezoning case from RR to CF for Genoa Baptist Church to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees, *subject to resolution of staff issues listed in Sections IV & V of this report.*

#### **Commission / Public Comments**

Mr. Jack Reynolds, attorney with Smith & Hale was present. He stated that the church is willing to work with the community to address these issues. A traffic study will be presented to the County Engineer next week. They will also

provide storm water run off materials in order to identify what stormwater detention will be done onsite and where it will ultimately outlet. They will increase the buffering along Lewis Center as well as any other properties that abut the site directly. The church will be in contract to add the small parcel on Lewis Center Rd. to this project hopefully by the 22<sup>nd</sup>. This is a long-term process and that is the reason for requesting the CF zoning district. The rural classification required that almost every time the church acted they would have to go in front of the zoning board of appeals. CF allowed a little more flexibility still with guidance and control through the Township Zoning officer and Trustees. In the text, the building was specified at 50' height. The fire chief has approved the plans as submitted to date. They are willing to work with the Township to make this a viable location.

Mr. Laurien asked Mr. Reynolds about the possibility of a land swap with the Township for the area to the south west of the site. Mr. Reynolds stated that the Home Owners Association is supposed to grant ownership to the Township, after which they would be happy to investigate the possibility.

**Mr. Miller made a motion to recommend conditional approval of the rezoning request of Genoa Baptist Church, subject to staff comments. Mr. Ward seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.**

**V. SUBDIVISION PROJECTS**

**Preliminary**

**29-98.4.13 Scioto Reserve, Sec. 4, Ph. 13 – Concord Twp. - 29 lots / 8.28 acres**

**Applicant:** Home Road, Ltd.  
**Subdivision Type:** Single-family Residential  
**Location:** North of Kellogg Drive, Concord Twp.  
**Current Land Use:** Former agriculture  
**Zoned:** Planned Residential District, (PRD)  
**Utilities:** Del-Co water and sanitary sewer with land application, County maintenance  
**School District:** Olentangy  
**Engineer:** Lenell Sniechowski, R. D. Zande & Associates, Inc.

**I. Staff Comments**

This application is for the continued development of Scioto Reserve Subdivision. Section 4, Phase 13 contains 29 single-family lots on 8.28 acres (3.5 du/acre). It includes the northern extension of Kellogg Drive from Phase 12 and the eastern extension of Freesia Drive and Daylily Drive from Phase 11. Freesia Drive stubs to the east boundary for possible future development. No open space is provided in this phase. The lots are typically 9,100 s. f.

Surrounding land uses include other phases of Scioto Reserve to the south and west, agriculture to the north, and 5+ acre single family house lots to the east fronting on Steitz Road. The golf course is the only remaining section of the overall development that has yet to receive preliminary plan approval. Because the golf course was calculated as part of the developments open space, it must be platted. The golf course must be platted before Phase 13 is platted.

***A technical review was held on February 17, 2004, after which the applicant has addressed all of the required changes.***

**II. Staff Recommendation**

Staff recommends *conditional Preliminary approval* of the **Scioto Reserve, Section 4, Phase 13**, to the RPC, *subject to the golf course being platted* prior to final plat approval for this phase.

**Commission / Public Comments**

Mrs. Lenell Sniechowski of RD Zande was present to represent the applicant.

***Mr. Miller made a motion for conditional Preliminary approval of Scioto Reserve, Section 4, Phase 13, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**05-03 Olentangy Falls – Liberty Twp. - 93 lots / 131 acres**

**Applicant:** Planned Communities  
**Subdivision Type:** Single Family Residential  
**Location:** South side of Hyatts Road, east and west of Taggart Road  
**Current Land Use:** vacant/former agricultural  
**Zoned:** FR-1  
**Utilities:** Del-Co Water, public sewer system  
**School District:** Olentangy  
**Engineer:** Floyd Browne Associates, Inc.

### **I. Staff Comments**

The site includes rolling open terrain and ravines, with an elevation difference of over 100 feet from eastern lot line to the river valley. The former residence (now razed) was surrounded by mature groves of tall pine trees. The development includes 131 acres of the original 146-acre tract. The remaining 15 acres is located along the Olentangy River and is intended to be transferred to a preservation group for conservation and open space purposes. Because of its FR-1 zoning, the development plan does not include any open space lots.

The design of the subdivision shows 79 lots accessed by interior roads on the east side of Taggart and 14 lots with frontage and access on the west side of Taggart Road. Access will be reduced on Taggart by requiring lots to use shared access points (seven driveways for 14 lots). The eastern portion of the site is accessed with one entrance on Hyatts Road and one access on Taggart Road. The interior loop road and cul-de-sacs are arranged so that rear lot lines follow the natural ravines of the site. A 50' wide preservation easement will be included along any jurisdictional waterways on the final plat. One street is stubbed to the proposed Episcopal Retirement Homes to the east. One road is stubbed to the south. Because of the nature of the surrounding development, no other connections are needed. Street names have a farming and aquatic theme, including Farmstead Lane, Tadpole Lane, Cattail Cove, Crayfish Court, Rambling Brook Way, Elderberry Loop, and Olentangy Falls Road. Taggart Road will be improved by the developer to a 24' width where it passes through the site.

One large detention pond spans three building lots and is located between the river and the lots on the west side of Taggart. A second, smaller pond is located east of Taggart.

The applicant has previously requested a Planned Residential District zoning which is pending before the township trustees. However, the applicant has not received rezoning approval from the township and is proceeding with the development of a subdivision under the current FR-1 zoning.

### **II. Issues**

**A technical review was held on February 17, 2004, after which the applicant has addressed all of the required changes except the following:**

1. DCRPC staff requested no-build protection across the ravines. The revised plan received by the RPC showed a commitment to place protection on the Final Plat, but not on the Preliminary. Because

construction of improvements and site grading may be performed following approval of the Preliminary Plan, the 50' wide ravine protection (no-cut/no-build, no regarding or damming of land 25' on both sides of all seasonal streams in ravines) should be on the Preliminary Plan.

2. Plat language must be included that prohibits any fill or having construction in the 100-year floodplain.
3. Plat language must be included that stipulates Final Plat approval will require the completion of county centralized sanitary sewer service to the site.
4. Plat language must stipulate to whom the conservative easement along the river will be dedicated (ODNR?).

### **III. Staff Recommendation**

Staff recommends *Conditional Preliminary Approval of Olentangy Falls* to the RPC, *subject to:*

1. *Addition of ravine protection in the form of a 50' (25' each side of seasonal streams in ravines) no-build, no-cut, no-regrade, no-dam area along seasonal streams on the preliminary plan,*
2. *Addition of plat language that prohibits placement of any fill material and prohibition of home construction in the 100-year floodplain of the Olentangy River, and*
3. *Centralized county sanitary sewer must be available on this site (not proposed, but available to tap into) at the time of subdivision Final Plat approval.*
4. *Plat language must be added to stipulate the nature of the conservation easement along the river and the grantee.*

### **Commission / Public Comments**

Mr. Jack Brickner, Development Director of Planned Communities was present. Mr. Brickner stated that they verbally responded to item #1 in the Technical Review but have not changed the plans yet. Staff recommendation #2 stated no fill of any kind or construction in the 100-year floodplain. They are working with the County on providing them an easement that would have the sanitary sewer (part of the Perry Taggart line) run through the back of those lots. That would be the only construction that would be occurring. This project would be going contingent on the Perry-Taggart sewer. They will be working with a conservation group for the 15 acres to the west. The property is currently zoned FR-1 and the plan as developed would comply with the FR-1 zoning.

Mrs. Laura Dornbirer (6467 Taggart Road) stated that the Olentangy River is 1

of 11 rivers designated as a State Scenic River, given that classification in 1973, the third to be classified in this state. It is not the whole river but only a 22-mile stretch north from Wilson Bridge Road to the Delaware Dam. The Olentangy Heritage Corridor was designated a State Scenic Byway in 1998, one of 17 areas in the state with this distinction. It encompasses the entire Olentangy Heritage Corridor not just the area of SR 315. This is the only area in the state of Ohio with both designations for a scenic byway and a scenic river. She urged the Commission and Liberty Twp. to protect this area. This subdivision does not follow the comprehensive plan of Liberty Twp., which specifically states that the road between the river on the west side of the road be preserved in some type of open space and that Taggart Road not be touched. She feels that the developer has not worked with the residents of the area or the Liberty Twp. Zoning Commission.

Mr. Wayne Dornbierer (6467 Taggart Road) stated that he was a member of the Liberty Twp. Zoning Commission. He thought the developer was very close to getting all the issues resolved at the Zoning Commission level for his PRD plan. The Olentangy Heritage Corridor was eligible for all six criteria listed by the state to apply as a Scenic Byway. The six intrinsic qualities are scenic, natural, historical, cultural, archeological and recreational. He stated that in Section 101.07 of the Delaware County Subdivision Regulations, three of those terms are listed as what the Commission is to look at when approving applications. He stated that it is not up to the Commission, Liberty Twp. or the residents of the area to help the developer make the most money they can.

Mr. Kurt Siebert, a 9-year member of the Liberty Twp. Zoning Commission stated zoning is a process. Normally applicants have informal meeting and gatherings with the residents. The PRD plan is currently in front of the Liberty Twp. trustees. The northern tract is no longer a part of the FR-1 plan. The Zoning Commission had very few problems with the southern tract in the PRD. This plan is premature because this same project is in front of the Trustees as a PRD that includes this land and the northern tract. He stated that if the Commission gives conditional preliminary approval, the developer will be given the opportunity to hand cuff the Liberty Twp. trustees into getting what he wants. This FR-1 plan is much different than the PRD plan. It expands Taggart Road. It has houses on the west side of the road. Both are against what the Comprehensive Plan intended. He asked the Commission to let the process run its course.

Mr. Robert Tanner (6799 Taggart Rd.) was present on behalf of four other families. They all oppose this plan. They have worked with the developer and were getting very close to resolution. He was very shocked at the plan

presented today.

Ms. Terry Hotz (6565 Taggart Rd.) asked the Commission to deny this plan as they did 2/27/03. If approved it would set a terrible precedent. ODNR has stated that the soils are highly erodable. The river is currently under stress.

Mr. Schmidt asked Chairwoman Foust to read the Section 101.07 of the Subdivision Regulations. Chairwoman Foust read the following, "Section 101.07 Land Characteristics. Applications deemed unfavorable due to topography, drainage, floodplain, geometry, soil, bedrock, geology, water supply, health, environmental, access, maintenance, utility easement, sanitary sewer availability, cemetery, archeological or historical site, scenic river, forest, wetland, school or community service site, parkland or recreation area, or other characteristic shall not be approved unless measures adequate to deal with the issues are detailed by the subdivider to the satisfaction of the Commission and applicable public authorities." Chairwoman Foust stated that she believes that this section is more applicable now than it was a year ago based on the fact that the developer through his Planned Residence development plan amendment process and revision process up to this point has acknowledged through setting aside close to 50% of his land on the south side of Hyatts Road and protecting it. It has been acknowledged in that PR plan that is still pending. There is no protection here. Even with the 50' buffers on the ravines and jurisdictional streams, it's not even close to what was acknowledged as being protected before.

Mr. Ward asked where Liberty Twp. is now with the PR application. Chairwoman Foust stated that the final hearing is pending and has not yet been set. She would anticipate it happening in March. Mr. Ward asked if it was on this plan. Chairwoman Foust stated on the entire plan, the 211 acres, which includes the land on the north side of Hyatts Rd. (known as the Ruth tract).

Mr. Spanner asked how the Zoning Commission voted. Chairwoman Foust stated that the Zoning Commission recommended denial of the pending PR plan because there were still unresolved issues on the north side of Hyatts Rd. They were very happy with the south side plan which included all the area of this proposal and the area along the river that isn't included in this FR-1 plan that they say will be dedicated to some preservation group. The Township can't make that happen with a FR-1 plat when it's outside of the plat. In that pending PR plan, there are 102 lots on the south side of Hyatts Rd. and that plan is still able to preserve all the sensitive areas and all the land between Taggart Rd. and the Olentangy River. The only exception to that was the installation of the interceptor.

Mr. Ward asked why this couldn't be continued until final resolution. Chairwoman Foust stated that the Commission has to take action unless the developer asked to table it.

Mrs. Warthman made a motion to deny the preliminary application for Olentangy Falls based on the Subdivision Regulation Section 101.07 and recommended that the developer work with the local authorities on the Planned Residence plan. Mr. Schmidt seconded the motion.

Mr. Ward asked if the developer was willing to table the application until after the decision from the Township. Mr. Brickner stated that he would be willing to table it. He also stated that he appreciated comments from the residents. The PR plan was submitted May 2003 and since then they have gone through three separate zoning hearings and every time there was a give and take on both sides. In the first part of December 2003, it was at a gridlock. At that point they asked the Zoning Commission to take a vote on it so they could get on to the Trustees. Since that meeting they have been waiting for the meeting minutes from the Zoning Clerk to give to the Trustees so the PR plan could be reacted to in front of the Trustees. He has recently had meetings with the Trustees to encourage a speedier turnover of their meeting minutes. He stated they would be willing to table this application in order to go back and try to resolve things through the Township and focusing on the PR plan. Mr. Spanner asked if there was a regulation as to how long the Zoning Commission has to forward an application onto the Trustees. Chairwoman Foust stated that there is a regulation that specifies the time limit from when the Trustees receive the recommendation from the Zoning Commission until they have to hold their public hearing. There is no law that says a Zoning Secretary has to produce minutes within a certain amount of time.

Mr. Miller reminded Chairwoman Foust that there was a motion and a second on the floor. She acknowledged it and stated that since there was a second, a vote was necessary. If the motion failed another could be made.

***“Mrs. Warthman made a motion to deny the preliminary application for Olentangy Falls based on the Subdivision Regulation Section 101.07 and recommended that the developer work with the local authorities on the Planned Residence plan. Mr. Schmidt seconded the motion.” VOTE: Unanimously For Denial, 0 Opposed. Motion carried.***

**01-04 W Scioto Pointe – Scioto Twp. - 04 lots / 09.79 acres**

***\*\*This application has been withdrawn by the applicant.\*\****

**02-04 Dent Woods – Trenton Twp. - 03 lots / 16.28 acres**

**Applicant:** Vanness (Brian Lee & Darryl Adkins)  
**Subdivision Type:** Single-Family Residential (CAD)  
**Location:** Northwest corner of the bend in Dent Road, Trenton Twp.  
**Current Land Use:** Wooded  
**Current Zoning:** Farm Residential (FR)  
**Utilities:** Del-Co Water and private septic systems  
**School District:** Big Walnut Local School District  
**Engineer:** Patridge Surveying

**I. Staff Comments**

Dents Woods includes 3 lots on a common access driveway (CAD) on Dent Road in Trenton Township. Lots range in size from 5.0 to 6.7 acres. The proposed CAD is around 1,800-feet long.

The applicant originally applied for preliminary approval of this development on March 28, 2002. This application only contained a 50-foot strip from Dent Road to the property and expired after the applicant withdrew the application due to lack of a 60-foot wide access to Dent Road. The applicant is now in contract to purchase the additional 10-foot swath along the lot's southern boundary to meet CAD subdivision regulations for 60-foot access.

Surrounding land uses include scattered single-family homes along Dent Road with agricultural fields to the north and south. Rattlesnake Ridge Golf Club is adjacent to the west. The golf course is currently purchasing 20 acres adjacent to the south. The applicant has proposed a 20-foot walking easement to the golf course along the western boundary of the development to be maintained by homeowners.

***A technical review was held on February 17, 2004, after which the applicant has addressed all of the required changes, except the following:***

- *Sight-distance issues on Dent Road need to be resolved with the County Engineer.*



**II. Staff Recommendation**

Staff recommends *conditional Preliminary approval* of **Dent Woods Subdivision**, to the RPC, *subject to resolution of sight-distance issues with the County Engineer.*

**Commission / Public Comments**

Mr. Bob Patridge of Patridge Surveying was present. He stated he is working with the County Engineer on sight distance issues.

**Mr. Miller made a motion for conditional Preliminary approval of Dent Woods, subject to staff comments, Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**Preliminary/Final** (none)

**CONSENT AGENDA**

**Final**  
**16-03 The Ravines of Alum Creek – Berlin Twp. - 67 lots / 38.22 acres**  
  
**Applicant:** J.D. Partnership / T&R Properties, Inc.  
**Subdivision Type:** Single Family Residential  
**Location:** East side of Africa Road approximately 2,500’ south of US 36/37, Berlin Twp.  
**Current Land Use:** Wooded ravine / Vacant  
**Zoned:** Planned Residential (PRD)  
**Utilities:** Del-Co Water, public sewer system  
**School District:** Olentangy  
**Engineer:** Bischoff Miller & Associates

**I. Staff Comments**

The Ravines of Alum Creek is a proposed 67-lot subdivision on 38.22 acres (1.75 du/acre). It is located on the east side of Africa Road approximately 2,500’ south of US 36/37. The lots are generally between 0.25 and 0.3 acres with a few larger lots of approx. 0.5 acres. Alum Creek Drive will provide access to the site from Africa Road and extends to the east side of the subdivision terminating at Cliff View Drive. Cliff View Drive extends to the south, stubbing at the property line for potential development of the Cockrell tract to the south. It also extends to the north then west ending in a cul-de-sac. Creekside Circle is a loop street extending from Alum Creek Drive to Cliff View Drive.

The subdivision contains 11.286 acres of open space in 3 reserve lots (29.5%). The large wooded ravine through the middle of the development from east to west will be contained within a large 6.413-acre open space reserve. Stormwater will be controlled with 2 retention ponds at the front of the development on either sides of Alum Creek Drive and 1 detention pond toward the back of the site just north of the ravine. The developer proposes to fill a small portion of the ravine as it enters the east side of the site to develop lot 20. The drainage would be piped slightly to the north but will be released back into the ravine. Lot 20 may also become a road to provide access into the Biancone tract to the east if that property is rezoned to a residential district (currently zoned Industrial) and the property owner/developer acquires lot 20 and constructs the road. If the road is not provided within 3 years, then lot 20 will be developed as a single-family lot (assuming the County Engineers office approves the proposed drainage plan).

**The applicant has NOT presented to the RPC Office a Final Plat (mylar) signed by the various County agencies (Sanitary Engineer and County Engineer), a requirement for Final approval.**

**II. Staff Recommendation**

Staff recommends *denial* of the final plat for **The Ravines of Alum Creek** to the RPC.

**Commission / Public Comments**

Chairwoman Foust questioned if the application was back on the agenda automatically because the applicant ran out of time. Mr. Deel said yes. Mr. Ward asked if they ran out of time or if the Engineer failed to get back with them in time.

Mr. Ron Sabatino stated that they are out of time on filing the plat. The construction drawings were submitted early summer 2003, subsequently they were awarded the Parade of Homes. They asked the County Engineer to help expedite the review. The County Engineer pulled the Parade development, therefore the review for the Ravines of Alum Creek was pushed back.

**Mr. Ward made a motion to waive the subdivision regulation of maximum tabling and approve a 30-day table for The Ravine's of Alum Creek. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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14-03 T Stone's Throw – Genoa Twp. - 07 lots / 17.98 acres

**Applicant:** Decenzo Custom Homes

**Engineer:** Mike Williamson, Cornerstone Engineering

**I. Staff Comments**

The applicant requests a 30-day tabling of the Stone's Throw subdivision to resolve issues with the County Engineer.

**II. Staff Recommendation**

Staff recommends *approval* of the 30-day tabling of Stone's Throw subdivision, to the RPC.

**Commission / Public Comments**

**Mr. Spanner made a motion to approve the 30-day table request for Stone's Throw, seconded by Mr. Gunderman. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**VI. EXTENSIONS** (none)

**VII. OTHER BUSINESS**

- **Formation of a Nominating Committee for Executive Committee members**

Chairwoman Foust asked for volunteers for the Nominations Committee. Mr. Miller recommended Mrs. Warthman, Mr. Gladman and Mrs. Foust.

Chairwoman Foust stated that if anyone is interested in being on the Executive Committee to please contact one of the three Nominating Committee members. The vote will take place at next month's regular RPC meeting.

- **Consideration of Expenditure: Liability Insurance \$12,980**

Chairwoman Foust stated that the Executive Committee approved an invoice for \$12,818 for liability insurance. Between that meeting and tonight, staff received a revised bill with the increase in contents and motorist coverage. Chairwoman Foust asked the Executive Committee members for a motion. **Mr. Ward made a motion to approve that increase. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

Chairwoman Foust then asked the full Commission for a vote. **Mr. Miller made a motion to approve the \$12,980 expenditure for liability insurance for 2004. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

- **Consideration of Expenditure: ESRI, GIS software maintenance, \$5,957**

**Mr. Spanner made a motion to approve the \$5,957 software maintenance expenditure for ESRI. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**VIII. RPC STAFF AND MEMBER NEWS**

- **New Representative and Alternates –**  
Village of Ashley – Representative: Wayne Lockhart, Alternate: David Knape

**Mr. Miller made a motion to adjourn the meeting. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

Meeting adjourned at 10:20 p.m.

***The next meeting of the Delaware County Regional Planning Commission will be Thursday, March 25, 2004, 7:00PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.***

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*HOLLY FOUST, CHAIRWOMAN  
EXECUTIVE ADMINISTRATIVE ASSISTANT*

*STEPHANIE MATLACK,*