



**DELAWARE COUNTY
REGIONAL PLANNING COMMISSION**

50 Channing Street, Delaware, Ohio, 43015 Phone 740-833-2260 Fax 740-833-2259

Philip C. Laurien, AICP, Executive Director

MINUTES

**Thursday, March 28, 2002 at 7:00 PM
Delaware Joint Vocational School Auditorium
1610 St. Rt. 521, Delaware, Ohio 43015**

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of February 28, 2002 RPC Minutes
- Executive Committee Minutes of March 20, 2002
- Statement of Policy

II. VARIANCES

02-02.V Pinkston Acres – Troy Twp. – requesting a 7 lot CAD

III. ZONING MAP/TEXT AMENDMENTS

- 13-02 ZON Liberty Twp. Zoning Comm.–addition of Planned Elderly Residential Retirement Community Dist.
- 14-02 ZON W/D L.P.P. Holdings – Trenton Twp. – 6.163 acres from FR to LI
- 15-02 ZON Middlesex LLC – Berkshire Twp. – 86 acres from A-1 to PRD
- 16-02 ZON Anna Lehner – Harlem Twp. – 6.40 acres from AR-1 to FR-1
- 17-02 ZON Trenton Twp. Zoning Commission – text amendments

IV. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
05-02	Susannah Subdivision	Delaware	03 lots / 08.16 acres
43-00.2.B	Golf Village, Sec. 2, Ph. B	Liberty	42 lots / 25.56 acres
07-02	McCammon Chase	Orange	91 lots / 64.00 acres
06-02	T Wykoff Subdivision	Oxford	01 lot / 05.01 acres
02-02	Pinkston Acres	Troy	07 lots / 30.18 acres

Preliminary/Final (none)

Final

29-98.4.5	Scioto Reserve, Section 4, Ph. 5	Concord	23 lots / 08.92 acres
26-99.3	The Woods of Dornoch, Sec. 3	Delaware	20 lots / 08.22 acres
36-00	Coleman Subdivision	Liberty	04 lots / 28.92 acres
07-99.2	Deseret II	Liberty	04 lots / 26.78 acres
04-02.1 T	Golf Village Commercial, Sec. 1	Liberty	01 lot / 02.19 acres
09-00	Stults Farm (FKA: Burnt Pond Est.)	Scioto	17 lots / 39.28 acres

T=TABLED

V. EXTENSIONS (none)

VI. OTHER BUSINESS

- **Consideration for approval: ESRI software maintenance, \$3,738.03 after \$2,319.97 credit (\$6,058.00 total)**
- **Consideration for approval: State of Ohio Auditor \$1,304.26 (FY 2000-2001 audit)**
- **Consideration for approval: Gardner Architects \$1,862.00 (construction documents)**
- **Final Plat submission policy**
- **Election of Executive Committee members for 2002**

VII. POLICY / EDUCATION DISCUSSION

I. ADMINISTRATIVE BUSINESS

■ Call to Order

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

■ Roll Call

Representatives present: Robert Hedrick, Jim Ward, Steve Burke, Tom Hopper, Leslie Warthman, Andrew Brenner, Holly Foust, Dick Gladman, Bill Thurston, Marvin Miller, Hansel Waugh, Jeannette Curren, Bonnie Newland and Kevin Moran.
Alternatives present: Doug Reidle, Tom Price, Shawn Leininger and Ken Baker. **Staff Present:** Philip Laurien, Scott Sanders, Paul Deel, Bob Sochor, Stephanie Matlack and Joseph Clase.

■ Approval of the February 28, 2001 RPC Minutes

Mr. Moran made a motion to approve the minutes from the February 28th, 2002 RPC meeting, seconded be Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.

■ March 20, 2002 Executive Committee Minutes

1. Call to order

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

2. Approval of Executive Committee Minutes

- a. **February 21, 2002 – Mr. Gladman made a motion to approve the minutes from the February meeting. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

3. Old Business

a. Office Space – Mr. Laurien stated that he met with Bruce Gardner of Gardner Architects to finalize lighting selection. The construction drawings should be submitted to the County Commissioners shortly. After the lease agreement is signed, contract work should be ready for bids. Mr. Dane Gashen of the County Prosecutors office has drafted a lease and is awaiting Mr. Duncan Whitney’s approval. Move in time set for (approximately) July 1st.

4. New Business

a. Financial / Activity Reports for February 2002 –

The Financial Report for February was presented:

Ending balance as of 01/31/02
\$644,319.93

Receipts

	<u>February</u>	<u>YTD</u>	
General Fees (NPA)	\$ 165.00	\$ 1,155.00	
Inspec. Fees (Transfer)	\$ 120.00	\$ 140.00	
Fees A (Site Review)	\$ 300.00	\$ 800.00	
Membership Fees	\$ 2,987.00	\$127,972.80	
Planning Surcharge (Twp. Assist.)	\$ 2,612.57	\$ 7,041.84	
Charges for Services A (Prel. Appl.)		\$ 6,315.00	\$
15,665.00			
Charges for Services B (Final Appl.)		\$ 10,099.25	\$
15,899.25			
Charges for Services C (Ext. Fees)	\$	\$ 300.00	
Charges for Services D (Table Fees)	\$ 200.00	\$ 200.00	\$
200.00			
Charges for Services E (Appeal/Var)	\$ 300.00	\$ 300.00	
General Sales	\$ 942.10	\$ 2,200.51	
Health Dept. Fees	\$ 750.00	\$ 950.00	
Soil & Water Fees	\$ 575.00	\$ 1,150.00	
Other Reimbursements	\$	\$	
Other Reimbursements A	\$	\$	
Other Reimbursements B	\$	\$	
Canceled Warrants	\$	\$	
Inter-fund Revenues	\$ _____	\$ _____	
TOTAL	\$ 25,365.92	\$ 173,774.40	

Balance after receipts **\$669,685.85**
Expenditures **\$45,909.65**
End of February balance **\$623,776.20**

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

b. March RPC Preliminary Agenda – Mr. Laurien presented the preliminary agenda, which includes 1 variance, 5 rezoning/text amendments, 5 preliminary applications and 6 final applications. Mr. Laurien explained that Pinkston Acres (a 7 lot CAD) might be a prototype for a future expanded CAD model if deemed appropriate by RPC to enforce access management standards. Staff recommends a 14’ wide paved driveway with no bypasses.

c. Consideration for recommendation of payment: ESRI \$3,738.03 after \$2,319.97 credit (\$6,058.00 total, software maintenance) – *Mr. Gladman made a motion to recommend approval of the \$3,738.03 expenditure for software maintenance to ESRI. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

d. Consideration for recommendation of payment: State of Ohio Auditor \$1,304.26 (FY 2000-2001 audit) – *Mr. Gladman made a motion to recommend approval of the expenditure for the 2000-2001 State Audit invoice.*

e. Consideration for approval: Gardner Architects \$1,862.00 (construction documents) – *Mrs. Warthman made a motion to recommend approval of the \$1,862.00 expenditure for Gardner Architects for construction documents (for 109 N. Sandusky Street). Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

f. Possible computer upgrade – Mr. Laurien stated that Mr. Liou would be presenting a request for a computer upgrade for Mr. Sochor, GIS Operator at the April Exec. Comm. meeting. His current computer can not run the newest version of ArcInfo. Mr. Sochor's current computer would then be passed to Mr. Sanders, and Mr. Sanders computer (May 1998 Gateway) retired to auction.

g. Discussion of plat alterations after recording – A recent incident of plat tampering by an engineering firm reinforces the need to increase security of final plat mylars. A process was proposed in 1999, but the Prosecutor’s office has not yet commented on it. The “interim” agreement from 1999 only requires a paper copy of the final plat to be submitted to the RPC office at time of submittal with the zoning officers signature on it. Suggested changes to this process would be to require the original mylar to be submitted with the zoning officer’s signature and then hold a Final plat TRC (Technical Review Committee) meeting to get all remaining signatures (Co. Engineer, Co. Sanitary Eng. / Health Department) after any corrections/additions. The County Prosecutor has also requested that all signatures on the final plat be done in blue ink. Also, for each additional page of the plat to be initialed and dated. The Executive Committee agreed that a Subdivision Regulations Review Committee should be reinstated to work with the Prosecutor to fix this problem and to secure other needed updates. Mr. Laurien will prepare a list of potential Committee members for review by the Executive Committee in April.

5. Other Business

a. Contract Updates – Mr. Laurien stated that he hoped to have started the Village of Sunbury and Trenton Township contracts in April but would probably not formally begin either of them until Concord and Kingston Twp.’s are further along (approx. 2 months). He stated that he would be discussing County sewer system expansion with them and the relationship to their comprehensive plans in the interim. A meeting is scheduled with Lyall Rogers of the Village of Sunbury.

6. Personnel

a. Consideration to adopt a vacation schedule for the Executive Director (due to the implementation of the new accounting software tracking abilities.) – *Mr. Gladman made a motion to approve a schedule that requires 25 years of documented service to receive 5 weeks of paid vacation for the Executive Director. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

7. Adjourn – *Mr. Gladman made a motion to adjourn the meeting, seconded by Mrs. Warthman.*

Meeting adjourned at 10:15 a.m.

The next Executive Committee meeting will be Wednesday, April 17, 2002 at 8:30 a.m. in the 2nd Floor conference room at 50 Channing Street, Delaware, Ohio, 43015

■ Statement of Policy

As is the adopted policy of the Regional Planning Commission, all applicants will be granted 10 minutes to make their formal presentation. The audience will then be granted up to 10 minutes to speak, at which time the chair will allow questions from the members of the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration.

II. VARIANCES

02-02.V Pinkston Acres – Troy Twp. – requesting a 7 lot CAD

Request

CountryTyme requests a variance from Section 306.01 of the Subdivision Regulations to increase the number of lots allowed on a CAD from 3 to 7 lots due to special circumstances.

Background

Pinkston Acres is a proposed 7-lot CAD subdivision of 30.18 acres located on the south side of Hanover Road in Troy Township. The lots will range from 1.7 to 9 acres and will utilize on-site septic systems and Del-co water. Two of the lots contain an existing residence (1.7 and 5.2 acre lots). The existing 10’ paved driveway (except for the first 40’) is proposed to be widened to 14’ with a 6” aggregate base and 3” of asphalt. No “layby” would be needed.

The applicant originally requested a 5 lot CAD utilizing the entire existing driveway, plus a 5-acre outlot in the tract’s northeast corner. The 5-acre tract would have been split in the future creating 2 additional curb cuts. The 4th and 5th lot both meet the criteria (Section 306.07) for being included on the CAD. The problem was inadequate sight from the existing driveway. A variance was requested for sight distance but denied by the County Engineer due to safety concerns. The only location along the entire 700 feet of frontage that provides adequate sight distance is approximately 150’ to 250’ from the east property line.

Upgrading the existing drive to public road standards to serve 7 lots would be an

unnecessary hardship considering that the existing size (30.18 acres) and characteristics (rolling terrain, woods, and pond) make it highly unlikely that more than 7 lots could be developed. Furthermore, a low density low volume (LDLV) road could not be approved in the same alignment as the CAD because of turning radii requirements. If an LDLV road were constructed to County standards, a lot would probably be eliminated. The land to the west is fully developed as a trailer park, the land to the east is developed as large house lots, and the land to the south is owned by the City of Delaware, so there is no likelihood of a future street connection.

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 parties.

Findings: The CAD entrance is at the optimal location of the original tract’s frontage. It will provide better sight distance than the original entrance and eliminate 2 potential future curb cuts. There is no injury to adjacent properties. The alternative could be a series of 5+ acre subdivision exempted splits creating multiple unsafe curb cuts.

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

Findings: The only location along the entire 700 feet of frontage that provides adequate sight distance is approximately 150’ to 250’ from the east property line.

- 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.

Findings: Surrounding land uses make public street connections unnecessary. Upgrading the existing drive to public road standards to serve 7 lots would be an unnecessary hardship considering that the existing size (30.18 acres) and characteristics (limited sight distance, rolling terrain, woods, and pond) make it highly unlikely that more than 7 lots could be developed. To require a public street for 7 lots (possibly 6) on 30 acres would be cost prohibitive. Public street standards for curve radii would eliminate one lot.

- 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.

Findings: The subdivision conforms to both the Zoning and Comprehensive plan.

Staff Recommendation

Staff recommends to the RPC that the request by CountryTyme for a variance to allow 7 lots on a CAD be *conditionally approved* subject to:

- 1.) The entire length of the CAD driveway shall be at least 14’ wide and be constructed of a minimum of 6” of aggregate base and 3” of asphalt.
- 2.) An identification sign shall be placed at the entrance to the CAD stating “Private Access Driveway”
- 3.) A note is to be included on the plat prohibiting any further subdividing unless the CAD is upgraded to public street standards.

Commission / Public Comments

Mark Cameron, CPS Consulting was present to represent the applicant.

Mr. Cameron stated that the applicant agrees with staff comments. Ken Baker asked if the fire department was contacted? Mr. Deel stated that they had no road concerns however, had requested the installation of new hydrants.

Mr. Miller stated that he was opposed to the uphill leach beds.

Mr. Gladman made a motion to conditionally approve the variance request by CountryTyme, subject to staff comments (1.) – (3.). Mrs. Warthman seconded the motion. VOTE: Majority For, 2 Opposed. (Mr. Ward, Delaware County and Mr. Miller, Porter Twp.) Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

13-02 ZON Liberty Twp. Zoning Comm.–addition of Planned Elderly Residential Retirement Community Dist.

Applicant: Liberty Township Zoning Commission
Request: Review and make recommendations on Township zoning amendments to add a new section, Planned Elderly or Retirement Residential Community (PERRC).

I. General

The Liberty Township Zoning Commission has worked with the DCRPC staff and Attorney Donald Brosius to draft the first elderly-housing district in central Ohio. Federal housing law permits communities to age-restrict certain residential developments for over-55 residents.

II. Comments

The PERRC becomes Section 11 of the Liberty Zoning Resolution. The text changes no land on the township-zoning map. The text also introduces the concept of net developable area to the resolution, and introduces several new definitions that reside in the appropriate section. It also introduces the linkage of land use to the North American Industrial Classification System codes.

11.01 PURPOSE

To provide for a range of residential opportunities specifically planned and developed for persons 55 years of age or older in order to afford these persons the benefits of independent living, assisted living, and nursing home care at one integrated location within a campus setting.

11.02 GENERAL CRITERIA FOR THE PERRC DISTRICT

1. The independent or assisted living housing accommodations to be provided shall be developed, operated and maintained in compliance with the following criteria:
 - a.) Intended and operated for occupancy by persons 55 years of age or older;
 - b.) At least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;
 - c.) Policies are adopted, published and adhered to concerning these occupancy requirements; and
 - d.) Verification procedures must be in place to verify the 80% occupancy requirement.
2. Independent living facilities may only be incorporated with assisted living and/or nursing home care, with a state-approved license for either assisted living or nursing home.
3. The ratio of independent living, assisted living and nursing home care shall be stated in the development plan.

The foregoing criteria shall be interpreted in a manner consistent with the Fair Housing Amendments Act of 1988, 102 Statute 1623, 42 U.S.C.A. 3607, as amended. The owner or operator of the housing accommodations shall be responsible for ensuring and maintaining compliance with all criteria.

11.03 PERMITTED USES

<u>North American</u>	<u>Use</u>
<u>Industrialized</u>	
<u>Classification</u>	
<u>System Code</u>	
<u>(1997 Version)</u>	

N/A	Single family attached or detached independent dwelling units, for occupancy by persons meeting the General Criteria listed in Section 11.02, when incorporated with assisted living and/or nursing home care, with a state approved license for either assisted living or nursing home care.
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Such structures may be single family, multi family, detached, attached, or institutional structures for lease or rent.

62331	Community Care Facilities for the Elderly
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623311	Continuing Care Retirement Communities
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623312	Homes for the Elderly
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813110	Religious Organizations
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The foregoing permitted uses may be permitted within a PERRC, provided that each such is specifically set forth in the development plan and approved as an appropriate permitted use by the Township.

11.08 PERRC REQUIRED DESIGN FEATURES

The development plan shall incorporate the following standards:

- 1.) Access- Requires frontage on and direct access to, one or more dedicated and improved public roads. Ideally, three means of ingress/egress should be provided for more than 50 units of housing. Two means of egress may be provided for less than 50 units of housing. Provision for future

connections to other public roads as required by the Township.

2.) Minimum tract size- 40 acres or as approved per plan.

3.) Density

- ❖ Maximum ground coverage by buildings and parking areas (total impervious surfaces): 50% of net developable area.
- ❖ Permitted (net) density- Maximum of 5 units per acre of net developable area.

4.) Maximum capacity:

- ❖ Independent living: Any two individuals, whether related or not, living together as a family unit, or as approved per plan.
- ❖ Assisted living: as approved per plan
- ❖ Nursing home: as approved per plan

III. Staff Comments

The resolution fills a need in the community, and has been carefully constructed with the Zoning Commission, legal advisor and planning consultant over nine month's time. It is ready for adoption. The township comprehensive plan may wish to be amended to reference this new use and stipulate what areas may be appropriate.

IV. Staff Recommendation

Staff recommends *approval* of the Planned Elderly or Retirement Residential Community (PERRC) District Liberty Township Zoning text amendment, to the DCRPC, the Liberty Township Zoning Commission, and the Liberty Township Trustees.

Commission / Public Comments

Mr. Ward made a motion to recommend approval of the Liberty Township Zoning text amendments. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

14-02 ZON L.P.P. Holdings – Trenton Twp. – 6.163 acres from FR to LI

**** This application was withdrawn by the Township Zoning Officer, Kevin Moran (3/28/02, 3:00 p.m.) ****

15-02 ZON Middlesex LLC – Berkshire Twp. – 86 acres from A-1 to PRD

I. Request

Middlesex LLC submitted a request to change 86 acres (the Sparks tract) at 2525 South 3 B's and K Road in Berkshire Township from A-1 zoning to a Planned Residential District (PRD) zone.

Present Use: Agriculture and woods

Proposed Use: 121 single family homes on 10,000 square foot lots

Existing Density: 1-unit/5 acres (.20 units/acre) in A-1 zone

Proposed Density: 1.41 units/acre, gross.

School District: Olentangy

Utilities Available- Del Co Water, electric.

II. Existing Conditions

Adjacent Existing Land Uses-

West- future Harbor Pointe PRD subdivision in Berlin Township.

East – I-71

North- Single family home, agriculture.

South-Vacant land. Large lot single family and agriculture to the west, north, and south

III. Development Plan Requirements- (deficiencies):

A. General Development character and landscaping-

- 1.) The layout of the plan is generally good, with many lots facing open space.
- 2.) Density of 1.41 units per acre exceeds the Comprehensive Plan (1.25 per acre) and the sanitary sewer design capacity (1.1/acre).
- 3.) No landscaping plan was submitted, but language is provided stipulating 2 street trees for each lot, minimum 1 1/2" diameter.
- 4.) 27-foot wide streets with curb-and-gutter and sidewalks will give an urban appearance. Township's goal is to maintain rural character. Suggest that streets be 20' wide or per county engineer's standards with open grassy ditches for drainage, and asphalt walking /bike paths on one, or both sides of the

roads as may be required by the township.

- B. No **architectural design criteria** were submitted.
- C. Proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
1. **Water-** No letter from Del-Co, but Del-Co indicated to RPC staff they have a 16 inch main in 3 B's and K Road, and service would be no problem.
 2. **Fire hydrants-** No service letter from the fire chief. With 80-foot wide lots of 10,000 square feet, the fire department should comment. Hydrants are not shown as required.
 3. **Sanitary Sewer-**No sewer currently exists, but the land in question lies within the Delaware County Sanitary Sewer service area. A letter from Assistant Sanitary Engineer Gary Zwolinski to the project Engineer states that the 86 acre Sparks tract "was designed for 1.1 units per acre. Densities approved [by local zoning] beyond these densities will result in some acreage being unserviceable." In order to obtain this sewer service, Middlesex LLC would have to install 2,000 feet of gravity trunk line (minimum 10 inch) in 3 B's and K Road right of way from their tract south to the east-end of Summerwood Drive.
 4. **Surface Drainage-**Soils are CaB (Cardington, 2-6 % slope), BeA (Bennington 0- 2% slope), PwA (Pewamo silty clay loam). A series of swales and detention ponds are shown on the plan, but no topography is shown and no letter from the project engineer.
- D. Traffic- No comments from County Engineer; no traffic study. 121 homes generate 1,200 new trips/day. 3 B's and K Road may need a turn lane. Future street stubs to the north and south are good.

Phasing- no time schedule for streets, buildings, utilities and other facilities such as:

- 1.) Gas- No service letter
- 2.) Electric- No service letter
- 3.) Schools- No letter from Olentangy School District.
- 4.) Parks/ recreation- Two recreation fields are shown plus walking paths. Unclear who will construct the fields.
- 5.) Police- No service letter from the Delaware County Sheriff. This

development would add approximately 326 new residents.

Ability of the applicant to carry forth his plan- Not stipulated.

Evidence of applicant's ability to post a bond- Not stipulated.

IV. Requirements for approval, Section 11.06 c.)

A development plan must be submitted which meets listed criteria, and which is the expectation of what can, and would be built if the Planned District were approved and platted. "In approving an application for a PRD, the reviewing authority shall determine:"

- 1.) **If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution:**
RPC Staff Finding: The development plan is incomplete. See Section III above.
- 2.) **If the proposed development is in conformity with the comprehensive plan or portion thereof as may apply.**
Berkshire's Comprehensive Plan recommends for Sub Area IX:
 1. Sub Area IX is recommended for continued agricultural use as long as the farmers are interested in farming. When the farmers are no longer interested in farming, the plan recommends low density residential use at one dwelling unit per 85,000 square feet (1.95 acres) on septic systems, or, up to 1.25 dwelling units per acre if provided with centralized sanitary sewer that is maintained by the county.
 2. Permit Conservation Subdivisions, or Farm Village type conservation subdivisions at the density of the underlying zoning.

RPC Staff finding: The PRD plan for the 86 acres does conform for PRD use, but the proposed 1.41 units per acre exceeds the 1.25 units per acre density on the adopted 2001 Berkshire Comprehensive Plan.

- 3.) **If the proposed development advances the health, safety and general welfare of the township and the immediate vicinity.**
RPC staff finding: In its current form, the development does not advance the public health safety and welfare.

If the plan were redesigned to:

- a. reduce the overall density to 1.25 units per acre, (or 1.1 units per

- acre, if that is the ultimate design capacity of the sewer system without robbing other's capacity in the tributary area)
- b. correct all the noted deficiencies in Section III above, then it could be shown to advance the public health safety and general welfare, and staff would recommend *approval*.

V. DCRPC Staff Recommendation

Staff recommends the PRD zoning for 121 homes (1.41 units/acre) on 86 acres for Middlesex LLC *be denied*, because the development plan does not meet the minimum criteria for approval under Section 11.06 c.).

RPC update: March 26, 2002. Applicant's consulting engineer, Hockaden and Associates submitted a revised plan for 106 homes, with topography, at a density of 1.23 units per acre. They also submitted a series of letters requesting confirmation of service from the various utilities and safety agencies. This plan would now conform to the Berkshire Comprehensive Plan.

DCRPC Staff recommends *conditional approval* of the PRD zoning for the revised development plan for 106 units of single family housing on the 86-acre Sparks tract, *subject to*:

- 1.) Amend the zoning application to reflect the 106-lot development plan, sign and resubmit the application to the township zoning officer.
- 2.) Revise the 106 lot plan to:
 - a.) Use landscaping and increased setback from 3 B's & K Road at the entrance to buffer new houses from the large lot single family homes on 3 B's & K Road.
 - b.) Consider using a single-loaded street at the entrance with a curve to make a more rural feel, leaving an open view and access to the park area by the ponds rather than putting them in the back yard of lots.
 - c.) Add landscaping plan, at a minimum showing street trees that are proposed in the text.
(See DCRPC 106-lot concept plan)
- 3.) Confirm by letter from the Delaware County Sanitary Engineer that the 1.25 units per acre sewer capacity can be obtained without reducing intended capacity for others in the service area.

- 4.) Confirm that all utility and safety services will be provided.
- 5.) Consider using a 20-24' wide street with grass ditch section, with an asphalt bike/walking path along (at least) one side of the street connecting all open spaces and proposed path systems. Reason:
 - a.) Proposed 27'-wide street with curb and gutter and concrete sidewalks on both sides gives an urban appearance.
 - b.) Landscaped/street treed asphalt path(s) look more "rural" than concrete sidewalks, are less costly.
 - c.) Enclosed drainage is less environmentally sound in close proximity to the Alum Creek Reservoir, and is unnecessary according to the Delaware County Engineer's office standards. Grassy ditches filter runoff.
- 6.) Submit architectural design criteria, including sample renderings of structures, entrance, and landscape cross section.

Commission / Public Comments

Kurt Ziessler, Hockaden & Associates was present to represent the applicant. Mr. Ziessler stated that the applicant is willing to work with the Township and would take staff comments into consideration.

Mr. Ward made a motion to recommend conditional approval of the revised rezoning request submitted by Middlesex LLC, subject to staff comments. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

16-02 ZON Anna Lehner – Harlem Twp. – 6.40 acres from AR-1 to FR-1

I. Conditions

Present Zoning: Agricultural Residential District (AR-1)

Proposed Zoning: Farm Residential District (FR-1)

Present Use: Residential

Proposed Use: Residential

Existing Density: 1 unit / 5 acres

Proposed Density: 1 unit / 2 acres

School District: Big Walnut

Utilities Available: Del-Co Water and private septic

- Soils:** BeA – Bennington Silt Loam: 0 to 2 percent slopes
 BeB – Bennington Silt Loam: 2 to 4 percent slopes
 CeB – Centerburg Silt Loam: 2 to 6 percent slopes
 LbF – Latham-Brecksville Complex: 25 to 70 percent slopes
 PwA – Pewamo Silty Clay Loam: 0 to 1 percent slopes
 SsA – Smothers Silt Loam: 0 to 2 percent slopes

II. General Background

The applicant seeks rezoning of two parcels (1.67 and 4.73 acres) totaling 6.40 acres to Farm Residential for the purpose of bringing a residential lot into compliance with current zoning while enabling a second lot to be conveyed to an adjacent property owner. The southern parcel already contains a single-family dwelling. The properties are located at 10201 Adams Road and between 5909 and 6029 Hughes Road in Harlem Township.

III. Issues

- The southern lot of 1.67 acres currently contains one single-family dwelling. Bringing the lot into FR-1 zoning will not bring the current lot into compliance. An additional .33 acres will need to be conveyed after rezoning. A new survey and legal description will need to be recorded that incorporates .33 acres into the 1.67-acre lot.
- The northern lot of 4.73 acres has only 50 feet of legal frontage on Hughes Road. If this lot were sold in the future for a single-family dwelling unit, an additional 10 feet would have to be added to the width of the access strip or the applicant would need to file and be granted a variance on the 60-foot road frontage requirement. However, all the lots on Hughes Road are 1 acre or slightly smaller, making them non-conforming with the current zoning. Harlem Township recently changed its FR-1 minimum lot size in 2001 from 1 acre to 2 acres. Each lot flanking the strip is currently a non-conforming one acre.
- This property may be rezoned, but reconfiguration of parcels will have to be accomplished to bring the lots into compliance before the lot is transferred / split.

Compliance with the Comprehensive Plan

- a.) The Delaware County 1993 Regional Land Use Plan for this area shows preserving land in agricultural use, which does not apply to this parcel. The application conforms to the Regional Land Use Plan.
- b.) The 1988 Harlem Township Comprehensive Plan calls for keeping farmland available and maintaining and promoting rural and agriculture community living. This land is currently heavily wooded and would not be able to be maintained as farmland. Therefore, this application would

conform to the Comprehensive Plan, as to use and density (Plan recommends 1.25 acres for residential lots).

Advancing the general welfare of the Township

The proposal will allow the transfer of approximately 4 +/- acres to an adjoinder without leaving a nonconforming lot. Hughes Road and Adams Road contain several lots less than 5 acres zoned FR-1 so this request is not out of character with surrounding land use and zoning. Staff finds that the Farm Residential District does enhance the general welfare of the township and the immediate vicinity.

IV. DCRPC Staff Recommendation

The *staff recommends* to the Regional Planning Commission, the Harlem Township Zoning Commission, and the Harlem Township Trustees that the application of Anna Lehner for rezoning 6.40 acres on the northeast corner of Adams and Hughes Roads from AR-1 to FR-1 be *approved*.

Commission / Public Comments

Roland Higgins was present to represent the applicant. Mr. Higgins stated that he agreed with staff comments.

Mr. Ward inquired if the non-conforming lot had houses on them? Mr. Laurien stated that there are existing houses. Mr. Ward inquired if they could be sold? Mr. Laurien stated that non-conforming lots could be sold, because they were grandfathered. Mr. Laurien also stated that they could not take a sliver of the non-conforming lots.

Mr. Gladman made a motion to recommend approval of the rezoning request submitted by Anna Lehner. Mr. Miller seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Price, Harlem Twp.) Motion carried.

17-02 ZON Trenton Twp. Zoning Commission – text amendments

Applicant: Trenton Township Zoning Commission
Request: Review and make recommendations on Township zoning amendments.

Staff Comments

The Trenton Township Zoning Commission is proposing revisions/updates to its sign regulations in Article 7 and elsewhere in the Township Zoning Resolution.

Section 202 Definitions

This section has been amended to include definitions for sign types and sign terminology.

Section 517 Home Occupations

Amendment states that Home Occupation signs must comply with Article 7.

Article VII Signs

This Article replaces the existing Article VII in its entirety. It will clean up some confusing language and references. In addition, a series of tables and renderings are provided.

Staff Findings

The Trenton Township Zoning Commission has spent a considerable amount of time reviewing the sign standards and comparing the language with other Townships. The DCRPC staff reviewed the initial draft and provided the Zoning Commission with comments. All of the comments have been addressed.

Staff Recommendation

The *staff recommends* to the Regional Planning Commission, the Trenton Township Zoning Commission, and the Trenton Township Trustees that the proposed text amendments be *approved*.

Commission / Public Comments

Mr. Gladman made a motion to recommend approval of the Trenton Township Zoning text amendments. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

05-02 Susannah Subdivision - Delaware Twp. - 03 lots / 08.16 acres

Applicant: Vista Land Company LLC
Subdivision Type: Residential (CAD)
Location: West side of Horseshoe Road, about 500 feet north of

Hudson Road, Delaware Twp.
Current Land Use: Wooded/Agriculture
Zoned: Farm Residential District (FR-1)
Utilities: Del-Co water and private septic
School District: Delaware City Schools
Engineer: Frank Celio - Scioto Land Surveying Service, Inc.

Staff Comments

The applicant is requesting preliminary plan approval of Susannah Subdivision, containing a three lot CAD on 8.16 acres. The proposed CAD is 800 feet in length, with four flag lots adjacent to the north and one to the south. Surrounding land use includes two agricultural structures to the south, large agricultural fields to the north and west, single-family residential houses to the southeast and the Norfolk Southern railroad tract to the immediate east. The deed for this 8.159-acre parcel was recorded March 5th, 2002, after being split from an original 48.69-acre parcel as a 5-acre subdivision-exempt split. Vista Land Company LLC also owned the original tract.

The staff indicated to the applicant at the site review on January 17th, 2002 the following:

- Based upon an evaluation of the project site and its characteristics, it appears that a CAD for the 8.16 acre flag lot would not be appropriate in this circumstance, since :
 - (1.) the surrounding land is flat and developable , and
 - (2.) could be incorporated in a standard subdivision with public road, or a 5 lot CAD, and
 - (3.) the use of a CAD on this on flag lot is like a prelude to several side by side CAD’s on these flag lots, with up to six driveways side by side exiting at a blind spot below a railroad tract on a 50-mph road, and
 - (4.) Common Access Drives are a permissive conditional method of subdivision under the 1997 Delaware County Subdivision regulations, which state:“**306.01 General.** Common Access Drives provide an alternative to construction of public or private streets to access not more than three lots, except as provided in Section 306.07 in a recorded subdivision plat [306.07 - In addition to the three lots allowed in Section 306.01, two lots contiguous to the CAD at the point of access to the public road by the CAD may, at the discretion of the Commission, be accessed by the CAD for access management purposes on defined roadways in the County’s Access Management Plan.]. CAD's *may be* allowed or required by

the Commission, *based upon a case-by-case evaluation of site and project specific characteristics* such as, but not limited to: access management and traffic safety, slopes, watercourses, preservation of environmentally sensitive areas, access and maneuvering room for fire-fighting vehicles, and compliance with local zoning codes. *The Common Access Drive is not intended, nor shall it be used as a development tool.*”

- (5.) The subdivision regulations provide the CAD as a development option for appropriate sites that are proposed for projects containing specific qualities and characteristics. This CAD is not being proposed on a topographically challenged piece of property without standard subdivision street potential. This knowledgeable developer has, after consultation with County officials, used the 5 acre road frontage lot split to divide a 49-acre tract, and now seeks to further divide one of the six created flag lots. Doing so will prevent the proper arrangement and connection of streets, will result in six curb cuts within a low “dip” below a railroad track, all within 325’. Proper safety standards would not allow proliferation of 6 driveways side-by-side on a 50 mph minor arterial road, in a blind dip.

A technical review was held on March 19th, 2002. The applicant has not addressed the concerns previously mentioned in items 1-5 above.

Staff Recommendation

Staff recommends *denial* of the *Preliminary application* of **Susannah Subdivision**, to the RPC for reasons stated in Items (1.) – (5.) above.

Commission / Public Comments

Frank Celio, Scioto Land Surveying was present to represent the case. Mr. Celio stated that he had never heard the CAD regulations read at an RPC meeting, since they were adopted in 1997. He said he had never heard of a CAD denial in Delaware County. In regards to item #5, the County Engineer found sight distance would not be adequate for a public road, however it would be adequate for stopping distance. Only the southern portion of the parcel, where the CAD is proposed would have adequate sight distance for an intersection, however it is too close to Hudson Road. This is why he does not want a public road and believes it is not good planning. Two of the 4 northern lots (not included in this application) are under contract and would only have two built driveways (shared driveways).

David Shade, attorney representing Vista Land Company submitted CAD records since 1997 that had been processed through the DCRPC as evidence. He submitted copies of 83 plat records obtained from the Recorder’s Office. He advised members of the Commission to take notice of when CAD’s were denied in the past. He made reference to two cases of the Ohio Supreme Court: State Reality Company East 169 vs. Ohio State 375 (determined traffic consideration as a concern of public) and OTR vs. Columbus 76 Ohio State 3rd (reasonable access must be granted). He re-stated the two lots to the east are under contract and not part of this application. He felt that the rules were being differently construed. He stated that the Delaware County Subdivision Regulations are vague and unclear and are being administered radically different from that of the past. Mr. Shade stated he feels the subdivision meets the requirements the same as in the past.

Mr. Shade asked Mr. Celio if he reviewed exhibit #1 (the 83 CAD plat records submitted)? Mr. Celio stated that he had. Mr. Shade asked him how these cases compared to his? Mr. Celio stated that this subdivision falls in the middle of those cases.

Mr. Laurien asked Mr. Celio if, since 1997, he had ever proposed a CAD with six long flag lots, side-by-side, in a blind dip within 300 feet of a railroad on a 50 MPH arterial street? Mr. Celio stated that he has not. Mr. Celio referred to another subdivision he had submitted to the north that had a CAD approved in the middle of it. Mr. Celio stated that the blind spot caused by the railroad is not a factor. Mr. Celio stated that the CAD has adequate sight distance for every lot in the development. Mr. Laurien states that he will dispute that there is adequate sight distance. Mr. Celio stated that he is a professional surveyor and that he has measured it and the CAD has adequate sight distance. Mr. Laurien re-stated that he would like to dispute the argument. Mr. Laurien stated that this is an egregious use of the loopholes in the state law. Mr. Laurien asked if it was reasonable for us to use the subdivision process to further divide these lots. He also stated that we are relying on two areas of jurisdiction to say no: Chapter 711.10 allows for the proper arrangement of roads and that the applicant does have a viable use of his land.

Mr. Ward asked if the ditch was a county ditch? Mr. Celio stated that there was an easement over the ditch, however it was not a county ditch. Mr. Celio stated that he would not be altering the ditch.

Mr. Miller stated that he did not like the uphill leach beds. Mr. Miller stated his concern for the water pressure in this proposed subdivision.

Mr. Baker stated that he is a resident of Horseshoe Road and vehicles usually travel at speeds above 50 MPH.

Chairwoman Foust asked how many drives were going to be coming off the original plat? Mr. Celio stated that there would be 8 lots and 4 drives. Chairwoman Foust then asked if the RPC has a guarantee that these would be the only drives and not further subdivided? Mr. Shade stated that Mr. Celio does what he says he will. Mr. Shade stated that Scioto Land Surveying has a strong history.

Mr. Shade stated that Mr. Baker can not exercise his personal voice and should not participate in this process. Mr. Baker stated that he would abstain but was only stating his knowledge. Mr. Laurien stated that Mr. Baker is not an abutter, has no financial interest in the project and should not have to abstain. Mr. Shade re-stated that Mr. Baker said he had a personal interest in the subdivision. Mr. Celio acknowledged Mr. Baker had no financial interest. Mr. Miller stated that RPC is not court of law and everyone is entitled to their vote. Mr. Miller continued to state that it should be up to the applicant to appeal the denial and show burden of proof at that time. Mr. Miller asked the Commission if they thought a denial was unconstitutional and a taking of the applicant's rights? Mr. Miller stated that he did not think that it was.

Mr. Gladman made a motion to deny the Preliminary subdivision application for the Susannah Subdivision, based on staff comments. Mr. Thurston seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Ken Baker, Troy Twp.). Motion carried.

43-00.2.B Golf Village, Sec. 2, Ph. B – Liberty Twp. - 42 lots / 25.56 acres

Applicant: Triangle Real Estate Services, Inc.
Subdivision Type: Residential
Location: West side of Sawmill Parkway, about 2,000 feet north of Seldom Seen Rd.
Current Land Use: Wooded with some former agriculture
Zoned: Planned Residential District (PR)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: Curt Dommer, PE – Bauer, Davidson & Merchant, Inc.

Staff Comments

Golf Village Section 2 Phase B is a 42-lot single family subdivision on 25.56 acres in Liberty Township. It is located on the west side of Sawmill, north of Seldom Seen Road. The zoning is Planned Residential, surrounded by Planned Residential in other sections of Golf Village. Overall density for Golf Village is 1.5 units per acre. The critical resources map shows no significant critical resources. The site is partially wooded with former agricultural areas.

This plan calls for 42 building lots for single family houses. To the south is Golf Village Section 13 currently under construction, which is the Stone Bridge Condominium development. To the west is the future Section 12, a single-family detached condominium site with a private gated entrance. This section gains access from Sawmill Parkway on Trail Lake Drive. Cold Water Drive will enter the site from Section 12. A T-turnaround is located at the gate to Section 12. The entrance road is flanked on either side by retention ponds and the southern loop street circles a 1.729 acre open space with a retention basin.

A technical review was held on March 19th, 2002. The applicant has not addressed the following concerns:

- The notes of the plan indicate sight distance easements, which are necessary at the intersection of Linda Lou Way and Coldwater Drive. However, the plan does not show these easement locations.

Additional items, which should be addressed, include:

- The 175' setback from Sawmill Road should be labeled on sheet 1 and needs to be added to sheet 2.

Staff Recommendation

Staff recommends *conditional Preliminary approval* of **Golf Village, Section 2, Phase B**, to the RPC, *subject to staff comments*.

Commission / Public Comments

Curt Dommer, Bauer, Davidson & Merchant was present to represent the applicant.

Mr. Ward made a motion for conditional Preliminary approval of Golf Village, Section 2, Phase B, subject to staff comments. Mr. Miller seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger, City of Powell). Motion carried.

07-02 McCammon Chase – Orange Twp. - 91 lots / 64.00 acres

Applicant: Bill Westbrook, Alum Creek, Inc.

Subdivision Type: Residential

Location: 3031 & 3350 E. Orange Road, Orange Twp.

Current Land Use: Wooded with one existing residence and open field on frontage.

Zoned: Single Family Planned Residential District (SFPRD)

Utilities: Del-Co water and public sewer

School District: Olentangy

Engineer: EMH&T

Staff Comments

McCammon Chase is a 91-lot subdivision on 64 acres in Orange Township on the north side of Orange Road east of S. Old State Road. It is currently zoned Single Family Planned Residential surrounded with other Planned Residential and some remaining Farm Residential.

There is a significant stream, which is listed as a Waters of the U.S. that flows west to east through the middle north portion of the site. Three archaeological sites are noted along the stream and in the open field portion of what will be Phase II. According to the Ohio Historical Preservation Office, these are sites likely to be eligible for placement on the National Register of Historic Places. The Army Corps of Engineers will review a fill crossing of the Waters of the U.S. They will advise whether a full survey is required by the Ohio Historic Preserve office. The OHP does consider this a sensitive area.

The current land use is partially wooded, with an existing residence and an open field fronting on Orange Road. A wide ravine runs across the site from east to west along with the sanitary sewer line. The land is zoned Single Family Planned Residential and the proposed gross density is 1.42 lots per acre.

The plan calls for a boulevard entrance, Abbey Knoll Drive, north from Orange Road. The street crosses the ravine and stubs to the property to the west, which is an undeveloped section of the Abbey Knoll development. A second street, McCammon Chase Drive, crosses Abbey Knoll Drive, looping in the western portion of the site and continuing through the eastern section until stubbing to the property line. Jennifer Ann Drive is a loop in the southern part of the development. Westbrook Place is a road in the northeast portion which stubs to the adjacent property. Lots that abut the large reserve include a 40' no-build zone to the rear to act as a buffer. Streets will have sidewalks.

A large area of unmaintained reserve crosses the site within the ravine. Reserves are also located along Orange Road to act as a buffer between the road and the houses. A detention/retention pond is located adjacent to the entrance feature. Another reserve lot is in a wooded area along the northern edge of the site.

A technical review was held on March 19th, 2002. The applicant has not addressed the following concerns:

- T-turnarounds must be provided to County Engineer standards
- Stormwater retention must be reviewed by the County Engineer

Staff Recommendation

Staff recommends *conditional Preliminary approval* of **McCammon Chase Subdivision**, to the RPC, *based on staff comments*.

Commission / Public Comments

Bill Bonner was present to represent the applicant.

Mr. Ward asked if the applicant would be filling the ravine? Mr. Bonner stated that they would apply for a Nationwide C.O.E. permit. Mr. Laurien stated that there would be a culvert installed. Mr. Reidel stated that the culvert would be designed for the 25-year flood and checked for the 100-year flood.

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

06-02 Wykoff Subdivision – Oxford Twp. - 01 lot / 05.01 acres

Applicant: Margaret Ashbrook

Consultant: Robert Foster, P.S., earthmetric, LLC

Staff comments

The consultant has asked to table the Wykoff preliminary application for 60 days in order to obtain approval from the Oxford Township Board of Zoning Appeals for the use of a Common Access Drive.

Staff Recommendation

Staff recommends *approval* of the *60-day table* request for the **Wykoff Subdivision** to the RPC.

Commission / Public Comments

Mr. Ward made a motion to approve the 60-day tabling of the Preliminary subdivision application for the Wycoff Subdivision. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

02-02 Pinkston Acres – Troy Twp. - 07 lots / 30.18 acres

Applicant: CountryTyme

Subdivision Type: Single-family residential (CAD)

Location: South side of Hanover Road, about 1,400 feet west of Horseshoe Road, Troy Twp.

Current Land Use: Two residences, a pond and wooded/vacant land.

Zoned: Farm Residential (FR-1)

Utilities: Del-co water and on-site septic systems

School District: Delaware City Schools

Project Engineer: Mark Cameron, CPS Consulting Group

Staff Comments

Pinkston Acres is a proposed 7-lot CAD subdivision of 30.18 acres located on the south side of Hanover Road in Troy Township. The lots will range from 1.7 to 6.9 acres and will utilize on-site septic systems and Del-co water. Two of the lots contain an existing residence (1.7 and 5.2 acre lots). Most of the existing 10' paved driveway (except for the first 40') will be used as the CAD. The future CAD driveway will be 14' wide and include a 6" aggregate base and 3" of asphalt (an additional 4' of the same composition will be added along the side of the existing drive).

Surrounding land uses include large lot residential to the east, a single residence to the north with vacant fields to the north and south and a mobile home park to the west.

This preliminary subdivision application was previously tabled for 30-days on February 28th, 2002 in order to resolve engineering issues and the relocation of

the CAD entrance. A variance request was discussed earlier in the agenda.

A technical review was held on March 19th, 2002. Most of the items have been addressed by the applicant except:

- A fire hydrant needs to be added at the CAD entrance. A dry hydrant has been added near the pond, but an easement should be placed over the line from the pond to the hydrant.
- CAD will be owned by lot 2 and 5. Revise acreage in lots and table.
- Clearly delineate the CAD within Lot 2. It could be misinterpreted as a setback line.
- Soil scientist report and Board of Health approval.

Staff Recommendation

Staff recommends *conditional Preliminary approval* of **Pinkston Acres** to the RPC, *subject to resolution of all TRC comments and a variance being granted for the 7 lot CAD.*

Commission / Public Comments

Mark Cameron, CPS Consulting was present to represent the applicant.

Mr. Ward made a motion to conditionally approve the Preliminary subdivision application for Pinkston Acres, subject to staff comments. Mr. Baker seconded the motion. VOTE: Majority For. Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Chairwoman Foust asked if any Commission members wished to remove any items from the consent agenda. Mr. Laurien requested for Scioto Reserve, Section 4, Phase 5 be removed from the consent agenda.

Mr. Gladman made a motion for Final approval of The Woods at Dornoch, Section 3, Coleman Subdivision, Deseret II and Stults Farm and made a motion to approve the 90-day tabling request of Golf Village Commercial, Section 1. Mr. Moran seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger, City of Powell). Motion carried.

Final

29-98.4.5 Scioto Reserve, Sec. 4, Phase 5 – Concord Twp. - 23 lots, 08.92 acres

Applicant: Home Road LTD
Subdivision Type: Single-Family Residential
Location: North Side of Home Road, north of Hunter Lake Drive
Current Land Use: Agriculture / Wooded
Zoned: Planned Residential District (PRD)
Utilities: Del-Co water and sanitary sewer with land application, County maintenance
School District: Buckeye Valley / Olentangy
Engineer: Jason Francis, R. D. Zande & Associates

Staff Comments

Scioto Reserve Section 4, Phase 5 received conditional preliminary approval on May 31st, 2001 and consists of 48 lots on 15.8 acres as part of the overall Scioto Reserve subdivision on the north side of Home Road, east of South Section Line Road. The conditions were subject to ditch maintenance agreement for all existing drainage to be filed.

The subdivision will include 3 cul-de-sacs west of Scioto Chase Boulevard. Lots are typically 9,100 sq. ft. Section 4, Phase 4 is located to the east, and the golf course is located to the north, south and west. This development is to be served by a land application sewage system that will be owned and maintained by the County. This phase is zoned PRD with a density of 3.04 du/acre.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval, but a ditch maintenance petition has not been filed yet, as required and previously agreed to.

Staff Recommendation

Staff recommends *Final approval* of **Scioto Reserve, Sec. 4, Phase 5** to the RPC. *The County Engineer is requested to hold the mylars and not forward them to the County Commissioners until a ditch and drainage maintenance agreement is received.*

Commission / Public Comments

Mr. Laurien stated that the ditch maintenance agreement has not been received for overall Scioto Reserve, a condition of the preliminary approval. We are nearing the end of the development. Mr. Laurien requested the Engineer be

asked to hold this mylar until the maintenance agreement is received.

Mrs. Foust asked why the County Engineer signed the plat if this requirement has not been met? Mr. Deel stated that this was not critical to this phase, but rather to the overall development.

Mr. Miller made a motion for Final approval of Scioto Reserve, Section 4, Phase 5. Mr. Gladman seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Ward). Motion carried.

26-99.3 The Woods of Dornoch, Sec. 3 – Del. Twp. - 20 lots, 08.22 acres

Applicant: New Green Highlands Dev. Ltd.
Subdivision Type: Single-family residential
Location: west side of Braumiller Road, about 1500 feet south of Berlin Station Road.
Current Land Use: Vacant fields and wooded areas
Zoned: Planned Residential District (PRD)
Utilities: Del-Co water and Private sewer systems
School District: Olentangy School District
Project Engineer: M-E Civil Engineering

Staff Comments

Dornoch Estates received overall preliminary approval in March of 1997 for 308 lots on 255 acres and a golf course and clubhouse. Section 3 is 20 lots along the western border of the northern portion of the project. Dornoch utilizes a private treatment plant and uses the treated effluent for irrigation of the golf course. The treatment plant design, operation, and effluent storage has been approved by OEPA and the County Sanitary Engineer but is privately owned and maintained.

The surrounding land use includes the Methodist Theological Seminary to the west along U. S. 23, scattered single family homes along Braumiller Road, and the Perkins Observatory to the south.

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

Staff Recommendation

Staff recommends *Final approval* of **The Woods of Dornoch, Section 3**, to

the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of The Woods at Dornoch, Section 3. Mr. Moran seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger, City of Powell). Motion carried.

36-00 **Coleman – Liberty Twp. – 4 lots (CAD), 28.22 acres**

Applicant: Dr. Carl Coleman
Subdivision Type: Single Family Residential (CAD)
Location: West side of St. Rte. 315, about 1200 feet north of Jewett Rd.
Current Land Use: Residential
Zoned: Farm Residential (FR-1)
Utilities: Private wells and private septic
School District: Olentangy
Engineer: John McCann – Stults & Associates, Inc.

Staff Comments

Coleman is a 4 lot CAD subdivision of 28.22 acres with each lot being over 5 acres. The site is zoned FR-1 and has a steep ravine (with flood plain entering site) and woods running along its southern portion. The Olentangy River is located to the east with Deer Run subdivision to the west and large lot single family residential to the north and south. The lots will be served by well and septic since a connection to County sewer and Del-Co water line was found to not be feasible. Dedication of additional right of way for SR 315 will create a no-build lot between SR 315 and the Olentangy River.

Conditional preliminary approval was granted on September 28th, 2000 for the overall preliminary. A six-month extension was also granted August 30th, 2001 to obtain final plat approval from the Delaware County Engineer.

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

Staff Recommendation

Staff recommends *Final approval* of **Coleman Subdivision** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of the Coleman Subdivision. Mr. Moran seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger, City of Powell). Motion carried.

07-99 **Deseret II Subdivision – Liberty Twp. - 04 lots, 26.78 acres**

Applicant: Dimon and Darlene McFerson
Subdivision Type: Single-family residential
Location: Terminus of Deseret Drive, east of Liberty Road, Liberty Township
Current Land Use: Wooded and agriculture
Zoned: Farm Residential District, (FR-1)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: Stults and Assoc., Inc.

Staff Comments

This is the redivision of lots 3321, 3322, 3324, 3325, and 3326 of the Deseret Subdivision into 4 lots. The original plat was approved in March 1999 and recorded October 1999. Deseret was approved for 10 lots on 35.35 acres. Lot 3325 was subsequently split with half being transferred to lot 3324 and half to lot 3326. The applicant now wishes to reconfigure lots 3324 and 3326 as well as lots 3321 and 3322. All new lots conform to FR-1 zoning for minimum lot size and setbacks. Del-co water and County sewer will serve the lots in the subdivision.

The surrounding land uses include Canterbury Subdivision, Sec. 1 to the south, Westchester Subdivision and Carriage Lane to the north and east, and few houses along Liberty Road near Rutherford Road.

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

Staff Recommendation

Staff recommends *Final approval* of the **Deseret II Subdivision** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Deseret II. Mr. Moran seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger, City of Powell). Motion carried.

04-02.1 Golf Village Commercial, Section 1 – Liberty Twp. - 01 lot / 02.19 acres

Applicant: Triangle Real Estate, Inc.
Engineer: R.D. Zande & Associates, Inc.

Staff Comments

The applicant has requested to table this application for 90 days to work out unresolved issues with the plat.

Recommendation

Staff recommends *approval* of the 90-day table request for **Golf Village Commercial, Section 1** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion to approve the 90-day tabling request of Golf Village Commercial, Section 1. Mr. Moran seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger, City of Powell). Motion carried.

09-00 Stults Farm (FKA: Burnt Pond Farms) – Scioto Twp. - 17 Lots, 39.28 acres

Applicant: Bruno Voltolini
Subdivision Type: Single Family Residential
Location: West side of Burnt Pond Road South of Fontanelle

Road

Current Land Use: Agricultural/Vacant land
Zoned: FR-1 (Farm Residential)
Utilities: Del-Co Water, on-site septic
School District: Buckeye Valley
Engineer: IEG, Inc.

Staff Comments

Stults Farm subdivision (f.k.a. Burnt Pond Farms) was originally proposed as an 18-lot subdivision of 41.563 acres. A sight distance problem has forced the entrance to the subdivision to be shifted to the south. This slightly changes the lot configuration near Burnt Pond Road including the elimination of the northeastern most lot (1.67 acres), but the majority of the subdivision has not changed. The amended plan includes an LDLV street (Stults Drive) ending in a cul-de-sac with a second cul-de-sac (Stults Lane) serving 5 lots just west of the entrance. Lots range from 1.9 to 2.5 acres.

The subdivision is located on the west side of Burnt Pond Road south of Fontanelle Road. The site as well as the surrounding area is zoned FR-1 with the land uses being residential along Burnt Pond Road to the south, north and east. Blues Creek Preserve, owned by The Preservation Park District of Delaware County is to the west and southwest. The applicant is maintaining a 30’ tree buffer along the west boundary adjacent to the Preserve. There are two small creeks on the site, one in the southeastern portion and one cutting across the western portion.

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

Staff Recommendation

Staff recommends *Final approval* of **Stults Farm**, to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Stults Farm. Mr. Moran seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger, City of Powell). Motion carried.

V. EXTENSIONS (none)

VI. OTHER BUSINESS

- **Consideration for approval: ESRI software maintenance, \$3,738.03**

Chairwomen Foust stated that the Executive Committee had recommended approval of this expenditure.

Mr. Gladman made a motion to approve the expenditure for ESRI software maintenance. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for approval: State of Ohio Auditor \$1,304.26 (FY 2000-2001 audit)**

Chairwomen Foust stated that the Executive Committee had also recommended approval this expenditure.

Mr. Gladman made a motion to approve expenditure to the State of Ohio Audit. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Laurien gave credit to Mrs. Matlack for her excellent spreadsheets and very careful bookkeeping. Mr. Laurien stated that the Auditor would be using her work as an example to other agencies.

- **Consideration for approval: Gardner Architects \$1,862.00 (construction documents)**

Chairwomen Foust stated that the Executive Committee had recommended approval of this expenditure.

Mr. Ward made a motion to approve expenditure of Gardner Architects. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Final Plat submission policy**

Mr. Laurien brought attention to the need to amend the final plat application procedures. Mr. Laurien recommends for the short-term starting May 1st that the interim regulations would no longer be used and that mylars would be due at the time of application as stated in the Subdivision Regulations. He recommended for the long-term the RPC revise the subdivision regulations.

Mr. Laurien stated that this is in response to a circumstance that was previously published in the Delaware Gazette where an applicant switched pages of a plat after it was signed, but before it was recorded. A subcommittee to review the regulations would be formed. Volunteers should contact Mr. Laurien.

- **Election of Executive Committee members for 2002**

Mr. Miller listed Dick Gladman, Leslie Warthman, Steve Burke and Holly Foust for nomination by the Nominating Committee.

Chairwomen Foust asked for more nominations. Hearing none, asked for a motion.

Mrs. Curren made a motion to approve the nominees made by the Nominating Committee. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

*The positions of the Executive Committee members would be determined at the next regular Executive Committee meeting, which will be held on Wed., April 17, 2002.

VII. POLICY / EDUCATION DISCUSSION (none)

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

Meeting adjourned at 8:50 p.m.

The next meeting of the Delaware County Regional Planning Commission will be Wednesday, April 24, 2002, 7:00PM at the Delaware Joint Vocational School North Campus, 1610 St. Rte. 521, Delaware, Ohio 43015.