



Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP, Executive Director

MINUTES

Thursday, March 29, 2007 at 7:00 PM

Delaware Hayes Services Building,

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

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of January 25, 2007 RPC Minutes
- Approval of March 5, 2007 Special RPC Minutes (re: Dornoch Estates, Sec. 4)
- Executive Committee Minutes of February 16, 2007 and March 21, 2007
- Statement of Policy

II. VARIANCES

02-07.V Heather Meadows Subdivision – Radnor & Scioto Twps. – requesting 4 lot CAD

III. PUBLIC CONSTRUCTION PROJECTS *(none)*

IV. ZONING MAP/TEXT AMENDMENTS

- 02-07 ZON Alexandra Building Co. – Harlem Twp. – 10 acres from AR-1 to FR-1
- 03-07 ZON David & Karen Debolt – Harlem Twp. – 2.123 acres from AR-1 to FR-1
- 04-07 ZON **W** Loch Lomond Farm Co. – Liberty Twp. – 8.046 acres from PC & PR to PERRC
- 05-07 ZON Portland Co. – Orange Twp. – 3.905 acres from FR-1 and PC to PC
- 06-07 ZON Berlin Twp. Zoning Commission – Comprehensive Plan amendment

V. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
01-07	Wood Tract, Sections 1 & 2	Liberty	71 lots / 130.287 acres

Preliminary/Final

Final

27-03.1.A	North Star, Section 1, Phase A	Berkshire	03 lots / 336.292 acres
28-04.1	T Derby Glen Farms, Section 1	Liberty	20 lots / 20.47 acres
10-06	T Orange Centre	Orange	06 lots / 59.22 acres
03-07	Little Bear Village, Sec. 1, Ph. A, lots 7357 & 7462, Division 1	Orange	02 lots / 05.145 acres

T=TABLED, W=WITHDRAWN

VI. EXTENSIONS

29-98.4.13	Scioto Reserve, Section 4, Phase 13	Concord	29 lots / 08.28 acres
09-05	Tartan Connector	Concord	01 lot / 02.75 acres

VII. OTHER BUSINESS

- Consideration for approval: ESRI 2007 Maintenance contract: \$5,381.19
- Consideration for approval: Rinehart Walters Danner Liability Insurance & Directors Bond: \$10,243.00
- Consideration for approval: Da-Wei Liou up to \$1,600 (ESRI conference \$1,425 estimate)
- Executive Committee member election

VIII. POLICY / EDUCATION DISCUSSION

- Advisory Committee recommendations for CAD regulations

IX. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

- **Call to Order**

Chairwoman Foust called the meeting to order at 7:03 p.m.

- **Roll Call**

Representatives: Paul Snajd, Rick Sedlacek, Dale Johnson, Gary Spanner, Jim Ward, Steve Burke, Gary Gunderman, Tom Hopper. *David Andrian, Bob Talbott, Holly Foust, Dick Gladman, Larry Crile, Bill Thurston, Marvin Miller, Eric Fischer, Lloyd Shoaf, Tom Brown, Scott Love, Bonnie Newland and Mike Datillo. Alternates:* Jack Smelker and Pat Blayney. *Staff present:* Scott Sanders, Paul Deel, Ben Henson, Da-Wei Liou and Stephanie Matlack.

- **Approval of the January 25, 2007 RPC Minutes**

Mr. Miller made a motion to approve the minutes from the January 25, 2007 meeting. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Approval of the March 5, 2007 Special RPC meeting minutes (Re: Dornoch Estates, Sec. 4)**

Mr. Blayney made a motion to approve the March 5, 2007 special RPC meeting minutes regarding Dornoch Estates, Section 4. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **February 16, 2007 and March 21, 2007 Executive Committee Minutes**

Friday, February 16, 2007

1. Call to order

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

2. Approval of Executive Committee Minutes

- a. **January 25, 2007** – *Mr. Gladman made a motion to approve the minutes from the last meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. Old Business

a. Contract updates

- 1.) **Berkshire Twp.** – will begin on a Comp. Plan update – initial meeting scheduled for 3/1/07
- 2.) **Harlem Twp.** – Steering Committee to meet one more time then will turn over a draft to the Zoning Commission.
- 3.) **Berlin Twp.** – would like assistance to clarify various code items

- b. **CAD regulations** – Chairwoman Foust asked if the Advisory Committee is ready to present their recommendations to the Commission. Mr. Sanders stated that a draft was mailed to all Representatives and Alternates with this month's mailing. The Advisory Committee is recommending a CAD with a maximum of 6 lots plus 2 additional frontage lots along with an additional 2 feet of road width on either side of CADs with more than 5 lots. Chairwoman Foust questioned if the RPC could contract with the County Engineer or the Township Road Maintenance Departments to review construction of the CAD. Chairwoman Foust stated that the Commission would not be setting a public hearing date at the February meeting but could discuss the recommendations of the Advisory Committee.

4. New Business

- a. **Financial / Activity Reports for January 2007**

REGIONAL PLANNING RECEIPTS		JANUARY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,025.00	\$1,025.00
Fees A (Site Review)	(4202)	\$400.00	\$400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$80.00	\$80.00
Membership Fees	(4204)	\$195,663.00	\$195,663.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$2,097.70	\$2,097.70
Assoc. Membership	(4206)		
General Sales	(4220)	\$226.00	\$226.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$6,790.00	\$6,790.00
Charges for Serv. B (Final. Appl.)	(4231)	\$6,570.00	\$6,570.00
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$150.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)		
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$150.00	\$150.00
Soil & Water Fees	(4243)	\$725.00	\$725.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)	\$3.00	\$3.00
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$214,079.70	\$214,079.70

Balance after receipts	\$322,286.46
Expenditures	- \$ 24,427.46
End of January balance	\$297,859.00

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

- b. **February RPC Preliminary Agenda** – includes 3 rezoning/text amendments, 1 Preliminary, 2 Final, and 2 extensions.

5. Other Business

- a. **Consideration for recommendation of approval: ESRI 2007 Maintenance contract: \$5,381.19**
Mr. Shoaf made a motion to recommend approval of the ESRI maintenance expenditure. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- b. **Consideration for recommendation of approval: Rinehart Walters Danner Liability Insurance, Directors Bond: \$10,243.00** – Mr. Ward questioned the high rate and suggested checking rates from other carriers.

Mr. Shoaf made a motion to recommend approval of the Liability Insurance and Director’s bond (\$10,243.00). Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. Personnel (none)

- 7. **Adjourn** – *Mr. Gladman made a motion to adjourn the meeting at 10:15 a.m. Mr. Shoaf seconded the*

motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, March 21, 2007 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015

March 21, 2007

1. Call to order

Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Dick Gladman, Lloyd Shoaf and Jim Ward. Staff present: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes

a. February 16, 2007 – Mr. Ward made a motion to approve the minutes from the February meeting. Mr. Shoaf seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Gladman). Motion carried.

3. Old Business

a. Contract updates

- 1.) **Berkshire Twp.** – assisting with minor comprehensive plan update
- 2.) **Harlem Twp.** – staff is scheduled to attend one more meeting, working on 2 years of assistance
- 3.) **Berlin Twp.** – continuing to work on zoning code update
- 4.) **Morrow County** – has requested assistance in creating additional township zoning maps. They have paid the associate membership for 2007 but have used all their free hours. Mr. Sanders explained that the work would be done on a time and materials basis at the out of county contract rate. The estimated cost would be \$980.00 per Township. Mr. Gladman agreed that if the County paid for the associate membership fee, then any Township within that County could request assistance to be paid at the out-of-county rate, with the Morrow County Commissioner’s approval.

b. By-laws – Chairwoman Foust requested that the Committee work on updating the By-Laws.

4. New Business

a. Financial / Activity Reports for February 2007

REGIONAL PLANNING RECEIPTS		February	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,435.00	\$2,460.00
Fees A (Site Review)	(4202)		\$400.00
Insp. Fees (Lot Line Transfer)	(4203)		\$80.00
Membership Fees	(4204)	\$25,107.00	\$220,770.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$83.55	\$2,181.25
Assoc. Membership	(4206)	\$1,500.00	\$1,500.00
General Sales	(4220)	\$199.90	\$425.90
Charges for Serv. A (Prel. Appl.)	(4230)	\$110.16	\$6,900.16
Charges for Serv. B (Final. Appl.)	(4231)		\$6,570.00
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$450.00
Charges for Serv. D (Table Fee)	(4233)	\$600.00	\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$150.00
Soil & Water Fees	(4243)		\$725.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)	\$8.20	\$11.20
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$ 29,343.81	\$243,423.51

Balance after receipts		\$327,202.81
Expenditures	-	\$ 34,025.23
End of February balance		\$293,177.58

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

- b. **March RPC Preliminary Agenda** – 1 variance, 5 rezoning/text amendments, 1 preliminary, 4 final and 4 extensions. The agenda includes cases carried over from the February meeting due to the lack of quorum.

5. Other Business

- a. **Consideration for recommendation of approval: Da-Wei Liou ESRI conference (\$1,425 estimate without room tax)**

Mr. Ward made a motion to recommend approval for the reimbursement request for Mr. Liou’s trip to the ESRI conference up to \$1,600.00. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Chairwoman Foust reminded the Committee that after Mr. Liou’s return from the conference, he would submit a final request with all receipts for reimbursement. The approval today is an estimate of cost. The approved RPC budget allows for up to \$1,600.00 for conference expenses.

6. Personnel (none)

7. Adjourn

At 9:35 a.m., Mr. Ward made a motion to adjourn the meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, April 18, 2007 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

02-07.V Heather Meadows Subdivision – Radnor & Scioto Twps. – requesting 4 lot CAD

Applicant: Heather Meadows Ltd.

Location: South side of Warrensburg Rd 3000' east of Hodges Rd, Radnor and Scioto Township.

I. Request

The applicant seeks to develop 23.82 acres into a 4-lot Common Access Drive (CAD) subdivision. 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). The fourth lot in this proposal does not have frontage.

II. Facts

1. This 23.82 acre site lies within two Townships (Scioto and Radnor). The frontage and access is on Warrensburg Road in Radnor Township and the building area is within Scioto Township.
2. The property contains only 120' of road frontage. An initial design did provide frontage for the fourth lot, but the County Zoning Resolution, which applies to Radnor, prohibits side by side flag lots.
3. The property is surrounded by large lot residential and agriculture.

III. Criteria for a Variance

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

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

Staff finding: The request would not be a detriment to the public health, safety, and welfare.

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

Staff finding: This is a large (23.82 acre) parcel with limited (120') frontage.

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

Staff finding: The proposed density of the subdivision is in keeping with the surrounding character.

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

neighborhood and community.

Staff finding: The variance would not vary any existing zoning regulation or comprehensive plans. The proposal achieves the goal of reducing multiple curb cuts in close proximity, which is the reason for the county regulation prohibiting side by side flag lots.

IV. Staff Recommendation

Staff recommends **Approval** of the variance to allow a fourth lot to access a CAD for the Heather Meadows subdivision.

Commission / Public Comments

Karen Coffman with Scioto Land Surveying Service was present to represent the applicant.

There were no comments or questions from the Commission or public.

Mr. Shoaf made a motion to approve the variance request for Heather Meadows Subdivision. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

III. PUBLIC CONSTRUCTION PROJECTS (none)

IV. ZONING MAP/TEXT AMENDMENTS

02-07 ZON Alexandra Building Co. – Harlem Twp. – 10 acres from AR-1 to FR-1

I. Request

The applicants/owner, Alexandra Building Company, Ltd is requesting a 10.000-acre rezoning from AR-1 to FR-1. If the rezoning is approved, the applicant may request a subdivision of 3 residential lots utilizing a Common Access Drive (CAD).

II. Conditions

Location: West side of S County Line Rd, 2000' south of Center Village Rd, Harlem Township

Present Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): Vacant/Agricultural

Proposed Use(s): Single-family residential

Existing Density: 1 du / 5 acres in AR-1

Proposed Density: 1 du / 2 acres in FR-1

School District: Johnstown-Monroe Local School District

Utilities Available: Private wells and on-lot treatment systems

Critical Resources: Small north/south-running stream

Surrounding land uses: Large residential & agricultural lots, between 1 acre and 30.5 acres in size.

Soils: BeB: Bennington Silt Loam (2 to 4% slope)

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

SnA: Sloan Silt Loam (0 to 2% slope, occasionally flooded)

BeA: Bennington Silt Loam (0 to 2% slope)

- CeC2: Centerburg Silt Loam (6 to 12% slope, eroded)
- AmD2: Amanda Silt Loam (12 to 18% slope, eroded)
- CeB: Centerburg Silt Loam (2 to 6% slope)

III. Issues

The applicants may subdivide the existing 10 acre “flag” lot into three residential lots sharing CAD (RPC sketch plan # 07-03-s). The tract has 68.4 feet of frontage at S. County Line Rd. Each of the potential lots to be created show frontage on the CAD greater than 200 feet as per Harlem Township’s frontage requirement. It should be noted that an approval of the rezoning application is not a subdivision approval.

The applicant should consult with the Health Department to assure that there is adequate area for on-lot waste treatment systems. According to GIS data, this site is currently outside the service area of Del-Co Water.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as Residential but does not recommend minimum lot acreage. The proposed plan (2006) supports FR-1 development where sewer is not available.

Surrounding land uses include scattered single-family homes along S. County Line Rd. FR-1 zoning would be in character with the area, if on-lot treatment can be designed.

IV. Staff Recommendations

Staff recommends **Approval** from AR-1 to FR-1 for Alexandra Building Company, Ltd. to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees.

Commission / Public Comments

No one was present to represent the applicant.

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

03-07 ZON David & Karen Debolt – Harlem Twp. – 2.123 acres from AR-1 to FR-1

I. Request

The applicants/owners, David & Karen Debolt are requesting a 2.123-acre rezoning from AR-1 to FR-1 to allow a residential lot less than 5 acres.

II. Conditions

- Location:** Trenton Rd. (CR #22), Harlem Township
- Present Zoning:** Agricultural Residential (AR-1)
- Proposed Zoning:** Farm Residential (FR-1)
- Present Use(s):** Vacant/Agricultural
- Proposed Use(s):** Single-family residential
- Existing Density:** 1 du / 5 acres
- Proposed Density:** 1 du / 2 acres
- School District:** Big Walnut Local School District

Utilities Available: Del-Co Water and private on-lot treatment systems

Critical Resources: none

Surrounding land uses: Large residential & agricultural lots, between 1.15 acres and 65 acres in size.

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

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

SsA: Smothers Silt Loam (0 to 2% slope)

III. Issues

This is a straight district rezoning, thus no development plan is required. The owners' intention is to split 2.123 acres from the original 50 acre tract to construct a new single-family residence. This lot has 175 feet of frontage on Trenton Road which complies with Harlem Township's frontage requirement for FR-1.

The applicant should consult with the Health Department to assure that there is adequate area for on-lot waste treatment systems.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as Residential but does not recommend minimum lot acreage. The proposed plan (2007) supports FR-1 development where sewer is not available.

Surrounding land uses include scattered single-family homes along Trenton Rd (CR #22). FR-1 zoning would be in character with the area, if on-lot treatment can be designed. There are similarly sized lots in Trenton and Genoa Townships to the north and west, respectively.

IV. Staff Recommendations

Staff recommends **Approval** of the request to rezone from AR-1 to FR-1 for David & Karen Debolt to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Blayney made a motion to recommend approval of the rezoning request by David & Karen Debolt. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

04-07 ZON Loch Lomond Farm Co. – Liberty Twp. – 8.046 acres from PC & PR to PERRC

***** This application was withdrawn by the Township at the request of the applicant. *****

05-07 ZON Portland Co. – Orange Twp. – 3.905 acres from FR-1 and PC to PC

Brad Block of the Portland Co. is requesting a rezoning on behalf of Home High, LLC and 216 Home Road, LLC, which owns 3.905 acres on the southwest corner of Home Road and the proposed extension of Gooding Boulevard, in Orange Township. The applicant is requesting to rezone 3.905 acres [1.477 acres currently zoned

Farm Residential (FR-1) and 2.428 acres currently zoned Planned Commercial and Office District (PC)] to PC for the construction of a Planned Office and Commercial District use.

I. Conditions

Present Zoning: Farm Residence (FR-1) and Planned Commercial and Office (PC)

Proposed Zoning: Planned Commercial and Office (PC)

Present Use: Residence on 1.477 acre FR-1 lot, otherwise vacant

Proposed Use: Planned Commercial and Office District

School District: Olentangy Local School District

Utilities Available: Del Co Water, Delaware County Sanitary Sewer

Critical Resources: Stream/Drainage Course

Soils: LyD2: Lybrand Silt Loam (12 to 18% slopes), eroded

GwC2: Glynwood Silt Loam (6 to 12% slopes), eroded

GwB: Glynwood Silt Loam (2 to 6% slopes)

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

Surrounding land uses: single family residences to the west and north, mixed-use multi-family and commercial to the south and east (Clear Creek) and vacant woodlands to the north of Home Road.

II. General

This development, Clear Creek New Lot, is an addition to the Clear Creek development plan approved in 2004. It combines the 1.477 acre parcel to the 2.428 PC parcel, thus creating a more marketable commercial lot. It is proposed as a 30,000 sq. ft. Planned Commercial and Office District use to be developed into one or two lots in compliance with the standards set forth in the Orange Township zoning code Article XIV. Access will be off of Gooding Boulevard. The end use is not specified at this time. It is expected that when a user for the site is determined, its precise use will be specified within the final development plan document submission.

The applicant is requesting a divergence from the Orange Township zoning code section 22.03(b) (1) which states:

Such signs shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall be located no more than fifteen (15) feet above finished grade or the height of the ceiling of the first floor of the building, whichever is less.

The conceptual plan indicates that signage shall not be located higher than 18 feet at any location.

The applicant is requesting an additional divergence from the Orange Township zoning code section 22.04(3) (c) that limits maximum graphic area to 64 sq. ft.; to permit a sign structure of a maximum of 12 feet in height, with graphic area a maximum of 10 feet in height, and a maximum graphic area of 64 square feet per face (128 sq. ft. total) for an identification sign at the intersection of relocated Home Road and Gooding Boulevard located 19 feet from the right-of-way. This is a request to double the maximum display area allowed at a setback of 19 feet.

III. Conformance with Local Comprehensive Plan

The 2001 Orange Township Comprehensive Plan acknowledges the current zoning of FR-1 and PC, respectively. Although the Comprehensive Plan did not recommend commercial use for this parcel, the proposed relocation of Home Road will have a significant impact on the existing residential use. Including this lot as part of Clear Creek enables the developer to create buffering for the remaining single family lots to the west on Home Road while also

making it a more viable commercial lot. For these reasons this slight divergence from the Comprehensive Plan is reasonable.

IV. Conformance with Development Standards

The final development plan shall incorporate the standards stated in the Orange Township zoning code, Article XIV – Planned Commercial and Office District (PC).

V. Required Findings for PC

The Zoning Commission and Trustees may approve an application requesting that property be included in the PC 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 aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.

Staff Finding: The applicant is requesting two divergences; otherwise the development adheres to zoning standards.

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

Staff Finding: No, but conditions have changed since 2001. As stated in III above, this divergence from the Comprehensive Plan is reasonable.

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

Staff Finding: Yes. The development generally does advance the general welfare of the area.

VI. DCRPC Staff Recommendation

DCRPC staff recommends **Conditional Approval** of the 3.905 acre rezoning from FR-1 and PC to PC for the Portland Co. for the Home High, LLC and 216 Home Road, LLC, to the Orange Township Zoning Commission, Township Trustees and the DCRPC upon meeting the following criteria:

- 1.) All signage adhere to the standards approved by Orange Township for Clear Creek (RPC#04-04.A ZON)

Commission / Public Comments

Mr. Brad Block with the Portland Company was present to answer questions from the Commission.

Mr. Bob Vennemeyer (285 Home Rd.) stated that his home is two houses away from the property being requested for rezoning. He explained that he objects to the continued development. He sat through all the rezoning hearings at the Township from January 2004 through final approval of the Trustees in April 2005. He stated that Portland Co. was aware of the implications of the site and they made statements on record that they would buy the 216 Home Rd. property to be used as further buffering and that they would not bring commercial property closer. At the first neighborhood meeting with Portland Co., the neighbors expressed their concern for as much visual screening and buffering as possible to which the developer agreed. He said that they also agreed to leave existing vegetation along property lines but a year later came

in and cut down 60 plus trees. He believes the negotiations had been successful and that the neighbors were not unreasonable. This request would eliminate some of the prohibited uses that were agreed to which will bring and allow uses that they had previously agreed not to place on this site.

Ms. Nan Beeler (375 Home Rd.) stated that the neighbors participated in meetings with MTB for about a year and a half. In good faith, they believed it would be a win-win situation and they would have a decent looking development at their corner and that their property would not lose value because of the agreement to be buffered from noise and light. Part of the agreement was to keep the vegetation on the lot along the east side of the property line. The neighbors believe the applicant has broken their agreement by changing the route of the road and has taken down trees that were supposed to be saved. She explained it was an issue of trust and of not providing good enough buffer from their homes. She explained that she objects to this seemingly minor change and is worried that if this agreement supersedes the agreement they made before, there are other things in there that would be negated.

Mr. Block explained that a letter of support was included in the zoning package from Mr. and Mrs. Swartzel at 257 Home Rd. which is immediately adjacent to this project. He said they spent about 9 months working with them to craft a buffer to address as much as possible all of the interests in the adjacent neighborhood. He said they purchased 216 Home Rd. lot during the rezoning process at the suggestion of the Township due to the impact of the road relocation on the previous home owner. The plan reflects about 50 percent of that lot to buffering. This is a resolution that runs with the land no matter who develops it. There will be more than 100 trees planted, preserving the existing 6 mature trees, and the buffer itself will be over 8 feet high from the finished floor elevation and 75 feet wide. There are an additional 20 restricted uses than what was approved for the original Clear Creek project.

Mr. Johnson expressed his concern on the proposed buffer and the length of time it would take for it to become effective. He agreed all the neighbors, not just the adjacent one would be affected by this development and understands their concern of the commercial encroachment and the effects it would have on their property.

Mr. Block stated that at the time of the rezoning process they did not own the 216 Home Rd. lot and there was no agreement in place that said they were going to do something in particular with that lot. The Swartzels said that they were not happy with the buffer that was proposed (and was the requirement by Orange Twp.) of a 20 foot buffer with 3 foot rolling mounds and planting of evergreen trees on top of that. What the Portland Company is providing is a 75 foot wide mound with 8 feet on the finish floor elevation.

Mr. Fischer asked the reasoning for taking down the trees. Mr. Block stated that the trees were either in the path of Gooding Blvd. or on the out lots on the plan. He thought some people may have not know that the trees on lot 216 Home Rd. were not part of the original rezoning therefore not subject to the preservation area. Mr. Block said he was not aware of an approval needed to remove trees on an FR-1 zoned parcel. Mr. Gladman stated that during the zoning process one lot was limited to a bank and the trees were to be maintained but were later cut down.

Mr. Gunderman asked what the uses were approved for this lot. Mr. Gladman said he believes it is retail and that the building can only cover 45% of the lot (all pervious coverage can not be more than 75% of the lot).

Mr. Ward made a motion to recommend denial of the rezoning request by Portland Co. Mr. Spanner

seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

06-07 ZON Berlin Twp. Zoning Commission – Comprehensive Plan amendment

I. Request

In November, 2005, the Berlin Township Zoning Commission updated their Comprehensive Plan and amended some of the densities along the west side of Alum Creek Reservoir. When that occurred, a ~63-acre parcel owned by Evans Capital was notated on the map as residential rather than commercial / industrial. The site lies between land designated as future Planned Commercial or Planned Industrial land and the railroad track. It is appropriate for the uses permitted in the Planned Industrial and Planned Commercial zoning text.

II. Staff Recommendations

Staff recommends **Approval** of this Comprehensive Plan Map change to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees.

Commission / Public Comments

Mr. Miller made a motion recommend approval of the Comprehensive Plan map change, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. SUBDIVISION PROJECTS

Preliminary

01-07 Wood Tract, Sections 1 & 2 – Liberty Twp. - 71 lots / 130.287 acres

Applicant: Wood Partners LLC
Subdivision Type: Single-family Residential
Location: Southeast of Home Rd and Perry Rd, Liberty Township.
Current Land Use: Single-family residence
Zoned: Farm Residential (FR-1)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: Civil and Environmental Consultants

I. Staff Comments

The proposed Wood Tract subdivision contains 71 lots on 130.287 acres. It is located along the south side of Home Road and the east side of the Olentangy River. Perry Road divides the site with the area to the west (11.9 acres) being predominately floodplain. The land east of Perry Road contains a series of east/west ravines. Two overhead electric power lines also cross the site. The Liberty and Orange Township line is along the east boundary of the development.

There are 2 streets providing access to the site. Rock Ledge Drive enters from Perry Road and runs along the south side of the site along a ridge. It terminates in a cul-de-sac in the southeast corner. Winding Hollow Way

travels south from Home Road, then loops around the east side of the development crossing a couple of ravines before terminating at Rock Ledge Drive. Shallow Bank Way is a cul-de-sac extending to the west from Winding Hollow Way. Four Common Access Drives (CADs) are also proposed.

All lots within the subdivision are at least 1 acre as required by township zoning (FR-1). The 11.9 acres along the Olentangy River will be a single residential lot due to floodplain and electric power easement restrictions. The developer has indicated verbally that this lot would most likely be dedicated to ODNR. Many of the proposed lots are situated along ridges with potential for walkout basements overlooking ravines. Detention ponds are proposed throughout the subdivision, some of which may require a conditional use permit from Liberty Township. All lots will utilize Del-co water and County sewer.

Surrounding land use is residential in both Liberty and Orange Township. The Notch subdivision is located to the south and future sections of North Orange subdivision are located to the east/southeast. The remaining area is large, acreage (1+) residential lots along Home Road, Perry Road and Taggart Road. Zoning for lands in Liberty are FR-1 and Orange Township includes FR-1, SFPRD and MFPRD.

A technical review was held on February 13, 2007 and again on March 20, 2007. The following are issues discussed at TRC that either have not been addressed or are still a concern for staff:

- *ODNR is opposed to widening Perry Road. Since this is a township road, the Trustees may provide a Resolution to the County Engineer that improvements are not needed. Otherwise the County would require that Perry Road be widened.*
- *More than 15' of cut is proposed on CAD "A" on Perry Road. This may not be an appropriate use of a CAD.*
- *Some of the proposed elevations indicate excessive fill and cut. These need to be resolved at final engineering.*
- *AEP suggests that buildings be set back an additional 25' from its easement due to the possibility of "nuisance" shocks in certain atmospheric conditions. This phenomenon is the result of a buildup of static electricity.*

II. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of the **Wood Tract**, to the RPC, subject to resolution of issues noted in the Staff report.

Commission / Public Comments

Mr. Ryan Eastwood with Civil & Environmental Consultants, Mr. Rick Towle, and Mr. Jim Schrim with Riverwood Partners were present. Mr. Eastwood explained that they are doing as much as possible to maintain the character of this site and keep the ravines intact. Mr. Schrim stated that the power lines are challenging and it is in their best interest to try to keep as much buffering in place. The homes will be high-end custom homes. The pad sizes shown in the preliminary plan are quite large and he believes that could be addressed at final engineering.

Mr. Fischer stated that he is surprised from a marketing standpoint that the applicant would consider putting high end homes on this site. He feels it's a terrible site with the power lines. Mr. Schrim explained that the power lines do present a challenge but the lots are large, with the home pads set back. He said that some lots will be challenging to sell so there may be more divergence in the lot price point than in other subdivisions. He said there are 70 acres of bean fields and they are only clearing 15-18 % of the existing woods to

accommodate the lots.

Mr. Burke asked if there had been any discussion of this project being a conservation subdivision. Mr. Eastwood stated that staff had discussed the option but the clients do not feel this site warrants itself to clustering like a typical conservation subdivision since it is bisected by streams.

Mr. Miller explained that the power lines create two problems. He said that one is having the homes built so close to the power lines and whether they cause any health hazard and second that AEP has the right to remove anything within their 200' easement area. He said that the 200' easement goes across the lots and runs along the road over the cul-de-sac. To his knowledge the RPC has never approved a plat with a residential lot inside an AEP easement. He realizes the RPC has approved plats with roads crossing the easement but not following within the easement. He does not want to create precedence. Mr. Miller agreed that the applicant should look into a conservation subdivision where the homes are clustered which may require rezoning with Liberty Twp.

Mr. Snajd said that the CADs on Perry Road provides more trouble spots with additional accesses and the cut and fill that would be required.

Mr. Schrim stated that final engineering has not been done yet and during that time the CAD could shift to the north to minimize the cut and clearing.

Mr. Johnson asked what the home site sales would be. Mr. Schrim explained that he would compare improvement costs and land use to a Woodland Hall type subdivision or Woodland Glen. He said that the development costs are significant in this site so doing a low end lot or home is probably not going to make economic sense. He explained they did a simple lot split north of this site called Fox Bend with those 6 acre lots selling at \$255,000-\$275,000. Lots in this subdivision could be below \$100,000 and some lots could be like those along the river at Deep Run in Orange Twp. Mr. Schrim said that they do have a letter from AEP saying that they would sign off on the site layout. The southeast corner has some room for lot shifting and during final engineering could eliminate the cul-de-sac and replace it with a CAD to fewer lots if that would help address the issue with the Commission.

Mr. Fischer explained that the site is so unique that the design should be reevaluated for a conservation subdivision. Mr. Schrim stated that they have done numerous conservation subdivisions including a 5,000 acre site in North Carolina called the Balsams. They feel they have significant experience with major conservation subdivisions and neither the market nor the engineering costs enable the land owner to sell this property and feasibly obtain a conservation subdivision.

Mr. Ward said that he is familiar with the site and would like to see a better option on placing the homes away from the electric easement.

Mr. Schrim explained that a gas line has recently been installed and the area has been cleared from edge of easement to edge of easement. He agreed that there is flexibility in house locations around the easement. Mr. Miller suggested that the roads which would be maintained by Liberty Twp. also be moved from under the power lines.

Mr. Miller asked the applicants if they were interested in tabling the application. Mr. Schrim stated that they were.

Mr. Miller made a motion to approve a 90-day tabling of the Wood Tract. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Chairwoman Foust reminded the applicant that if they were ready to submit before the 90 days they could.

Preliminary/Final (none)

CONSENT AGENDA

Final

27-03.1.A North Star, Section 1, Phase A – Berkshire Twp. - 03 lots / 336.292 acres

Applicant: Northstar Land, LLC/Northstar Golf, LLC

Subdivision Type: Commercial

Location: North side of SR 36/37, east and west side of N. Galena Rd. Berkshire Township

Current Land Use: Agriculture and open space

Zoned: Planned Residential (PRD) & Planned Commercial (PCD)

Utilities: Del-Co water and sanitary sewer with land application, County maintenance

School District: Big Walnut

Engineer: EMH&T

I. Staff Comments

Northstar Section 1, Phase A includes the relocation of a portion of Wilson Road east of North Galena Road. It also includes a new leg of Wilson Road west of North Galena Road intersecting with US 36/37 east of the Flying “J” truck stop and opposite the Burger King access road. The current access to the Flying “J” will be closed and the signal moved to the new Wilson Road intersection. A new road (Zenith Drive) will extend from Wilson Road to the Flying “J” property. This road is shown as a “floating” right-of-way easement on the plat since ODOT is negotiating with the Flying “J” on the exact location. Three large lots (300.5 acres total) are also created to be developed in the future for commercial/retail uses, all located west of North Galena Road.

The overall Northstar development is a proposed 1700-acre mixed-use development located north of US 36/37 and east of I-71 in Berkshire and Kingston Township. It will include a golf course, approximately 300 acres of commercial uses, and a mixture of single and multi family residences (1.25 du/acre in Berkshire, proposed 0.8 du/acre in Kingston). The development will also include a central sewage treatment plant with land application of treated effluent. The overall preliminary for the Berkshire Township portion (Section 1) was approved in December 2003.

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

II. Staff Recommendation

Staff recommends *Final approval* of **North Star, Section 1, Phase A** to the RPC.

Commission / Public Comments

Mr. Snajd made a motion for Final approval of North Star, Section 1, Phase A. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

28-04.1 T Derby Glen Farms, Section 1 – Liberty Twp. - 20 lots / 20.47 acres

Applicant: Jewett Road Associates, LLC.
Consultant: EMH&T

I. Staff Comments

The applicant has requested a 90-day tabling to resolve engineering issues. This is the second tabling request for this application.

II. Staff Recommendation

Staff recommends *Approval of the 90-day tabling* for **Derby Glen Farms, Section 1** to the RPC.

Commission / Public Comments

Mr. Ward made a motion to approve the 90-day tabling of Derby Glen Farms, Section 1. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

10-06 T Orange Centre – Orange Twp. - 06 lots / 59.22 acres

Applicant: The Glimcher Company
Engineer: Civil and Environmental Consultants

I. Staff Comments

The applicant has requested a 90-day tabling to resolve engineering issues.

II. Staff Recommendation

Staff recommends *Approval of the 90-day tabling* for the **Orange Centre**, to the RPC.

Commission / Public Comments

Mr. Ward made a motion to approve the 90-day tabling of Orange Centre. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**03-07 Little Bear Village, Sec. 1, Ph. A, lots 7357 & 7462, Division 1 – Orange Twp. –
02 lots / 05.145 acres**

I. Conditions

Applicant: D. W. Pettit Construction

Subdivision Type: Golf Clubhouse and single family lot.

Location: West side of S. Old State Rd approximately 1,200' north of Powell Rd, Orange Township.

Current Land Use: Clubhouse

Zoned: Single Family Planned Residential District (SFPRD)

Utilities: Del-Co water and public sewer

School District: Olentangy

Engineer: EMH&T

II. Staff Comments

This plat reconfigures a lot line from 2 lots in the Little Bear Village Section 1 Phase A and B plats. The adjustment is to accommodate a parking lot setback requirement for the golf clubhouse. Phase A was recorded in October 2006 and Phase B was recorded in December 2006.

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

III. Staff Recommendation

Staff recommends *Final Approval* of **Little Bear Village, Sec. 1, Ph. A, lots 7357 & 7462, Division 1**, to the RPC.

Commission / Public Comments

Mr. Snajd made a motion for Final approval of Little Bear Village, Sec. 1, Ph. A, lots 7357 & 7462, Division 1. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. EXTENSIONS

29-98.4.13 Scioto Reserve, Section 4, Phase 13 – Concord Twp. - 29 lots / 08.28 acres

Applicant: Home Road Ltd.

Consultant: Lenell Sniechowski, RD Zande

I. Staff Comments

The applicant is requesting a fifth 6-month extension of the Preliminary approval of Scioto Reserve, Section 4, Phase 13. The project was originally approved February 26, 2004. Construction has been delayed due to marketing factors. The applicant was told in August 2006 that no more extensions would be granted.

II. Staff Recommendation

Staff recommends *denial* of the 6-month extension for **Scioto Reserve, Section 4, Phase 13** to the DCRPC.

Commission / Public Comments

Mr. Gladman made a motion to deny the 6 month extension request for Scioto Reserve, Section 4, Phase 13. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-05 Tartan Connector – Concord Twp. - 01 lot / 02.75 acres

Applicant: Tartan Development Co. (West)
Consultant: Ed Miller, EMH & T

I. Staff Comments

The applicant is requesting a 6-month extension of the Preliminary approval of the Tartan Connector. This would be the third extension request. The request states that the developer has been in negotiations with Muirfield concerning a drainage easement they need to obtain to build the project. The consultant believes that this issue is close to being resolved. The final engineering drawings have been completed and are awaiting signatures based upon the resolution of the drainage easement.

II. Staff Recommendation

Staff recommends *Approval* of the 6-month extension for the **Tartan Connector** to the RPC with the understanding that this would be the last extension granted.

Commission / Public Comments

Mr. Ward made a motion to approve the 6 month extension for the Tartan Connector with the understanding that this would be the last one granted. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. OTHER BUSINESS

- **Consideration for approval: ESRI 2007 Maintenance contract: \$5,381.19**
Mr. Ward made a motion to approve the 2007 ESRI maintenance contract. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for approval: Rinehart Walters Danner Liability Insurance and Director's Bond: \$10,243.00**
Mr. Miller made a motion to approve payment for the 2007 liability insurance and director's bond for \$10,243.00. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for approval: ESRI conference Da-Wei Liou up to \$1,600 (\$1,425 estimate)**
Mr. Blayney made a motion to approve the travel expenditure of up to \$1,600.00 for Mr. Liou for the ESRI conference. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Executive Committee member election**

Mr. Blayney recommended that the current Executive Committee members remain for the 2007/2008 year. There were no other nominations presented.

Mr. Blayney made a motion to close the nominations. Mr. Andrian seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Blayney made a motion to appoint Holly Foust, Dick Gladman, Steve Burke and Lloyd Shoaf to the Executive Committee. Mr. Andrian seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Chairwoman Foust reminded the Commission that at the next Executive Committee meeting (4/18) the Committee would vote on the positions.

VIII. POLICY / EDUCATION DISCUSSION

- **Advisory Committee recommendations for CAD regulations**

Introduction

Last month, staff presented the various cross-sections that have been a part of the draft CAD regulations over the past year. Although no action could be taken during the February meeting due to the lack of a quorum, discussion took place and RPC members and alternates received a printed copy of those discussions. Rather than restate that here, we will only print the current draft standard as recommended by the Advisory Committee:

6 inches of #304 aggregate
6 inches of #2 aggregate
compacted sub-soil
6 lots (plus 2 on the existing frontage)
12 feet wide, passing lanes every 350 feet for up to 5 lots
16 feet wide, no passing lanes for more than 5 lots

It should also be noted that in the draft introduced at the beginning of 2006, new language was added regarding side-drainage, under-drains and signage at both the entrance to the CAD and addresses at each driveway. The language regarding these issues has been clarified throughout the process and the Advisory Committee and staff agree on all those standards.

Comments

Based on the discussion in February, additional drafting will likely need to take place before the draft can be initiated. Staff asks that the Commission provide direction on the following four issues:

1. Cross-section of the driveway (or build-up specifications);

2. Maximum number of lots permitted;
3. Should there be specific language regarding flag lots? Some have stated that CADs will potentially reduce the number of flag lots created in certain townships, although many of the CAD requests we receive are on existing flag lots;
4. Staff recommends strengthening the consulting engineer's certification by including specific language for the certification letter as an Appendix and referring to it in the text.

Commission / Public Comments

Mr. Blayney stated that he and County Engineer Chris Bauserman do not think a specific driveway build up should be included since it is a private driveway. They propose that this responsibility be up to the consulting engineer. They suggested the language in Section 306.06 (c) be changed to read:

“The common access driveway composition shall be determined by the professional engineer in accordance with section 306.05. A common access driveway composition shall be able to support the construction vehicles anticipated for home sites as well as Township and emergency vehicles.” The second sentence in that section is acceptable. Mr. Blayney agreed that the Commission should have a performance standard but the specific build up should be left to the design engineer of record.

Mr. Gunderman asked what the performance standard would be. Mr. Blayney explained that it would be the language for Section 306.06 (c) and it would be up to the design engineer to do the research and come up with the design to support this. He explained that if there were a catastrophe on that CAD, they don't want the Commission to have a liability of making a driveway standard on a private drive.

Mr. Gunderman asked if someone would be reviewing the engineer's design. Mr. Blayney said no. The engineer is a registered professional licensed in the State of Ohio and is responsible under the terms of their license to consider the public benefit and welfare and the liability is that particular persons.

Mr. Snajd asked if a CAD could become a public street in the future. Mr. Blayney said that private streets are requested to be constructed to public standards but that is a street and not a driveway. Mr. Blayney stated that if a CAD were to be taken over and made public they would need approval of the County Commissioner's and the Township. Mr. Ward explained that the Commissioners require that all the standards for a public street have to be paid for and met by the residents that are requesting to have the CAD or street put on public maintenance.

Chairwoman Foust asked if language could be worked in that requires the certifying engineer to get information in writing from the emergency and response services that may serve that particular area as far as the weight and requirements for their vehicles? Mr. Blayney said that could be added as part of the performance standard.

Mr. Sanders said that he spoke with legal counsel and they agreed to the County Engineer's proposal with strengthened language for the certifying engineer. He said that the width and passing lanes requirements would remain.

Mr. Gunderman agreed with certain aspects of the performance standard but thinks the standard is maybe becoming more complicated than it needs to be. He doesn't feel that leaving the baseline calculation of what we are trying to support is something that needs to be left up to the interpretation and review of each person. He believes the engineer should be given some technical standard that they have to come up to and let the consulting engineer work out how they need to accomplish it due to the site. Mr. Blayney stated that

ODOT does have loading standards and he would look into those requirement to see if that could be added to the standards. Mr. Sanders explained that fire service does not stop at the Township boundaries and the standard would need to accommodate the equipment being used currently and in the future.

Mr. Brown agrees with making the consulting engineer have the sole responsibility in the construction design.

Chairwoman Foust confirmed that the Commission would like Mr. Sanders to work on language to basically make the construction build up the responsibility of the certifying engineer and put in some language to tighten up the rest of the standards and work with Mr. Blayney to work on load details. There was a general agreement with the Commission.

Mr. Blayney stated that the County Engineer would like to see the number of lots on a CAD stay at the current number (3 plus 2 frontage lots) and beyond that should go to a low volume low density street.

Mr. Andrian stated that Harlem Twp. has a flag lot issue so they would support a larger CAD to avoid this. He doesn't think it is feasible on some of the small lot widths they have to put a LVLD. Chairwoman Foust asked if his Trustees have discussed the concept of the large lot regulation and how these two issues would relate to one another? If the RPC adopts large lot regulations, that will cut down on the number of these occurrences. Mr. Andrian agreed but unfortunately the Trustees are not in favor of the large lot rules. Mr. Andrian explained that the Willow Creek subdivision has been a success that the trustees would like to see more of rather than multiple flag lots. Mr. Snajd agreed that Willow Creek is a success but thinks there is still room in the standards for a variance. Mr. Sanders said that what we see is an existing flag lot or one that was just created that now comes in to become a CAD. When the flag lot was created, did the other flag lots around it expect that flag lot to then become 3 lots or 4 or more? He said it's ok to argue for more lots on a CAD but let's not say that it is going to get rid of flag lots.

Mr. Snajd stated that Berkshire Twp. would like the number of lots to remain the same with the option for a variance.

Chairwoman asked for a show of hands that agrees with the current number of lots on a CAD. 14 agreed with the current number of 3 plus 2 frontage lots. There were 5 that would like different numbers.

Mr. Sanders explained that there is language as to when a CAD is appropriate but it is difficult at sketch plan for staff to know when to say yes or no. There is no way to make a road connection once the flag lot is there. Chairwoman Foust stated that there is a LVLD road specifically for that purpose that would provide frontage and development opportunities if it's a large flag lot. Chairwoman Foust stated that she doesn't know if the RPC should try to address the occurrence of flag lots through subdivision regulations when road frontage, lot size and dimension are a function of zoning.

Mr. Sanders said that he will work on draft language and present it at the April RPC meeting.

IX. RPC STAFF AND MEMBER NEWS

Having no further business, *Mr. Ward made a motion to adjourn the meeting at 9:20 p.m. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next meeting of the Delaware County Regional Planning Commission will be Thursday, April 26, 2007, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Kolly Foust, Chairperson

Stephanie Mallack, Executive Administrative Assistant