

**\*MINUTES\***  
**Thursday, March 30, 2000 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 24, 2000 RPC Minutes
- Executive Committee Minutes of March 21, 2000
- Statement of Policy

**II. VARIANCES**

12-97.V Evergreen Land Corp. for The Shores, Section 12 Subdivision – variance from Sec. 205.06

**III. ZONING MAP/TEXT AMENDMENTS**

- 19-00 ZON Elwyn Campbell – Harlem Twp. – 7.665 acres from AR-1 to FR-1
- 20-00 ZON Stephen Nichols – Concord Twp. – 5.01 acres from FR-1 to PCD
- 21-00 ZON Kenneth & Mary Hoover – Berkshire Twp. – 2.85 acres FR-1 to PCD
- 22-00 ZON Jeffrey Yocca, Diane Ladow – Concord Twp. – 39.38 acres from FR-1 to PRD
- 23-00 ZON Mark Gutentag (agent) – Orange Twp. – 8.187 acres from PCD & FR-1 to PC

**IV. SUBDIVISION PROJECTS**

| <u>Preliminary</u>                                 | Township                      | Lots/Acres            |
|----------------------------------------------------|-------------------------------|-----------------------|
| 06-00 O'Shaughnessy Reserve                        | Concord 26 lots / 51.79 acres |                       |
| 29-98.2.3&4 Scioto Reserve, Section 2, Ph.'s 3 & 4 | Concord                       | 73 lots / 23.22 acres |
| 07-00 Evans Estates, Section 2                     | Genoa 03 lots / 22.01 acres   |                       |
| 08-00 T Malabar Farms                              | Liberty 12 lots / 20.85 acres |                       |
| 09-00 Burnt Pond Farms                             | Scioto 18 lots / 41.56 acres  |                       |

Preliminary/Final (none)

**Final**

|                                                |                              |                       |
|------------------------------------------------|------------------------------|-----------------------|
| 02-00 Mathews                                  | Berkshire                    | 03 lots / 10.06 acres |
| 49-93.3.3 T Meadows at Cheshire, Sec. 3, Pt. 3 | Berlin                       | 30 lots / 16.27 acres |
| 15-99.1 Covington Meadows, Section 1           | Genoa 78 lots / 18.48 acres  |                       |
| 72-93.10.B Villages of Oak Creek, Ph. 10, Pt B | Orange                       | 20 lots / 06.39 acres |
| 45-99 Soraya Estates North                     | Scioto 03 lots / 11.47 acres |                       |
| 46-99 Soraya Estates West                      | Scioto 03 lots / 06.94 acres |                       |

**T=TABLED**

**V. EXTENSIONS**

**VI. OTHER BUSINESS**

- Consideration for approval: Professional Services, Legal \$4,042.14 (Don Brosius)
- Consideration for approval: Reimbursements to Personnel office for C.Lewie unemployment \$1256.00
- By-Laws Amendment – Office purchase
- Election of Executive Committee members
- GIS presentation of the RPC web page

**VII. POLICY / EDUCATION DISCUSSION**

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**I. ADMINISTRATIVE BUSINESS**

**■ Call to Order**

Vice Chairman Holly Foust called the meeting to order at 7:05 p.m.

**■ Roll Call**

*Representatives present:* John Schmidt, Jim Ward, Loretta Firis, Chad Antle, Holly Foust, Dick Gladman, Yvonne Ball, Marvin Miller, Lowell Hetzner, Hansel Waugh, Gene Jenny, Kevin Moran and Larry Starling. *Alternates present:* Clyde Seidle, Tom Price, Andrew Brenner and Robert Wood. *Staff present:* Mike Bissett, Paul Deel, Jiyeong Lee, Da-Wei Liou and Stephanie Johnson.

**■ Approval of the February 24, 2000 RPC Minutes**

*Mr. Miller made a motion to approve the previous months minutes. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**■ March 21, 2000 Executive Committee Minutes**

*Mr. Gladman made a motion to dispense with the reading of the Executive Committee minutes. Mr. Seidle seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**1. Call to order**

*Chairman Mazzon called the meeting to order at 2:15 p.m. Present: Mark Mazzon, Holly Foust, Dick Gladman, Larry Starling and Jim Ward. Staff present: Phil Laurien and Stephanie Johnson.*

**2. Approval of Executive Committee Minutes**

- a. **February 24, 2000** – *Mr. Ward made a motion to approve the minutes of the last meeting, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**3. Old Business**

- a. **Web Page** – Mr. Laurien explained that Mr. Lee and Mr. Liou have been working diligently on the creation of the RPC web page. There will be a demonstration of the web page at the March 30<sup>th</sup> RPC meeting.
- b. **Office Space** – discussed options for office space.
- c. **By-Laws amendment – office space-** Mr. Laurien stated that Attorney Don Brosius has identified two modifications to the recently approved resolution regarding amendments to the By-Laws. The modification includes adding the words “sale and disposition” to Section 6, along with changing the word “and” to “or” when stating that contracts, agreements, etc. would be signed by the Executive Director “or” the Chairman of the Executive Committee.

**4. New Business**

**a. Financial / Activity Reports for February 2000**

**Ending balance** **\$590,054.53**

| <u>Receipts</u>                   | <u>February</u> | <u>YTD</u>   |
|-----------------------------------|-----------------|--------------|
| General Fees (NPA)                | \$ 1,485.00     | \$ 4,320.00  |
| Inspec. Fees (Transfer)           | \$ 160.00       | \$ 220.00    |
| Fees A (Site Review)              | \$ 100.00       | \$ 400.00    |
| Membership Fees                   | \$13,409.00     | \$112,811.00 |
| Planning Surcharge (Twp. Assist.) | \$              | \$ 5,261.01  |

|                                      |                    |                     |
|--------------------------------------|--------------------|---------------------|
| Charges for Services A (Prel. Appl.) | \$ 4,650.00        | \$ 13,395.45        |
| Charges for Services B (Final Appl.) | \$ 4,050.00        | \$ 20,545.45        |
| Charges for Services C (Ext. Fees)   | \$                 | \$ 0                |
| Charges for Services D (Table Fees)  | \$ 400.00          | \$ 600.00           |
| Charges for Services E (Appeal/Var)  | \$ 600.00          | \$ 1,200.00         |
| General Sales                        | \$ 543.00          | \$ 1,188.00         |
| Health Dept. Fees                    | \$ 50.00           | \$ 590.00           |
| Soil & Water Fees                    | \$ 150.00          | \$ 500.00           |
| Other Reimbursements                 | \$                 | \$ 0                |
| Other Reimbursements A               | \$                 | \$ 0                |
| Inter-fund Revenues                  | \$                 | \$                  |
| <b>TOTAL</b>                         | <b>\$25,597.00</b> | <b>\$161,030.91</b> |
| <b>Balance after receipts</b>        |                    | <b>\$615,651.53</b> |
| <b>Expenditures</b>                  | <b>\$42,318.86</b> |                     |
| <b>End of February balance</b>       |                    | <b>\$573,332.67</b> |

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

**b. March RPC Preliminary Agenda** – 5 rezonings, 5 preliminary and 6 final applications.

**c. New Contracts**

- 1.) **Harlem Twp.** – Mr. Laurien spoke with Dave Jackson. They may request assistance later. They are hiring an attorney to assist for now.
- 2.) **Brown Twp.** – revised contract mailed this week
- 3.) **Troy Twp.** – revised contract mailed this week.
- 4.) **Village of Shawnee Hills** – may contract on a per hour basis.

**d. 2000 Membership Dues** – collected to date - \$113,757.00 (unpaid Berlin, Liberty Twp.’s, Ashley and City of Delaware)

**5. Other Business**

**a. Consideration for expenditure: \$4,042.14, Don Brosius (By-laws, Deposition, rezoning and subd. matters)** – *Mrs. Foust made a motion to recommend approval of the legal expenditure, seconded by Mr. Starling. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**b. Consideration for expenditure: \$1,256.00, Reimbursements/Refunds (unemployment C.Lewie)** – *Mrs. Foust made a motion to recommend approval of the legal expenditure, seconded by Mr. Starling. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**c. OSU – Fiscal Impact Study Update** – Mr. Laurien stated that he has spoken with Mr. Kraybill regarding the Fiscal Impact Study. Due to unexpected delays, the study is not yet completed. Hopefully, by May 20<sup>th</sup> the study will be presented to the RPC.

**d. Personnel** – Mr. Laurien presented the Committee with a copy of Da-Wei Liou’s annual

evaluation. The Committee concurred with the wage adjustment in the evaluation as budgeted.

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

*The next Executive Committee meeting will be Wednesday, April 19, 2000 at 8:30 a.m. in the 2nd Floor conference room at 50 Channing Street, Delaware, Ohio, 43015*

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■ **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**

**12-97.V The Shores Section 12 – Orange Twp. – variance from Sec. 205.06**

**Applicant:** Rennob Inc. & Evergreen Land Co.

**Location:** East side of South Old State Rd, South of Lewis Center Rd.

**Variance of:** Sub. Regs. **Section 205.06 (Recording and Distributing Copies of Plat.)** “A final plat not recorded within one year of Commission approval shall expire. The plat recording deadline shall be fifteen (15) months if the subdivider states at the time of Commission Final Plat action that public improvements shall be completed before recording the plat.”

**Staff Comments**

The Shores Section 12 received final approval on March 25<sup>th</sup>, 1999 for 60 lots on 34.64 acres in Orange Twp. Section 12 aligns with the proposed Villages of Alum Creek Section 3 on the west side of South Old State Road. The surrounding land uses include the recorded sections of the Shores under construction to the south, scattered single family residential along Lewis Center Road to the north, and USA lands to the immediate east.

Because of a required redesign of drainage and grading plans, the developer will not complete construction of the improvements prior to June 15<sup>th</sup>. Since there are three months remaining before the plat expires, only an additional three-month extension is needed.

**Findings**

The request is unique because of the engineering issues that occurred during construction. It should be noted that any changes to the approved final plat may trigger a new final plat submission and if any changes significantly change the preliminary plan, a new preliminary is required.

**Staff Recommendation**

Staff recommends a 3-month extension from the time of expiration to the RPC, giving the applicant until September 28, 2000 to complete construction and record the plat.

**Commission / Public Comments**

Mr. Allen Shepherd with Evergreen Land Co. was present to address the Commission. He stated that the sanitary sewer is in and the streets are cut. During this process, they discovered some design flaws in the storm sewer system. They requested permission from the County to completely redesign the storm system. He said they should be able to pave and record the plat by the end of July.

*Mr. Ward made a motion to approve the variance request for a 3-month extension. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**III. ZONING MAP/TEXT AMENDMENTS**

**19-00 ZON Elwyn Campbell – Harlem Twp. – 7.665 acres from AR-1 to FR-1**

This rezoning application is submitted by Elwyn Campbell in order to split an existing house and 2.1 acres from an original 7.665-acre tract at 2623 S. R. 605 in Harlem Township.

**Conditions**

- Present Zoning:** Agricultural Residential District (AR-1)
- Proposed Zoning:** Farm Residential District (FR-1)
- Present Use:** Residential
- Proposed Use:** Single-family residential
- Existing Density:** 1 unit / 5 acres
- Proposed Density:** 1 unit / acre
- School District:** Big Walnut
- Utilities Available:** Del-Co water and on site septic system
- Soils:** BeA & BeB – Bennington  
Pw – Pewamo

**General comments**

The property is located on the east side of S. R 605 approximately 1,500 feet south of Woodtown Road. This area is predominately agricultural with scattered single family homes along S. R. 605. There is a small creek that runs along the east property line. The surrounding zoning is mostly AR-1 and a few smaller parcels zoned FR-1.

The applicant is requesting to rezone to FR-1 to meet Township zoning requirements for residential lots of less than 5 acres. If the zoning change is approved, the applicant will need to apply for an NPA subdivision. The Health Department must review the site to assure that the 2.1 acres has adequate area for secondary leaching.

**Compliance with the Comprehensive Plan**

- a.) The Delaware County 1993 Regional Land Use Plan for this area shows the land to contain areas that are unsuitable for development, resource management areas, and an existing residence. The Plan recommends that large fields formerly in agriculture be developed internally through the use of CADS

or subdivision streets instead of just road frontage lots. Additional large lots are likely in Harlem Township due to the lack of central sewer.

- b.) The Harlem Township Master Plan states that residential activity will be the fastest growing land use in the Township. As the Columbus area grows, the demand for homes will increase. Unless a central wastewater system is developed in Harlem Township, residential developments will be large lot in character with a number of smaller subdivisions being developed. Due to a lack of public sanitary sewer service, the minimum lot size should be no less than 1.25 acres.

**Advancing the general welfare of the Township**

Because of the lack of central sewer, the trend has been to split large farm tracts into road frontage lots. This pattern of development will continue until sewer is available. Rezoning this site will continue the pattern of 1-5 acre lots along S. R. 605. Since the Township Comprehensive Plan seems to anticipate such individual lot rezonings, staff finds that this rezoning does advance the general welfare of the Township.

**Staff Recommendation**

The *staff recommends* to the Regional Planning Commission, the Harlem Township Zoning Commission, and the Harlem Township Trustees that the application by Elwyn Campbell for rezoning 7.665 acres on S. R. 605 from AR-1 to FR-1 be approved.

**Commission / Public Comments**

Mr. Tim Huffman, of Stults & Assoc. was present to represent the applicant.

Having no questions, *Mr. Schmidt made a motion to recommend approval of the rezoning request by Elwyn Campbell, seconded by Mr. Brenner. VOTE: 16 For, 0 Opposed, 1 Abstained (Harlem Twp). Motion carried.*

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**20-00 ZON      Stephen Nichols – Concord Twp. – 5.01 acres from FR-1 to PCD**

This rezoning application is submitted by Stephen Nichols in order to construct a mini-storage building at 5830 U. S. 42 in Concord Township.

**Conditions**

- Present Zoning:** Farm Residential District (FR-1)
- Proposed Zoning:** Planned Commercial District (PCD)
- Present Use:** Residential
- Proposed Use:** Mini-storage building
- Existing Density:** 1 unit / 1.5 acre
- Proposed Density:** N/A
- School District:** Buckeye Valley
- Utilities Available:** Del-Co water and onsite septic (if needed)
- Soils:** BIA – Blount  
Pw – Pewamo

**General comments**

The property is located on the north side of U. S. 42 approximately 4000 feet west of S. R. 745. It

contains an existing residence, detached garage, and barn on 5.01 acres. The surrounding land use is agricultural with scattered single family homes along U. S. 42, all of which are zoned Farm Residential. There are 2 parcels zoned Neighborhood Business (B-1) at the intersection of U. S. 42 and S. R. 745, one of which is the Highland Restaurant.

The applicant requests a rezoning to PCD in order to construct a 40' X 80' mini-storage building with multiple rental units on the eastern half of the property. The existing residence will remain on the western half. A separate single entrance will be utilized for the commercial use and one sign is proposed. The house utilizes Del-Co water and a septic system. The applicant indicates that water and sewer is not needed. Staff feels that there should be water available for fire protection. There is no indication on the plan if the building is to be screened for security or for buffering.

**Requirements for approval per the Concord Township Zoning Resolution**

When applying for a Planned Commercial Development, the development plan is the expectation of what can, and would be built if the PCD zone were approved.

A set of standards must be addressed by the development plan. If the plan is acceptable in accordance with these standards and the Township approves of the map amendment, then the applicant has three years to commence construction in accordance with the development plan.

The intent of the Township ordinance is for the applicant to show the feasibility of the plan from an engineering standpoint, his control over the land and his ability to carry out the development process. The applicant is not expected to completely engineer it at the time of the development plan submission, but to engineer it far enough to assure feasibility.

**Comments on meeting criteria for approval:**

*“In approving an application for a Planned Commercial District, the reviewing authorities shall determine:”*

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

**Findings:**

The development plan lacks some items to be consistent with the general standards.

- a.) A landscaping plan, including type, elevation, and cross-section has not been submitted. This proposal should be screened and buffered from the adjacent residences.
- b.) Renderings and design criteria for the building and sign were not submitted.
- c.) The applicant needs to show the extent of lot coverage with respect to the driveway, parking, and building area as well as the surface type (gravel vs. asphalt). In addition, provisions for stormwater retention/detention need to be shown and will need approval from the County Engineer.
- d.) An access permit is required from ODOT and no signs or obstructions will be permitted within the right of way. This development will have some impact on U. S. 42.

- e.) There will need to be a water supply for fire protection, either Del-Co water or a dry hydrant fed by a retention basin.
  - f.) The applicant should specify the number and size of the units. Will the building have a security fence? Lighting? Are there any plans for future additions?
  - g.) The plan includes the existing residence and barn. The size of the rezoning should be limited to the area intended for commercial use (approximately half of the site).
- 2.) If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply;

**Findings:**

- a.) The Delaware County 1993 Master Plan shows the land to contain an existing residence and resource management areas. The Plan is not site specific enough to recommend land use for this parcel. It does state, however, that stand-alone establishments that serve local area residents should be permitted in rural areas if specific uses are compatible with adjacent development, if roadway access standards are properly maintained, and if they conform to localized zoning and development standards.
  - b.) The 1995 Concord Township Comprehensive Plan indicates that the northwest area of the township is most likely to retain a rural environment for supporting agricultural activity. The plan map shows this area remaining farm residential at 1 unit/acre. If the township desires additional commercial activity along U. S. 42, aside from the U. S. 42 / S. R. 745 intersection, and finds this request appropriate, then it should amend the comprehensive plan in conjunction with this rezoning.
- 3.) If the proposed development advances the health, safety and general welfare of the Township in the immediate vicinity.

**Findings:**

As presented, the PCD district does not conform to the Township Comprehensive Plan, so it does not enhance the general welfare of the township and the immediate vicinity. The development plan is incomplete and lacks many of the items that could mitigate the impacts of the storage building on traffic and the adjacent residential property owners.

**Staff Recommendation**

The *staff recommends* to the Regional Planning Commission, the Concord Township Zoning Commission, and the Concord Township Trustees that the application by Stephen Nichols, for rezoning 5.01 acres on U. S. 42 from FR-1 to PCD be *denied*. IF the Township believes the proposed use is appropriate, then staff suggests they amend their Comprehensive Plan to commercial use and require a complete development plan from the applicant.

**Commission / Public Comments**

There was no one present to represent the applicant.

***Mr. Miller made a motion to recommend denial of the rezoning request by Stephen Nichols, seconded by***



*Mr. Moran. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**21-00 ZON      Kenneth & Mary Hoover – Berkshire Twp. – 2.85 acres FR-1  
to PCD**

This rezoning application is submitted by Kenneth and Mary Hoover for a Planned Commercial and Office District for an unspecified commercial use at 399 South 3 B's and K Road in Berkshire Township.

**Conditions**

**Present Zoning:** Farm Residential District (FR-1)

**Proposed Zoning:** Planned Commercial and Office District (PCD)

**Present Use:** Residential

**Proposed Use:** Unspecified commercial

**Existing Density:** 1 unit / acre

**Proposed Density:** N/A

**School District:** Olentangy

**Utilities Available:** Del Co Water and on-site septic

**Soils:** BeA & BeB – Bennington

AdE – Alexandria

**Map Amendment**

The applicant wishes to change the zoning map from Farm Residential (FR-1) to Planned Commercial and Office District (PCD) for an unspecified commercial use. The property is located on the east side of 3B's and K Road approximately 1,700 feet south of U. S. 36/37. There are single-family residences to the north, west and south, commercial and light industrial uses to the west in Berlin Township, and woods and open fields to the east. Johnson Run cuts through the property from the north to the southwest corner. The area north and northeast of the site (MTB Tract) is zoned Planned Commercial and Office (PCD). The Backora property immediately to the north, was recently rezoned from FR-1 to PCD (RPC # 22-99 ZON). The commercial uses in Berlin are zoned both Neighborhood Commercial and Planned Commercial District. The remainder of the surrounding land is zoned Farm Residential (FR-1) and Agricultural (A-1).

**Requirements for approval per the Berkshire Township Zoning Resolution**

When applying for a Planned Commercial Development, the applicant must submit either a final or preliminary development plan. The development plan is the expectation of what can, and would be built if the PCD zone were approved.

A set of standards must be addressed by the development plan. If the plan is acceptable in accordance with these standards and the Township approves of the map amendment, then the applicant must submit a subdivision plat that conforms to the development plan prior to commencing the development.

If the applicant applies under the preliminary development plan option, then no use shall be established or changed and no structure shall be constructed or altered until the required final development plan has been filed with and approved by the Zoning Commission.

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The intent of the Township ordinance is for the applicant to show the feasibility of the plan from an engineering standpoint, his control over the land and his ability to carry out the development process. The applicant is not expected to completely engineer it at the time of the development plan submission, but to engineer it far enough to assure feasibility.

**Criteria for Approval**

*“In approving an application for a Planned Commercial and Office District without a final development plan, the reviewing authorities shall determine:”*

- 1.) If there are unique circumstances or conditions which prevent the simultaneous submission of a final development plan with the application and whether the absence of a final development plan is materially detrimental to the public health, safety or welfare;
- 2.) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Resolution;
- 3.) If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply;
- 4.) If the proposed development advances the health, safety and general welfare of the Township in the immediate vicinity.

**Comments on meeting criteria for approval:**

**Compliance with local zoning**

The applicant has not submitted a development plan (final or preliminary); therefore this application is incomplete.

**Compliance with the Comprehensive Plan**

a.) The Delaware County 1993 Regional Land Use Plan for this area shows the land to contain an existing residential use and a stream. The Plan is not site specific enough to recommend land use for this parcel. However, it does discourage new developments that will unnecessarily promote change in access functions of any existing road, or cause any existing road to experience a dual of function. The development plan does not provide enough information to make that determination.

b.) The 1988 Berkshire Township Comprehensive Plan classifies this area as part of the Office/Light Industry Corridor adjacent to the Highway Commercial along 36/37. It states that areas to the rear of the highway commercial corridor and internally along I-71 be developed as light industrial uses or office facilities. The commercial access is intended to be on a new internal road, which would bisect the large tract of undeveloped land between 3B's and K Road and I-71. The PCD request does not show how this request relates to the overall development of this area.

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The Township is currently updating its 1988 plan and anticipates completion by the end of the year. While the steering committee has not yet determined specific land uses for this corridor, the committee has emphasized the importance of retaining the rural residential look of 3B's and K Road. Furthermore, the consensus is that a new commercial collector road be developed in such a manner consistent with the 1988 plan to keep commercial traffic off of 3B's and K Road and to retain single family homes on 3 B's and K Rd. This vision has already begun to take shape with the initial development of the MTB Tract and construction of the Fourwinds Drive intersection to the northeast.

**Advancing the general welfare of the Township**

The property is currently zoned Farm Residential District and has commercial zoning directly to the north. However, it is buffered from the commercial district with a thick stand of trees and Johnson Run. The residential uses south of this property do not have the same type of extensive buffering should this property be rezoned. Staff finds that the concept of the PCD district does not enhance the general welfare of the township and the immediate vicinity. The eastern most acre of this tract juts into land that is proposed for future commercial development (the Medellin tract). Staff would agree that this acreage should be zoned commercial as part of an overall revision of the Township Comprehensive Plan and development of the MTB and Medellin properties.

**Findings:**

- 1.) A development plan has not been submitted, therefore this application is incomplete and premature.
- 2.) Commercial zoning will break through the natural barrier and intrude into the residential corridor of 3B's and K Road.

**Staff Recommendation**

The *staff recommends* to the Regional Planning Commission, the Berkshire Township Zoning Commission, and the Berkshire Township Trustees that the application by Kenneth and Mary Hoover, for rezoning 2.85 acres on 3 B's and K Road from FR-1 to PCD be *denied*. Staff would suggest the easternmost approximate one-acre that juts into the Medellin lands to someday be planned commercial as part of an area wide rezoning.

**Commission / Public Comments**

There was no one present to represent the applicant.

Mr. Schmidt stated that he agrees with the staff comments and recommendations. There has been much discussion between Berlin and Berkshire Township regarding the proposed new road.

***Mr. Schmidt made a motion to recommend denial of the rezoning application by Kenneth and Mary Hoover. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**22-00 ZON      Jeffrey Yocca, Diane Ladow – Concord Twp. – 39.38 acres  
                         from FR-1 to PRD**

This application is submitted by Jeffrey Yocca and Diane Ladow in order to develop a 26-lot single family residential subdivision at and behind 7504 and 7520 Harriott Road in Concord Township.

**Conditions**

**Present Zoning:** Farm Residential District (FR-1)

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

**Present Use:** 3 single-family residences, horse barn and accessory buildings

**Proposed Use:** Residential subdivision consisting of 26 single-family homes

**Existing Density:** 1 unit / 1.5 acres

**Proposed Density:** 1 unit / 1.5 acres

**School District:** Dublin

**Utilities Available:** Del-Co water

**Soils:** B1A & B1B – Blount

MrB, MrB2 & MrD2 – Morley

Gn – Genesee

**General comments**

The applicant is requesting a PRD in order to develop a 26-lot subdivision and 2.1 acres of open space using a constructed wetland as the centralized sanitary sewage treatment system. The overall density is 1.5 units/acre, the same as the FR-1 District. Lots are typically 1 acre in size. Access will be from Harriott Road with a 2200' street ending in a cul-de-sac just west of Concord Road. An emergency access extends from the cul-de-sac to Concord Road. A second cul-de-sac branches off from the main road into the northern portion of the property.

During a previous subdivision review of this property (Sylvan Retreat case # 38-97), staff found poorly drained soils on and around this tract. Due to topography, drainage and woods, individual on-site septic systems are not feasible

The 39.38-acre site is located on the north side of Harriott Road approximately 600 feet west of Concord Road. It also has access to Concord Road 700 feet south of Cook Road. The area to the north, east, and south is mostly residential, including Kilbury Estates, Concord Bend, Eversol Farm, and the Woods at Glen Erin. These lots are generally between 1 to 5 acres on septic systems. Tartan Fields is further south of the site and contains smaller lots but is served by a private treatment plant. The area to the west is undeveloped vacant land. The property is mostly wooded with 3 single-family homes, a horse stable and barn. The northern 29 acres is very flat and poorly drained, but the 10 acres in the southern portion contains 2 ravines that feed into the O'Shaughnessy Reservoir to the east. This area is zoned predominately FR-1 (Farm Residential), with some R-2 (Residential) and R-6 (Multi-Family Residential).

The most significant element of the plan is the proposed constructed wetland for wastewater treatment. This would be the first such system in Delaware County used to facilitate a major zoning. It will be a private system owned and maintained by a homeowners association. The system requires the approval of the County Sanitary Engineer. The plan does not provide any engineering details for construction of the wetland or that the system will work properly in adverse weather conditions.

Constructed wetlands are primarily biological filters that rely on self-maintaining, self-regulating biological processes to remove pollutants from wastewater. There are two kinds of wetland, the free

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water surface wetland and the subsurface flow wetland. The wetland is only one part of the multi-part treatment system, which includes pretreatment of effluent prior to entering the wetland.

The property will be served by Del-Co water, an existing 8” line on Concord Road. Drainage will be routed to the ravine in the southeastern portion of the property where it ultimately is fed into the O’Shaughnessy Reservoir.

**Requirements for approval per the Concord Township Zoning Resolution**

When applying for a Planned Commercial Development, the development plan is the expectation of what can, and would be built if the PCD zone were approved.

A set of standards must be addressed by the development plan. If the plan is acceptable in accordance with these standards and the Township approves of the map amendment, then the applicant has three years to record the required subdivision plat in accordance with the development plan.

The intent of the Township ordinance is for the applicant to show the feasibility of the plan from an engineering standpoint, his control over the land and his ability to carry out the development process. The applicant is not expected to completely engineer it at the time of the development plan submission, but to engineer it far enough to assure feasibility.

**Comments on meeting criteria for approval:**

*“In approving an application for a Planned Residential District, the reviewing authorities shall determine:”*

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

**Findings:**

- a.) The application needs to show the relationship of the proposed development to existing and probable uses of surrounding areas. All existing buildings and drainage ways should be shown as well. All features should be labeled to reflect current and proposed uses.
- b.) The County Sanitary Engineer has not seen enough information regarding constructed wetland systems in general to be comfortable approving one in Delaware County. According to Jack Smelker (Del. Co. Sanitary Eng.) a system of this size would require both his and the EPA’s approval. There is no engineering feasibility shown on this plan regarding sewage treatment.
- c.) The constructed wetland should be on a separate reserve lot.
- d.) A variance is required from the County Engineers office for the cul-de-sac length. The Co. Engineer indicated that the road should connect to Concord Road, eliminating the cul-de-sac all together.
- e.) The County Engineers office has not seen a drainage plan.

- f.) Letters from Del-Co water and other utility providers were not submitted.
  - g.) A landscaping plan, including type, elevation, and cross-section has not been submitted. The Township may require street trees to be outside of the right-of-way.
  - h.) Architectural designs were described for structures but renderings have not been submitted.
- 2.) If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply;

**Findings:**

- a.) The Delaware County 1993 Master Plan shows the land to contain areas suitable for development, unsuitable for development, and existing residences. The Plan is not site specific enough to recommend land use for this parcel. However, a goal for the South Planning Area is to preserve the present natural scenic character with an emphasis upon rural character. The plan also states that the amount of land, of the highest level of suitability for development, greatly exceeds the land area necessary to accommodate maximum population increase projections. This means that, ideally there should be no justification for permitting development on lands not suited for development. Development should be encouraged only where land is suitable for on-site treatment systems or where public services are provided, and this has not been proven.
  - b.) The Concord Township Comprehensive Plan designates this area as residential at a density of 1 unit per acre.
- 3.) If the proposed development advances the health, safety and general welfare of the Township in the immediate vicinity.

**Findings:**

Staff finds that the concept of the PRD district could enhance the general welfare of the township and the immediate vicinity if the density remains low (1 unit / 1.5 acre). However, the development plan does not provide adequate information to meet the intent of a planned development district, nor to promote the health, safety and welfare of the immediate vicinity.

**Staff Recommendation**

The *staff recommends* to the Regional Planning Commission, the Concord Township Zoning Commission, and the Concord Township Trustees that the application by Jeffrey Yocca and Diane Ladow, for rezoning 39.38 acres on Harriott Road from FR-1 to PRD be denied.

**Commission / Public Comments**

Mr. Deel stated that the applicant has withdrawn this case from the Township. Therefore this case was not presented to the Commission.

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**23-00 ZON**      **Mark Gutentag, agent, requests to rezone 8.187 acres from PCD and FR-1 to Planned Commercial (PC). Location: Northeast Corner of Polaris Parkway and S. Old State Road, 8969 and 8927 S. Old State Road, and 1466 and 1510 Candlelite Lane, Orange Township.**

**I. Conditions**

**Present Zoning:** Planned Commercial (reverted to FR-1, 5 acres at 8969 S. Old State Road,); and FR-1 (3.187 acres)

**Proposed Zoning:** Planned Commercial

**Tract Coverage Permitted:** 75%

**Tract Coverage Proposed:** 85%

**Present Use:** Vacant and single family residential

**Proposed Use:** Drug store and retail center; Hotel

**School District:** Olentangy

**Utilities Available-** Del Co Water, Delaware County Sewer.

**II. Request**

The five acre parcel at 8969 S. Old State Road was zoned PC in August 1996, but has not developed, and the zoning has reverted (3 year clause; Section 14.06,d) to FR-1 according to zoning officer Dick Gladman. The Orange Township Planned Commercial District potentially permits all commercial uses subject to the approval of a development plan.

**III. Existing Land Use**

- a.) To the north are single family homes on Candlelite Lane.
- b.) To the south are NP Limited (Polaris) and the city of Columbus. Further to the south is CVS drug store and Rite Aid drugstore at the SE and SW corners of Polaris Parkway and S. Old State Road.
- c.) To the east are single family homes fronting on Candlelite Lane, and land of NP Limited (Polaris developer).
- d.) To the west are Speedway Gas station, and a car wash.

**IV. Facts/Issues**

- 1. A list of proposed uses includes a 24,000-sq. ft. drug store and retail center plus a hotel. There are already two drug stores at the southeast and southwest corners of the Polaris / S. Old State Road intersection.
- 2. Polaris Parkway is a busy retail corridor. The key to commercial development has been to control access and signage to maintain flow on the four-lane road. Polaris Parkway had a 1999 Average Daily Trip count of 38,709 vehicles between S. Old State road and I-71, making it the busiest non-interstate roadway link in Delaware County. S. Old State Road had 5,606 trips per day at this location in 1999 (source: MORPC)
- 3. The development plan proposes to raze two homes fronting on S. Old State Road and two homes fronting on Candlelite Lane. Commercial development would face three houses on Candlelite Lane

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and back up to two more. This would be the beginning of the end of this neighborhood for residential purposes since Candlelite Lane will be used for all of the hotel traffic and most of the retail center traffic.

4. This land is contiguous to Columbus on the east and south, and could annex. The township gave considerable thought to this area upon revision of the Comprehensive Plan in 1999. The 5-acre parcel at 8969 S. Old State was recommended for commercial use, subject to its being able to be served with utilities.

Candlelite Lane was considered for a transition to non-residential use because of the negative impacts (traffic and noise) from Polaris, but for the short term, the neighborhood was left on the Plan as single family with densities of up to 2 units per acre with sanitary sewer.

If the homeowners on Candlelite Lane would prefer to sell for commercial value and move, the township should amend the Comprehensive Plan to facilitate commercial and office reuse of this land.

The worst case scenario would be to permit a piecemeal rezoning for a portion of Candlelite Lane and then refuse to permit any further commercial zoning, since this would subject the remaining homeowners to live next to commercial uses and experience commercial traffic on their residential street. Under such a scenario, the remaining homeowners would likely annex to Columbus for more intensive zoning and greater sale price of their homes, which would be razed.

#### **V. Compliance with the PCO Development Plan Standards**

1. The general development character has not been adequately shown. No landscaping plan has been submitted. Extensive buffering is needed, since single family homes abut the site.
2. Architectural design criteria have not been adequately shown. There are no renderings of buildings or signs. Buildings of less than 10,000 square feet will have peaked roofs, buildings greater than 10,000 square feet will have flat roofs according to the notes.
3. Del-Co Water serves the development with a four-inch water main that cannot provide adequate fire flows. Del-Co has a six inch loop main from Sedona Drive back to S. Old State, but this may still be inadequate for fire flows and sprinkler systems needed for the proposed development. By agreement with Columbus, the land east of the railroad and south of Powell Road is Columbus water service area, unless new development can use the existing Del-Co water mains. Del-Co cannot upgrade its mains in this service area without permission from Columbus. There is a 16" Columbus water main at the Speedway gas station, but without permission, Del-Co cannot tap it and extend it to this property. Until this issue of water service is resolved, this aspect of feasibility is not yet proven.
4. County sewer can serve the site, but it will have to be extended at the developer's expense. An 8" sewer main extends from Sedona Drive back to S. Old State Road. The development plan does not show how this connection will be made.
5. No topography, storm water detention, or drainage feasibility has been shown.
6. No traffic study has been submitted. There are major traffic impacts to Candlelite Lane. The side-by-side



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commercial and hotel access roads off Candlelite Lane are undesirable. The lack of a hotel-to-retail center parking lot connection along the southern boundary of the development is a problem.

7. The relationship of the proposed use to the surrounding development, most notably the single- family homes on Candlelite Lane has not been shown. This is a serious intrusion into a single-family neighborhood. If the developer wishes to encroach on this residential neighborhood, it would seem appropriate to eventually acquire all of the properties on Candlelite Lane, not just three.
8. Lot coverage- the Planned Commercial district permits 75% lot coverage. The development plan shows 85% lot coverage.
9. The maximum height of structures permitted is 50 feet. The development plan states that the maximum height of buildings built shall be 60 feet.
10. The hotel parking cannot be assessed for adequacy since the number of units in the hotel is not stated, nor is it stated if the hotel would have public meeting rooms.
11. The applicant requests divergences from section 21.10 to reduce the 100 foot building-or-use setback to 15 feet, and to reduce the 20-foot rolling landscape mound with six foot (6') evergreens to a 3 foot landscape mound with six foot (6') evergreens.

12. Compliance with Comprehensive Plans

The 1991 Orange Township Comprehensive Plan shows this area to be within the Polaris Impact area, but does not make site-specific recommendations.

The 1999 Orange Township Comprehensive plan is in its final draft form, but is not yet adopted. The 1999 Comprehensive Land Use Plan recommends Planned Commercial for the five-acre site at 8969 S. Old State Road. It recommends single family residential at 2 units per acre with sanitary sewer for the other parcels that front on S. Old State Road and Candlelite Lane.

If the residents on Candlelite Lane want their neighborhood to transition, the township should consider amending the 1999 Comprehensive Plan to Planned Commercial from Polaris Parkway to Candlelite Lane, and also Professional Office (or single family empty-nester-style 2 bedroom condominiums) from Candlelite Lane north to Powell Road. This would be a fair land use planning decision, subject to Del-Co's ability to serve with water. If Del-Co cannot serve, the land will likely annex to Columbus.

**VI. Section 11.06 - Required findings for Approval of a Planned Commercial Development**

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

- 1.) **That the proposed development is consistent in all respects with the purpose, intent, and general standards of this zoning resolution.**

**DCRPC Staff Finding:** The development plan is substantially incomplete, and the general standards are not adequately met.

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

**DCRPC Staff Finding:** The five acre tract use as commercial generally conforms to the existing and the proposed comprehensive plans, subject to development plan revisions noted in Section V. above. The 3.187 acres (lots 192, 193 and 194 of Candlelite Lane do not conform to the Comprehensive Plan. If the township wishes to transition this neighborhood, then the Comprehensive Plan should be amended as recommended in V. 12 above.

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

**DCRPC Staff Finding:** The development plan, as submitted to the DCRPC, does not advance the general welfare of the township and immediate vicinity.

If Del-Co Water can serve the area with adequate commercial flows, and the homeowners on Candlelite Lane want to raze their homes for commercial use, then the Comprehensive Plan should be amended as indicated in V.12 above so the development plan can conform.

**VII. DCRPC Staff Recommendation**

Staff recommends that the change of use for 8.187 acres at 8969 and 8927 S. Old State Road, and 1466 and 1510 Candlelite Lane, Orange Township from Planned Commercial (reverted) and FR-1 to Planned Commercial for a retail center, drug store and Hotel be *denied*, unless all of the issues in Section V. 1-12 are resolved and the Comprehensive Plan is amended to conform to this request. If all of the issues in V. 1-12 can be resolved, staff would recommend conditional approval of the PC zoning.

**Commission / Public Comments**

There was no one present to represent the applicant.

Mr. Gladman stated that this property is contiguous to Columbus on the south and the east side. The territory from the south property line up to the corner of Powell and Old State Road is very likely to go to Columbus if the Township does not make some concessions and try to keep it in the Township. He wants to get as close to the zoning as they can but it doesn't mean that they won't allow a few divergences. He stated that he agrees they are deficient on a lot of things but has understood that the developer is preparing to present additional information to the Township.

*Mr. Miller made a motion to recommend conditional approval of the rezoning request made by Mark Gutentag, subject to the applicant resolving issues listed in Section V (#1-12) to the satisfaction of the Township. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**IV. SUBDIVISION PROJECTS**

**Preliminary**

06-00 O'Shaughnessy Reserve, Phase 1 – Concord Twp. – 26 Lots,  
51.79 acres

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**Applicant:** Countrytyme, Inc.  
**Subdivision Type:** Single Family Residential  
**Location:** South side of Duffy Road, West of Dublin Road  
**Current Land Use:** Agricultural  
**Zoned:** FR-1 (Farm Residential)  
**Utilities:** Del-Co Water, individual on-site sewage  
**School District:** Buckeye Valley  
**Engineer:** Scioto Land Survey, Inc.

**Staff Comments**

O'Shaughnessy Reserve Phase 1 is a 26 lot subdivision of 51.787 acres on the south side of Duffy Road west of Dublin Road. The site is agricultural with a wooded lot in the southwestern portion. The zoning is FR-1 with proposed lot sizes between 1.5 and 2.4 acres. This phase consists of a through street stubbing to the west as well as a cul-de-sac extending to the south. The site consists mainly of Blount soils and will have pretreatment for the leach fields. A new Del-Co line being extended from Dublin Rd. along Duffy Rd will supply water. The surrounding land uses include residential and agricultural along Duffy Road. The site is generally flat with the southern portion draining to the southeast through two swales.

During the TRC meeting the zoning officer noted that several lots do not meet the minimum lot width. This issue must be resolved prior to final plat application.

*The application received a technical review on March 21<sup>st</sup>, 2000 after which the applicant has addressed all of the required changes except for the zoning issue, of minimum lot widths.*

**Staff Recommendation**

Staff recommends *conditional Preliminary approval* of O'Shaughnessy Reserve, Phase 1 to the RPC, subject to the lot widths either being widened or the plat being granted a zoning appeal.

**Commission / Public Comments**

Mr. Frank Celio of Scioto Land Surveying Service was present to represent the applicant. He stated that the zoning inspector questioned whether some of the lots meet the frontage requirement. The zoning officer and Mr. Celio have met with the County Prosecutor. Mr. Celio is applying to the BZA to appeal the Zoning Officers interpretation. If they do not prevail, they will lose two lots and the adjoining lots will become wider. The road alignment will not change. They have received approval of the on-lot systems by the Health Department. There will be pretreatment done by aeration or subsurface sand filters.

Mr. Mike Schwenk (Home Road resident) stated that he is concerned with water drainage. He has a swale that comes from the farmland into his property that supplies water to his pond and wants to make sure there won't be any more or less water. Mr. Celio stated that there would be no more added water flow. They have done the hydraulic calculations and will maintain all drainage easements that have been placed over the swales.

*Mr. Starling made a motion for conditional Preliminary approval for O'Shaughnessy Reserve, Phase 1, subject to staff comments. Mr. Moran seconded the motion. VOTE: Unanimously For, 0*

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*Opposed. Motion carried.*

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**29-98.2.3&4      Scioto Reserve, Section 2, Phases 3 & 4 – Concord Twp. - 73 Lots, 23.22 acres**

**Applicant:** Homewood Homes, Inc.  
**Subdivision Type:** Single Family Residential  
**Location:** South side of Home Road East of State Route 257  
**Current Land Use:** Vacant Land  
**Zoned:** PRD (Planned Residential District)  
**Utilities:** Del-Co Water, Private sewage system  
**School District:** Olentangy  
**Engineer:** R.D. Zande and Associates, Inc. (Lenell Sniechowski)

**Staff Comments**

Scioto Reserve Section 2, Phase 3 & 4 consists of 73 lots on 23.22 acres as part of the overall Scioto Reserve subdivision on the south side of Home Road east of South Section Line Road. Phase 3 and 4 are located south of Phase 1 and 2 that gains access from Home Road. Glenmore Drive connects Phase 1 and 2 to Phase 3 & 4. The golf course is located to the south, west and east, and a 1.83-acre reserve (7.88%) open space area is located between phases 3 and 4.

*The application received a technical review on March 21<sup>st</sup>, 2000 after which the applicant has addressed most of the required changes, except the following:*

- The final grading plans will need to be inspected closely to ensure that the steepness of the slope where the cul-de-sac “Meyers Cove Court” is located in Phase 4, meets Code Compliance requirements.

**Staff Recommendation**

Staff recommends *conditional Preliminary approval* of Scioto Reserve, Section 2, Phase 3 & 4 to the RPC, subject to staff comments.

**Commission / Public Comments**

Ms. Lenell Sniechowski of RD Zande was present to represent the applicant. She stated that she will work with the Code Compliance Department regarding the final grading plans.

*Mr. Seidle made a motion for conditional Preliminary approval of Scioto Reserve, Section 2, Phases 3 and 4, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**07-00      Evans Estates, Section 2 – Genoa Twp. - 3 Lots (CAD),  
22.01 acres**

**Applicant:** Alice Evans  
**Subdivision Type:** Single Family Residential (CAD)  
**Location:** South side of Plumb Road East of 3 B's and K Road  
**Current Land Use:** Agricultural  
**Zoned:** RR (Rural Residential)  
**Utilities:** Del-Co Water, on-site septic  
**School District:** Big Walnut  
**Engineer:** Patridge & Associates

**Staff Comments**

Evans Estates, Section 2 is a 3 lot CAD subdivision on 22.01 acres with the lots being 12.35, 3.26 and 6.34 acres. The surrounding land uses are single family residential along Plumb Road including the Staffen Estates three lot CAD subdivision. The Evans Estates Section 1 CAD subdivision is located to the east. Alum Creek State Park is located to the west and south which consists of wooded ravine land. The site is very flat with Pewamo and Bennington soils.

*The application received a technical review on March 21<sup>st</sup>, 2000 after which the applicant has addressed most of the required changes except the following:*

- Use April 21, 1999 FEMA floodplain map designation
- Lot 3 finished grade elevation is still too low. This issue must be resolved with Code Compliance.

**Staff Recommendation**

Staff recommends *conditional Preliminary approval* of Evans Estates Section 2 to the RPC, subject to staff comments.

**Commission / Public Comments**

Mr. Brad Patridge of Patridge Professional Surveying was present to represent the applicant.

*Mr. Gladman made a motion for conditional Preliminary approval of Evans Estates, Section 2, subject to staff comments. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**08-00 Malabar Farms – Liberty Twp. - 12 Lots, 20.85 acres**

**Applicant:** Tel-Del Corporation  
**Engineer:** Stults and Associates (Pat Hubert)

**Staff Comments**

The applicant has requested a tabling of the Preliminary Plan for 30 days to consider a redesign.

**Staff Recommendation**

Staff recommends a 30-day tabling until April 27<sup>th</sup> of **Malabar Farms** to the RPC.

**Commission / Public Comments**

*Mr. Miller made a motion to approve the table request for Malabar Farms for 30 days. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

(This application will be put on the April 27, 2000 agenda)

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**09-00 Burnt Pond Farms – Scioto Twp. - 18 Lots, 41.56 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**

Burnt Pond Farms is an 18-lot subdivision of 41.563 acres with lots ranging from 1.9 to 2.5 acres. The site is located on the west side of Burnt Pond Road south of Fontanelle Road. There are two cul-de-sacs proposed in the plan, one of which crosses a creek (the creek will be culverted in several locations). 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. The Delaware County Parks and Recreation Department owns the land to the west. The applicant is maintaining a tree buffer between the subdivision and the Parks land. There are two small creeks on the site, one in the southeastern portion and one cutting across the western portion of the site.

*The application received a technical review on March 21<sup>st</sup>, 2000 after which the applicant has addressed most of the required changes except the following:*

- Any subdivision over 6 lots without sanitary sewer must be reviewed by the Ohio EPA before the health department can grant approval. The OEPA is now in the process of this review.
- The 60' lot located between lot 13 and 14 must be given a lot number and labeled as a reserve with a purpose. If it is to be used for access to the applicant's remaining acreage, there must be a note on the plat that "access will be limited to no more than three (3) lots".
- Floodplain date and panel number are required.
- There are many lots with a finished grade below that required from Code Compliance (#'s 1,3,4,6,7,10,12,13,16)

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- Revise note F to show that finished grade elevation will be at least 20” below finished floor elevation, not 6”.

**Staff Recommendation**

Staff recommends conditional Preliminary approval of Burnt Pond Farms to the RPC, subject to staff comments.

**Commission / Public Comments**

The applicant, Mr. Bruno Voltolini was present to address the Commission. He stated that there are several small lots and flag lots along Fontanell Rd. In planning this subdivision, he has worked with the RPC, Scioto Township Trustees and the Scioto Twp. Fire Department. He has agreed to install a dry hydrant from the 3-acre pond. Also, they have agreed to provide off road parking for the fire trucks. He stated that there are severe restrictions on the lots, particularly with regards to cutting trees.

Mr. Seidle asked if the reserve lot is in the subdivision or outside the subdivision. Mr. Bissett stated that on the preliminary plan it is within the subdivision. Mr. Seidle stated that there should be a note on the plat regarding the reserve. Mr. Bissett stated that it was a condition on the staff comments.

*Mr. Schmidt made a motion for conditional Preliminary approval of the Burnt Pond Farms subdivision, subject to staff comments. Mr. Waugh seconded the motion. VOTE: 16 For, 0 Opposed, 1 Abstained (Porter Twp.). Motion carried.*

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**Preliminary/Final** (none)

**CONSENT AGENDA**

Vice Chairman Foust asked if there was any application that the Commission wanted to take off of the Consent agenda. Since there was a resident that wished to comment on the Soraya Estates North subdivision, it was discussed separately. After discussion, *Mr. Miller made a motion for Final approval of Mathews subdivision, Covington Meadows, Section 1, Villages of Oak Creek, Phase 10, Part B, Soraya Estates North, and Soraya Estates West. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**Final**

**02-00 Mathews Subdivision - Berkshire Twp. – 3 Lots (CAD), 10.06 acres**

**Applicant:** Sandra J. Mathews

**Subdivision Type:** Single Family Residential (CAD)

**Location:** East side of Sunbury Rd., South of Vans Valley Rd.

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**Current Land Use:** Residential  
**Zoned:** A-1 & FR-1  
**Utilities:** Del-Co Water, On site septic  
**School District:** Big Walnut  
**Engineer:** Stults and Associates (Tim Huffman)

**Staff Comments**

The Mathews Subdivision is a proposed Common Access Drive Subdivision with three lots on the east side of Sunbury Road south of Vans Valley Rd, in Berkshire Township. The preliminary plan was approved on January 27<sup>th</sup>, 2000. The surrounding land uses are residential with the Hoover reservoir to the west, residential to the south and agriculture/open space to the east and north. The development is 10.057 acres and is to be accessed by a unique boulevard CAD that is one-way in and one-way out. There are existing homes on lots 2 and 3 with the new house to be built in a new lot furthest to the west.

**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 Mathews Subdivision to the RPC.

**Commission / Public Comments**

*Mr. Miller made a motion for Final approval of Mathews. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**49-93.3.3 Meadows at Cheshire, Sec. 3, Pt. 3 - Berlin Twp. –  
30 Lots, 16.27 acres**

**Applicant:** Dominion Homes, Inc.  
**Engineer:** EMH&T, Inc.

**Staff Comments**

The applicant has requested a tabling of the Final Plat for 90 days to the RPC.

**Staff Recommendation**

Staff recommends a *tabling* of Meadows at Cheshire, Section 3, Part 3 for 90 days to the RPC.

**Commission / Public Comments**

*Mr. Miller made a motion to approve the table request for 90-days for the Meadows at Cheshire, Section 3, Part 3. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**15-99.1 Covington Meadows, Section 1 - Genoa Twp. - 78 lots, 18.48 acres**

**Applicant:** M/I Schottenstein Homes, Inc.  
**Subdivision Type:** Single-family residential with conservation elements  
**Location:** South Old 3 C Highway, north of Freeman Road  
**Current Land Use:** Agriculture, single-family residence, and industrial  
**Zoned:** PD-1 District, with conservation standards  
**Utilities:** Del-Co water and public sewer systems  
**School District:** Westerville  
**Engineer:** EMH&T, Inc.

**Staff Comments**

This site was rezoned from RR to PD-1 in February 1999, (case #11-99ZON). The overall preliminary for 202 build lots with 50% (or 49.50 acres) of the 98.50 acres in an Open Space/conservation easement was approved on May 20<sup>th</sup>, 1999. Section 1 is the first to be platted and will include a through road extending east from South Old 3 C Highway, as well as two cul-de-sacs extending north and east, and a large drainage easement to the east.

The surrounding land use includes Medallion Estates to the immediate east along Tussic Street Road, small residential subdivisions platted along Tussic Street Road, namely Grace Chapel Subd. and Hoover Acres, and S. Old 3C Highway (Rammelsburg Subd. and Davenport Benview Subd.). There is agriculture to the southwest near the Freeman Road intersection.

**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 Covington Meadows, Section 1 to the RPC.

**Commission / Public Comments**

***Mr. Miller made a motion for Final approval of Covington Meadows, Section 1. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**72-93.10.B Villages of Oak Creek, Phase 10, Part B - Orange Twp. – 20 Lots, 6.39 acres**

**Applicant:** Homewood Corporation  
**Subdivision Type:** Single Family Residential  
**Location:** Behind 7880 & 7892 Pinehill Road & 1624 & 1639 Royal Oak Drive, Orange Twp.  
**Current Land Use:** Agriculture and Residential  
**Zoned:** Single-family Planned Residential, (SFPRD)  
**Utilities:** Public Sewer and Del-Co Water  
**School District:** Olentangy  
**Engineer:** Kevin Kershner, R. D. Zande & Associates, Inc.

**Staff Comments**

The site is located on the west side of South Old State Road south of Orange Road and contains 20 lots on 6.39 acres as a part of the overall Villages of Oak Creek subdivision. The overall Villages of Oak Creek subdivision received preliminary approval on February 24<sup>th</sup>, 1994.

The applicant is proposing to extend Pinehill Road to the south through an intersection with Royal Oak Drive. The surrounding land use includes Villages of Oak Creek, Phases 3, 4 & 7 to the east and other phases to the north and west. Directly to the west, where Royal Oak Drive and Crescent Drive stub, is land owned by the applicant, zoned PRD, and labeled for future development.

**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 Villages of Oak Creek, Phase 10, Part B to the RPC.

**Commission / Public Comments**

***Mr. Miller made a motion for Final approval of Villages of Oak Creek, Phase 10, Part B. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**45-99                      Soraya Estates North – Scioto Twp. – 3 lots (CAD),  
11.47 acres**

- Applicant:** M.H. Dakhteh Companies, Inc.
- Subdivision Type:** Single Family Residential (CAD)
- Location:** South side of Fry Road, West of State Route 257
- Current Land Use:** Vacant
- Zoned:** Farm Residential (FR-1)
- Utilities:** Del-Co water, Wisconsin mound systems
- School District:** Buckeye Valley
- Engineer:** Shores Surveying Company

**Staff Comments**

This site is an 11.470-acre section of an original 55-acre tract of land adjoining the proposed Soraya Estates West to the east. The property will be accessed by a common access drive, extending south from Fry Road just west of State Route 257. Soraya Estates North proposes three lots at 2.3, 2.9 and 6.3 acres where the last lot includes the CAD acreage. The County Health Department has granted a variance allowing an aeration tank and Wisconsin mounds, due to the shallow bedrock depth not being sufficient for leach fields. The subdivision received preliminary approval on November 18<sup>th</sup>, 1999.

In addition to constructing the CAD, the applicant must resolve the surface drainage issues relating to

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the CAD design and drainage easement across the adjacent lot to the east before the final plat will be signed.

**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 Soraya Estates North to the RPC, with the note that the plat will not be signed until the drainage is constructed per plan along the CAD and across the adjacent lot via drainage easement.

**Commission / Public Comments**

Mr. James Allen (a neighboring resident) stated that he has a significant drainage problem. He stated that he hopes that the drainage problem will be taken care of prior to the approval of this plat.

Mr. Starling pointed out that under staff recommendations that the applicant must resolve the surface drainage issues relating to the CAD design and drainage easement across the adjacent lot to the east before the final plat would be signed. He asked if that would take care of the problem. Mr. Deel stated that he will not know if the drainage problem will be fixed until the CAD is completed and the culvert is in place. He believes that it will resolve itself. Mr. Ward asked why we would approve the plat if there is a drainage problem. Mr. Seidle stated that the Commission can approve the plat, but the mylar will not be signed until they have received documentation from a certified engineer stating that the regulations have been met.

Vice Chairman Foust asked Mr. Shores if he was willing to agree that the drainage problem will be resolved in the construction of this CAD. Mr. Garry Shores stated that the drainage problem exists down stream, it's not a result of this CAD. The problem exists on the property to the east, which has a drainage easement that was established prior to the CAD being designed. A driveway now blocks this drainage easement. That driveway is backing the water up on this property. The problem exists on this property due to a prior disagreement. Vice Chairman Foust asked if this is an issue between the property that's being effected and the one who blocked the drainage easement. Mr. Shores stated that this CAD has a culvert so the water goes across the CAD into the lot where it is blocked by a driveway. Mr. Shores stated that the solution would be to put a culvert in the easement on this adjacent property. The easement was there prior to the CAD going in. It is part of another subdivision.

**Commission / Public Comments**

***Mr. Miller made a motion for Final approval of Soraya Estates North. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**46-99                      Soraya Estates West – Scioto Twp. – 3 lots (CAD),  
6.94 acres**

**Applicant:** M.H. Dakhteh Companies, Inc.  
**Subdivision Type:** Single Family Residential (CAD)

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**Location:** West side of State Route 257, south of Fry Road  
**Current Land Use:** Vacant  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water, Wisconsin Mound Systems  
**School District:** Buckeye Valley  
**Engineer:** Shores Surveying Company

**Staff Comments**

This is a 6.94-acre tract to be divided into three lots at 3.7, 1.6 and 1.6 acres each, located east of Soraya Estates North, and being a portion of an original 55-acre tract. The remainder of the 55 acres still has 60' of frontage on S. R. 257. Soraya Estates West and North are two separate CAD developments that join together in the middle of the large original tract. Soraya Estates West consists of three lots accessing a CAD that fronts on State Route 257. A conditional preliminary approval was granted on November 18<sup>th</sup>, 1999.

The County Health Department has granted a variance allowing an aeration tank and Wisconsin mounds, due to the shallow bedrock depth not being sufficient for leach fields. The only access to the remainder land is from a 60-foot frontage on the south side of the proposed CAD. A plat note has been added indicating that if the remainder acreage is to be developed, the CAD will be upgraded to a public street. This would avoid side-by-side CAD's.

**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 Soraya Estates West to the RPC.

**Commission / Public Comments**

***Mr. Miller made a motion for Final approval of Soraya Estates West. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**V. EXTENSIONS** (none)

**VI. OTHER BUSINESS**

- Consideration for approval: Professional Services, Legal \$4,042.14 (Don Brosius)
- Consideration for approval: Reimbursements to Personnel office for C.Lewie unemployment \$1256.00

***Mr. Miller made a motion to approve the expenditures for Legal fees and reimbursements. Mr. Starling seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

- By-Laws Amendment – Office purchase

***Mr. Seidle made a motion to approve the modified amendment to the By-Laws as presented. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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- Election of Executive Committee Members

Vice Chairman Foust stated that the Nominating Committee agreed to recommend the same members on the Executive Committee for the year 2000. (Mark Mazzon, Holly Foust, Larry Starling and Dick Gladman. The Commissioner member is determined by the Del. Co. Commissioners.) Mr. Ward made a motion to open the floor to any other nominations. Mr. Seidle made a motion to close the nominations.

***Mr. Miller made a motion for the members of the Executive Committee be re-elected. Mr. Hetzner seconded the motion. VOTE: 16 For, 0 Opposed, 1 Abstained (Mr. Ward). Motion carried.***

- GIS presentation of the RPC web page

Mr. Lee presented the Commission with a preview of the DCRPC's web page. The web page should be on the internet next week. We are awaiting word from Steve Lewis of the Data Center. He explained that each staff member now has his or her own e-mail address. It is the first initial of their first name and their last name plus "@co.delaware.oh.us" (example: [plaurien@co.delaware.oh.us](mailto:plaurien@co.delaware.oh.us)). He also explained that each staff member now has his or her own extension and voice mail. (See list below).

DCRPC main # 740/833-2260

Fax # 740/833-2259

Phil Laurien 833-2262

Stephanie Johnson 833-2261

Paul Deel 833-2264

Mike Bissett 833-2263

Jiyeong Lee 833-2266

Da-Wei Liou 833-2265

## VII. POLICY / EDUCATION DISCUSSION (none)

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

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, April 27, 2000, 7:00PM at the Delaware Joint Vocational School North Campus, 1610 St. Rte. 521, Delaware, Ohio 43015.*