



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP, Executive Director

MINUTES

Thursday, April 26, 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 March 29, 2007 RPC Minutes
- Executive Committee Minutes of April 18, 2007
- Statement of Policy

II. VARIANCES

04-07.V Howard / Henschen split (CAD) – variance from Sec. 306.02

III. ZONING MAP/TEXT AMENDMENTS

07-07 ZON Kingston Twp. Zoning Commission – text amendments Article VIII, PRD

08-07 ZON Dominion Homes – Berlin Twp. – 89.4 acres from FR-1 to R-2/PRD overlay

09-07 ZON Trenton Twp. Zoning Commission – Trenton Twp. – text amendments (Sec. 402.06)

IV. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
01-07	Wood Tract, Section 1 & 2	Liberty	67 lots / 130.29 acres

Preliminary/Final

Final

26-04.1	Fairways at Blue Church, Sec. 1	Kingston	01 lot / 19.93 acres
09-02.9	Glen Oak, Section 9	Orange	08 lots / 03.18 acres

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

VI. OTHER BUSINESS

- Consideration for approval: Loveland & Brosius (Dornoch legal assistance) \$6,579.30
- Proposed Common Access Driveway regulations

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

- New Alternates named for the Delaware General Health District: Stephan Ruckman and Jim Cogar

I. ADMINISTRATIVE BUSINESS

▪ Call to Order

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

▪ Roll Call

Representatives: Paul Snajd, Rick Sedlacek, Dale Johnson, Gary Spanner, Kris Jordan, Steve Burke, Gary Gunderman, Bob Talbott, Holly Foust, Charles Heimlich, Dick Gladman, Larry Crile, Bill Thurston, Marvin Miller, Lloyd Shoaf, Tom Brown, Bonnie Newland, and Larry Starling. *Alternates:* Jack Smelker, Karl Johnson, and Geraldine Cotter. *Arrived after roll call:* Jim Ward (R). *Staff:* Scott Sanders, Paul Deel, Ben Henson, Da-Wei Liou and Stephanie Matlack.

▪ Approval of the March 29, 2007 RPC Minutes

Mr. Gladman made a motion to approve the minutes of the March RPC meeting. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ April 18, 2007 Executive Committee Minutes

1. Call to order

Chairwoman Foust called the meeting to order at 8:30 a.m.

2. Position Election

Mr. Gladman made a motion to elect Holly Foust as Chairperson. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Shoaf made a motion to elect Steve Burke as Vice Chairperson. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Burke made a motion to elect Mr. Gladman as 2nd Vice-Chairperson. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Shoaf will serve as member-at-large and Mr. Ward will serve as County Commissioner member.

3. Approval of Executive Committee Minutes

a. March 21, 2007 – Mr. Ward made a motion to approve the previous months meeting minutes. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. Old Business

a. Contract updates

- 1.) **Harlem Twp.** – Mr. Sanders explained that he was finished with the meetings at Harlem Twp. and they would be working on the adoption of the plan
- 2.) **Berkshire Twp.** – first meeting last week to work on minor comprehensive plan update
- 3.) **Berlin Twp.** – continuing to work on cleaning up their zoning code

b. Discussion of proposed Common Access Driveway regulations –

Mr. Sanders presented the Committee with a marked up version of the proposed CAD regulations. There were some suggestions for alternative wording and alphabetical bulleting errors. Chairwoman Foust asked Mr. Sanders if there was a more reasonable grade than 10%. She explained that Liberty Twp. has had several variance requests and has approved up to 13.5% grade. Mr. Gladman said that 10% in the

summertime is adequate but in the winter it’s a little tougher. Mr. Ward asked Liberty Twp. to check with the County Engineer. Mr. Sanders agreed to make the corrections and hand out copies to the Commission at the April 26th meeting. Chairwoman Foust explained that the Commission could possibly initiate the public hearing at the April meeting and set a public hearing for June 28th.

5. New Business

a. Financial / Activity Reports for March 2007

REGIONAL PLANNING RECEIPTS		MARCH	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,050.00	\$4,510.00
Fees A (Site Review)	(4202)		\$400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$20.00	\$100.00
Membership Fees	(4204)	\$12,795.00	\$233,565.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$505.50	\$2,686.75
Assoc. Membership	(4206)		\$1,500.00
General Sales	(4220)	\$105.10	\$531.00
Charges for Serv. A (Prel. Appl.)	(4230)		\$6,900.16
Charges for Serv. B (Final. Appl.)	(4231)	\$1,223.98	\$7,793.98
Charges for Serv. C (Ext. Fee)	(4232)	\$790.00	\$1,240.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$600.00
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)	\$332.05	\$343.25
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$18,421.63	\$261,845.14

Balance after receipts **\$311,599.21**
Expenditures **- \$ 45,535.61**
End of March balance **\$266,063.60**

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

b. April RPC Preliminary Agenda – includes 1 variance, 3 zoning/text amendments, 1 preliminary, and 2 final applications.

6. Other Business

a. Consideration for expenditure approval: Loveland & Brosius – Dornoch legal assistance \$6,579.30 – Chairwoman Foust made a motion to recommend approval of the legal expenditure. Mr. Shoaf seconded the motion. **VOTE: Unanimously For, 0 Opposed. Motion carried.**

7. Personnel (none)

8. Adjourn – At 9:45 a.m., Mr. Ward made a motion to adjourn the meeting. Mr. Gladman seconded the motion. **VOTE: Unanimously For, 0 Opposed. Motion carried.**

The next regular Executive Committee meeting will be Wednesday, May 23, 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

04-07.V Howard / Henschen split (CAD) – variance from Sec. 306.02

Applicant: Mary Howard and James Henschen

Location: 2232 S. R. 61, Berkshire Township.

I. Request

The applicant seeks to subdivide a 52.864 acre flag lot into two lots served by a Common Access Driveway (CAD). A 16.945 acre “landlocked” parcel north of the proposed CAD would also be accessed by the driveway but would not be included in the subdivision. A variance is requested from Section 306.02 of the Subdivision Regulations which states, “Acreage not included in a subdivision plat and CAD Maintenance Agreement shall not be accessed by the CAD.”

II. Facts

1. Joseph Krinn and Christy Hall own an existing landlocked 16.945 acre tract to the north of the 52.864 acres proposed to be subdivided.
2. Krinn/Hall have an easement to access their property through the 60’ strip serving the Howard/Henschen property. The easement is recorded in Deed Record Vol. 388, Page 303, Recorder’s Office, Delaware County, Ohio. A copy is included with the variance application.
3. The proposed CAD will serve 3 lots (2 from the Howard/Henschen tract and the Krinn/Hall property). This meets the Subdivision Regulations for number of lots on a CAD.
4. The maintenance of the CAD would be the responsibility of Howard/Henschen according to the proposed maintenance agreement submitted with the application.

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: The Krinn/Hall property is landlocked and gains access over the 60’ strip leading to the Howard/Henshen property via an existing recorded easement.

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: Howard/Henschen are not able to provide an alternative location for the proposed CAD due to the existing development of the surrounding properties.

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.

IV. Staff Recommendation

Staff recommends **Approval** of the variance to allow a lot outside the proposed Howard/Henshen CAD subdivision to access the CAD.

Commission / Public Comments

Attorney Mr. Mike Shade was present on behalf of the applicants.

Mr. Shoaf made a motion to approve the variance request to allow a lot outside the proposed Howard/Henshen CAD subdivision to access the CAD. Mr. Gladman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Snajd). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

07-07 ZON Kingston Twp. Zoning Commission – text amendments Article VIII, PRD

Applicant: Kingston Township Zoning Commission

I. Summary

The Kingston Township Zoning Commission has been working with a consultant to amend its Planned Residential District to augment its current code with conservation-style development standards and a two-step rezoning process. Staff offers the following specific comments and general observations:

Section 8.02 (A) – may want to define what “architecturally-compatible accessory buildings” means.

Section 8.02 (B) – Code references permitted uses including religious, cultural, educational, governmental

and similar uses to the extent that they are designed and intended to serve the residents of the PRD. These uses are more likely to serve a population beyond the subject subdivision. Although the code does reference “adjoining neighborhoods or residents”, the text should assume that this will be the rule rather than the exception.

Section 8.03 (A) – Conditional uses: Home Occupations: RPC’s model code language treats home occupations in two different ways. First, is to allow a limited home occupation as a permitted use, realizing that many individuals now work from home and some have low impacts on the community. Second, higher intensity home occupations are proper for a Conditional Use, as defined in the proposed draft. The township may want to consider adding Limited Home Occupations to its permitted uses.

Section 8.03 (H) – Telecommunications Towers: the township may wish to add a separate section for Telecommunication Towers within its code and reference it here, rather than referencing the ORC at this point.

Section 8.04 (B) – Prohibited Uses: The draft includes Manufactured Homes in the Prohibited Uses section, unless it is used as a temporary structure or “qualifies as a permanently-sited manufactured home.” Township may want to clarify that permanently-sited manufactured homes are permitted rather than stating they are “not prohibited”.

Section 8.05 (B) – Density: under “A=Any existing or proposed area to be used for non-residential purposes”, staff recommends clarifying what uses this includes. Does this include permanent open space, or acres to be dedicated to schools, religious uses, etc.

Under “C=the total area of non-buildable land...”, staff recommends defining “riparian areas” and specifying existing utility easements. Other codes in the county subtract only overhead powerlines, but the township should determine whether all utilities should be subtracted.

Under “80% = a uniform adjustment factor to account for ...roads and inefficiencies in lot layouts.” Most of our codes subtract 15% for roads and we’ve seen codes outside the county use only 10%. If this number is truly for road development it should come out of the acreage that is actually going to be developed, rather than out of the gross acreage. The “inefficient lot” argument may not be valid at this frontage amount.

Section 8.05 (B) (2) – the County Engineer does not have jurisdiction over location of leaching areas. Also, sewage rules can change, so reference to the Health District’s lot size requirements should be dropped. They will allow secondary treatment areas in the open space, as long as the primaries are located on-lot. Maybe replace with “Alternative sewage treatment may be allowed as provided for by the DGHD”.

Section 8.05 (D) (2) – This language seems confusing. Lot sizes are equivalent to the lot size in the FR-1 district (1.95 acres) but may be “reduced in size only by the percentage of the development required as restricted, permanent open space and other lot size reductions approved by the Zoning Commission to accommodate the restricted, permanent open space. No lot may be less than one-half (.5) acre in area for each dwelling unit on the lot.” Staff suggests simply providing a minimum lot size of .5 acres, since most developers tend to go to the minimum size (if they have sewer) and will otherwise be pushed to a larger size, if the development uses on-lot treatment.

Section 8.06 (B) (7) – Add “or Sanitary Engineer” for cases where a land application system may be proposed and “OEPA” for situations where a combined treatment area may be proposed.

Section 8.06 (B) (8) – Health District does not have authority over stormwater management easements.

Section 8.06 (C) (5) – If the intention is to allow Common Access Driveways as part of a PRD, the draft should add “including Common Access Driveway easements” to the end of this sentence.

Section 8.06 (D) (1) – The township may wish to define a minimum percentage of lots to have direct access to open space. Staff recommends 85%.

Section 8.06 (E) – Prohibition of Further Subdivision...: This seems to suggest an additional step to protect the permanent open space. The subdivision plat will record the open space as permanent open space and any change to that will require a rezoning and a modification to the plat, which will potentially involve owners of the fee-simple lots in the plat. Maybe this needs clarification.

Section 8.07 – Review Procedure: Staff understands the need for an informal review through the township. However, the specifics of this Conceptual Site Development Plan are included as part of the requirements for a Preliminary Development Plan submission. If it is part of the Preliminary application, it does not achieve the goal of avoiding the expense of the highly detailed plan. Also, four detailed GIS maps could take the place of a map with four transparent overlay sheets, as required in the text.

Section 8.07 (C) (7) & (8) – A grading plan and access management traffic study seem to be excessive requirements in the Preliminary Development Plan application. Maybe require a preliminary traffic study.

Section 8.07 (D) (2) – The Open Space Plan required with the Final Development Plan seems more appropriate for the Preliminary Plan.

Section 8.07 (H) (1) – Amendment to the PRD Development Plan: This section may need some clarification. First, does it address approval of the Preliminary Plan or Final Plan? Second, who is requiring adjustments to be made to these elements, the zoning commission or the developer? Third, the reference to the modification from the County Subdivision Regulations should instead reference modification to the “Preliminary Subdivision Plan as approved by the Regional Planning Commission”.

Section 8.07 (H) (2) – Major Amendment: This section may need wording regarding the fact that substantial changes to the approved Preliminary Subdivision Plan may result in the need to file a Revised Preliminary Plan with the RPC.

General Observation: This proposed language, particularly the density calculation, seemed restrictive when initially read. The sample below shows that the formula works on the Seimer land and comes very close to the number of units already approved under the FR-1 zoning.

Example using Auditor’s GIS data – not actual field surveys:

605 acres Seimer Land parcel has been approved for 251 lots using FR-1 standards.

- 3.097 ac. wetlands
- 9.460 ac. stream buffer (10 feet per side – would depend on the definition of riparian area)
- 5.206 ac. existing r/o/w

(no floodplains or steep slopes on this site)
= 587.992
x 80% new r/o/w and lot configurations
= 470.394
/1.95 FR-1 lot size
= 241.22

The code could offer a “yield plan” option showing how many units could be achieved with FR-1 standards. Or, this code could be adopted as a 519.021(C) where the zoning is “floated” by the Zoning Commission in a legislative act and applicants then file a Development Plan which is reviewed administratively by the Zoning Commission for compliance, since there is no density “bonus”. Otherwise, reduced infrastructure is the only “carrot” to encourage the PRD and clustering of lots.

Replace all “Health Department” references with “Delaware General Health District” or similar.

This amendment should be forwarded to the County Prosecutor for comments and recommendations.

II. DCRPC Staff Recommendation

Staff recommends ***Conditional Approval*** of the Kingston Township PRD Zoning Amendments to the DCRPC, the Kingston Township Zoning Commission and the Kingston Township Trustees, *based on the comments made in this report.*

Commission / Public Comments

Mr. Miller made a motion to recommend Conditional Approval of the Kingston Twp. PRD Zoning Amendments, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Talbott). Motion carried.

08-07 ZON Dominion Homes – Berlin Twp. – 89.4 acres from FR-1 to R-2/PRD overlay

Dominion Homes, Inc. is requesting a rezoning of 89.409 acres east of Gregory Rd. and approximately 1/3 mile north of Cheshire Rd., in Berlin Township. The applicant is requesting to rezone the 89.409 acres currently zoned Farm Residential (FR-1) to Low Density Residential District (R-2)/Planned Residential District (PRD) overlay for the construction of an elementary school and a 65 lot residential subdivision.

I. Conditions

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: Low Density Residential District (R-2)/Planned Residential District (PRD) overlay

Present Use: Vacant agricultural

Proposed Use: Elementary school and residential

School District: Olentangy Local School District

Utilities Available: Del Co Water, Delaware County Sanitary Sewer (proposed)

Critical Resources: None

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

BoA: Blount Silt Loam (0 to 2% slopes)

BoB: Blount Silt Loam (2 to 4% slopes)

Surrounding land uses: include single family residence to the south, agricultural and vacant residential to the north, east and west.

II. General

This Dominion Homes project is proposed as a 65 lot Planned Residential Development on 89.409 acres, 33.1 acres of which is reserved as open space. An American Electric Power (AEP) overhead transmission line easement crosses diagonally through the center of the tract. There is 70 feet of right-of-way running parallel to the AEP easement that is reserved in accordance with the Berlin Township Comprehensive plan and the Delaware County Thoroughfare Plan for a future public street connecting Roloson Rd. and Piatt Rd. Access will be from Gregory Rd. at a point in the northeast corner of the tract with Street A extending east and then curving before terminating in a cul-de-sac near the southeastern corner of the tract. Street B extends roughly 900 feet north from Street A near this cul-de-sac and terminates at Street C which runs east then south then west back into Street B, enclosing a 3.8 acre open space area. Street C is also shown as running west to serve as a connector to the adjacent tract. A 21.0 acre portion of the tract fronting Gregory Rd. is shown as reserved for the location of a future school.

III. Conformance with Local Comprehensive Plan

The 2005 Berlin Township Comprehensive Plan map indicates that the portion of the tract west of the AEP easement is to be developed as single family at 1.85 units/acre. The area east of the easement is also to be single family at 1 unit/acre. Overall, this development is proposing a density of 0.73 units/acre. The Net Developable Acreage calculation explained in Article IV, Section 4.01 of the Berlin Township Zoning Resolution indicates a maximum of 107 allowable dwelling units. This development proposes 65.

IV. Conformance with Development Standards

The applicant has elected to utilize a two-step procedure which requires the submission of a preliminary development plan for the initial rezoning application. A subsequent, more detailed final development plan is required within 1 year of rezoning. The preliminary development plan submitted meets many, but not all of the design standards and the preliminary plan requirements. Below is a list of instances in which it has potential to fail to do so:

Section 11.05 (d) There is no additional landscaping shown on the development plan. RPC would prefer to see tree plantings within the 3.8 acre open space as well as along the south side of Street A within the 21.0 acre open space reserved for the school to serve as a buffer between the future school and the homes along the north side of Street A. Also, the foliage and tree line at the periphery is sparse in areas. Any additional plantings would be welcome.

Section 11.05 (n) The applicant states: “All facades of each building will be consistent, so that looking at one (1) façade reflects the overall character of each building. Only earth tones will be permitted. No more than two (2) colors in addition to the colors of natural brick, stone or manufactured stone may be used on the building as a whole. Garage doors will not be painted in contrasting colors to adjacent wall surfaces.” These guidelines promote an aesthetic consistency; however, a community of 65 new homes should exhibit some variation amongst the façade treatments. The community’s appeal would not be advanced by the creation of 65 nearly identical units.

Section 11.05 (o) Residential lots are required to be fenced off for safety if they abut agricultural land use(s). This development falls into that category and the applicant wants to use existing agricultural fence rows and sparse tree line for delineation. This does not satisfy the goal of properly installed residential fencing to adequately protect and separate residents from these uses.

Section 11.05 (p) Trees may be placed in the 5 foot green strip if permitted by the county engineer and/or township trustees. Applicant is requesting to do so. Staff concurs.

Section 11.05 (ee) Signs. Applicant says that all signage will comply with Berlin Township Zoning. Signage plans are not shown in this development plan. A permanent entry feature may be considered for this development. The design and location of this feature will be included with the final development plan.

Section 11.05 (gg) Exterior Lighting. Applicant says that all exterior lighting will comply with Berlin Township Zoning. Exterior lighting plans are not shown in this development plan.

Section 11.05 (hh) Other required provisions. The development plan indicates that a strip of easement running parallel to the existing AEP transmission line easement has been set aside for future right-of-way. The Delaware County Engineer will require this street to be included in the development plan and constructed as part of this development to comply with the County Thoroughfare Plan.

V. Required Findings for PRD overlay

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

1. That the proposed development is consistent in all aspects with the intent and general standards of this Zoning Resolution.

Staff Finding: The applicant is requesting a number of divergences from the Zoning Resolution:

Section 11.05(x) – Attached Garages. Resolution calls for attached garages to be set back from the building line. The developer wishes to locate garages at or behind the established building line, but to allow garages to protrude *forward* from the building line a distance no greater than 14 feet. This divergence would allow “snout houses” which the township specifically wants to avoid.

Recommendation: No.

Section 11.05(cc) – Landscape Plans. Required as part of the final development plan. Applicant wishes to submit landscaping plans at the time of building permit application rather than during zoning process. It is assumed that the school will submit a landscape plan at the time of its development plan.

Recommendation: Yes.

Section 11.13 (B) – Preliminary Plan Approval Period. The applicant is asking that the preliminary plan approval be effective 5 years (rather than 1 year) from the date 30 days after the zoning becomes final.

Recommendation: Work with Berlin Township on a density commitment at this time, but other standards may change over a 5 year period and the Township shouldn't "lock in" a design for such a long period.

Section 21.09 (A)(11) – Open Area at End of Driveway. The applicant does not wish to comply with this standard which states: *An adequate open area shall be provided at the end of the driveway to allow emergency and fire vehicles to turn around.*

Recommendation: Check with Berlin Township. May not apply within PRD overlay.

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

Staff Finding: Yes, it is.

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

Staff Finding: Yes. A major inclusion of this development plan is the reservation of 21.0 acres of open space to be dedicated to the school district at no cost. This will alleviate a portion of the capital costs associated with the construction of a new school facility for the taxpayers of Berlin Township. As well, this development wishes to bring sanitary sewer and water service improvements to this area of Berlin Township.

4. That the proposed development meets all the design features required in this resolution.

Staff Finding: The items listed in IV – Conformance with Development Standards need to be resolved.

5. That the proposed development is in keeping with the existing land use character and physical development potential of the area.

Staff Finding: Yes. A residential community and school are compatible uses as the township continues to develop.

6. That the proposed development will be compatible in appearance with the remainder of the district.

Staff Finding: The proposed development is that of a 65 unit residential community. While this type of community at this density is not yet typical in the area, it is in character with the Berlin Township Comprehensive Plan.

7. That the minimum open space as required herein has been provided.

Staff Finding: The development plan indicates 37% open space, more than the required 20%. Staff notes that once the school site is deeded the total will drop to 13.5%.

VI. Staff Recommendation

DCRPC staff recommends **Conditional Approval** of the 89.409 acre rezoning from FR-1 to R-2/PRD overlay for Dominion Homes, to the Berlin Township Zoning Commission, Township Trustees and the DCRPC, *upon meeting the following criteria:*

- 1.) *All residential lots abutting the surrounding agricultural uses shall be designed with proper adequate residential fencing. The existing fence and tree lines are not sufficient.*
- 2.) *Resolution of the items in IV- Conformance with Development Standards.*
- 3.) *Commitment to build north/south street along AEP easement as part of this development in accordance with the Township Comprehensive Plan and County Thoroughfare Plan.*
- 4.) *Extension of Street C to access the tract west of this development is not necessary because above mentioned street will do so; however, the addition of a road stub to the east to serve potential future development would be a prudent inclusion in this development.*

Commission / Public Comments

Mr. Rob Meyer was present on behalf of Dominion Homes. He stated that this was the fourth site that has been either entirely or partly donated for a school. He explained that the school would bring the central sanitary sewer to this site after which the residential home site would be developed. He is unsure who would be developing each individual home site but that the standards used for this request were based on the most recently approved PRD in Berlin Twp. called Fox Run Subdivision. He agreed to work on the fencing issue raised by staff. He would also continue to work with the Township and County engineer on the stub to the west and Piatt Road to the north.

Mr. Gunderman asked what percentage of homes would be “snout” houses. Mr. Meyer stated that he did not know since the site may be developed by another home builder. He asked to be able to work with the Township through the zoning process on this issue.

Mr. Shoaf asked when this site would be developed. Mr. Meyer explained that approximately 2009 – 2010. It would be in conjunction with the school site. Mr. Smelker also stated that the sewer for the elementary school is tied to a new high school near this site.

Chairwoman Foust asked if there is an overall landscape plan for open spaces or entrances. Mr. Meyer stated that there is not since another developer may complete the housing portion of this development.

Mr. Miller made a motion to recommend Conditional Approval of the rezoning request by Dominion Homes, subject to staff comments. Mr. Spanner seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Sedlacek). Motion carried.

Applicant: Trenton Township Zoning Commission

Request: Review proposed amendments to the Trenton Township Zoning Resolution.

I. Amendments

The Trenton Township Zoning Commission proposes additional language in Article 401.04 (Farm Residential) and 402.06 (Rural Residential) to exclude CAD easements from the minimum lot size requirement. Staff supports the text addition.

II. Staff Recommendation

Staff recommends **Approval** of the Trenton Township Zoning text amendments to the DCRPC, the Trenton Township Zoning Commission, and the Trenton Township Trustees.

Commission / Public Comments

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

IV. SUBDIVISION PROJECTS

01-07 Wood Tract, Section 1 & 2 – Liberty Twp. - 67 lots / 130.29 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

This subdivision was tabled at the March 29 meeting so the developer could consider an alternative design and resolve issues raised by Commission members. A revised plan was submitted to the RPC office and reviewed by the Technical Review Committee on April 17. The revised layout is not significantly different from the original design. A cul-de-sac was eliminated from the southeast corner and 4 lots have been removed. The 2 main streets have been combined into a single loop road (Rock Ledge Drive) from Home Road to Perry Road.

The proposed Wood Tract subdivision contains 67 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.

Rock Ledge Drive enters from Perry Road and runs along the south side of the site along a ridge then loops to the north extending to Home Road. Shallow Bank Way is a cul-de-sac extending to the west from Rock Ledge Drive. Four Common Access Drives (CADs) are also proposed. CAD A, which accesses Perry Road has been reconfigured from the original plan to avoid excessive grading.

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, March 20, and April 17, 2007. The following are issues discussed at TRC that either have not been addressed or are still a concern for staff:

- 1.) *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.*
- 2.) *Some of the proposed elevations indicate excessive fill and cut. These need to be resolved at final engineering.*
- 3.) *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.*
- 4.) *Despite eliminating the cul-de-sac and 4 lots from the southeast corner, there are still several lots that are heavily impacted by the overhead power lines and/or electric easement*

II. Staff Recommendation

Staff recommends *Conditional 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 and Environmental Consultants was present to represent the applicant. He stated that the cul-de-sac at the south east corner was removed along with 4 building lots allowing for greater setbacks from the power line easement. He explained that the CAD along Perry Rd. has been modified to reduce the amount of grading and cut.

Mr. Shoaf made a motion for Conditional Preliminary approval of the Wood Tract, subject to staff comments. Mr. Spanner seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Miller). Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final

26-04.1 Fairways at Blue Church, Sec. 1 – Kingston Twp. - 01 lot / 19.93 acres

Applicant: Robert Weiler, c/o Siemer Land LLC
Subdivision Type: Single-Family Residential
Location: Southeast corner of Blue Church Rd and Wilson Rd, Kingston Twp.
Current Land Use: Agricultural fields/Woods
Current Zoning: FR-1 (1.95 acre minimum lot size)
Critical Resources: Wetlands, watercourses and archeological sites
Utilities: Del-Co Water and Northstar Sewer
School District: Big Walnut Local School District
Engineer: Floyd Browne Group

I. Staff Comments

The Fairways at Blue Church, Section 1 involves the relocation of a portion of Blue Church Rd. to eliminate a “dog leg” at Wilson Rd. in Kingston Township. The proposal is intended to align Blue Church Rd. south of Wilson Rd. with Blue Church north of Wilson Rd. This realignment was recommended by the 2001 Delaware County Thoroughfare Plan. This will create 13.519 acres of reserve south of Wilson Rd. west of the new intersection, which will be developed in a subsequent phase. This development will be served by the Northstar’s land application sewage treatment facility.

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 *Approval* of the Final plan of **The Fairways at Blue Church, Section 1** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of The Fairways at Blue Church, Section 1. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-02.9 Glen Oak, Section 9 – Orange Twp. - 08 lots / 03.18 acres

Applicant: Dominion Homes
Subdivision Type: Single Family Residential

Location: South of Glen Oak, Section 2 and North of Glen Oak, Section 1
Current Land Use: vacant/former agricultural
Zoned: SFPRD (Single Family Planned Residential District)
Utilities: Del-Co Water, public sewer system
School District: Olentangy
Engineer: RD Zande & Associates

I. Staff Comments

Glen Oak, Sections 9 represents the final section of Glen Oak and Estates of Glen Oak. It is located between Sections 1 and 2 and is just west of Summerfield Village. Seven lots are accessed via an extension of Primrose Avenue which continues to an intersection with Holderman Street. Lots are generally 75' x 120'. Open space represents less than one acre of the proposal, including a 200-foot-wide powerline easement.

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 Glen Oak, Section 9 to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Glen Oak, Section 9. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. EXTENSIONS (none)

VII. OTHER BUSINESS

- Consideration for approval: Loveland & Brosius (Dornoch legal assistance) \$6,579.30

Mr. Spanner made a motion to approve the legal expenditure of \$6,579.30. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Proposed Common Access Driveway regulations

Mr. Sanders presented the Commission with a clean version of the proposed CAD regulations.

Mr. Gunderman asked if a standard should be included in the regulations regarding load specifications for fire trucks in order to alleviate calls to each fire department. Mr. Gladman said that task should be left to each developer and department equipment may change over the years. The Commission also discussed the difference between the heaviest fire trucks in a township and the heaviest construction equipment allowed on a site, and whether the cross-section should be based on supporting them. Mr. Gunderman asked if the Commission could entertain a delay of action to further discuss this issue. The discussion continued, with the majority of the Commission expressing that the task of compiling that information be left to the consulting engineer.

Mr. Miller made a motion to accept the draft and initiate a public hearing to discuss the Common Access Driveway regulations at the June 28, 2007 RPC meeting. Mr. Gladman seconded the motion. VOTE: Majority For, 1 Opposed (MR. Gunderman). Motion carried.

Chairwoman Foust stated that the public hearing regarding the CAD regulations will take place prior to the regular business, June 28, 2007 at 7:00 p.m.

Mr. Brown stated that he is in favor of more lots on the CAD. He explained that the proposal a year ago was for up to 8 lots on a paved CAD. He stated that he feels others on the Advisory Committee would also agree with an increased number of lots on a CAD.

VIII. POLICY / EDUCATION DISCUSSION

IX. RPC STAFF AND MEMBER NEWS

- **New Alternates named for the Delaware General Health District:** Stephan Ruckman and Jim Cogar

Having no further business, Mr. Miller made a motion to adjourn the meeting at 8:10 p.m. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, May 31, 2007, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Kolby Foust, Chairperson

Stephanie Mallack, Executive Administrative Assistant