



DELAWARE COUNTY REGIONAL PLANNING COMMISSION

109 N. Sandusky Street, Delaware, Ohio, 43015 Phone 740-833-2260 Fax 740-833-2259
www.dcrpc.org

Philip C. Laurien, AICP, Executive Director

MINUTES

Thursday, April 28, 2005 at 7:00 PM

Delaware Hayes Services Building,

140 N. Sandusky Street, Conference Room G35, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of March 31, 2004 RPC Minutes
- Executive Committee Minutes of April 20, 2005
- Statement of Policy

II. VARIANCES

13-05.V The Oaks, Sections 1 & 2 – Concord Twp. - requesting 6 lot CAD

III. PUBLIC CONSTRUCTION PROJECTS *(none)*

IV. ZONING MAP/TEXT AMENDMENTS

- 20-05 ZON EPCON Maple Creek – Genoa Twp. – PUD – development plan amendment
- 21-05 ZON Edward Pearl, Trustees, et. al, c/o Jeff McNealey – Liberty Twp. – 360.57 acres from FR-1 to PR
- 22-05 ZON **T** M/I Homes of Central Ohio – Genoa Twp. – 14.1 acres from RR to SR
- 23-05 ZON Homestead Highland Lakes – Genoa Twp. – 19.731 acres – development plan amendment
- 24-05 ZON Robert & Dorothy McClary – Liberty Twp. – 2.88 acres from FR-1 to I
- 25-05 ZON June Campbell – Harlem Twp. – 2.121 acres from AR-1 to FR-1
- 26-05 ZON Loch Lomond Farm Co. – Liberty Twp. – 20.324 acres – development plan amendment
- 27-05 ZON The Keethler Co. – Berkshire Twp. – 70.204 acres from A-1 to PCD
- 28-05 ZON Walnut Grove Estates- Genoa Twp. – development plan amendment
- 29-05A ZON Fox Haven Farms Ltd. – Berlin Twp. – 21.06 acres from FR-1 & NC to PCD
- 29-05B ZON Fox Haven Farms Ltd. – Berlin Twp. – 26.855 acres from FR-1 to PCD
- 29-05C ZON Fox Haven Farms Ltd. – Berlin Twp. – 222.065 acres from FR-1 to R-2 & PRD

V. SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
13-05	The Oaks, Sections 1 & 2	Concord	43 lots / 34.74 acres
26-04	Fairways at Blue Church	Kingston	251 lots / 605.76 acres
07-04	Olentangy Crossings (Revised)	Liberty/Orange	118 lots / 248.93 acres
29-04	T The Woods at Wild Cat Run	Liberty	12 lots / 23.02 acres
10-05	Lake Shore	Orange	41 lots / 30.88 acres
19-04	McCammon Estates (revised)	Orange	171 lots / 100.01 acres
<u>Preliminary/Final</u> <i>(none)</i>			
<u>Final</u>			
03-03.2	Vinmar Farms, Section 2	Genoa	39 lots / 21.33 acres
08-05	Forest Trail	Harlem	02 lots / 05.01 acres
13-04	Windsong	Liberty	11 lots / 10.86 acres

T=TABLED, W=WITHDRAWN

VI. EXTENSIONS

- 09-04 Avonlea Orange 22 lots / 11.18 acres
- 18-03 Keller Pines Harlem 31 lots / 22.40 acres

VII. OTHER BUSINESS

VIII. POLICY / EDUCATION DISCUSSION *(none)*

IX. RPC STAFF AND MEMBER NEWS *(none)*

I. ADMINISTRATIVE BUSINESS

▪ Call to Order

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

▪ Roll Call

Representatives: Paul Snajd, Fred Fowler, Jim Ward, Kris Jordan, Tom Hopper, Leslie Warthman, Dave Lavallo, Holly Foust, Charles Heimlich, Dick Gladman, Carolyn VanBrimmer, Bill Thurston, Lloyd Shoaf, Mike Dattilo, and Larry Starling. Alternates: Ken O'Brien, Dusty Gurney, Scott Pike, and Sandra Stults. Arrived after roll call: Gary Spanner (R) and Glen Evans (R). Staff: Phil Laurien, Scott Sanders, Paul Deel, Joe Clase, Da-Wei Liou and Stephanie Matlack.

▪ Approval of the March 31, 2005 RPC Minutes

Mr. Gladman made a motion to approve the minutes of the last meeting, seconded by Mrs. Warthman. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ April 20, 2005 Executive Committee Minutes

1. Call to order

Chairwoman Foust called the meeting to order at 10:30 a.m. Present: Dick Gladman, Holly Foust, Steve Burke, Lloyd Shoaf, and Jim Ward. Staff present: Philip Laurien and Stephanie Matlack.

2. Position Elections

- a. **Chairperson** – Mr. Gladman nominated Holly Foust for Chairperson. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- b. **Vice Chairperson** – Mr. Burke nominated Dick Gladman for Vice Chairperson. Mrs. Foust seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- c. **2nd Vice Chairperson** – Mr. Ward nominated Lloyd Shoaf for 2nd Vice Chairperson. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- d. **Member at large** – Steve Burke
- e. **Commissioners member** – Jim Ward

3. Approval of Executive Committee Minutes

- a. **March 23, 2005** – *Mr. Ward made a motion to approve the minutes of the March Executive Committee minutes, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.*

4. Old Business

- a. **Contract updates** – continuing to work on: Berlin Zoning standards and Comprehensive Plan updates, Brown Twp. zoning update, Concord Twp. zoning update, Genoa Twp. zoning update (on hold), Harlem Twp. Comprehensive plan – first comp. plan meeting held, Liberty Twp. zoning update and comprehensive plan revisions and public hearings, Orange Twp. adult entertainment regulations, Oxford Twp. comprehensive plan (contract recently signed), Troy Twp. zoning resolution update, Subdivision Regulations HB 115 revisions. Perry Township, Franklin County was referred to the DCRPC by attorney Don Brosius for assistance in writing zoning update. No contract signed yet.

5. New Business

- a. **Financial / Activity Reports for March 2005**

REGIONAL PLANNING RECEIPTS		MARCH	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,480.00	\$4,255.00
Fees A (Site Review)	(4202)		\$400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$160.00	\$360.00
Membership Fees	(4204)	\$15,462.00	\$214,868.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$2,752.84	\$7,767.74
Associate Membership Fees	(4206)		
Charges for Serv. A (Prel. Appl.)	(4230)	\$4,608.97	\$52,986.47
Charges for Serv. B (Final. Appl.)	(4231)	\$5,858.96	\$13,853.96
Charges for Serv. C (Ext. Fee)	(4232)	\$750.00	\$900.00
Charges for Serv. D (Table Fee)	(4233)	\$150.00	\$950.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$900.00
General Sales	(4220)	\$224.00	\$875.46
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$260.00	\$7,310.00
Soil & Water Fees	(4243)	\$225.00	\$1,471.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)	\$12.79	\$16.69
Other Misc. Revenue (GIS maps)	(4730)	\$454.38	\$1,284.03
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Asset	(4804)		
TOTAL RECEIPTS		\$32,998.94	\$308,198.35

Balance after receipts	\$317,138.06
Expenditures	- \$ 44,184.00
End of March balance	\$272,954.06

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

b. April RPC Preliminary Agenda – 1 variance, 12 rezoning / text amendments, 6 preliminary, 3 final, and 2 extension requests.

6. Other Business (none)

7. Personnel (none)

8. Adjourn – *Mr. Ward made a motion to adjourn the meeting at 11:40 a.m., seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, May 18, 2005 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015

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

13-05.V The Oaks, Sections 1 & 2 – Concord Twp. - requesting 6 lot CAD

Applicant: TREC Development

Location: 7931 Harriott Road, Concord Township.

I. Request

The applicant requests a variance from Section 306.01 of the Subdivision Regulations which allows a maximum 3 lots on a CAD (except that 2 additional lots may be allowed if the additional lots have road frontage and are adjacent to the CAD at its access to the road). If approved, the applicant would develop a 6-lot CAD in the proposed “The Oaks” subdivision.

II. Facts

1. The Delaware County Subdivision Regulations specify in section 306.01 that a CAD shall access no more than three lots, except as provided in Section 306.07 (two additional lots allowed contiguous to the CAD and with existing road frontage).
2. The property is surrounded by other developments including Tartan Fields and Woods of Glen Erin with no possibility for street connections. Connectivity is not an issue with this site.
3. A 15’ deep ravine crosses the south side of the proposed development. The CAD follows an existing pathway that crosses the ravine at a wider section. Constructing a standard road would require extensive re-grading of the ravine. A CAD is more sensitive to the site conditions than a public street.
4. The applicant has agreed to construct the CAD in accordance with 2005 proposed CAD standards to the Subdivision Regulations, which if adopted would allow this CAD without a variance.

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

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.

IV. Staff Recommendation

Staff recommends **Approval** of the variance for a six-lot Common Access Drive for **The Oaks, Sections 1 and 2.**

Commission / Public Comment

Mr. Kevin Kershner of RD Zande was present to represent the applicant.

Mrs. Foust questioned the request for a CAD off of another CAD. The subdivision regulations only permit a CAD off of a public street. Mr. Laurien stated that the hammerhead was created for the fire truck maneuverability. The site has significant topography issues and a CAD would impact the ravine less than a public street.

Mr. O'Brien asked if there was any precedence for this situation. Mr. Laurien stated that Thorton Woods in Liberty Twp. had a similar situation.

Mr. Shoaf made a motion to approve the 6-lot variance request for The Oaks, Sections 1 and 2. Mr. Spanner seconded the motion. VOTE: Majority For, 4 Opposed. Motion carried.

III. PUBLIC CONSTRUCTION PROJECTS (none)

IV. ZONING MAP/TEXT AMENDMENTS

20-05 ZON EPCON Maple Creek – Genoa Twp. – PUD – development plan amendment

Request by Genoa Township Zoning Officer Leslie Warthman for a development plan amendment administrative review of previous DCRPC Case 06-02b ZON, Epcon Maple Canyon.

I. Location- East side of Worthington Road, north of Alum Creek, west side of Africa Road, in Orange and Genoa Townships, by the Epcon Group. (30.4 acres Orange + Genoa tracts)

II. Proposed development plan amendments-

Epcon, developers of the Villas at Maple Creek condominiums wish to amend their development plan to:

1. Erect a fence around an “out parcel”;
2. Provide an emergency access driveway to 4666 Sharelane, the so called “out parcel”;
3. Remove some existing pavement formerly ascribed to 4666 Sharelane; and

4. Waive the requirement for construction of an Africa Road sidewalk in lieu of an unspecified money donation. [The sidewalk request is not germane to the DCRPC comments, and will be left out of this report as a matter between the township and Epcon].

III. General Information

Following the approval and construction of the Epcon is the Villas at Maple Creek condominiums, developer Epcon desired to convey out an existing single family home at 4666 Sharelane that was part of the Maple Creek land assembly. The conveyance of the house and a newly subdivided lot measuring .778 acres from Epcon to Greg and Deborah Andre was performed by Epcon without pursuing the platting process, despite their having been advised to do so by Delaware County Regional Planning. Instead, they used a metes and bounds conveyance. This conveyance was improper and should not have been recorded. It has resulted in two problems. First, the drainage and legal access issues related to a subdivision plat are unresolved, and second, the conveyance itself was inappropriate, because it intentionally bypassed Regional Planning's statutory authority.

Subsequent flooding of the Andre's driveway to Sharelane in January 2005 temporarily prevented them from accessing their residence.

There are development plan (zoning) issues and subdivision platting issues outstanding as a result of this conveyance. From a practical standpoint, the Andre's should not be penalized or have their safety compromised while the township, the DCRPC and Epcon attempt to resolve the issues. DCRPC staff does not object to the development plan issues being considered by the township so long as it is understood that the platting issues must still be separately addressed, and the only way to do that is through the platting process.

IV. Development Plan Amendments

1. Erect a fence around an "out parcel". DCRPC staff has no objection to the erection of the fence, however, it implies that the "out parcel has legal lot lines and was legally conveyed. In our opinion it was not legally conveyed and needs to be platted.
2. Provide an emergency access driveway to 4666 Sharelane, the so called "out parcel". DCRPC staff feels this is necessary for the safety of the Andres, who are innocent victims here. We have no objection to the emergency driveway amendment.
3. Remove some existing pavement formerly ascribed to 4666 Sharelane. This pavement was formerly a turnaround for 4666 Sharelane. It is now within the common area of the Maple Canyon condominiums. DCRPC staff does not object to its removal.

V. Platting Issues

1. The existing (now Andre) single family home at 4666 Sharelane had an established access drive that meandered across private property at the west end of Share Lane.
2. Sharelane was a platted street that was part of Indian Run Estates subdivision recorded on 9/18/1959.
3. Sharelane had not been improved past the first lot, or 4711 Sharelane. From that point west, the private driveway divided within the dedicated road right of way and split to serve three lots at

4685, 4690 and 4666 Sharelane. The driveway to 4666 encroached on private property at 4685 Sharelane and DCRPC is aware of no easement to permit this encroachment.

4. Epcon wished to divide and sell the house at 4666 Sharelane. The driveway access to 4666 Sharelane crossed a stream that meandered onto the Maple Creek land and the dedicated right of way for Sharelane, this being the western end of the road that had never been improved. There were obvious drainage problems related to the undersized pipes that run under the driveway to 4666 Sharelane. Representatives of Epcon met with DCRPC staff and were advised there were two ways to convey 4666 Sharelane, both of which required a plat. Epcon could either extend the improved public street or they could plat a common access drive subdivision. Either option necessitated drainage improvements to the land in question. Epcon also needed to secure local zoning approval from Genoa Township.
5. Epcon ignored the DCRPC admonitions, recorded a metes and bounds description of the “out parcel” and conveyed it to the Andres. This conveyance was inappropriate as it was calculated to avoid the platting process and the authority of the Delaware County Regional Planning Commission. Epcon now desires to rectify the access problem during times of flooding by extending an emergency access drive from within the condominiums. This does not alleviate the flooding, erosion and subdivision problems inherent with a proper subdivision and platting of the “out parcel” but it does provide for the immediate health and safety of the house occupants.

VI. Recommendations

DCRPC staff recommends to the DCRPC, the Genoa Township Zoning commission and the Genoa township Trustees that the development plan amendments to the Maple Creek condominium development plan to allow a fence surrounding the “out parcel”, an emergency access driveway to access the 4666 Sharelane and pavement removal from the old driveway turnaround be **Conditionally Approved**, *subject to Epcon filing a subdivision plat with the Delaware County Regional Planning Commission to lawfully create the .778 acre lot at 4666 Share Lane. [Note: during the review of that subdivision plat the issues itemized under item V above must be resolved].*

Commission / Public Comment

No one was present to represent the applicant.

Mrs. Warthman wanted to confirm and follow-up on comments in Mr. Laurien’s review, noting that the Township has additional concerns to address since the amendment involved other development plan non-compliances, including the requirement to build a sidewalk along Africa Road which Epcon is seeking to eliminate, and these will be worked out through zoning.

Mr. Ward asked if the County’s legal representatives had been contacted about this case? Mr. Laurien stated that he has met with the Prosecutor’s staff and they feel the division and recording is illegal and if they do not plat this, legal action would be taken.

Mr. Ward made a motion to recommend Conditional Approval of the development plan amendment for Maple Creek, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**21-05 ZON Edward Pearl, Trustees, et. al, c/o Jeff McNealey – Liberty Twp. – 360.57
acres from FR-1 to PR (second review, formerly #59-04 ZON)**

Attorney J. Jeffrey McNealey (agent for Dominion Homes, on behalf of Edward Pearl, Trustee, Edward C. and Donna H. Pearl, Robert Pearl, R& S Pearl Family LLC, Ronald E. Jackson and Dorothy S. Jackson, Columbus & Southern Ohio Electric Company, and Ohio District Lutheran Church Extension Fund, Inc. and Shirley Turrill) has applied for rezoning from FR-1 to PR for 360.57 acres (formerly 310.69 acres) for Liberty Point Development.

I. Location

Generally the NE corner of Home and Steitz Roads, east to the Liberty High School and Sawmill Parkway extension, North to Hyatts Road.

II. Conditions

Present Zoning: Farm Residence

Proposed Zoning: Planned Residential

Surrounding land uses:

East: 133 acre Liberty High School complex, proposed Sawmill Parkway Extension, 275 units condominiums (1.5 units per gross acre) and commercial in Golf Village North.

South: Golf Village, 1246 units of single family and condominium development and golf course on 831 acres (1.5 units per gross acre) plus 64.6 acres of commercial.

West: Large lot single family residences on Steitz Road. 1400 feet west of Steitz Road is Scioto Reserve, 1259 units of single family and condos on 695 acres (1.8 units per gross acre).

North: Bharatiya Temple and large lot single family residential on Hyatts Road

Open Space required: None

Open Space provided: 114 acres (includes power line easements and wetlands)

Present Use: Agriculture and woods, two large lot single family homes.

Proposed Uses:

- 12 estate lots on Steitz and Hyatts Roads
- 396 Single-family house lots (289.4 ac.)
- 88 attached condominiums (21.59 ac.)
- Future church on 25 acres.
- Liberty High School expansion on 20.07 acres
- Extension of Sawmill Parkway from Golf Village North to Hyatts Road.

Existing Density: 1 unit/acre in FR-1 zone

Proposed Density: Less than 1.8 units per net developable acre (with 281.27 net developable acres, 506 units of housing are allowed, 496 units proposed)

School District: Olentangy

Utilities Available- Del Co Water, Delaware County sanitary sewer to be extended.

Soils: GwB Glynwood 2-6 % slope
PwA Pewamo 0-2 % slope
BoA; Blount 0-2% slope

III. Issues

This is the second review of Liberty Point. Many issues were discussed in the first staff report, all of which have now been addressed except the following:

- A. Density and Conformance to the Comprehensive Plan- the 1995 Comprehensive Plan recommended a density of one unit per acre for lands outside the Sawmill Parkway corridor and “somewhat higher densities” for lands within the 2000’ wide Sawmill Corridor. The Sawmill corridor was 1000’ from centerline, which would include the proposed condominiums and a small portion of the single family area.

The Township set the tone for this area by rezoning of Golf Village north at a density of 1.5 units per gross acre. For the west side of the proposed Sawmill Parkway, there was much discussion at the Comprehensive Plan Committee in the last two months regarding a fair treatment for these specific lands. The consensus (no updated plan has yet been adopted) was that this is a critical transition piece of land that needs to stay in the Township and not annex to Powell, so densities must be competitive with Golf Village to the south, which is 1.5 units per gross acre. The draft 2005 Liberty Township Comprehensive Plan recommends a density of 1.8 units per net developable acre for these lands, and this new design complies.

- B. Design layout - the commercial lot on Hyatts road has been deleted, a site plan for the church has been included, storm water detention is shown, detailed landscape, signage and entrance plans have been included. Elevations and materials have been shown for single family homes, and condos, with detailed floor plans.

The remaining design issues are:

- 1.) The western-most group of condos should be flipped with the single family homes in lots 285-305 so that all the condos flank Sawmill Parkway. The condo entrance to Sawmill Parkway should be right in/right out only, with no break in the median. See Alternative “A” staff drawing.
 - 2.) The Home Road entrance is 1100 feet east of a future stoplight at Steitz Road. Left turns east bound on Home Road should be accomplished at Steitz, where turn lanes are warranted due to this development’s traffic impact analysis provided. The preferred design would be to bring the Liberty Point access out to Steitz Road north of the church, then cul-de-sac the proposed entrance to Home road. See Alternative “A” staff drawing.
- C. Conformance with other Development Plan Standards in Section 10.06-There are several divergences requested.

- 1.) Lot size- the applicant requests a minimum lot size of 12,000 sq. ft.; 32,670 sq. ft. is required. Note: These minimum lot sizes are the same as Golf Village.
DCRPC Staff Recommendation- Concur.
- 2.) Frontage – Request for 80, 90, 100 and 125 feet of lot frontage.
DCRPC Staff Recommendation- Concur.
- 3.) Front Setbacks
 - a.) Single family- Request 30 feet from internal street right of way.

DCRPC Staff Recommendation- Concur, provided that no fully projecting front load garages are permitted in combination with recessed front doors at the minimum setback, resulting in the “snout house”. Of the Tradition series elevations, all are OK except for the Plymouth, Kendall, Annapolis, Barrington, Bedford and Waverly.
 - b.) Condos- Front setbacks from Sawmill Parkway are 100 from right of way, which meets the standard.

DCRPC Staff Recommendation- Concur.
- 4.) Side setbacks and structure separation
 - a.) Single Family- 8 feet side yard requested with no masonry walls, where 25 feet is required, or 15 feet separation with masonry walls.

DCRPC Staff Recommendation- Deny.
 - b.) Condos- 10 feet separation requested without masonry walls, where standard is 15 feet with masonry walls.

DCRPC Staff Recommendation- Deny.
- 5.) Church- Setbacks proposed 100’ from Home Road and 50’ from Steitz Road. DCRPC staff agrees, provided the Steitz Road setback is from an expanded ROW that provides for future widening and turn lanes.

DCRPC Staff Recommendation- concur.
- 6.) Height- 40 feet for residential, 75’ height for church steeple.

DCRPC staff recommendation- concur, but check with the Liberty Fire Chief.
- 7.) Water Impoundments- To be located closer than 25 feet to right of way, as approved per plan.

DCRPC Staff Recommendation- concur provided that both the Liberty Township fire chief and the County Engineer approve of the proposed locations, and that guard rail must be provided if determine needed by either of these agencies.

IV. Section 11.06 - Required findings for Approval of a Planned Residential Development

The Zoning Commission and Trustees may approve a Planned Residential 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 aspects with the intent, and general standards of this zoning resolution.
DCRPC Staff Finding: Yes.
- 2.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
DCRPC Staff Finding: Conditionally yes. The Liberty Township Comprehensive Plan is in the process of being updated. Adequate discussion about this density has occurred that it seems the plan is likely to be changed to 1.8 units per net developable acre for these lands.
- 3.) That the proposed development advances the general welfare of the township and the immediate vicinity.
DCRPC Staff Finding: Yes.

V. DCRPC Staff Recommendations

DCRPC staff recommends **Conditional Approval** of the development and rezoning for Liberty Point to the DCRPC, Liberty Township Zoning Commission and Trustees, *subject to the following conditions:*

1. *All of the development standards and divergences commented on in Item III. Of this report are corrected and incorporated into the final development plan.*
2. *Remove the Home Road access and move it to Steitz road as shown on staff drawing Alternative "A".(removed during hearing)*
3. *Make the condo access to Sawmill Parkway a right in and right out only with no median crossover on the Sawmill Parkway.*
4. *Flip the condos and lots 285-395 as shown on the Alternative "A" drawing.*

Commission / Public Comment

Mr. Jeff McNealey attorney for the applicant was present. He stated that he agreed with Mr. Laurien's suggestion on flipping a section of the condominiums. He also stated he would work with the Township on the divergences and other issues raised by Mr. Laurien.

Mrs. Warthman asked if it was standard that the Commission recommend approval for an application that doesn't conform to the Comprehensive Plan. Mr. Laurien stated that he has been working on the update to the Comp. Plan and feels the recommendation conforms to what the Committee has been leaning toward. The Township has the right to amend the plan if they want this type of development. Mrs. Warthman asked if it could be a condition to amend the plan prior to the zoning approval. He said yes.

Chairwoman Foust asked who would be paying for and constructing the extension of the Sawmill Parkway between Home Road and Hyatts Road and the sliver between this project and Golf Village North. Mr. McNealey stated that it would be in the agreement with his client and the County Engineer (and AEP) to do it.

Mrs. Warthman made a motion to recommend Conditional Approval of the rezoning application for Liberty Point, subject to:

- 1. All of the development standards and divergences commented on in Item III. of this report are corrected and incorporated into the final development plan.**
- 2. Amend the Liberty Twp. Comprehensive Plan for this 360 acres from a designation of 1 unit per acre to 1.8 units per net developable acre as part of the rezoning process.**
- 3. Make the condo access to Sawmill Parkway a right in and right out only with no median crossover on Sawmill Parkway.**
- 4. Flip the condos and lots 285-395 as shown on the Alternative “A” drawing.**

Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

22-05 ZON M/I Homes – Genoa Twp. – 14.1 acres from RR to SR

**** This application was tabled at the Township for 30 days and will not be presented for recommendation. The Township has asked that this application be placed on the May 26, 2005 RPC agenda for consideration.****

23-05 ZON Homestead Highland Lakes – Genoa Twp. – 19.731 acres – development plan amendment

This application is submitted by M/I Homes on land owned by Homestead Highland Lakes to amend a development plan approved in May, 2000. The amendment seeks to permit single-family residential lots where condominiums were originally approved.

I. Conditions

Location: across from 6515 Big Walnut Road, Genoa Twp.

Present Zoning: Planned Residential District (PD-1)

Proposed Zoning: Planned Residential District (PD-1)

Present Use: Former farmland and woods

Proposed Use: 52 Single-family homes

Proposed Density: 2.63 units per acre

School District: Olentangy

Utilities Available: Del Co Water, Delaware County sanitary sewer

Soils: Bennington (BeA), Cardington (CaB), Pewamo (PwA), and Sloan (SnA)

II. Background

In May, 2000, Planned Communities requested a zoning change to PD-1 for 192.83 acres on Big Walnut and Worthington Roads to develop a 344-unit residential subdivision consisting of 231 single-family and 113 single-family detached condominium units. The gross density is 1.8 units per acre. The single-family homes and two sections of condominiums have been platted, leaving 52 condominiums to be platted with this development plan amendment.

The approved detached condominium design represents an alternative development pattern that uses a traditional neighborhood approach, bringing houses close to the street with minimal setbacks, sidewalks, front porches, and rear garages accessed from alleys. With the proper amount of architectural detail and public amenities, this high-density development can be a positive addition to the township's housing choices. Current township single-family zoning does not provide for such shallow setbacks and the County Engineer's standards do not provide for alleys. Therefore, recent developments of this type have been limited to condominiums with private streets.

The developer wishes to develop this area instead as a fee-simple, single-family development and provide a public east/west street with connection to undeveloped land to the west with a 60-foot right-of-way. Other streets will also be public, following the LVLD standards with 50-foot rights-of-way.

III. Development Plan

The 19.7-acre site includes 7.1-acres of open space including a tot lot, detention pond and landscaping. The overall Oaks at Highland Lakes development provides more than 70 acres of park and open space. Four small open space lots just south of the east-west connecting road allow the preservation of an existing treeline in the site. An existing creek is preserved along the site's southeast boundary. An detention pond has been built adjacent to the creek.

Landscape specifications are included showing planting areas and a horse fence along Big Walnut within a 150' landscape buffer. Architectural design criteria have been submitted as well as sign standards.

IV. Divergences

Several divergences are requested based on the desire to retain the original density and design, while converting this area to single-family lots:

1. Reduce the required lot size from 10,000 square feet to 5232 square feet.
Staff comment: Because this is a unique situation where single-family detached condos were approved but are now being converted into individual, fee-simple lots, this is a reasonable divergence in this specific case. However, the township should consider creating a zoning district code that allows traditional village-size lots with rear garages accessed via alleys. Such a code would include building specifications which are appropriate to minimal side yards.
2. Reduce front yard setbacks from 30 feet to 20 feet.
Staff comment: Based on the previously approved condo and the proposed layout, this is appropriate.

3. Reduce the western property line perimeter setback from 50 feet to 35 feet.
Staff comment: A road is planned within 35 feet of the property line but the building line is approximately 105 feet from the property line. Based on the previously approved plan, the building setbacks, the existing and probable surrounding uses, and the existing treeline which will be maintained, this is an acceptable divergence.
4. Reduce the distance between residential dwellings from 20 feet to 11 feet.
Staff comment: The purpose of building separation is to promote fire safety. Architectural renderings indicate vinyl siding on all units. Side walls should be fire rated or meet the fire safety measures required by the township. The township has a right to promote fire safety. Staff will not recommend a divergence.

V. Other issues

1. **Alley specifications:** alleys will be private streets using a shared easement and maintained by the Homeowner's Association. The township should adopt the County Engineer's design manual standard cross sections and require they be used on private streets, as the quality of the street base and surface is totally up to the developer. The developer is showing storm drains in the center of the alley. Paving should be designed to last 20 years. This must be done as a condition of zoning. The County Engineer's office indicates they approve of the proposed alley design.
2. **Street width:** the plan indicates the east/west street a no-load street with 27 feet of pavement within a 60-foot right-of-way. Because this public street connects to an adjacent, undeveloped parcel, this road should have no parking allowed on either side of the street at this width. The County Engineer's office indicates they approve of the proposed road and right-of-way design and will recommend no parking along the east-west road.

VI. Compliance with Comprehensive Plans

The 1998 Genoa Township Comprehensive Plan places this property in Planning Area 1. It recommends that this area be developed as single-family residential developments up to 1.8 units per acre or 2.2 units per acre if conservation standards are used. The proposal complies with the plan. The proposed Genoa Comprehensive Plan shows the 21-acre parcel to the west as multi-family residential at 2 dwelling units per net developable acreage. A connection to this parcel will be beneficial to the traffic pattern.

VII. Criteria for approval

“Approval for planned development rezoning will be granted only when the plan for the project is such that public health, safety, comfort, morals and general welfare will be promoted”, as it pertains to Section 524.23 of the Township Zoning Resolution.

VIII. Staff finding

Staff finds that the request for PD-1 is in general conformance with the Genoa Township 1998 Comprehensive Plan and is compatible with the surrounding land use. There is adequate utility service available and the overall development has direct access to 2 major streets so it will not create traffic on minor residential streets outside the district. Other than the divergences, the development plan is generally an appropriate design in conformance with the zoning standards.

IX. DCRPC Staff Recommendation

Staff recommends *conditional approval* of the PD-1 zoning of 19.731 acres on Big Walnut Road to the RPC, Genoa Township Zoning Commission, and Genoa Township Trustees, *subject to the following*:

1. *That the divergences for lot size reduction, front yard setbacks, and perimeter setbacks be approved.*
2. *That the divergence for side yard setback be denied. The township may wish to review the requirements for building separation and fire-rated walls with the Fire Chief.*

Commission / Public Comment

Mr. Jack Reynolds attorney with the law firm of Smith & Hale was present to represent the applicant. He stated they intend to meet the County Engineer requirements on all roads and alleys. They would work with the Fire Chief on the fire rating standards.

Mr. Laurien asked if there were any standards for the fencing. Mr. Reynolds stated that they will be built to the rear of the house at the time of the homes by M/I Homes and will be a vinyl solid panel fence.

Mrs. Warthman stated this application is a major development plan amendment. A lot of the top dressing and special effects are not delineated on this plan. Big Walnut Road straightening is a top concern, with the centerline changes and set back changes. These items can be worked out at the local level.

Mr. Laurien stated that with the passing of House Bill 148, Townships can adopt architectural design standards and should use them when reviewing zoning development plans such as this.

Chairwoman Foust asked if the text prohibits anything in the 11' side yard setbacks? Mr. Reynolds stated that it currently does not, but he would make that change.

Chairwoman Foust made a motion to recommend conditional approval of the development plan amendment request by Homestead Highland Lakes, subject to:

1. *The divergences for lot size reduction, front yard setbacks, and perimeter setbacks be approved.*
 2. *The divergence for side yard setback be denied. The township may wish to review the requirements for building separation and fire-rated walls with the Fire Chief.*
 3. *Prohibit anything in the side yards between buildings (play equipment, air conditioner units, etc.)*
- Mr. Gladman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.***

24-05 ZON Robert & Dorothy McClary – Liberty Twp. – 2.88 acres from FR-1 to I

I. Request

The applicants, Robert & Dorothy McClary, are requesting a 2.88-acre rezoning from Farm Residential (FR-1) to Industrial (I). The applicants' intention is to sell this acreage to Mark E.

Trucco, who operates an excavation business adjacent to the south.

II. Conditions

Location: West side of Liberty Rd, ~800' north of Home Rd (7184 Liberty Rd), Liberty Twp.

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Industrial (I)

Present Use(s): Single-family residential house

Proposed Use(s): Industrial site expansion of the 5 acre Trucco Excavating to the south

School District: Olentangy Local School District

Utilities Available: Del-Co Water and County Sewer

Critical Resources: None

Soils: BoA: Blount silt loam (0 to 2% slopes)

PwA: Pewamo silty clay loam (0 to 1% slopes)

III. Description

Trucco Construction Company is an excavating contracting business currently located at 3046 Home Road, directly adjacent to the south of the McClary lot. Other surrounding land uses include the railroad tracks to the west, single-family residential homes to the north and agricultural fields to the east. The parcel to the north contains a new single-family residence 40 feet north of the 2.88 acre tract.

Trucco plans to purchase the applicants' 2.88 acres to expand their operation on their current 5 acres and satisfy requirements of Section 16.07(d) of the Liberty Township Zoning Resolution. The code states that "side yard(s) shall be not less than one hundred fifty (150) feet when abutting any land which... is developed for residential uses." The subject 2.88 acres is 150-foot wide (from north to south). This rezoning would allow for an expanded industrial use on Trucco's property, but moving this setback 150-feet to the north. No structures, open storage, processing, servicing or loading areas could be permitted on the 2.88 acres that is being proposed for rezoning according to the requirements of Section 16.07(d).

The proposed industrial zoning does not require the developer to submit a development plan to establish a land use. Trucco can change the use of the McClary site as long as it meets the permitted uses within the Industrial (I) district. According to a development plan that the applicant submitted with the rezoning request, they intend to build a new office building off Liberty Road on their current property and place 45 parking spaces on the applicants' 2.88 acres. The applicant has demonstrated their intent to conform to the Industrial (I) district development standards.

The 1995 Liberty Township Comprehensive Plan recommends residential land use at 1.25 du/acre. The proposed 2005 Liberty Township Comprehensive Plan recommends this property for residential use and notes future realignment of Liberty Road. This rezoning request does not conform to the recommendations of the comprehensive plan.

Due to the proximity of residential development to the north of this site an approved development plan should be filed with Liberty Township before establishing or expanding any industrial use. The standard industrial zoning proposed could yield a land use which negatively impacts the welfare of surrounding residential development.

IV. Staff Recommendations

Staff recommends *Denial* of this rezoning request from Farm Residential (FR-1) to Industrial (I) for the Robert & Dorothy McClary to the DCRPC, the Liberty Township Zoning Commission and the Liberty Township Trustees.

If the Township is agreeable to the use of the McClary land for office use and parking, staff would suggest a change to the Liberty Twp. Comprehensive Plan for these 7.88 acres to a future Planned Industrial use, and a rezoning from Farm Residential (FR-1) to Planned Industrial (PI) if the applicants' change their request and submit appropriate plans for the 2.88 acres in context with the entire Trucco property for a total 7.88 acres to be rezoned PI.

Commission / Public Comment

No one was present to represent the applicant.

Mr. Gladman made a motion to recommend denial of the rezoning request by Robert & Dorothy McClary, based on staff comments. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

25-05 ZON June Campbell – Harlem Twp. – 2.121 acres from AR-1 to FR-1

I. Request

The applicant, June Campbell, is requesting a 2.121-acre rezoning from AR-1 to FR-1. This acreage is part of the applicants' 69.36-acre property.

II. Conditions

- Location:** East side of Miller Paul Rd, about 1,500 feet north of Woodtown Rd, Harlem Twp
- Present Zoning:** Agricultural Residential (AR-1)
- Proposed Zoning:** Farm Residential (FR-1)
- Present Use(s):** Single-family residence
- Proposed Use(s):** Single-family residence
- Existing Density:** 1 du / 5 acres
- Proposed Density:** 1 du / 2 acres
- School District:** Big Walnut Local School District
- Utilities Available:** Del-Co Water and private on-lot septic systems
- Critical Resources:** Creek along southern boundary
- Surrounding land uses:** Scattered single-family residences and agricultural land
- Soils:** BeA: Bennington Silt Loam (0 to 2% slopes)

III. Comments

Based on the survey submitted with the rezoning application, it appears that the applicants' intent is to file a no-plat application to split this proposed 2.121 acre lot. The proposed layout would conform to the standards of the FR-1 district. A single-family residence was built on this property in 1964. The 2002 aerial photograph indicates that about one (1) acre is maintained as a grass yard with two

detached sheds surrounding this residence.

The applicant should consult with the Delaware General Health District to ensure that the existing treatment system and an approvable site for a secondary system are located within this proposed lot. Approval of any rezoning does not assure an approval of proposed lot splits. This split would be subject to administrative review by Harlem Township, the Delaware General Health District, the Delaware County Engineer and the RPC.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as agriculture. The plan recommends that residential development in this area be on large lots but does not recommend minimum lot acreage. The township is currently working with RPC staff to update the plan.

In 2004, the Harlem Township Trustees indicated during the Delaware County Sewer Master Plan public hearings that they desired land in this area to consist of lots greater than five acres. Surrounding land uses include scattered 5 acre single-family lots surrounded by agricultural fields. A few smaller lots are scattered along Miller Paul Road to the north. Based on the Trustees feedback last year and the surrounding five acre lots, this proposal would not meet the character with the surrounding neighborhood. The 1988 Harlem Comprehensive Plan also recommended large lots for this area. Until the comprehensive plan is updated (which is in progress) the minimum lot size for this area should remain 5 acres.

IV. Staff Recommendations

Staff recommends **Denial** of the rezoning case from AR-1 to FR-1 for June Campbell to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees.

Commission / Public Comment

No one was present to represent the applicant.

Mr. O'Brien asked why a 2-acre lot was unreasonable. Mr. Clase stated that Harlem Township Trustees want 5-acre lots in this area and the applicant can comply with the 5-acre standard. He suggested the applicant wait for the Comprehensive Plan to be completed before making a request to change density.

Mrs. Warthman made a motion to recommend Denial of the rezoning request by June Campbell, based on staff comments. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

26-05 ZON Loch Lomond Farm Co. – Liberty Twp. – 20.324 acres – development plan amendment

Request: Romanelli and Hughes Building Co. is requesting a development plan amendment on behalf of Loch Lomond Farm Co. for 20.324 acres for the purpose of developing 36 condominiums and 3 single family lots within the Loch Lomond Farms development in Liberty Township.

Applicant: Romanelli and Hughes Building Co. c/o Loch Lomond Farm Co.

Location: West of SR 315 between Manning Parkway and Loch Lomond Drive, Liberty Township.

I. Conditions

Present Zoning: Planned Residence District (PR)

Proposed Zoning: Planned Residence District (PR)

Present Use: Vacant.

Proposed Use: Residential (Multi and Single-family)

- 36 condominiums in 2-unit buildings
- 3 single-family lots on a Common Access Drive (CAD)

Allowed Density: (per approved 1979 zoning development plan)

Proposed Density: 1.92 d.u./acre

School District: Olentangy

Utilities Available- Del Co Water, Delaware County sanitary sewer.

Soils: GwB – Glynwood 2-6 % slope

GwC2 – Glynwood 6-12 % slope

LyE2 – Lybrand 18-25 % slope

II. Project Description

The Loch Lomond Farms development, approximately 257 acres overall, was originally rezoned in 1979 to Planned Residence district (PR) and included single family, multi family and commercial/office uses. It is located on the west side of SR 315 and extends from the Franklin County Line to just south of Jewett Road. The 20.324 acres under consideration is at the south end of the development along the county line between Manning Parkway and Loch Lomond Drive. Surrounding land use includes residential to the north (Strathshire, Loch Lomond) and west (Calumet Farms and Woodlands at Loch Lomond), commercial/office to the east (Loch Lomond Park), and vacant land to the south in Franklin County. A deep (40'+) ravine crosses the site along the north side and is a major tributary to the Olentangy River to the east. A pond is located at the northeast corner of the site.

The proposed layout includes the easterly extension of Loch Lomond Drive from the west ending in a cul-de-sac. A second segment of Loch Lomond Drive is extended westerly from the terminus of Manning Parkway, but stops short of connecting to the west leg. The plan indicates that the complete connection will be made in the future when improvements are made to SR 315 (The plan does not state what improvements). A CAD extends north from the west leg of Loch Lomond Drive, crosses the ravine and serves 3 lots. A private street is proposed off the east leg of Loch Lomond Drive serving 18 2-unit condominiums. No ravine crossing is proposed within the condo development. The single family lots will be located on approximately 6.127 acres and the condos on approximately 14.196 acres.

III. Issues

1. The Liberty Township Zoning Officer provided the applicant with a 6 page report outlining deficiencies with the development plan. Staff acknowledges the letter, attaches it to this report and recommends that the issues be resolved prior to the Township's zoning hearing on this plan.

2. The proposed density exceeds the recommendation of the 1995 Comprehensive Plan; however, the 1979 Loch Lomond PRD zoning preceded the comprehensive plan. Since the great majority of Loch Lomond has been built, leaving just a few parcels as yet vacant, the 1979 zoning is vested. The issue is what is the residual density? It is the Township's responsibility to determine from their records what land use and density remains for this tract, as there has been revisions of the plan and shifting of units over the years. For the purpose of this review staff presumes the applicant has the right to the type and the number of dwelling units applied for.
3. The layout of the condo portion avoids the deep ravine along the north side of the property. The Common Access Drive that serves lots 2 and 3 will cross a 40 foot deep ravine with 20% slopes. The CAD will require significant filling of that ravine, but there are no cross sections to know the extent of the fill. The applicant requests a divergence from the 10 percent maximum slope for driveways. This also requires a variance from County Subdivision Regulations. Staff does not support the driveway variance and hence does not support the creation of lots 2 and 3, especially without more detailed engineering to show how it would be accomplished and the effect on the delicate ravine.
4. A road connection between Jewett Road and State Route 315 was part of the 1979 zoning approval; therefore this development must build the final road connection between Loch Lomond Drive and Manning Parkway. The 1995 Liberty Township Comprehensive Plan called for an 80 foot wide major collector road through Calumet Farms to Manning Parkway. This is a controversial issue. Churchill and Loch Lomond Drives were not built to major collector street status; they have a 60 foot right of way, not 80 feet, with a 25 mile per hour design speed, open ditches, no sidewalks. There are 33 houses with shallow setbacks fronting on them. There is a legitimate concern for "cut through" traffic when Manning Parkway is connected to Loch Lomond Drive due to the long traffic backups that occur on S.R 315 at peak hours. Two recent traffic studies predicted significant cut through traffic, exceeding 2,000 trips per day with one vehicle every 12 seconds at peak hours if this connection is made. The studies both concluded that the connection with the existing street conditions on Churchill and Loch Lomond Drive is both a safety and quality of life issue for residents.

Nonetheless, the Township's policy of neighborhood-to-neighborhood street connections is fair, provided safety and quality of life impacts from the connection are mitigated.

The DCRPC staff recommends that the Township Trustees use this opportunity to create a policy for roads that are changing from local to collector status. The Township should obtain periodic traffic counts and when a street exceeds 1,500 vehicle trips per day, classify it as a minor collector, and budget for the construction of a bike path along at least one side of the street as soon as possible, typically not to exceed a three year time period. Minor collector streets within platted subdivisions should also be considered for traffic calming devices. Major collectors should consider the construction of bike paths on both sides of the street when traffic warrants it.

With these policies in mind therefore, the DCRPC Staff supports the street connection from Loch Lomond Drive to Manning Parkway through this 20 acre parcel subject to the following recommendations:

- a. The street connection between Jewett Road and SR 315 (Churchill Drive, Loch Lomond Drive and Manning Parkway) should be classified as a minor collector in the Liberty Township 2005 Comprehensive Plan, in accordance with the adopted 2001 Delaware County Thoroughfare Plan. Furthermore, the idea of expanding the right of way to 80 feet should be dropped, as the Township does not have eminent domain authority to take an additional 20 feet.
- b. A sidewalk or bike path(s) should be installed along Churchill and Loch Lomond Drives in the existing Calumet Farms and Loch Lomond Woods subdivisions concurrent with the opening of the through connection from Loch Lomond Drive to Manning Parkway. This will probably require the enclosure of open drainage ditches and the placement of a curb and gutter section on the street. Street trees should be established in the tree lawn between the path and the curb. A bike/pedestrian path should also be constructed along the north side of the extension of Loch Lomond Drive through this 20 acre parcel, and continue around the traffic circle and down the south side of Manning Parkway to SR 315.
- c. Traffic calming devices designed to regulate speed to the posted 25 miles per hour and to create openings in traffic for pedestrians should be placed on Churchill and Loch Lomond Drives concurrent with the opening of the through street connection. These devices may include speed tables rated for 25 miles per hour, and stop signs at key intersections as determined by the Township Trustees.
- d. The Manning Parkway, Loch Lomond Drive, Churchill Drive connecting streets should be posted with weight limits to prevent heavy trucks from using this cut through.
- e. The Township should continue working with ODOT and the city of Powell to make needed improvements to the SR 315/Powell Road intersection, since backups from this intersection will cause cut through traffic to use the Churchill- Loch Lomond-Manning through connection. ODOT plans to add left turn lanes east and west on Powell Road in 2008, but there are no plans to add left turn lanes on SR 315. The deletion of the proposed SR 315 turn lanes by ODOT is due to the Scenic River corridor and difficulty in obtaining environmental approvals as a state agency. Powell, however, may be exempt from the Scenic River regulations and could undertake this project if the intersection were annexed. Coincidentally there is a pending annexation to Powell of the Fenstermaker lands at the S.E corner of Powell Road and SR 315. Once the traffic calming devices are installed, on Churchill and Loch Lomond Drives, the Trustees could request another opinion from a skilled traffic engineer or request that ODOT or the County Engineer advise them if the safety of the neighborhood is adequately provided or if additional improvements need to be made to reduce peak hour backups on SR 315 before the connection is opened to public use.
- f. If the improvements of items (a) through (d) above cannot be constructed concurrent with the opening of the Loch Lomond Drive to Manning Parkway connection, then the connection should be built, but temporarily barricaded until these measures can be completed.

5. Provisions for utilities.
 - a. Sanitary sewer – A 10” sanitary sewer line crosses the western portion of the site. A letter of service availability has not been provided.
 - b. Water – There is a 12” Del-Co water line at the west side of the development. A service letter has not been provided.
 - c. Other utilities – Other utilities are available through adjacent developments, but service letters have not been provided.
6. Storm water – The development proposes to utilize the existing pond to the northeast. The plan is to modify the existing weir at the outlet to lower the pond level and to restrict the storm water release from the pond; however there may be previous agreements and restrictions that regulate the level of the pond. A storm water management plan must be submitted to and approved by the County Engineer, and by the parties already at interest in this pond.
7. A private street cross-section for the condominiums is not provided. The township should adopt the County Engineer’s design manual standard cross sections and require they be used on private streets in condominiums. This must be done as a condition of zoning since these condominium developments are exempt from platting review and the quality of the street base and surface is totally up to the developer. The township should demand under drains as well as side road drainage and a paving designed to last 20 years. The layout should also be reviewed by the Fire Chief to determine if the turning radii are sufficient for fire and emergency vehicles.
8. Architectural design criteria – Although the development plan includes renderings for the condos, the development plan text states that the single family homes will be required to meet the same restrictions and standards as those in Woodlands at Loch Lomond (renderings are still needed). A sign detail must also be submitted for the condo site.
9. Plat Required – A subdivision plat will be required for the Loch Lomond Drive right-of-way. Since the staff does not recommend the CAD, additional condominium units may be placed along Loch Lomond Drive to the extent the township determines is the residual unit count for this site. All references in the development plan to “lot split” should be corrected. The condos are exempt from subdivision review, but the Township may require a plat for the site boundary.
10. Divergences are requested for:
 - a. Model Home – The plan proposes to construct 1 building (2 units) to be used as a model and sales office during the development of the condo site. **Staff’s comment:** *No objection.*
 - b. Setbacks – Reduction in front and side yard setbacks and building separation are requested in an attempt to provide green space and tree preservation. **Staff’s comment:** *This divergence is driven by the deep wooded ravine and perhaps too many units proposed for this site. The proposed setbacks are not uncommon in condominium developments, so the Staff has no objection. We note however that the buildings that are*

closer than 25' must have a masonry wall. No divergence is recommended for separation between buildings or elimination of the masonry wall requirement.

- c. CAD slope in excess of 10%- **Staff's comment**- *As previously mentioned, staff does not support a slope variance for a CAD.*

IV. Required Findings for PR

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

DCRPC Staff Finding: *Yes, if items noted in Section III of the Staff report and all comments from the Township Zoning Officer are adequately addressed prior to the Zoning Commission public hearing.*

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

DCRPC Staff Finding: *Generally not applicable, as this plan was originally zoned prior to the adoption of the Comprehensive Plan and there has been continuous progress in building out this project, vesting the original zoning but requiring amended development plan approvals. The Township must determine that the number of units requested is available from the original development plan.*

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

DCRPC Staff Finding: *Yes, if the Manning Parkway/Loch Lomond Drive connection is made in conjunction with other improvements noted in Section III.*

V. DCRPC Staff Recommendation

Staff recommends **Conditional approval** of the application by the Romanelli and Hughes Building Co, for a development plan amendment of 20.324 acres in the Loch Lomond development to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to the following:*

- 1) *The connection between Loch Lomond Drive and Manning Parkway being made with considerations noted in Section III (4) of this report.*
- 2) *All other items in Section III and IV of the Staff report being resolved.*
- 3) *The elimination of the CAD crossing the ravine.*
- 4) *All comments in the Zoning Officer's letter being addressed.*

Commission / Public Comment

No one was present to represent the applicant.

Mr. Jim Cirigliano, President of the Calumet Farms Homeowner's Association, stated that after 10 years of disagreement between the subdivision and the Township, it has finally come to be heard and recognized that there is definitely a safety issue with the connector as proposed in the Comprehensive Plan. There is a strong community within this development with many organized

activities.

Mr. Curt Sybert, Calumet Farms resident and Liberty Township Zoning member for 10+ years, stated that this connection is a controversial issue. The residents have been drafting the Comprehensive Plan for about 8 months and every planning session at the Township hall has been packed discussing this issue of cut through traffic of subdivisions. To not consider the staffs recommendations with regards to calming devices would be a huge mistake. The minute the connection is open and the traffic is not taken care of at Powell Rd and SR 315, the traffic will start and mistakes will be made and citizens will be hurt.

Mr. Laurien stated that improvements, mitigation and traffic calming devices should all be done concurrent with the opening. If they are not ready with the opening then barricade the opening until they are. The traffic consultants have said when you open this up, the road will go from a local street almost to an arterial standard (1 car every 12 seconds at peak hours) going 45 m.p.h through a 25 m.p.h. subdivision.

Mr. Cirigliano stated that in conjunction with traffic calming is improving the level of service on SR 315. There is a concern because of the slope at the Powell Rd./315 intersection and the heavy truck traffic that uses SR 315, that the road is actually starting to slip into the river. ODOT and the Scenic Byway management team is working together and the proposal is to build retaining walls along the river bank right at the intersection. He would like the Commission to support the building of the wall high enough to create the extra turn lane that would relieve the traffic on SR 315.

Mr. Dan Dorsey, Carriage Road, West Chester Subdivision resident, asked if the Township can regulate truck load restrictions through subdivisions. Mr. Pike stated that “No through trucks” signs cannot be posted as long as they are hauling a legal load. Mr. Dorsey stated they have been working with the Township encouraging them to come up with some type of policy on through traffic, such as speed platforms.

Mr. Gladman made a motion to recommend conditional approval of the request by Loch Lomond Farm Co., subject to staff comments. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

27-05 ZON The Keethler Co. – Berkshire Twp. – 70.204 acres from A-1 to PCD

I. Request

The Keethler Co. submitted a zone change request from A-1 zoning to a Planned Commercial District (PCD) for 70.024 acres of the Green farm south of Four Winds Drive and east of 3 B’s and K Road in Berkshire Township.

Present Use: Agriculture

Proposed Use: Office and retail uses

Existing Density: 1-unit per 5 acres in A-1 zone

Allowed Density: 4 units/net developable acre is permitted in a Planned Commercial district, but

the applicant proposes all commercial and office uses, not multi family.

School District: Olentangy

Utilities Available- Del-Co Water, electric, Delaware County sewer (upon extension).

II. Existing Conditions

Adjacent Existing Land Uses-

West- Large lot single family and agricultural uses fronting on 3 B's and K Road

East -I-71

North- Vacant, agriculture, zoned PCD but not yet developed.

South- Agriculture.

III. Preliminary Development Plan Comments

The preliminary development plan does not show footprints of commercial buildings at this time because the applicant must rezone in order to solicit actual buyers of commercial sites. Therefore the preliminary plan is intended to show the new alignment of Four Winds Drive, the perimeter and internal setbacks, and to provide adequate architectural design criteria to give the township a comfortable feeling about what to expect from the final development plan. This plan does all of that and is acceptable as a preliminary plan.

IV. PCD review and approval (Section 15.05 Required Design Features) Comments:

- 1.) Maximum impervious surfaces- ground coverage by buildings and paved parking areas (total impervious surfaces): 50% of net developable area.

DCRPC Staff Comment-the final development plan will have to adhere to this standard.

- 2.) Perimeter Area- No building or parking shall be constructed within 100 feet of the perimeter property line of the overall tract, or as approved per plan.

DCRPC Staff Comment- The applicant requests divergences to permit parking setback 20 feet from the north(already zoned PCD) and east (I-71), and 35 feet from the south and west. These strips are retained as landscaped buffers. This seems reasonable, provided that the final development plan shows landscape details for how these strips will be effective buffers, especially against the residential uses. The second request is to permit buildings within 25 feet of the lot line to the east (I-71) and north (already zoned PCD). This seems reasonable, but if there are very large buildings proposed in the final development plan the Township may wish to adhere to the 1/3 the sum of length and height of the adjacent wall formula that is also in the PCD. The request seems OK for the preliminary since they are not proposing big box stores at this time.

- 3.) Walkways and street trees- walkways to connect all dwelling areas with open space and to interconnect the open spaces.

DCRPC Staff Comment: Four Winds Drive will have to be built as a collector road and

will be required to provide either sidewalks or asphalt bike/walking paths on both sides of the road. The plan does show street trees, but at its small scale it is impossible to be certain that sidewalks are provided. This needs to be shown on the final development plan.

- 4.) Buffering exists, the Township may require establishment of such tree cover or other foliage as may be necessary to achieve the purpose of the open space and the buffer of adjacent uses.

DCRPC Staff Comment: Tree lines are preserved to the north. Additional vegetation will be needed to buffer future residential to the south.

- 5.) Preservation areas- Wetlands, steep (over 20%) slopes, forests, 100 year floodplains, ravines and noted wildlife habitat shall be preserved to the greatest extent possible.

DCRPC Staff Comment: Not applicable.

- 6.) Utilities- Centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.

DCRPC Staff Comment: Utility letters from Del-Co Water, Delaware County Sanitary Engineer, Columbia Gas, AEP, and Verizon are provided.

- 7.) Fire and police protection- letters have been submitted from the Fire Chief from BST and G and from the County Sheriff.

- 8.) Building design- The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. All residential roofs must be a minimum of 6/12 pitch, or as approved by plan.

DCRPC Staff Comment: No renderings are included, but the standards were incorporated by reference and will be adhered to in the final development plan. The architectural design statement needs to be expanded with renderings as part of the final development plan.

Section 15.06 Required Findings for PCD Approval Checklist:

The Zoning Commission and Trustees may approve an application requesting that property be included in the PCD zoning district, provided they find that the proposed use complies with all of the following requirements:

- 1.) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.

DCRPC Staff Comment: Yes.

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

DCRPC Staff Comment: Yes, the Berkshire Township Comprehensive Plan recommends this land be developed for planned commercial and office uses.

- 3.) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.

DCRPC Staff Comment: Yes.

- 4.) That the proposed plan meets all of the design features required in this Resolution.

DCRPC Staff Comment: Yes.

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

DCRPC Staff Comment: Generally yes.

- 6.) That the proposed development will be compatible in appearance with surrounding land uses.

DCRPC Staff Comment: Generally yes, but need to see renderings as part of the final development plan.

- 7.) That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

DCRPC Staff Comment: Yes.

VIII. DCRPC Staff Recommendation

Staff recommends to the Berkshire Township Zoning Commission and the Berkshire Township Trustees that the preliminary development plan and rezoning from A-1 to PCD for 70.024 acres for the Keethler Company Berkshire Township be **Conditionally Approved**, *subject to the following:*

1. *Divergence be granted by the township from the 100 foot perimeter building setback to 25 feet from the north and east boundary lines.*
2. *Divergence be granted by the township for parking setback 20 feet from the north and east, and 35 feet from the south and west, provided that these setbacks are landscaped and mounded as needed to adequately buffer whatever and parking is specifically proposed in the final development plan.*
3. *Show percentage of impervious surfaces as less than 50% of the net developable acreage.*

4. *Submit a landscape plan as part of the final development plan.*
5. *Submit architectural renderings with the final development plan.*
6. *Have the drainage plan checked by the Delaware Soil and Water District prior to preliminary plan approval.*

Commission / Public Comment

Ms. Andrea Oyster with Floyd Browne Group was present to represent the applicant.

Mr. Lavalley asked if there was adequate sewage facilities to handle the additional commercial development in this area. Mr. Laurien said there is a letter from the Sanitary Engineer saying there is capacity. Mr. Lavalley asked if it would be through a new sewer? Mr. Laurien said an existing line to the Alum Creek plant with extensions would be used.

Mr. Shoaf made a motion to recommend Conditional Approval for the Keethler Co. rezoning request, subject to staff comments. Mr. Ward seconded the motion. VOTE: Majority For, 1 Opposed (Kingston Twp.). Motion carried.

28-05 ZON Walnut Grove Estates- Genoa Twp. – development plan amendment

I. Location: North of Big Walnut Road, east of Worthington Road

II. Conditions

Present Zoning: 50.53 acres in Planned Residential (PD-1) and 9.997 acres in Rural Residential (RR)

Proposed Zoning: Planned Residential (PD-1)

Present Use: Vacant, subdivision under construction

Proposed Use: 72 single-family homes on 12,600-15,000 square-foot lots

Existing Density: 1.35 units per acre in existing PD-1, .5 units per acre in RR

Proposed Density: 1.5 units per acre in additional 10 acres, 1.17 units per acre overall

School District: Olentangy

Utilities Available: Del Co Water, County sewer

Soils: CaB Cardington Silt Loam, 2-6% slope

BeA Bennington Silt Loam, 0-2% slope

BeB Bennington Silt Loam, 2-4% slope

PwA Pewamo Silty Clay Loam, 0-1% slope

SnA Sloan Silt Loam, 0-2% slope

II. Surrounding Land Use

To the north are single-family lots on Fleur Road of approximately .75 of an acre. To the west are road frontage lots along Worthington Road. To the south is Big Walnut Road with proposed Homestead condos on the south side of the street. To the east is undeveloped land and State Route 3.

IV. Plan

This development plan review represents several modifications to the zoning review heard by

DCRPC in November, 2004. The plan presented will create 72 single-family lots ranging in size from 10,400 - 15,000 s.f. The plan includes one existing access from Big Walnut Road and one access at a new location from Worthington Road. Three cul-de-sacs are on the east side of the site and one road extends to the north and east, stubbing at the property line. The design includes 30 acres of open space (onsite and offsite), which is 50% of the overall development.

V. Amendments

1. Access to Worthington Road has been moved north. The former location of the access did not allow appropriate sight-distance. The new location also allows the entrance to align with the proposed Mansard Estates entrance. The turn lane requirement will be included with Section 3 of the subdivision. The applicant should be aware that the road name may be the same as the road that accesses Mansard Estates, which will be addressed during the subdivision phase by the Map Department.

Staff comment: *New Worthington Road access is appropriate.*

2. Phase 2 contains 20 lots (18 were originally approved) and Phase 3 contains 14 lots (15 lots were originally reviewed). The amendment results in one additional lot to a total of 72. With the increased acreage of 62.42 acres, this represents a density of 1.15 units/acre.

Staff comment: *The 1999 Genoa Township Comprehensive Plan, allow 1.1 – 1.35 units per acre. The density is appropriate.*

3. The application amends the total open space required and provided.

Staff comment: *During the November, 2004, review staff questioned the use of an off-site park dedication to be used in the calculation of open space for this development. The amount now “borrowed” from the park (3.88 acres) is smaller than the original 5.48 acres. The township may judge whether previously dedicated parkland can be used as open space for this amended development plan.*

4. The revised layout increases the overall lot count to 72 and includes one lot with frontage on Worthington Road and two lots that access a Common Access Drive on the end of the Mahogany Drive cul-de-sac.

Staff comment: *Approval of the Common Access Drive will be discussed when the amended subdivision application is reviewed by the RPC staff. Staff would prefer a layout that either shifted the surrounding lots so that a CAD was not necessary, or an arrangement that used a shared drive with a common access point. A CAD is unnecessary unless it is intended to access the lot on Worthington, which staff would not support.*

VI. Comprehensive Plan

The adopted 1999 Genoa Township Comprehensive Plan places this development in Area V, an area of Medium Density Residential with a density range of 1.1 - 1.35 dwelling units per acre. The proposed Genoa Township Comprehensive Plan indicates single-family residential at this location at 1.1 dwelling units per net developable acre with water and sewer.

Staff Comment: *Under the current Comprehensive Plan, the amended density is consistent with the plan.*

VII. DCRPC Staff Recommendation

Staff recommends **conditional approval** of the development plan amendment for Walnut Grove subdivision to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees, *subject to the applicant addressing the following staff recommendations:*

1. *That the cul-de-sac be redesigned to allow two lots to share an access point, rather than a Common Access Drive.*
2. *That the applicant should determine whether there is adequate sight distance for the proposed lot accessing directly on Worthington Road.*

Commission / Public Comment

Mr. Joe Looby with RD Zande was present to represent the applicant. He stated they would work on the staff comments with the Zoning Officer.

Mr. Gladman made a motion to recommend Conditional Approval of the rezoning request for Walnut Grove Estates, subject to staff comments. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

29-05A ZON Fox Haven Farms Ltd. – Berlin Twp. – 21.06 acres from FR-1 & NC to PCD

29-05B ZON Fox Haven Farms Ltd. – Berlin Twp. – 26.855 acres from FR-1 to PCD

29-05C ZON Fox Haven Farms Ltd. – Berlin Twp. – 222.065 acres from FR-1 to R-2 & PRD

Applicant: Fox Haven Farms, Ltd.

Location: South side of US 36, 5.75 acres on the corner of Dunham Road and US 36 (Site A) and 15.31 on the corner of Big Run Road and US 36 (Site B), Berlin Township.

#29-05A ZON:

I. Conditions

Present Zoning: Farm Residential (FR-1) and Neighborhood Commercial (NCD)

Proposed Zoning: Planned Commercial (PCD) and Preliminary Development Plan approval

Present Use: Open fields/former agriculture.

Proposed Uses: Commercial and office development at a maximum of 9,000 s.f. per gross acre, or 189,567 s.f. maximum.

Existing Density: 1 unit/acre in FR-1

Proposed Density: N/A

School District: Olentangy

Utilities Available - Del Co Water, Delaware County sanitary sewer

Soils: BoA – Blount Silt Loam, 0-2% slope

GwB – Glynwood Silt Loam, 2-6% slope

GwC2 – Glynwood Silt Loam, 6-12% slope

PwA – Pewamo Silty Clay Loam, 0-1% slope

II. Project Description

As part of an overall 270-acre project that includes condominiums and single family house development, Fox Haven Farms seeks to rezone two areas of land along US 36/SR 37 to planned commercial. The design concept shows internal private roads accessing multiple buildings at 9,000 s.f. per acre for a maximum of 189,567 square feet.

The eastern commercial area (Site A) indicates three buildings of approximately 5,000 s.f. each. Access is gained via two entry drives from Dunham Road. The southern road provides access to the proposed condos to the south and stubs to undeveloped property to the west.

The western commercial area (Site B) shows five buildings of 5,000 s.f. and two buildings with 20,000 s.f. for a total of 65,000 s.f. One right-in/right-out is located on the highway and two full accesses are shown on Big Run Road. Internal circulation roads are private and no connection is made to the undeveloped land to the east.

III. Conformance with Local Comprehensive Plans

The Berlin Township 1999 Comprehensive Plan recommends planned commercial and office along the highway frontage. It also shows a backage road that links Dunham Road to Big Run Road. Except for the road configuration (which is covered elsewhere in this report), the request conforms to the plan.

IV. Conformance with Development Standards

- 1.) Proposed size and location of the PCD district – The code requires wetlands to be located on the plan. The National Wetland Inventory shows a .359-acre wetland on the site (the only wetland in the entire 270-acre development) and a small stream exiting the southwest corner of the site. Neither of these features are noted on the plan and the proposal indicates the “pond” will be filled and the site will be graded.
- 2.) Conceptual architectural elevations for all structures and signs – Detailed architectural specifications are included for both building and signage design. Significant architectural detail and natural building materials appear to assure that buildings will be of high quality. Signs will be ground or monument signs and conform to the township zoning resolution.
- 3.) Provisions for utilities.
 - a.) Sanitary sewer – Triangle Realty, the optionee, has a contract with Delaware County to provide sewer service to this site. The County Commissioners intend to construct a lift station, force main and new gravity sewer that will extend to the Alum Creek facility. The developer will be building a pump station that will serve the overall Fox Haven Farms development. Pipes will be sized to serve additional lands to the west of this site. There is capacity to serve this development according to the Sanitary Engineer. A letter of service availability has been provided.
 - b.) Water – Del-Co water is available through a 6" water line on US 36. A service letter has been provided stating that a new water line will need to be extended to the site to provide the required water demand.
 - c.) Other utilities – Service letters have been provided for gas (Columbia Gas) and phone (Verizon). No letter for electric service is included.
- 4.) Relationship to existing and probably uses and surrounding areas – These commercial sites are

bounded by the highway to the north and other commercial or future commercial sites to the east and west. There are four existing residential parcels adjacent to the western commercial site, all of which are buffered with mounding and landscaping.

5.) Design of the open space and the proposed description of its use and maintenance – The plan states that open space is used throughout the site to break up large expanses of pavement. Open space is minimal, except where it forms a buffer along Dunham and Big Run Roads. The PCD code does not require a percentage of open space, but parking seems excessive and might be reduced to allow for a design that created less impervious surface and provided a more human-scale environment. No mention is made of sidewalks, which should be provided throughout the area, linking with the planned residential areas to the south.

6.) Specific statements of divergence, if any:

a.) Section 15.05.8 and 15.05.9, that side yard and rear yard setbacks be defined per plan.

Staff comment: *This is reasonable.*

b.) Section 15.07 F Site Development, requesting the existing pond and ditch to be removed for the natural development of the parcel.

Staff comment: *The pond is identified as a Palustrine Wetland on the NWI survey. The ditch is a potential drainage outlet for the site. This divergence should not be granted without a stormwater management plan.*

c.) Section 22.03 C.8 Free standing signs, to allow each parcel one monument sign, 24 s.f. maximum, in addition to two joint user signs for the two larger parcels.

Staff comment: *This is okay if the overall square footage of signs is not exceeded. The township may request that those uses with highway frontage also share joint signs, to reduce the overall number of signs.*

d.) Section 22.02A and 15.07 I, Sales Signage, to allow additional temporary sales signs for each out-lot.

Staff comment: *This is okay.*

e.) Section 22.02 A, Sales Signage, to allow condo and PRD sales signs on the highway frontage.

Staff comment: *Township should review the details of the signage plan, but staff suggests master development signs be co-located on joint signs to reduce sign clutter along US 36/SR 37.*

f.) Section 23.03 A1.a, Property Perimeter Landscape Requirements, to allow the 6' tall hedge and mound along US 36 and Dunham and Big Run roads be reduced to 3' tall along 36/37 and for the first 450' along Big Run Road.

Staff comment: *This is reasonable. The 3-foot height will screen headlights from parking areas and adjacent lands are either commercial or future commercial. The divergence on Big Run Road should be limited to the first 400' from 36/37.*

7.) Proposed locations of all structures and uses – Specific uses are not identified at this time, but a conceptual layout is included. The overall Fox Haven development has the elements of a town or village center, where buildings and uses are related to each other and arranged in a walkable, human-

scale environment, but this design misses that opportunity by completely separating the three uses (commercial, multi-family and single-family) with roads and berms. This plan should at least provide a network of connected walkways and bike trails within the entire community.

8.) Preliminary Traffic Impact Analysis – A preliminary analysis has been submitted which states that the overall development generates sufficient traffic to trigger the need for a full traffic impact study.

9.) Required design features:

- Access: The access to the commercial areas are appropriate (assuming the right-in/right-out is approved by ODOT). However, the east-west road through Site A must be a public road as it accesses not only the commercial land and the condos to the south, but also stubs to adjacent undeveloped land, (19.4-acre Paykoff site). Site B also needs a public road to stub to the east so that this road will eventually become the parallel access road as indicated in the Berlin Township Comprehensive Plan.
- Minimum tract size of 10 acres: Technically, there are two sites and the smaller does not meet this minimum. However, it is currently zoned Neighborhood Commercial and the rezoning allows for more township control for future uses. This is appropriate.
- Maximum commercial ground coverage of no more than 80%: The application states that this maximum will not be exceeded, but the design appears to have an excessive amount of parking. The layout is conceptual, so it will be up to the township and the final development plan process to assure that the final development does not exceed this coverage amount. Parking could be reduced by sharing spaces in a Village Center redesign.
- Lot widths, side yard and rear yard setbacks will adhere to the zoning code.
- Walkways and street trees: The only walkways indicated in the text of the plan are the paved areas directly around each building. Sidewalks with street trees and tree lawns should be provided throughout the commercial development. At a minimum, a sidewalk should be provided along the east-west public road, connecting to any internal walkway within the condo development.
- Pavement standards: The developer is committing to a 27' public street standard for all internal roads. These should be curb and gutter construction.

V. Other issues

Storm water – The code does not specifically require a storm water management plan, and no details have been provided. Site A will outlet its storm water to a pond in the PRD open space to the south. The plan for Site B shows all drainage will outlet directly into a roadside ditch on the east side of Big Run Road. In addition, the plan fills a wetland and removes a swale within Site B. Storm water management must comply with the County Engineers standards and will be reviewed during the subdivision process. A storm water management plan should be submitted that preserves or mitigates the wetland on site.

VI. Required Findings for PCD

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

- 1.) That the proposed development is consistent in all aspects with the intent, and general standards of this zoning resolution. **Staff finding:** *Yes, as part conceptual first step in a two-step process that allows for more detail in the future.*
- 2.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply. **Staff finding:** *Yes, if both Site A and Site B include sections of a public backage road that will someday connect. See alternate graphic.*
- 3.) That the proposed development advances the health, safety and general welfare of the township and the immediate vicinity. **Staff finding:** *Yes.*
- 4.) That the proposed plan meets all of the design features required in this resolution. **Staff finding:** *Yes.*
- 5.) That the proposed development is in keeping with the existing land use character and physical development potential of the area. **Staff finding:** *Yes.*
- 6.) That the proposed development will be compatible in appearance with the remainder of the district; **Staff finding:** *Yes.*

VII. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the zoning change from FR-1 and NC to PCD, for case 29-05Azon, *subject to the following staff comments:*

1. *That the applicant consider a Village Center design that relates to the other uses in the Fox Haven master development;*
2. *That sidewalks with street trees and tree lawns are added throughout the commercial development, connecting to the residential areas to the south;*
3. *That the divergence for side and rear yards be granted;*
4. *That the divergence for filling the pond not be granted and a storm water management plan be submitted for Site B;*
5. *That the divergence for an increase in the number of sales signs be granted, but that the developer use joint signs along US 36;*
6. *That the divergence for sales signage for each outlot be granted;*
7. *That the divergence to allow condo and single-family sales signs on commercial property to granted, but that the developer use joint signs where possible;*
8. *That the divergence to reduce the 6' buffer to 3' be granted on 36/37 and Dunham Road and for the first 400' on Big Run Road where there is no abutting residential use and facing the American Legion;*
9. *That the east-west road identified in the Comprehensive Plan be built through both Site A and Site B as a public road with a sidewalk and street trees and stubbing to the undeveloped Paykoff tract as indicated in the Alternate A graphic.*

Commission / Public Comment

Mr. Charlie Vince was present to answer questions from the Commission.

Mr. Laurien asked Mr. Vince if he was in agreement with the backage road parallel to U.S. 36 being a

public street. Mr. Vince stated that the road would be built to public standards and if the Township wants a public street then they would stub it in as a public street.

Mrs. Warthman made a motion to recommend Conditional Approval of the Fox Haven Farms, RPC #29-05A ZON, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

29-05B ZON Fox Haven Farms Ltd. – Berlin Twp. – 26.855 acres from FR-1 to PCD

Applicant: Fox Haven Farms, Ltd.

Location: South side of US 36, between Big Run Road and Dunham Road, Berlin Township.

I. Conditions

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Planned Commercial (PCD) and Preliminary Development Plan approval

Present Use: Open fields/former agriculture.

Proposed Uses: Condominium development with 120 units

Existing Density: 1 unit/acre in FR-1

Proposed Density: 5 units per net developable acre

School District: Olentangy

Utilities Available - Del Co Water, Delaware County sanitary sewer

Soils: BoA – Blount Silt Loam, 0-2% slope
BoB – Blount Silt Loam, 2-4% slope
GwB – Glynwood Silt Loam, 2-6% slope
GwC2 – Glynwood Silt Loam, 6-12% slope
PwA – Pewamo Silty Clay Loam, 0-1% slope

II. Project Description

As part of an overall 270-acre project that includes commercial land and single-family house lots, Fox Haven Farms Ltd. seeks to rezone land south of US 36/SR 37 to planned commercial to create 120 condominium units in 30 four-unit buildings.

III. Conformance with Local Comprehensive Plans

The Berlin Township 1999 Comprehensive Plan recommends single family residential at 1 dwelling unit per acre, but the Planned Commercial directly to the north was intended to be schematic and expandable. The request conforms to the plan's intent.

IV. Conformance with Development Standards

- 1.) Proposed size and location of the PCD district – The site is 26.85 acres, with no significant natural features or constraints. A power line easement runs through the middle of the site, totaling .272 acres of land.
- 2.) Conceptual architectural elevations for all structures and signs – Detailed architectural

specifications are included for both building and signage design. Significant architectural detail and natural building materials appear to assure that buildings will be of high quality.

3.) Provisions for utilities.

- a.) Sanitary sewer – As described in case 29-05A, Sewer will be available through extension to the Alum Creek facility. The developer will be building a pump station that will serve the overall Fox Haven Farms development. Pipes will be sized to serve additional lands to the west of this site. There is capacity to serve this development according to the Sanitary Engineer. A letter of service availability has been provided.
- b.) Water – Del-Co water is available through a 6" water line on US 36. A service letter has been provided stating that a new water line will need to be extended to the site to provide the required water demand.
- c.) Other utilities – Service letters have been provided for gas (Columbia Gas) and phone (Verizon). No letter for electric service is included.

4.) Relationship to existing and probable uses and surrounding areas – The condominiums form a transitional area between the proposed commercial development to the north and single-family residential area to the south. Multi-family condos form an appropriate transition between commercial and single-family, but the layout should take advantage of this by providing pedestrian connections. This design misses an opportunity to create a traditional neighborhood by completely separating the three uses (commercial, multi-family and single-family) with roads and berms. This plan should at least provide a network of connected walkways and bike trails within the entire community.

5.) Design of the open space and the proposed description of its use and maintenance – The condominium development includes two small squares within the road network that could serve as pocket parks. Otherwise, all adjacent open space is technically in the single-family development to the south, although the condo owners will benefit from its location. The application references a proposed Homeowner's Association. This association should oversee all open space within the multi- and single-family developments, thereby allowing use of all park areas to all residents. No mention is made of sidewalks or bikepath, which should be provided throughout the area, linking with the planned residential areas to the south.

6.) Specific statements of divergence, if any:

- a.) Section 23.03 A.1, that a landscape buffer not be required between the condos and the residential to the south.

Staff comment: *This seems reasonable, since there is open space between the developments, as long as the township requires the landscaping shown on the plan, which appears to shield headlights from the condo driveways.*

- b.) Section 15.05, request that net developable acreage calculation be changed to subtract only 7.5% for roads instead of the required 15%, since no right-of-way is dedicated in a condominium.

Staff comment: *Section 11.05 (j) of the Berlin Township Zoning Resolution states that the permitted density shall not be exceeded. The permitted density is calculated by determining the net developable area and dividing by the minimum acreage permitted in the underlying*

zoning district. If there were no wetlands, floodplains, slopes greater than 20 percent, bodies of water, or utilities right-of-way/easements, the maximum number of lots permitted on this site would be 114 (26.855 minus 15% for proposed streets and utilities multiplied by 5 equals 114 units). RPC staff calculates 0.09 acres for a stream buffer and .272 acres in a powerline easement. There are no floodplains or wetlands or slopes on the site. Using the formula the site would be permitted up to 112 units (26.855 acres minus 15% for proposed streets and utilities minus .362 acres multiplied by 5 equals 112 units). The requirement to account for 15% gross coverage for road right-of-way is intended to allow for pavement, as well as utility & drainage easements. There are no unique constraints on the site and adjacent open space is carved off to give density to the PRD to the south, when it could be used to gain the needed density within the condos. Given that this is part of an overall 270-acre master development, this divergence is unreasonable. Staff does NOT support the density divergence. If the township wishes to grant the 120 units, that will be their prerogative.

- c.) Section 22.02A, Sales Signage, to allow larger temporary signs until 75% of the units are sold and to allow placement of sales signs along the proposed commercial on US 36/SR 37.

Staff comment: Township should review the details of the signage plan, but staff suggests master development signs be co-located on joint signs to reduce sign clutter along US 36/SR 37.

- 7.) Proposed locations of all structures and uses – The overall Fox Haven development has all the elements of a town or village center, where buildings and uses are related to each other and arranged in a walkable, human-scale environment. According to the Berlin Zoning Code, multi-family is permitted in the PCD district, “as part of the architecture of the structure in a village setting.” Although there is no specific definition of “village setting”, it could be argued that the plan’s lack of integration between uses contradicts the typical village setting. This plan should at least provide a network of connected walkways and bike trails within the entire community.
- 8.) Preliminary Traffic Impact Analysis – A preliminary analysis has been submitted which states that the overall development generates sufficient traffic to trigger the need for a full traffic impact study.
- 9.) Required design features:
- Residential standards...for multi-family dwellings
- a.) Access: Access is appropriate, given that there are two entrances to the project. With the future extension of the east/west access road to the north of this project, it is desirable to have some sort of future connection to the north, if only as a pedestrian/bikeway access.
- b.) Open space: Not less than 10% of the total tract acreage must be set aside as useable common open space. The plan provides several areas of open space, with a total of 7.03 (26%) acres where 2.685 acres is required. Although the total amount includes berms and landscaped areas, which the code specifically excludes, the useable area is roughly 10% and meets the requirement.
- c.) Walkways and street trees: Interior sidewalks are not proposed for this development. Staff consistently states that sidewalks should be included in condominium developments. At a

minimum, a sidewalk with street trees and tree lawns should be provided along the east-west public road, connecting to any internal walkway within the condo development.

- d.) Pavement standards: Interior paved streets shall be 22' width, composed of roller-compacted concrete overlaid with asphalt pavement should be designed with a 20-year design life as a condition of zoning because condos do not require plats. Drives to units shall be minimum 12' width. The developer indicates that all private streets shall be curbed and have enclosed drainage. Staff concurs with these standards.

V. Other Issues

Storm water – The code does not specifically require a storm water management plan, and no details have been provided. The utility layout provided shows that the site will share three drainage basins with the commercial sites in case #29-05A ZON. Storm water management must comply with the County Engineer's standards. A storm water management plan should be submitted and approved by the County Engineer's office that shows the proposed basins are adequate.

VI. Required Findings for PCD

The Zoning Commission and Trustees may approve a Planned Commercial Development 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:** *Yes.*
- 2.) That the proposed development meets all applicable requirements of the Article and the Zoning Resolution. **Staff finding:** *The plan generally meets the requirements of the Article, except for density, which is improperly calculated. If the township wishes to grant the 120 units (112 permitted) that is their prerogative.*
- 3.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply. **Staff finding:** *Yes, Planned Commercial could be extended south from the strip that was schematically drawn along US 36.*
- 4.) That the proposed development advances the general welfare of the township and the immediate vicinity. **Staff finding:** *Generally, yes.*
- 5.) That the proposed plan meets all of the design features required in this resolution. **Staff finding:** *Yes.*
- 6.) That the proposed development will be compatible in appearance with the remainder of the district. **Staff finding:** *Since this is part of a master development including commercial, multi-family and single-family residential, all elements will be generally compatible in appearance and layout. More creativity could be used to integrate the entire development into a more pedestrian-oriented neighborhood.*

VII. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the zoning change from FR-1 to PCD, for case 29-05Bzon, *subject to the following staff comments:*

1. *Consider a "Village Center" design that relates to the other uses in the Fox Haven applications by creating a network of pedestrian and bike paths;*
2. *Build sidewalks on at least one side of internal streets;*

3. That the density divergence **not** be granted and that the total number of units be reduced to 112 units as prescribed in the zoning code; if the township wishes to grant the 120 units (112 permitted) that is their prerogative.
4. That the divergence for an increase in the size of sales signs may be granted if the developer uses joint signs along US 36;
5. That a connection to the north be added, even if it is only a pedestrian/bikeway connection, see “Alternate B” graphic;
6. That the divergence to allow condo and single-family sales signs on commercial property to be granted, but that the developer use joint signs where possible;
7. That a storm water management plan be submitted.

Commission / Public Comment

The applicant, Mr. Charlie Vince was present. He stated that they would add an inter-connector such as a bike trail or walk trail as suggested by staff. They have met with some surrounding residents and those they have spoken to are in agreement with this proposal. If the Township requires the density to be reduced they would comply.

Mr. Rick Gemienhardt, 881 Africa Road, stated that there was no formal notification to residents of this proposal and they are surprised by this request.

Mrs. Warthman asked if the application was in conformance with the current comprehensive plan. Mr. Laurien stated that area of this proposal on the comprehensive plan is shown at 1 unit per acre but it was discussed that the commercial areas could be expandable and specifically talked about this one being expanded and brought down into the area requested. He feels that the planned commercial here is in conformance with the Township’s intentions by history of the PCD revisions. It was talked about but not mapped. If you take the Planned Commercial that was just adopted and compute it correctly, the density would be 112 (not 120). So the density conformance to the PC district is not correct. If the Township wants to grant a divergence to 120, they can. The staff is recommending “no” on the extra 8 units since the plan was just adopted and they don’t see the need for the divergence.

Mr. O’Brien questioned where the water would come from to serve this project. Mr. Vince stated that Del Co Water is currently doing a study and will make recommendations and any necessary upgrades would be done.

Mr. O’Brien asked what the pump station could handle. Mr. Vince stated that there would be 2 pump stations and 51,000’ of sewer line. The new pump station would be located on or near the site and the second would be an upgrade at the Peachblow Road location. There would be 10 miles of sewer line. This pump station would serve north of Baker Rd. and south almost to Orange Rd.

Mrs. Warthman made a motion to recommend Conditional Approval of the rezoning request for Fox Haven Farms RPC#29-05B ZON, subject to staff comments #1-#7 with the addition of #8: Amend the Berlin Comprehensive Plan to expand the PCD for these 26.85 acres concurrently with this rezoning. Mr. Snajd seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained. Motion carried.

29-05C ZON Fox Haven Farms Ltd. – Berlin Twp. – 222.065 acres from FR-1 to R-2 with PRD overlay.

Applicant: Fox Haven Farms, Ltd.

Location: South side of US 36, between Big Run Road and Dunham Road, Berlin Township.

I. Conditions

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: R-2 with PRD overlay

Present Use: Open fields/former agriculture.

Proposed Uses: 245 single-family housing units.

Existing Density: 1 unit/acre in FR-1

Proposed Density: R-2/PRD net developable acreage/ 29,600 s.f. = units allowed

School District: Olentangy

Utilities Available - Del Co Water, Delaware County sanitary sewer

Soils: BoA – Blount Silt Loam, 0-2% slope

BoB – Blount Silt Loam, 2-4% slope

BeA – Bennington Silt Loam, 0-2% slope

BeB – Bennington Silt Loam, 2-4% slope

CaB – Cardington Silt Loam, 2-6% slope

GwB – Glynwood Silt Loam, 2-6% slope

GwC2 – Glynwood Silt Loam, 6-12% slope

PwA – Pewamo Silty Clay Loam, 0-1% slope

II. Project Description

As part of an overall 270-acre project that includes 189,567 s.f. of commercial and 120 condominiums, Fox Haven Farms Ltd. seeks to rezone land south of US 36/SR 37 to R-2 (Low Density Residential) with a PRD overlay to create 245 single-family housing units.

The design provides two connections from existing streets: one from Dunham Road and one from Big Run Road. In both cases, continuous traffic will enter the site from the north, while traffic wishing to continue on the existing roads will make a turn. This should reduce the impact on existing roads. On Dunham Road, a continuous right turn land is provided for north-bound traffic. A second egress to Dunham Road is needed, off the loop street north of the east/west power line. This would eliminate the need for a connection south of the east/west power line to Dunham Rd., other than a stone or asphalt path that could be used as emergency access.

The plan includes a network of loop streets, with a minimal number of cul-de-sacs. An emergency access is planned from the southern-most cul-de-sac to existing Dunham Road. Open space is provided around the periphery of the site, with mounding buffers along the eastern boundary shielding existing homes on the east side of Dunham Road. Open space is also shown along a 150'-wide north-south electrical easement and two east-west easements bisecting the site totaling 225'.

There are two distinct “neighborhoods” with 27 large lots at the southern end of the development and 218 small lots to the north. Small lots on the north side of the 225' easement are generally 13,500 s.f. with 90' frontage. Lots south of the easement are generally 25,000 s.f. or larger with 100' of frontage, to serve as a compatible transition to the existing homes on the east side of Dunham Road.

III. Conformance with Local Comprehensive Plans

The Berlin Township 1999 Comprehensive Plan recommends single family residential at 1 dwelling/2 acres and 1 d.u./acre. The request does not conform to the plan, which did not anticipate sanitary sewer at this site. The township has been discussing possible revisions to residential densities where sewer service can be provided but to date no revisions have been made. Staff has taken such revisions into consideration and believes some density increase is reasonable.

IV. Conformance with Development Standards

- 1.) Lot size and frontage – The PRD overlay stipulates that lot size and frontage a per plan.
- 2.) Density – Section 11.05 (j) of the Berlin Township Zoning Resolution states that the permitted density shall not be exceeded. The permitted density is calculated by determining the net developable area and dividing it by the conventional lot size of the underlying zoning district. If there were no wetlands, floodplains, slopes greater than 20 percent, bodies of water, or utilities right-of-way/easements, the maximum number of lots permitted on this site would be **277** (222.065 minus 15% for proposed streets and utilities divided by 29,600 s.f. equals 277 houses). RPC staff calculates 23.493 in utility easements, .507 acres of floodplain, 3.593 in a streams buffer, .290 in slopes over 20%. There are no wetlands on the site. Using the formula the site would be permitted up to **236** houses (222.065 acres minus 15% for proposed streets and utilities minus 27.883 acres divided by 29,600 s.f. equals 236.48 houses).

The discrepancy between the plan’s calculation of 245 total units and staff’s 236 appear to be a difference in the stream buffer figure used and the fact that the code subtracts 15% for roads from the gross acreage where the applicant has subtracted it from the net developable acreage.

In considering what might be recommended for density on a revised comprehensive plan, the 245 units are within a range of what staff would recommend, so the 245 number is acceptable to staff.

- 3.) Open space – Section 11.05 (l) requires a minimum of 20% open space or 44.41 acres. The applicant proposes 92.77 acres or 41.77%. The code also requires a design of the open space and the proposed description of its use and maintenance. The design includes three open space “squares” in the southern portion of the site. Since most of the open space is natural, passive open space, the township should ask that these smaller pocket parks be developed for active recreation.
- 4.) Conceptual architectural elevations for all structures and signs – Detailed architectural and material specifications are included for buildings. Significant architectural detail and natural building materials appear to assure that buildings will be of high quality.
- 5.) Provisions for utilities.
 - a.) Sanitary sewer – As discussed in case 29-05A, sewer will be available through extension to the Alum Creek facility. The developer will be building a pump station that will serve the overall

- Fox Haven Farms development. Pipes will be sized to serve additional lands to the west of this site. There is capacity to serve this development according to the Sanitary Engineer. A letter of service availability has been provided.
- b.) Water – Del-Co water is available through a 6" water line on US 36. A service letter has been provided stating that a new water line will need to be extended to the site to provide the required water demand.
 - c.) Other utilities – Service letters have been provided for gas (Columbia Gas) and phone (Verizon). No letter for electric service is included.
- 6.) Relationship to existing and probable uses and surrounding areas – The development attempts to preserve tree lines where possible, and buffers adjacent existing homes with mounding and landscaping. Larger lots are provided near existing homes in the southern portion of the peninsula.
- 7.) Specific statements of divergence, if any:
- a.) Section 11.05c Landscape Plans, request for individual home sites to be submitted at the time of building permit application.
Staff comment: *This is reasonable.*
 - b.) Section 11.05v, that rear yard setbacks be reduced from 50' to 30' to avoid variance requests for decks and patios.
Staff comment: *Given the fact that more open space is provided than required by the code, it is questionable that rear setback divergences are needed. Divergence recommended if needed, on a case-by-case basis.*
 - c.) Section 11.05x, to not require that garages be setback from the front building line.
Staff comment: *This standard is provided to avoid fully projecting, front-load garages on narrow lots. The proposed lot width of 90' should not propose a hardship from meeting this standard. The Zoning Resolution requires this setback for developments without on-street parking. This development will include a 27' wide street that accommodates on-street parking; therefore the divergence is not necessary. Divergence recommended for side-load garages and for front-load garages to be flush with the front of the house. No divergence for front-load garages to extend in front of the building line of the main house or its porch.*
 - d.) Section 21.03 Structure Separation, to allow 5' side yard setbacks without requiring principal structures not to have exterior openings on the sides. Applicant notes that the county's Building Code has such regulation for houses with a 3' side yard (6' apart).
Staff comment: *This should not be an issue with 90' lots. The code requires 8' for houses and 5' for an attached garages. Staff would not want to encourage houses without exterior openings on the side, but do not feel a divergence is necessary.*
 - e.) Section 21.09 11, Residential Driveways on single-family lots shall not be required to provide an open area for emergency turnaround.
Staff comment: *This is a reasonable request for divergence. This portion of the code should be revised to apply to driveways of a defined minimum length.*

f.) Section 22.02 A, Signs for Sale or Lease, to allow the 6 s.f. maximum sales sign be increased to 32 s.f. and that an additional sign be allowed in the commercial area along US 36/SR 37.

Staff comment: *The township should review the details of the signage plan, but staff suggests master development signs be co-located on joint signs to reduce sign clutter along US 36/SR 37. Staff would support one 32 s.f. sale/lease sign on Big Run, one on Dunham Road and one on US 36 in the commercial area.*

g.) Section 23.03 A.1, Request that property perimeter landscape buffer not be required between PRD north boundary and PCD condominium since both uses are residential.

Staff comment: *This seems reasonable, since there is open space between the developments, as long as the township requires the landscaping shown on the plan, which appears to shield headlights from the condo driveways.*

V. Other Issues

- 1.) Sidewalks – Sidewalks and street trees shall be located on both sides of all streets in the development. Pathway connections shall be provided along the entry feature areas. The developer requests that street trees be allowed in the 5' tree lawn, staff concurs.
- 2.) Street layout – The design includes on Common Access Drive extending from the end of a cul-de-sac next to a small ravine. As a subdivision issue, the CAD will be analyzed in the sketch plan and subdivision phase. Given the size of the layout and the amount of open space provided, a CAD at this location seems unnecessary.
- 3.) Storm water – The development will utilize a number of retention ponds for storm water management. Storm water management must comply with the County Engineer's standards and will be reviewed during the subdivision process. Also, several basins completely cross electrical easements. AEP's standards require a minimum corridor width of 30 feet be available so that large vehicles can drive the length of the right-of-way without restriction.
- 4.) Emergency services – Two letters are included from the Berlin Township Fire Department, one states the need for additional water supply, which is being coordinated through Del-Co. It also lists the requirements for turning radii for cul-de-sacs, which will need to be used in the final design. A second letter states that the emergency access road at the southern tip of the project may not be accessible during certain inclement weather. Chief Bechstein recommends a "one-way" in-bound road that would allow entrance for emergency vehicles and could also be used for Dunham Road residents in an evacuation. Considering the proposed road layout, it is unlikely that "cut through" traffic would be a concern. Staff concurs with the Fire Chief.

VI. Required Findings for PRD

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:** *Yes,*

- 2.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply. **Staff finding:** *No, the density is higher than the 1 unit per acre recommended, but the 245 s.f. units is reasonable based upon the provision of sewer.*
- 3.) That the proposed development advances the general welfare of the township and the immediate vicinity. **Staff finding:** *Yes.*
- 4.) That the proposed plan meets all of the design features required in this resolution. **Staff finding:** *Except for the divergences requested, yes.*
- 5.) That the proposed development is in keeping with the existing land use character and physical development potential of the area. **Staff finding:** *Yes.*
- 6.) That the proposed development will be compatible in appearance with the remainder of the district; **Staff finding:** *Yes.*
- 7.) That the minimum open space as required herein has been provided. **Staff finding:** *Yes.*

VII. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the zoning change from FR-1 to R-2/PRD overlay, for case 29-05Czon, *subject to the following staff comments:*

- 1.) *Add a second access to Dunham Road north of the large east/west powerline;*
- 2.) *That the divergence for individual house lot landscape plans be granted;*
- 3.) *That the reduction in rear yard setback be granted, but reviewed on a case-by-case, as-needed basis by the zoning officer;*
- 4.) *That the divergence for garage setback be partially granted as stated in (IV)(7)(c) above;*
- 5.) *That the divergence for reduction of side yard setback is unnecessary and therefore, is not recommended;*
- 6.) *That the divergence from the requirement that driveways allow for emergency turnaround is reasonable and should be granted;*
- 7.) *That the divergence for increased sales signage be granted as stated in (IV)(7)(f) and that signs should be co-located on master development signs;*
- 8.) *That the divergence for a reduction in landscape buffer between the single-family residential and the condominiums be granted;*
- 9.) *That the proposed Common Access Drive is not supported by the staff and that further review will be necessary at the time of subdivision;*
- 10.) *That storm water basins under electric easements be redesigned to allow 30 feet of access within the easement;*
- 11.) *That the southern emergency access road be built as a bike path of pea stone or asphalt construction, wide enough to accommodate an emergency vehicle.*

Commission / Public Comment

Mr. Charlie Vince was present.

Mr. Rick Gemienhardt, 881 Africa Rd., stated according to the criteria for approval, this plan does not conform to the Comprehensive Plan. Residential input is needed. He quoted Mr. Smelker as saying that in order to break even on a new sewer plant you need at least 0.7 units per acre. When you add the single family and condominium developments together, this project is close to 1.5 units per acre. There is litigation right now in Federal Court with density versus the comprehensive land use plan.

Mrs. Warthman asked if it was appropriate that a condition be added to the staff recommendation that in this instance that the Township review the Comp. Plan first and then determine the density for this site. Mr.

Laurien agreed, that sequence would be better. If you want to be strictly consistent with the 1999 Comprehensive Plan then it doesn't conform to the comprehensive plan and the recommendation would have been to deny it. On the other hand, when the 2004 Sewer Master Plan was being written, the great fear was that Berlin Twp. was going to be annexed away and if they didn't get sewer as a weapon they would not be able to fight back. Then the issue was when we have it as a weapon, what density does it need to be? There was discussion if it would be feasible at 1 unit per acre and the answer was generally "yes". The difference between Summerwood Subdivision and the other developments is existing infrastructure, this is two big lift stations and 10 miles of sewer line. The Township knew they needed to increase residential densities along arterial streets that were going to be sewerred to be competitive.

Mr. Laurien asked Mr. Vince if he could hold this piece and go to the Township and have the density discussion with them. Mr. Vince said he thinks the Township should consider this as the type of development in this area. There should be commercial along 36/37 with some transition zone behind it with the density of 1.25 units / acres of residential. This is an example of what should go in this area. He doesn't feel it is out of line with the past discussions. He would be building the sewer line and if the Comprehensive Plan discussions take a year, there wouldn't be a sewer line.

Mr. O'Brien stated that he does not want to lose this land to the City of Delaware by delay. The BZC should consider this plan.

Mrs. Warthman stated that the Comprehensive Plan should be reviewed first and consider changing this segment of the Comprehensive Plan.

Mr. Shoaf made a motion to recommend Conditional Approval of the rezoning case by Fox Haven Farms RPC#29-05 C ZON, subject to staff comments #1-#11, with the addition of #12 – that the Township Comprehensive Plan for this specific area be reviewed and considered concurrently for amendment. Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

V. SUBDIVISION PROJECTS

Preliminary

13-05 The Oaks, Sections 1 & 2- Concord Twp. - 43 lots / 34.74 acres

Applicant: Trec Development, Inc.

Subdivision Type: Single-family Residential

Location: 7931 Harriott Road, Concord Township.

Current Land Use: Twin Oaks Golf Course.

Zoned: Planned Residential District, (PRD)

Utilities: Del Co Water, Tartan Fields sanitary sewer w/ land application

School District: Dublin

Engineer: RD Zande

I. Project Description

The Oaks is a proposed subdivision of 43 lots on 34.78 acres (1.24 units/acre). It is located on the south side of Harriott Road approximately 2,100' west of Concord Road. Surrounding land use includes the Tartan Fields subdivision to the south and west, Woods of Glen Erin to the east, and large lot single family residences along Harriott Road. Portions of the Tartan Fields golf course are immediately south and southwest of the site. This property is currently utilized as the Twin Oaks golf course. It is rolling with a steep ravine along the east/southeast boundary. A series of drainage courses flow west to east into the large ravine. An existing pond is located at the north end of the site and will be used for stormwater retention. The existing clubhouse near the pond will be razed.

The design minimizes the impact on the sites natural characteristics by utilizing cul-de-sacs and a CAD. Allen Drive is the main road into the site terminating in a cul-de-sac. Shatto Lane, Dennison Court, and Ginger Place are short cul-de-sacs on small ridges east of the main road. A 6-lot CAD is proposed off the end of Allen Drive in an area containing a 15' deep ravine. The CAD follows the contours in a wide area of the ravine then branches to the northeast and south. This CAD exceeds the 3 lots permitted by the Delaware County Subdivision Regulations and requires a variance (variance request is on this agenda). Three lots have frontage on Harriott Road but 2 will take access from Allen Drive. Four open space reserves totaling 4.01 acres (11.46 %) are proposed throughout the development. The minimum lot size is 16,800 s. f.

A technical review was held on April 19, 2005, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **The Oaks, Sections 1 and 2.**

Commission / Public Comment

Mr. Kevin Kershner was present for the applicant.

Mr. Snajd made a motion for Preliminary approval of The Oaks, Sections 1 and 2. Mr. Jordan seconded the motion. VOTE: Majority For, 1 Opposed (Liberty Twp.). Motion carried.

26-04 Fairways at Blue Church – Kingston Twp. - 251 lots / 605.76 acres

Applicant: Robert Weiler, c/o Siemer Land LLC
Subdivision Type: Single-Family Residential
Location: Northeast corner of Blue Church Rd and Rosecrans 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 (formerly known as Kingston Estates) includes 251 single-family lots on 605.76 acres. The plan indicates 27.23 acres of passive open space, which is primarily for storm water reserves. The development has a gross density of 0.41 du/acre and an average lot size of 2.1 acres. This development will be served by the Northstar's land application sewage treatment facility.

The applicant has proposed to realign Blue Church Road south of Wilson Road to align with Blue Church Road north of Wilson Road. This realignment was recommended by the 2002 Delaware County Thoroughfare Plan. Two access points are provided off Blue Church Road, one access off Rosecrans Road and one access off State Route 61. Each entrance will have a left turn lane except for along Rosecrans Road. A traffic study was completed by Traffic Engineering Services, Inc. in December 2004 for this development and the applicant has demonstrated intent to satisfy all comments during final engineering.

The road configuration within this development contains a series of loop and cul-de-sac streets. All proposed lots will take access off internal streets except for those lots along the realigned portion of Blue Church Road. The applicant is continuing to work with the County Engineer's office to resolve road and drainage engineering issues. The Engineer's office has verified that outstanding issues are resolvable and is agreeable to the preliminary plan.

An environmental study was completed by Weller & Associates on October 27, 2004 for this site. Potential wetlands and archeological sites were examined to minimize impacts of the subdivision on these critical resources. Wetlands are delineated on the preliminary plan and the archeological sites were determined to be random and not have a reason for concern.

A technical review was held in October 2004 and January 2005. Revised plans were received at 10:30 AM on April 28th, 2005. The following comments are still outstanding:

- **Sanitary Sewer:** The OEPA permit-to-install (PTI) for the Northstar sewer plant will be a requirement of final plat approval. The Co. Sanitary Engineer has approved the sewer plans for preliminary approval.
- **Zoning Conformance:** Dave LaValle, Kingston Township Zoning Officer, has not completed his review for zoning conformance.
- **Engineering Variance:** To get the design speed on Blue Church Road a variance will be needed from the County Engineer's standards to allow for Blue Steeple Way to join Blue Church Road on a section of the radius. Two of three Township Trustees have contacted DCRPC and agreed to resolve the road issues (speed and vacation on Blue Church) subsequent to a Preliminary approval.

- Old Blue Church Road: Plans need to specify the future of the abandoned portion of Blue Church Road, south of Wilson Road.
- Reserve Lots: Reserve lots are not consistently labeled.
- Road Names: Blue Chapel Way needs one new name for its center loop.
- Wetlands: The U.S. Army Corps of Engineers should document receipt and approval of the wetlands study that was completed.

The applicant should be aware that the preliminary plan will need resubmitted for staff review if any major lot configuration and/or street alignment changes are made as a result of conditions made by the RPC's preliminary plan approval.

II. Staff Recommendation

Staff recommends *Conditional Approval* of the Preliminary plan of **The Fairways at Blue Church Subdivision** to the RPC, *subject to*:

1. *The applicant remitting payment of \$568 for lots that were added to the plan since initial application.*
2. *The PTI for the sewer treatment plant being issued by the OEPA and appropriate off-site easements being secured prior to final plat approval.*
3. *Verification being supplied by Kingston Township that the plan conforms to local zoning.*
4. *Approval of the variance request with the County Engineer for the northern intersection of Blue Church Road and Blue Steeple Way.*
5. *An agreement being made with the Kingston Township Trustees regarding the realignment of Blue Church Road and vacation of a portion of Old Blue Church Road.*
6. *Consistently labeling all reserve lots.*
7. *Road names being approved by the Delaware County Map Department.*
8. *The U.S. Army Corps of Engineer's acceptance of the Weller & Associates environmental study.*

Commission / Public Comment

Mr. Dick Brahm, attorney with Plank & Brahm was present to represent the applicant. He stated that they would work on all outstanding issues.

Ms. Tracy Trout, Kingston Twp. resident, asked that the Commission table the application in order to give the Zoning Officer more time to review the application.

Mr. Dave Lavalley read a letter from Trustee Chairman Dan Basham addressed to the Commission dated April 28, 2005:

“Dear Regional Planning Commission, I’m sorry I can not be at the meeting tonight in person but I had to be out of town. I just recently gained knowledge that the Weiler Group is asking for approval for conditional usage on the Fairway at Blue Church. To date, the trustees have not seen this request. I am asking via this letter that the Regional Planning Commission place this request on hold for at least 30 days until the Kingston Township Trustees have had a chance to review. Thank you. Dan Basham, Chairman-Kingston Township Trustees.”

Mr. Lavalley made a motion to request a postponement of the review for the Fairways at Blue Church for at least a 30-day period to allow the Kingston Twp. Trustees to become informed of this proposal.

Chairwoman Foust stated that she heard “conditional use” in the letter. Mr. Lavalley said that is correct.

She asked what relationship does that have to a conditional approval of a preliminary plat? Mr. Lavalley was not sure, perhaps it was an error or Mr. Basham misunderstood the correct terminology. Chairwoman Foust stated that the options the Commission has for a plan is to approve or deny. The Commission does not have the authority to request a table. The applicant would have to request a tabling. Mr. Laurien agreed.

Mr. Laurien stated the revisions for this plan were submitted Monday. He was not aware of a significant difference because the main change was the alignment of Blue Church Road. It's not a rezoning, it's a straight zone (2 acre lots). The Engineering Department has reviewed the plan and has checked off all the items that were noted for revision in January and said it is ok for Preliminary. The Sanitary Engineer has reviewed the sewer plans and is in agreement for a Preliminary approval. After Preliminary approval the applicant can submit application for a P.T.I. with the OEPA. He agreed there should have been time for the Township to review the plan. He has spoken to the other two Trustees that are in town. Sally Joiner and Bill Shively are willing to resolve the vacation of the ROW for the sharp curve on Blue Church later. It doesn't have to be done by tonight. They were willing to discuss the lowered speed limit also. They have already asked for a lower speed limit on the new portion of Blue Church. They like the realignment of Blue Church. Both said they were comfortable with the plan and if the Commission were ready to give a conditional Preliminary approval they would go along with that.

Ms. Louise Douce, Kingston Twp. resident, said that this was the first time she heard that the project would be on central sewer. And that is a new issue. Mr. Laurien stated that it is not a subdivision issue. The issue is whether water and sewer can be provided or wells and septic systems. Those are issues for other governmental agencies to decide if they are available. Platting is conformance to zoning, road drainage, sewer etc.

Mr. Lavalley withdrew his motion to request the applicant to table the plan and made a new motion to deny The Fairways at Blue Church.

Mr. Brahm stated that this is essentially the same plan reviewed for the last three months. A technical review was held and the County Engineer suggested and wanted certain adjustments in regards to the road connections. Those are the changes that were made. The Subdivision Regulations do not require a Township to approve the preliminary plan, only the final plat.

Chairwoman Foust asked the Commission if there was a second to Mr. Lavalley's motion to deny. The motion failed for a lack of a second.

Mr. Clase clarified that the revisions were submitted on Monday as required, the April 28th revisions were made due to additional comments from the County Engineer.

Mr. Spanner made a motion to recommend Conditional Preliminary Approval of The Fairways at Blue Church, subject to staff comments. Mr. Jordan seconded the motion. VOTE: Majority For, Few Opposed. Motion carried.

Applicant: Planned Communities LLC
Subdivision Type: Single-Family/Multi-Family Residential and Commercial
Location: Intersection of Lewis Center and U.S. 23, Liberty & Orange Twps.
Current Land Use: 2 Homes, Agriculture & Woods
Current Zoning: SFPRD/MFPRD/PC in Orange Twp. & PR in Liberty Twp.
Critical Resources: Many ravines (streams) feeding into the Olentangy River
Utilities: Del-Co Water and County Sewer
School District: Olentangy Local School District
Engineer: Tiffany Jenkins, Floyd Browne Associates, Inc.

I. Staff Comments

Olentangy Crossings includes 111 single-family lots, two large multi-family tracts and 5 commercial lots. This development received preliminary plan approval on March 25th, 2004. The applicant is proposing to revise their approved plan to include the following modifications:

- Divide previous “Section 1” (east side of U.S. 23) into 3 new sections.
- Extend Old Ironside Lane (proposed street) to the south.
- Update plan with Map Department approved road names.
- Include the 8 single-family lots off Olentangy Crossings West cul-de-sac in Liberty Twp.
- Remove “Street T” on the east side of U.S. 23.
- Show the Preservation Parks property.

Other elements of the plan remain unchanged. Multi-family development will be located on the eastern side of the site and single-family will be located on the western side with commercial lots fronting on U.S. 23 in the middle.

Commercial lots along U.S. 23 will not have direct access to the highway. The proposed parallel access road to the west is Artesian Run, which will extend north from the extension of Lewis Center Road into the subdivision. Olentangy Crossings (proposed street) will be signalized at U.S. 23 and extend east to the Olentangy High School. The existing signal at Lewis Center Road will remain and align with Coal Bend (proposed street) to the west. The single-family portion contains a series of loop streets and cul-de-sacs.

This development contains 11 open space parcels, totaling 21.11 acres and a 59.08 acre park that is currently owned by Preservation Parks of Delaware County (totaling 32.2% of the development). These open space/park parcels are used to buffer adjacent uses from the proposed commercial development and provide recreation, preservation, and storm-water management areas.

Surrounding land uses include Olentangy High School to the east, Olentangy Shanahan Middle School to the northeast and single-family homes in Orangewick Subdivision to the north and Westview Acres to the south. Big Run is directly west and feeds into the Olentangy River with wooded ravines, agricultural fields and scattered single-family residents surrounding the site. There is an abandoned gas station at the southeast corner of U.S. 23 and Lewis Center Road.

A technical review was held on April 19, 2005, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary approval* of the **Olentangy Crossings Subdivision, Sections 1-6**, to the RPC.

Commission / Public Comment

Mrs. Tiffany Jenkins with Floyd Browne Group was present to represent the applicant, Planned Communities.

Chairwoman Foust stated that there are a few zoning items to be added to the plat prior to final; minimum lot size on lot #105 needs to be looked at, the park should be labeled natural green space and the informational block needs a space for the Liberty Twp. Zoning Officer signature. Mrs. Jenkins said that she would take care of those items.

Mr. Ward made a motion for Conditional Preliminary approval of Olentangy Crossings Sections 1-6 subject to issues raised by Chairwoman Foust. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

29-04 The Woods at Wild Cat Run – Liberty Twp. -12 lots / 23.02 acres

Applicant: Barric & Connie Thompson
Engineer: Mark Cameron, CPS Consulting Group LLC

I. Staff Comments

The applicant is requesting a 60-day tabling to address concerns of the Delaware General Health District. This application has received 2 prior 60-day tablings since its submittal in December 2004.

II. Staff Recommendations

Staff recommends *Approval* of the 60-day tabling request for **The Woods at Wildcat Run, Sections 1 & 2** to the RPC.

Commission / Public Comment

No one was present to represent the applicant.

Chairwoman Foust asked if the applicant had used all the table requests. Mr. Laurien stated that they had used 120 of the 180 days. Chairwoman Foust disagreed with allowing the applicant more than 2 requests (for 90 days each).

Chairwoman Foust stated that the plan is not ready for review. There are several zoning items that need to be addressed prior to receiving zoning approval. She also understands there are some outstanding issues with the Health Department.

Mr. Ward made a motion to approve the 60-day tabling of The Woods at Wild Cat Run. Mr. Snajd seconded the motion. VOTE: Majority For, 1 Opposed (Liberty Twp.). Motion carried.

10-05 Lake Shore – Orange Twp. - 41 lots / 30.88 acres

Applicant: Silvestri Homes
Subdivision Type: Single-family Residential
Location: East side of South Old State Road, 4300' north of Orange Road, Orange Twp.
Current Land Use: Vacant
Zoned: Single Family Planned Residential District, (SFPRD)
Utilities: Del-Co water and public sanitary sewer
School District: Olentangy
Engineer: Civil and Environmental Consultants, Inc.

I. Staff Comments

The proposed development, contains 41 lots on 30 acres (1.36 units/acre). Surrounding land use includes the Parkshore subdivision to the north and east, Del-Co water treatment facility and reservoir to the south, and the future Alum Crossing subdivision across Old State Road to the west. The front half of the site is generally flat and open, the back half is wooded. The development will connect to Parkshore subdivision to the north via Sea Drive. A single access is provided from South Old State Road, across from Alum Crossing. The internal layout is intended to leave the ravines as open space (9 acres / 30 % of site) with 2 additional reserves proposed at the entryway (0.5 acres). A large retention pond would be constructed in the smaller ravine. The minimum lot size is 14,400 s. f.

A technical review was held on March 15, 2005, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **Lake Shore** to the RPC.

Commission / Public Comment

Mr. Brian Macy was present to represent Silvestri Homes.

*Mrs. Warthman made a motion for Preliminary Approval of Lake Shore, seconded by Mr. Snajd.
VOTE: Unanimously For, 0 Opposed. Motion carried.*

19-04 McCammon Estates (revised) – Orange Twp. - 171 lots / 100.01 acres

Applicant: M/I Homes of Central Ohio, LLC
Subdivision Type: Single-family Residential
Location: 3350 E. Orange Road, Orange Twp.
Current Land Use: 2 Single family residences, agriculture, and vacant land
Zoned: Single Family Planned Residential District, (SFPRD)
Utilities: Del-Co water and County sewer
School District: Olentangy
Engineer: EMH&T

I. Staff Comments

McCammon Estates is a proposed 171-lot subdivision on 100 acres (1.71 du/acre) on the south side of Orange Road approximately 1 mile east of South Old State Road. The site contains 2 existing residences (to be removed), an overhead electric power line, and a series of east/west ravines feeding Alum Creek to the east. Surrounding land use is mostly PRD subdivisions including Walker Wood to the south, McCammon Chase to the north, Wilshire Estates (proposed) to the west. Also to the west is the site of a future Olentangy middle school. The land to the east backs up to I-71 and is undeveloped. McCammon Estates was rezoned to SFPRD in May 2004 (RPC # 63-03 Zon).

This subdivision was previously approved in June 2004. Due to some modifications in the design, the RPC must approve a revised preliminary plan. Changes include the elimination of a cul-de-sac (Lytham Court on previous plan), shifting the southern CAD entrance from Autumn Applause Drive to Walker Wood Blvd., and reducing the lot depths along Orange Road to create an open space reserve strip for a bike path. Also modified was the grading for the northern CAD at the terminus of McCammon Drive to be more sensitive to the existing topography. These changes have eliminated only 1 lot from the previous plan.

The proposed subdivision will extend Walker Wood Blvd along the west side of the site to connect with Orange Road opposite Abbey Knoll Drive. A portion of the Olentangy Schools' property will be dedicated to the County to accommodate the alignment. A series of streets extend east from Walker Wood Blvd in between 4 ravines providing access to lots. Three of those streets stub to the east property line for future extension into the undeveloped tract to the east. Two additional streets extend to the west for connection to the proposed Wilshire Estates subdivision. Two CADS are proposed in areas of steep slopes to minimize disturbance. There will be 25.8 acres of open space throughout the development, most of which is intended to be unmaintained passive recreation (ravine preservation). "No-build" zones are established along the rear of many lots backing up to the ravines for additional preservation. Stormwater detention is proposed within the ravines. The developer has been working with the Soil and Water District, County Engineer, and the Army Corps of Engineers to obtain approval for detention within these ravines. All of the lots will utilize Del-Co water and County sewer.

A technical review was held on April 19, 2005, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of (*revised*) **McCammon Estates**, to the RPC.

Commission / Public Comment

Mr. Drew Sanderell of EMH & T was present to represent the applicant.

Mrs. Warthman made a motion for Preliminary approval of the revised McCammon Estates. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (*none*)

CONSENT AGENDA

Final

03-03.2 Vinmar Farms, Section 2 – Genoa Twp. - 39 lots / 21.33 acres

Applicant: Dominion Homes
Subdivision Type: Single Family Residential
Location: West side of Old 3C Highway, North of Big Walnut Road
Current Land Use: vacant/former agricultural
Zoned: PD-1 (Planned Residential District)
Utilities: Del-Co Water, public sewer system
School District: Big Walnut
Engineer: EMH&T

I. Staff Comments

Vinmar Farms is a three-phase subdivision on a relatively flat parcel with an intermittent stream crossing the northeast corner and into the Hoover Reservoir to the east. The overall preliminary was approved on January 30, 2003. Section 1 is the northeastern portion of this development.

Section 2 consists of 39 lots on 21.34 acres. It extends Marrissey Loop south, then west from Section 1 and terminating at the west boundary where it will eventually be extended into the future Section 3. Presidium Loop is on the north side of Marrissey Loop and circles a 1.389 acre open space reserve. A second open space reserve (0.982 acre) is located at the east end of the subdivision and contains a proposed 12' wide asphalt pedestrian pathway that will also be utilized for emergency access to Vinmar Farms. A final open space reserve (3.506 acres) is provided along the north side of this section to combine with an existing reserve in Section 1 to provide a large common area for all of Vinmar Farms. The lots in Vinmar Farms are typically 10,400 s. f.

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 **Vinmar Farms, Section 2** to the RPC.

Commission / Public Comment

Mrs. Warthman made a motion for Final approval of Vinmar Farms, Section 2. Mr. Jordan seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

08-05 Forest Trail – Harlem Twp. - 02 lots / 05.01 acres

Applicant: Tim Loudermilk and Francis Rocco
Subdivision Type: Single Family Residential (CAD)
Location: South side of Orchard Road, 680 feet east of Harlem Road
Current Land Use: vacant woods
Zoned: FR-1
Utilities: Del-Co Water, on-lot sewage disposal system

School District: Big Walnut
Engineer: Scioto Land Surveying Service

I. Staff Comments

Forest Trail Subdivision is a two-lot subdivision taking access from the end of Orchard Road. A Common Access Drive located in a 60' x 60' easement will be used to access the two lots. Because the road was not built to the end of the right-of-way, the CAD will be extended to the edge of the existing pavement. Lots will use elevated mound systems for sanitary disposal. Surrounding lots on the west end of Orchard Road are between .7 and 1-acre in size. Lots on the east end of Orchard are all around 5 acres.

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 **Forest Trail** to the RPC.

Commission / Public Comment

Mrs. Warthman made a motion for Final approval of Forest Trail. Mr. Jordan seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-04 Windsong – Liberty Twp. - 12 lots / 10.86 acres

Applicant: Theodore Uritus
Subdivision Type: Single-family Residential
Location: Between 7975 & 8059 Steitz Rd., south of Home Rd., Liberty Twp.
Current Land Use: Vacant
Current Zoning: Planned Residential (PR)
Utilities: Del-Co Water and County Sewer
Critical Resources: None
School District: Olentangy Local School District
Engineer: Jared Knew, Geo-Graphics, Inc.

I. Staff Comments

The applicant is proposing 11 lots on 10.86 acres. These lots are located on Hunter's Bend Road off of Steitz Road. Hunter's Bend Road is proposed to align with the entrance to Liberty Village Subdivision on the west side of Steitz Road. The development plan prescribes Hunter's Bend Road to stub to the undeveloped tract to the south with a temporary t-turnaround. Lots range in size from 0.53 acres to 1.12 acres. A 0.51 acre reserve lot is shown south of the entrance to this development to serve as a detention basin for stormwater management.

Staff conducted a site review (03-15-S) of this property on May 15, 2003 and recommended rezoning (32-03 ZON) of the site to Planned Residential (PR) on June 26, 2003. The preliminary plan was approved on May 27th, 2004.

Surrounding land uses include Golf Village, Section 7, Phase A (City of Powell) to the north and east. Mostly

agricultural fields are located to the south and west, with scattered large-lot residential along Steitz Road.

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 plat approval* of **Windsong Subdivision**, to the RPC.

Commission / Public Comment

Mrs. Warthman made a motion for Final approval of Windsong Subd.. Mr. Jordan seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. EXTENSIONS

09-04 Avonlea – Orange Twp. - 22 lots / 11.18 acres

Applicant: Planned Communities, Inc.

Engineer: Tiffany Jenkins, Floyd Brown Group

I. Staff Comments

Preliminary approval for Avonlea was given April 29, 2004. The applicant is currently requesting a 6-month extension because of construction delays. This application has not had any previous extensions.

II. Staff Recommendation

Staff recommends *Approval* of the 6-month extension for **Avonlea Subdivision** to the RPC.

Commission / Public Comment

Mrs. Warthman made a motion to approve the 6-month extension of Avonlea Subd. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

18-03 Keller Pines – Harlem Twp. - 31 lots / 22.4 acres

Applicant: Brad Keller

Engineer: EMH&T

I. Staff Comments

Preliminary approval for Keller Pines was given October 30, 2003. The applicant is currently requesting a 6-month extension because the County Engineer's Office has not approved final engineering plans.

II. Staff Recommendation

Staff recommends *approval* of the 6-month extension for **Keller Pines** to the RPC.

Commission / Public Comment

Mrs. Warthman made a motion to approve the 6-month extension of Keller Pines. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. OTHER BUSINESS

- Mr. Snajd thanked the DCRPC for all their hard work on this month's agenda.

VIII. POLICY / EDUCATION DISCUSSION *(none)*

IX. RPC STAFF AND MEMBER NEWS *(none)*

Mrs. Warthman made a motion to adjourn the meeting at 11:35 p.m. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, May 26, 2005, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G35, Delaware, Ohio 43015.

Kolly Foust, Chairwoman

Stephanie Matlack, Executive Administrative Assistant