



**DELAWARE COUNTY
REGIONAL PLANNING COMMISSION**

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

Philip C. Laurien, AICP, Executive Director

MINUTES

**Thursday, April 29, 2004 at 7:00 PM
Delaware Hayes Services Building,**

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

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of March 25, 2004 RPC Minutes
- Executive Committee Minutes of April 21, 2004
- Statement of Policy

II. VARIANCES (none)

III. PUBLIC CONSTRUCTION PROJECTS

01-04 PC OEPA – expansion of the City of Delaware Upper Olentangy Water Reclamation Center

IV. ZONING MAP/TEXT AMENDMENTS

- 17-04.A ZON Berlin Twp. Zoning Commission – Berlin Twp. – text amendments (Art.'s IV,V,VIII,XXI)
- 17-04.B ZON Berlin Twp. Zoning Commission – Berlin Twp. – text amendments (Art. XVI)
- 18-04 ZON T T & R Properties – Troy Twp. – 259 acres from FR-1 to PRD,PCD (Troy Village Center)
- 19-04 ZON T Triangle Real Estate – Concord Twp. – 255.618 acres from FR-1 to PRD
- 20-04 ZON Harvey Stover – Berkshire Twp. – 2 acres from A-1 to FR-1
- 21-04 ZON James Property Management, c/o Ron Sabatino–Berlin Twp.– 40.709 acres from FR-1 to PRD

V. SUBDIVISION PROJECTS

Preliminary

	Township	Lots/Acres
10-04	Berkshire	05 lots / 10.26 acres
09-04	Orange	22 lots / 11.18 acres

Preliminary/Final

11-04 High Park Center Re-Plat of lot #4924 Orange 04 lots / 13.40 acres

Final

03-03.1 Vinmar Farms, Section 1 Genoa 45 lots / 31.38 acres
 12-04 River Bend Lot # 4268 Re-Plat Orange 03 lots / 03.61 acres
 08-04 Giltz Orange 02 lots / 08.19 acres

T=TABLED, W=WITHDRAWN

VI. EXTENSIONS

19-02.1/2 Alum Crossing, Sections 1 and 2 Orange 97 lots / 50.80 acres

VII. OTHER BUSINESS

- Consideration of expenditure: Software upgrade \$2,186 (7 MS Office '03, 1 Windows '00)
- Consideration for recommendation: Transfer of appropriation for software upgrade

VIII. POLICY / EDUCATION DISCUSSION

IX. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

#Call to Order

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

Roll Call

Representatives: Paul Snajd, John Schmidt, Robert Hedrick, Fred Fowler, Gary Gunderman, Tom Hopper, Leslie Warthman, Dave Lavallo, Holly Foust, Charles Heimlich, Dick Gladman, Marvin Miller, Lloyd Shoaf, George Mason, Bonnie Newland, and Mike Datillo. *Alternates:* Dusty Gurney, Scott Pike, and Charles Sheets. *Arrived after roll call:* Gary Spanner (R) and Matt Wyscarver (R). *Staff:* Phil Laurien, Scott Sanders, Joe Clase, Paul Deel, Robert Sochor, Da-Wei Liou and Stephanie Matlack.

Approval of the March 25, 2004 RPC Minutes

Mr. Schmidt made a motion to approve the minutes of the previous meeting, seconded by Mr. Miller. VOTE: Unanimously For, 0 Opposed. Motion carried.

April 21, 2004 Executive Committee Minutes

1. Call to order

Chairwoman Foust called the meeting to order at 8:40 a.m. Present: Holly Foust, Leslie Warthman, Dick Gladman, Steve Burke and Jim Ward. Staff present: Phil Laurien and Joe Clase.

2. Election of Officers

Commissioner Ward made a motion to elect all officers to the same seats that they held during the last term. (2003-2004). Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- a. Chairperson: Holly Foust
- b. Vice-Chairperson: Leslie Warthman
- c. 2nd Vice-Chairperson: Steve Burke
- d. Member-At-Large: Dick Gladman

3. Approval of Executive Committee Minutes

- a. March 17, 2004 – Mr. Gladman made a motion to approve the minutes of the last meeting. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. Old Business (None)

5. New Business

- a. Financial / Activity Reports for March 2004 –

REGIONAL PLANNING RECEIPTS		MARCH	YTD TOTAL
General Fees (Lot Split)	(4201)	\$555.00	\$2,035.00
Fees A (Site Review)	(4202)	\$400.00	\$1,000.00
Insp. Fees (Lot Line Transfer)	(4203)	\$160.00	\$260.00
Membership Fees	(4204)	\$3,259.90	\$144,790.90
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$7,611.50	\$27,781.44
Charges for Serv. A (Prel. Appl.)	(4230)	\$24,208.03	\$36,298.03
Charges for Serv. B (Final. Appl.)	(4231)	\$3,073.00	\$14,583.19
Charges for Serv. C (Ext. Fee)	(4232)		\$450.00
Charges for Serv. D (Table Fee)	(4233)	\$400.00	\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00
General Sales	(4220)	\$705.70	\$2,507.67
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$670.00	\$1,830.00
Soil & Water Fees	(4243)	\$739.00	\$1,663.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)	\$40.00	\$40.00
Other Reimbursements A	(4721)		\$14.46
Other Misc. Revenue (GIS maps)	(4730)	\$355.14	\$888.43
Other Reimbursements B	(8092)		
Canceled Warrants	(8099)		
Interfund Revenues	(8701)		
TOTAL RECEIPTS		\$42,177.27	\$235,342.12

Balance after receipts **\$325,662.17**
Expenditures **- \$ 52,877.49**
End of February balance **\$272,794.68**

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

- b. April RPC Preliminary Agenda – The Preliminary agenda includes 6 rezoning/text amendments, 2 preliminary, 1 preliminary/final, 3 final and 1 extension request.
- c. Consideration of expenditure: Software upgrade \$2,186 (7 MS Office '03, 1 Windows '00) – Mr. Gladman made a motion to recommend approval of the Software upgrades to the Commission. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- d. Consideration for recommendation: Transfer of appropriation for software upgrade – No action.

6. Other Business

- a. Contract Update - Director Laurien gave a brief update regarding staff progress on its current contracts. Concord Township wants a minor overhaul of their zoning. Brown Township is awaiting an approved zoning update contract. Harlem has signified intent to sign a contract for comprehensive planning services, but no contract is signed to date. Troy Township has signed a contract requesting staff to update their zoning code to conform with their recently adopted Comprehensive Plan. The draft of Genoa's Comprehensive Plan/Zoning changes have

been completed. Scioto Township and Ashley Village are in their final months of the comprehensive planning process. Hancock County has requested an invoice for membership. The Liberty Township comprehensive planning process will begin May 5, 2004.

- b. Subdivision Regulations - Director Laurien stated that the Delaware County Subdivision Regulation updates are currently being reviewed by the Prosecutor's office.

7. Personnel

Director Laurien stated that he would like the consent of the Executive Committee to allow staff's use of flextime to mirror the policies of the Delaware General Health District. Flextime means overtime work or comp. time can be taken by staff with agreement of the Director within any 40 hour work week. Commissioner Ward stated that this policy should be at the discretion of the Director. No objections were mentioned.

8. Adjourn

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

Meeting adjourned at 9:20 a.m.

The next regular Executive Committee meeting will be Wednesday, May 19, 2004 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015

Statement of Policy

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

II. VARIANCES (none)

III. PUBLIC CONSTRUCTION PROJECTS

01-04 PC OEPA – expansion of the City of Delaware Upper Olentangy Water Reclamation Center

Applicant: City of Delaware

Request: By Ohio EPA for comment on Delaware's funding application from the Ohio Water Pollution Control Loan Fund (WPCLF) to expand their wastewater treatment plant.

This item is placed on the agenda for an update of negotiations. No action is requested at this time.

Mr. Wendell Wheeler, mayor City of Delaware, stated that there was a joint meeting between the City of Delaware, Delaware County and Township officials. They are working on a memorandum of understanding that will work out for everyone. There have been discussions with the County of providing gallonage to the hospital site.

Mr. Laurien said the City thought they would be seeking to lift the tabling from the RPC motion because they thought they were going to have a hearing on the issue in May but the hearing has been postponed until June. They hope to have a cooperative agreement signed between the County Commissioners and the City of Delaware regarding the sewer issue and the overlap of territory by the RPC meeting next month.

IV. ZONING MAP/TEXT AMENDMENTS

17-04.A ZON Berlin Twp. Zoning Commission – Berlin Twp. – text amendments (Art.'s IV,V,VIII,XXI)

I. General

The Berlin Township Trustees have initiated revisions to their zoning text to:

- Include 13 new definitions in Article IV. These definitions lend specificity to the resolution in both new and existing articles.
- 1. Centralized sanitary sewer service:** Any sanitary sewer system, other than an individual septic tank tile field, that is operated by a municipality, governmental agency, or a public or private utility for the collection, treatment and disposal of wastes. An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.
 - 2. Density:** A unit of measurement expressing the number of dwelling units per acre of land.
 - 3. Detached dwelling:** A dwelling that is separate from and does not share a common wall or connect in any way to another dwelling.
 - 4. Detention basin:** A storage facility for the temporary storage of storm water runoff.
 - 5. Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
 - 6. Dwelling Unit, Common Wall Single Family Attached:** Type of residential construction characterized by a common vertical firewall separating housing units, where no more than three units are attached in a group.
 - 7. Dwelling, Detached Single Family:** detached, individual dwelling units, which accommodate one family related by blood, adoption, or marriage, or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the

OBOA, or CABO One and Two family dwelling code, or other applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code 3781.06 definition of permanently-sited manufactured home as provided for in ORC 519.212.

8. Dwelling, Multi-Family: A residential building arranged or designed for four (4) or more dwelling units as separate and complete housekeeping units.

9. Dwelling, Two Family: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units living independently of each other.

10. Existing Features (Site Analysis) Plan: Plan that depicts:

- a. a topographic map as published by the Delaware County Auditor's DALIS office;
- b. the location of steep slopes (over 20%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all existing rights-of-way and easements;
- c. soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and
- d. the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails, and any sites listed on the ODNR Natural Diversity Inventory.

11. Home Occupation: an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby that is clearly incidental and subordinate to the principal use of the premises as a dwelling in residential districts and is conducted entirely within the dwelling unit (or elsewhere on the premises if granted a conditional use permit) without any significant adverse effect upon the surrounding neighborhood. [See treatment of Home Occupations in Sections 21.15 and 21.16].

12. North American Industrial Classification System (NAICS): a system of classification of economic activities jointly developed by the governments of the USA, Mexico and Canada. The system groups establishments into industries based upon the activities in which they are primarily engaged. The structure is hierarchical. The first two digits designate the sector, and the subsequent digits define more specifically the type of industry or

establishment, with definitions given for each number.

13. Net Developable Area (acreage): A land area measured in acres determined by deducting 15% of the subdivision’s gross acreage for streets and utilities plus all otherwise unbuildable areas, as follows:

- a) Jurisdictional wetlands, as defined US Army Corps of Engineers’ Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of a.) hydric soils, b.) hydrophytic vegetation and c.) wetland hydrology (this generally means they support more than 50% wetland vegetation, and are poorly drained soils which are periodically inundated or saturated).
 - b) floodplains – areas that lie within a FEMA 100-year floodplain, either with in elevations determined by FEMA or mapped by FEMA.
 - c) slopes greater than 20%, including ravines shown to be critical resource areas on the Delaware County Regional Planning Commission Comprehensive Land Use Plan.
 - d) utilities rights-of-way and easements for above-ground and currently existing utility structures such as above ground pipelines, and overhead electric transmission (not local service) wires that exist prior to the PRD application.
 - e) existing bodies of water.
- Modify Article V by adding new language entitled the “Nature of the Districts”, which replaces the “Application” language previously contained in each district.
 - Amend Article VIII, Section 8.06 A, Lot area, to change the lot area from 20,000 square feet to 29,600 square feet to agree with a previous change to the R-2 density by the Berlin Zoning Commission in case 03-002.
 - Add Article 21.15 and 21.16 to modify the treatment of Home Occupations, which currently require a conditional use. With the new treatment, Berlin Township follows the Berkshire model code that allows limited home occupations by right, and expanded home occupations if granted a conditional use permit.
 - These zoning amendments create no new map changes.

II. Comments on the Proposed Amendments

DCRPC staff worked with Berlin Township on these amendments. They have been reviewed and approved by Chris Betts of the Prosecutor’s office.

III. Staff Recommendation

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

Commission / Public Comments

Mr. Miller made a motion to recommend approval of the text amendments to the Berlin Township zoning code. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

17-04.B ZON Berlin Twp. Zoning Commission – Berlin Twp. – text amendments (Art. XVI)

I. General

The Berlin Township Trustees have initiated revisions to their zoning text and map to create the first true mixed use Planned Unit Development in the Township, the Old Cheshire Planned Unit Development district (OCPUD).

II. Comments on the Proposed Amendments

The unincorporated village of Cheshire was platted in the mid 1800’s, and never grew beyond its current size of approximately 100 acres. Original lots were small, and this limited development until sanitary sewer was provided in the 1990’s. The township zoned virtually the entire village for Neighborhood Commercial, which permitted many of the business interests, but not all, and made all the historic residences non-conforming. Due to this fact, maintenance has declined on many of the old houses, and owners of vacant lots cannot build new houses.

The OCPUD is intended to:

- Recognize all existing uses as permitted uses. Encourage mixed residential (at densities of up to 5 units per net developable acre) and commercial uses, just as traditional American neighborhoods did.
- Give maximum flexibility to new uses, within a list of specific uses culled from the North American Industrial Classification System manual. The NAICS gives a six-digit number and description to every conceivable business use; local zoning texts need not create such a system.
- Operate as a “float the cloud” type PUD adopted under the authority of ORC 519.021 (C). By law, a 519.021 (C) PUD must designate territory. A map is attached that designates the territory affected. The regulations of the district and the territory to be designated are referendable only upon

their initial adoption. Subsequent to that, any landowner within the district may apply to have the OCPUD regulations applied to his land by making an application and submitting a development plan for administrative review. Unless an owner applies, his current zoning remains in place.

Because this text is the first mixed use PUD in Delaware County’s Townships, it is printed in its entirety here for evaluation and consideration by others.

DCRPC staff worked with Berlin Township on these amendments. They have been reviewed and approved by Chris Betts of the Prosecutor’s office.

IV. Staff Recommendation

Staff recommends Approval of the OCPUD amendments, both text and map, to the DCRPC, the Berlin Zoning Commission and the Berlin Township Trustees.

Article XVI- Old Cheshire Planned Unit Development District (OCPUD)

16.01 Permitted Uses. Land and buildings in the OCPUD DISTRICT shall be used only for the following purposes:

- a. Residential Development. Residential use in the form of single family detached dwellings, two family dwellings, single family common wall attached dwellings, and multi-family dwellings developed in a unified manner in accordance with the approved Development Plan.

Multi family dwelling units held back by the developer for lease shall not exceed 25% of the total number of multi family dwelling units within the OCPUD development plan. All other units must be available for sale to individual owners. Multi-family developments zoned R-3 within the OCPUD designated area on the date of the adoption of this amendment may exceed the 25% rental amount and may add additional rental units if they have vacant land within their R-3 zoned area and can meet the standards of the OCPUD.

Maximum density is five units per net developable acre. All dwelling units constructed within this district shall contain the following minimum living area:

One (1) bedroom unit	-	600 square feet
Two (2) bedroom unit	-	700 square feet

Three or more bedroom units - 1000 square feet

- b. Home Occupation. Home occupation in association with a permitted dwelling and in accordance with the provisions of Sections 21.15 and 21.16.
- c. Accessory Use. Accessory buildings and uses in association with a permitted dwelling as defined in Article IV.
- d. Office facilities for the management function, including property sales, necessary to the development and operation of the area included in the OCPUD Development Plan.
- e. Other facilities or amenities, including recreation facilities, provided for the use of the residents, provided they are an approved part of the Development Plan.
- f. Schools. Public and private schools offering general educational courses and having no rooms regularly used for housing or sleeping of students.
- g. Parks, playgrounds and playfields open to the public without fee.
- h. Religious Uses. Church or other place of worship provided it occupies a lot adequate for all structures, required setbacks, water supply and sewage disposal, and off-street parking.
- i. Commercial Uses. Within the OCPUD District the following commercial uses, according to their NAICS code number, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

Note: The NAICS code numbers are inclusive in ascending order. All two-digit sector numbers listed in the left-hand column below include as permitted uses all 3-6 digit numbers beginning with those two digits. All three-digit codes include all 4-6-digit codes beginning with those three digits, and so on. If a specific six-digit code is used, it refers to only one permitted use. For example, Code 52 means that any use listed in the 2002 NAICS code under Sector 52 (such as 52212 Savings Institutions) is permitted.

2002 U.S. NAICS CODE #

1114	Greenhouse, Nursery and Floriculture Production
311811	Retail Bakeries
336612	Boat yards, including boat storage
442	Furniture and Home Furnishings Stores, less than 5,000 square feet of gross leasable area.
443	Electronics and Appliance Stores, less than 5,000 square feet of gross leasable area.
445	Food and Beverage Stores
446	Health and Personal Care Stores
447	Gasoline Stations
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Book, and Music Stores
453	Miscellaneous Store Retailers, (except Adults Only Entertainment establishments, and 45393 Manufactured Home Dealers)
484220	Boat hauling, local
491	Postal Service
51113	Book Publishers
512131	Motion Picture Theaters (except Adults Only Entertainment establishments)
51224	Sound Recording Studios
5133	Telecommunications
514	Information and Data Processing Services
52	Finance and Insurance
5312	Offices of Real Estate Agents and Brokers
532292	Boat rental, pleasure
5322	Consumer Goods Rental
54	Professional, Scientific and Technical Services (includes medical, veterinarians, computer and related hardware and research and development etc.)
55	Management of Companies and Enterprises
561	Administrative and Support Services
61	Educational Services
621	Ambulatory Health Care Services
623	Nursing and Residential Care Facilities

71111	Theater Companies and Dinner Theaters
71112	Dance Companies
71211	Museums
71394	Fitness and Recreational Centers
71395	Bowling Centers
72111	Hotels (except casino) and Motels
722	Food Services and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar adult entertainment or services).
811	Repair and Maintenance (auto, electronic, etc.)
812	Personal and Laundry Services
813	Religious, Grantmaking, Civil, Professional and Similar Organizations
92	Public Administration

16.02 PROCEDURE TO CREATE AN OCPUD

A. Prepare an Existing Features (Site Analysis) Plan- The applicant shall prepare an existing features (Site Analysis) plan and calculate the net developable acreage and yield as provided herein.

B. Submit an Existing Features (Site Analysis) Plan without fee. The applicant shall submit to the Zoning Commission the existing features (site analysis) plan for a tract(s) of land to be considered under this section for the OCPUD.

C. On-Site Walkabout- At a jointly agreeable time, the applicant and the Zoning Commission may walk the site. At the site walk or thereafter a very conceptual development plan should be quickly sketched on the site analysis map by the applicant or his consultant for impromptu comments from the Zoning Commission. No binding decisions or votes are made at the on-site walkabout. Based upon such comments, a formal development plan can be prepared for public hearing. The On-Site Walkabout is a public meeting pursuant to Ohio Sunshine law and must be properly noticed.

D. Prepare Application and Final Development Plan- Applicant shall prepare and submit a formal application and development plan, with fifteen (15) copies and fees, to the Zoning Commission. The Zoning Commission schedules a public hearing. Abutting landowners within 500 feet of the

subject tract shall be notified. Zoning Commission may request the DCRPC to comment. Zoning Commission's review is administrative.

The Final Development Plan shall include in text and map form the following unless such individual requirement is waived by the Zoning Commission.

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
2. A finished grading plan drawn at a scale of 1"=100', showing all information pertaining to surface drainage.
3. A landscape plan drawn by a landscape architect to an overall scale of at least 1" =100', with larger scale elevations and cross sections.
4. An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required open space.
5. The Development Plan shall be to a scale of at least 1" = 100' and shall show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, including the following:
 - a. The general development character, the permitted and accessory uses, buildings and structures to be located on the tract including the limitations or controls to be placed on each, with proposed lot sizes, and minimum setback and spacing requirements. Other development features, shall be shown including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities and open space areas. All commonly owned structures shall be shown in detail that identifies the location, quantity, type and typical section of each. The Development Plan shall identify dwelling unit densities for any proposed residential development, dwelling unit types, the total number of dwelling units proposed for the site, and the method

and manner used to calculate density.

- b. No structure (other than approved drainage structures as shown on The Development Plan) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.
- c. Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. Primary and secondary conservation areas to be conserved and such areas to be impacted or altered shall be identified on the Plan. Primary conservation areas such as the 100-year floodplain, wetlands, and slopes greater than 20% shall be mapped.
- d. Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the Development Plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
- e. The proposed provisions for water, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- f. A traffic impact analysis, if required by the Zoning Commission, prepared by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing streets and conditions.
- g. The relationship of the proposed development to existing and probable uses of surrounding areas during

the development timetable.

- h. Identification and location of all uses and structures proposed within the site and the location of schools, parks and other public facility sites within or adjacent to the site. This includes a showing of:
 - 1.) the exact location and dimension of private streets, common drives and public street rights-of-way;
 - 2.) exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
 - 3.) dimensions of building/unit spacing;
 - 4.) the exact location of forested no cut/no disturb zones;
 - 5.) designated open space areas and a description of proposed open space improvements; and
 - 6.) the exact location of all utility easements.
 - 7.) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - 8.) If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
 - 9.) The ability of the applicant to carry forth

this plan by control of the land and the engineering feasibility of the plan.

- 10.) Except for density, the applicant may request a divergence from the other development standards set forth in Article XVI. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved “per plan.” Unless specifically supplemented by the standards contained in Article XVI or those standards approved in the Development Plan, the development shall comply with the General Development Standards applicable to all zoning districts, as set forth in Article XXI.
- 11.) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the open space.
- 12.) Other information, as may be required by the Zoning Commission in order to determine compliance with this Resolution.

- i. The Development Plan shall bear the seal of a registered engineer or surveyor, plus an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.

E. Public Hearing- The Zoning Commission shall hold a public hearing on the request within a reasonable period of time after receipt of the

application, final development plan and submission of fees.

F. Action by Zoning Commission- the Zoning Commission may approve the application and final development plan for the OCPUD provided it finds that:

1. the proposed use complies with all purposes, requirements and standards established in this zoning resolution and that any divergence is warranted by the design and amenities incorporated in the development plan;
2. the design preserves and protects primary conservation areas, and adequately provides useable open space in residential areas;
3. that the proposed use is in accord with applicable plans or policies for the area;
4. that the proposed development will be adequately served by essential public facilities and services such as roads, walks, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
5. that the proposed development is in keeping with the existing land use character and physical development potential of the area. In approving the application and Final Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carryout the purpose and intent of this district.

G. Subdivision Plat - No zoning certificate shall be issued for any structure in any portion of a planned unit development for which a plat is required by the Delaware County Subdivision Regulations unless and until:

1. The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission and the Delaware County Commissioners and been recorded.
2. A full size (typically 24" x 36") and an 11"x 17" copy of the recorded plat have been filed with the zoning inspector.

No modification of the provisions of the Final Development Plan, or part thereof, as finally approved shall be made unless the provisions of Article XVI are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Final Development Plan are not compromised by final engineering.

H. Zoning Certificate - After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each platted lot. The zoning permit for a planned development shall be for a period not to exceed three (3) years or that period approved in the final development plan. If no construction has begun within three (3) years after approval is granted the Final Development Plan approval shall be void.

Section 16.03 OCPUD DEVELOPMENT PLAN STANDARDS

A. Minimum tract size for a OCPUD- none; as approved per development plan.

B. Open Space- Dedication of land for public purposes approved with the development plan including trails, active recreation, spray irrigation fields, etc. may be encouraged by the Township. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Trustees. The development plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the final development plan.

1. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.
2. Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the final development plan and shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the development plan.

C. Sewage Disposal- Connection to public centralized sewer is required.

D. Storm Water- No features shall be designed, which are likely to cause erosion or flooding.

E. Subdivision standards- Street and drainage improvements shall conform to the subdivision standards for Delaware County

Ohio.

- F. Paths**- Sidewalks or walking paths may be required for residential areas of more than 15 dwellings. Sidewalks/paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Zoning Commission may require paved walkways to connect residential areas and open spaces.
- G. Street Trees**- Deciduous, broad leaf street trees with a minimum caliper of two inches (2") at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).
- H. Minimum Front Setbacks**- Dwelling Units shall be set back thirty (30) feet from the street right of way. Front load garages shall be setback at least ten (10) feet behind the front building line of the dwelling unit, or may be flush with the dwelling unit front if the dwelling unit sets back at least fifty (40) feet from the street right of way. Side load garages shall be setback at least thirty (30) feet from the street right of way.
- I. Minimum lot size**: None, as approved per plan.
- J. Minimum Lot Width** at the building line- as approved per plan.
- K. Minimum Side yards**- as approved per plan.
- L. Driveway Setbacks**- Two feet from side lot line. Side-load garages shall provide at least 24 feet of paved apron, exclusive of the 2-foot side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.
- M. Minimum Rear yard**- 30 feet for single family detached dwellings on fee simple ownership lots and attached garages. 15 feet for accessory buildings. Attached units or detached condominiums as approved per the final development plan.
- N. Building Height Requirement**- No principal building in this district shall exceed thirty-five (35) feet in height.
- O. Street lighting**- if provided must be of white light, maximum height 16 feet, with downward cast lighting.

- P. Landscaping** - All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved development plan. A landscape plan for the common open space and streetscape within road right of way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the final development plan. The landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
- Q. Parking** – Off-street parking shall be provided at the time of construction of each principal structure or building, with adequate provisions for ingress and egress in accordance with the development plan. Off-street parking shall comply with the provisions of this resolution, or as approved per plan.
- R. Signs**-All signs shall be in accordance with Article XXII.
- S. Supplemental Conditions and Safeguards**-The Berlin Township Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of open space (whether improved common open space or natural open space), and any other pertinent development characteristics.
- T. Divergences**- the Zoning Commission as a part of development plan approval, may grant divergences from any standard or requirement in this Section with the exception of density and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the development plan submittals with a request that the proposed divergence be approved "per plan".

Section 16.04 Extension or Modification of Final Development Plan

- A. An extension of the time limit for the approved Final Development Plan may be granted by the Zoning Commission

without public hearing provided the Zoning Commission finds that such extension is not in conflict with public interest.

B. A request for minor changes to the Final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carryout the purpose and intent of this district.

C. In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:

- 1) A change in the use or character of the development
- 2) An increase in overall coverage of structures
- 3) An increase in the density (for residential development)
- 4) An increase in traffic circulation.
- 5) A reduction in approved open space
- 6) A reduction of off-street parking and loading space
- 7) A reduction in required pavement widths
- 8) A reduction of the acreage in the planned development

In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carryout the purpose and intent of this district.

Commission / Public Comments

Mr. Miller made a motion to recommend approval of the text amendments to the Berlin Twp. Zoning code, seconded by Mrs. Warthman. VOTE: Unanimously For, 0 Opposed. Motion carried.

18-04 ZON T & R Properties – Troy Twp. – 259 acres from FR-1 to PRD,PCD (Troy Village Center)

*****The Township has tabled this application at the request of the applicant. No action is necessary by the RPC at this time.*****

19-04 ZON Triangle Real Estate (Scioto Reserve Expansion) – Concord Twp. – 255.618 acres from FR-1 to PRD

*****The Township has tabled this application at the request of the applicant. No action is necessary by the RPC at this time.*****

20-04 ZON Harvey Stover – Berkshire Twp. – 2 acres from A-1 to FR-1

I. Request

The applicant, Harvey Stover, is requesting a 2.012-acre rezoning from A-1 to FR-1 to split this tract with an existing residence from a larger 25.363 acres. This split will allow for the construction of a new residence on the original tract.

II. Conditions

- Location:** 6787 Dustin Road, Berkshire Township
- Present Zoning:** Agricultural (A-1)
- Proposed Zoning:** Farm Residential (FR-1)

Present Use(s): Existing Residence and Garage
Proposed Use(s): Same
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 a private on-lot septic system
Critical Resources: None
Surrounding land uses: Scattered single-family residences and agricultural land
Soils: BeA – Bennington Silt Loam (0 to 2% slopes)
BeB – Bennington Silt Loam (2 to 4% slopes)

III. Conformance with Development Standards

The submitted plan does not conform to the following development standards:

Section 7.05 (b) (3): “Two side-by-side flag lots may be divided provided they use a Shared Access Point (driveway) as permitted by the DCRPC.”

Staff Comments: The proposed lot split would create a non-conforming situation where two side-by-side flag lots exist with separate drives (see flag lot at 6837 Dustin to east). The applicant has sufficient road frontage west of this rezoning to meet frontage requirements without creating a flag lot. The applicant could also seek to acquire an easement for a shared access point and driveway from the flag lot to the east owned by Jeffery Howard.

Section 7.05 (f): “No building or structure shall be located closer than twenty-five (25) feet to any side lot line.”

Staff Comments: The existing barn is shown to be 16-feet from the eastern proposed lot line. This situation could be avoided by adjusting this lot line 9-feet to the west. Staff does not support the proposed encroachment.

Section 8.05 (a): “Minimum lot area shall be 1.95 acres, exclusive of road right of way when not served by centralized sewer.”

Staff Comments: The right-of-way on this proposed lot split appears to include 0.17 acres, which leaves the total lot acreage (exclusive of road right of way) at 1.84 acres.

Section 21.09 (c): Any other through public street or road shall have a 120-foot front yard setback.

Staff Comments: The existing residence on this property at 6787 Dustin Road is 35-feet from road centerline. This condition is grandfathered.

IV. Conformance with the Comprehensive Plan

The 2001 Berkshire Township Comprehensive Plan recommends 1 dwelling unit per 2 acres without sewer. This rezoning would conform.

V. Staff Recommendations

Staff recommends **conditional Approval** of this rezoning case from A-1 to FR-1 for Harvey Stover to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees. Staff does not recommend creation of the proposed flag lot, nor the setback variance needed for the existing barn.

Commission / Public Comments

Mr. Stover was present.

Mr. Gladman made a motion to recommend conditional approval of the rezoning request by Mr. Stover. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

21-04 ZON James Property Management, c/o Ron Sabatino–
Berlin Twp.–40.709 acres from FR-1 to PRD

I. Request

The applicant, James Property Management, Ltd., is requesting rezoning of 40.7 acres from FR-1 to PRD for the development of 34 single-family houses. The development plan also includes a 1.5-acre outdoor boat storage area.

II. Conditions

Location: East side of Africa Rd., 1 mile south of US 36/37, Berlin Twp.
Present Zoning: Farm Residential (FR-1)
Proposed Zoning: Planned Residential (PRD)
Present Use(s): Vacant
Proposed Use(s): Single-family Residential & Commercial Boat Storage

Existing Density: 1 du / 1 acre
Proposed Density: 0.84 du / 1 acre
School District: Olentangy Local School District
Utilities Available: Del-Co Water and County Sewer
Critical Resources: None
Soils: AmF – Amanda Silt Loam (25 to 50% slopes)
BeA – Bennington Silt Loam (0 to 2% slopes)
BeB – Bennington Silt Loam (2 to 4% slopes)
CaB – Cardington Silt Loam (2 to 6% slopes)
PwA – Pewamo Silty Clay Loam (0 to 1% slopes)

III. Description

This development contains 34 single-family lots on 40.7 acres with a centralized open space (0.84 du/ac.). Lots range from 0.34 acres to 1.32 acres in size. With an overall density of 0.84 dwelling units per acre, this development preserves the density of FR-1 zoning with a PRD overlay. The development plan indicates 15.2 acres (37%) of open space containing two ponds and a bike path along Africa Road extending to the proposed outdoor storage area.

This proposal includes a 1.5-acre outdoor boat storage parcel that is to be owned and operated by a property management company that will primarily serve the residents of this development and the adjacent Sherman Lakes development. This storage parcel will have a 20'-wide paved entrance leading to a grass/gravel parking lot that will hold approximately 100-boats. The perimeter of this parcel will contain evergreen trees to screen this storage lot. PRD allows for limited commercial development and staff supports this low impact use.

Surrounding land uses include Sherman Lakes Subdivision to the south and west. A large undeveloped tract is located north and east, which is currently proposed for a conventional SF subdivision of 1-acre lots.

IV. Conformance with Development Plan Standards

The submitted plan does not conform to the following development standards, listed in Section 11.05 (Design Features Required of a PRD):

b.) “No building shall be constructed within 50 feet of the perimeter property line of the overall PRD tract.”

Staff Comments: The applicant is requesting a divergence to reduce the fifty (50) foot perimeter setback requirement to a thirty (30) foot perimeter setback. The applicant has stated that this divergence would allow for greater flexibility in home and landscaping design (i.e. gazebos and decking). Staff

does not support the divergence request and feels that the applicant comply with the 50' setback.

l.) “The required percent of open space shall be provided.” Forty (40) percent of gross tract area is required for open space in the FR-1 overlay.

Staff Comments: The applicant is requesting a divergence to include the outdoor boat and RV storage area in this calculation, due to its recreational use. Staff **does not support this divergence request since additional open space along the eastern boundary of the development can be set aside from house lots. These lots are deeper than the others and creating this as an additional open space area will help to maintain the existing trees. This would result in more than 40% open space.**

q.) “Sidewalks or paths shall be provided in the village area.”

Staff Comments: Staff recommends the bikepath be extended from the outdoor storage area to the eastern boundary of this development on the south side of the street. This would provide a connection to the undeveloped tract to the east.

x.) “Attached garages shall be setback at least 12 feet from the building line of the house, if on-street parking is not provided.”

Staff Comments: The applicant is requesting a divergence to allow garages to be located at the front building line. The applicant has stated that the 30-foot front yard setback seems to be sufficient for accommodating four or more off-street parking spaces. Staff supports a 30' setback for side load garages, but **does not support this divergence request for front-load garages due to the Township's intent of eliminating snout-house style developments where garage doors dominate housing facades.**

V. Criteria for Approval

1) If the proposed development is consistent in all aspects with the intent, and general standards of this zoning resolution.

Staff Finding: Generally yes with the exceptions noted, but staff feels that the development plan will be completely consistent if it is amended to meet staff comments.

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

Staff Finding: Yes. The Berlin Township Comprehensive Plan recommends this

site for residential development at one dwelling unit per acre.

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

Staff Finding: Yes. This development will provide an open space design and outdoor storage facilities that will benefit surrounding developments. If the plan is amended as recommended, this will be a conservation subdivision as intended by the FR-1/PRD zoning.

4) If the proposed plan meets all of the design features required in this resolution.

Staff Finding: If the applicant addresses the issues mentioned in this report, staff would find this plan to meet all design features required.

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

Staff Finding: Yes.

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

Staff Finding: Yes. The development plan indicates mounding along Africa Road and maintaining vegetation along the development's perimeter.

7) If the minimum open space as required herein (by the Zoning Code) has been provided.

Staff Finding: No. The applicant has expressed concern that additional acreage may be taken as more road right-of-way is acquired for Africa Road. Staff feels that additional open space can be added along the eastern boundary of this development as to not effect the design or character of this proposed development. If this area is removed from houselots 15-22 there will be over 46% open space, which meets the requirement.

VI. Staff Recommendations

Staff recommends **conditional approval** of this rezoning case from FR-1 to PRD for James Property Management to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees, *subject to:*

- 1.) *Meeting the 40% open space requirement.*
- 2.) *Extending the bike path to the eastern boundary of the development.*
- 3.) *Denial of the front load garage setback divergence. Approval of a side load garage 30' setback.*
- 4.) *Denial of the 30-foot perimeter setback divergence.*

Commission / Public Comments

Mr. John McCann of Floyd Browne Associates was present to represent the applicant. He stated that the applicant would comply with extending the bike path to the boundary of the development. He would agree to eliminate the variance for the front-load garage set back. The applicant would like to discuss the 30' perimeter setback with the Township. The project is at 37% open space right now. They would discuss the 40% requirement with the Township.

Mr. Laurien explained that he talked with the applicant today who was willing to consider putting the eastern wooded area into the open space by shortening the depth of eastern lots #15-22.

Mrs. Warthman asked if the lot lines currently go all the way to the property line? Mr. Laurien said yes. Lots 15-22 could be trimmed down to create more open space.

Mr. Rick Gemienhardt, Berlin Twp. Trustee stated that this would be Berlin Twp.'s initial PRD/FR-1 overlay. It will echo developments like Summerwood and Harbor Point. He commended Mr. Sabatino for the design.

Mr. Gladman made a motion to recommend conditional approval of the James Property Management application, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

V. SUBDIVISION PROJECTS

Preliminary

10-04 Tarragon Estates – Berkshire Twp. - 05 lots / 10.26 acres

Applicant: Jason Monsul

Subdivision Type: Single Family Residential (CAD)

Location: East side of Trenton Road, 3900' south of Vans Valley Road

Current Land Use: former agriculture

Zoned: FR-1

Utilities: Del-Co Water, on-site waste disposal system

School District: Big Walnut

Engineer: ADR

I. Staff Comments

Tarragon Estates is a five-lot CAD on the east side of Trenton Road just north of the Sage Creek subdivision. The CAD is approximately 520' in length and will be paved with open ditches on each side for drainage. Instead of passing areas, the CAD will be 18' wide for the first 340' and then taper to the standard 12' for the remaining 180'. Mound systems will be used for waste disposal. An existing field tile and drainage easement crosses two of the lots. A note has been added stating that any driveways crossing the tile will require the contractor to replace the tile under the driveway with a new pipe of equal size. All lots are at least 1.95 acres, the minimum required in the FR-1 district.

The site is an open, slightly rolling site with tree lines along the eastern and southern property line. Because of the ravines to the south and the developing sections of Sage Creek to the south and east, it was determined that there was no need for a connection to adjacent parcels.

A technical review was held on April 20, 2004, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **Tarragon Estates** to the RPC.

Commission / Public Comments

Mr. Dave Krock with ADR was present along with the applicant.

Mr. Miller made a motion for Preliminary approval of Tarragon Estates. Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Galena). Motion carried.

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

Applicant: R. & J. Gieseck / D. & C. St. Clair (c/o Planned Communities, Inc.)
Subdivision Type: Single-Family Residential
Location: West side of South Old State Road, adjacent to Berlin Twp
Current Land Use: Two Residences/Agricultural Pasture
Current Zoning: Planned Residential District (PRD)
Utilities: Del-Co Water and County Sewer
Critical Resources: Pond w/ a stream south of the site

School District: Olentangy Local School District

Engineer: Joshua E. Wolf, Floyd Browne Associates, Inc.

I. Staff Comments

Avonlea covers two existing properties on the west side of South Old State Road in Orange Township, bordering Berlin Township. The subdivision includes 22 single-family lots on 11.18 acres (1.98 du/acre). The development will include two new streets: Avonlea Way and Gables Crossing. Avonlea Way will align with Hidden Cove Circle to the east and will extend west from South Old State Road to Gables Crossing. Gables Crossing is a proposed north/south road that will stub to both property lines for future connection. This property was rezoned in December 2003.

An existing pond on the property will be located in an open space parcel that will also include a proposed detention basin to manage storm water. The open space lot will cover 2.58 acres, covering 23% of the development. This exceeds the 20% required. A small stream that currently crosses the site from north to south will be rerouted along proposed property lines. The northern existing home will be retained on Lot 22.

Surrounding land uses include Hidden Cove subdivision directly east across South Old State Road with agricultural fields to the north, west and south. An existing 0.95-acre residential parcel is located in the north east corner of this development. Mariner's Watch, Willow Springs and Bryn Mawr at Delaware are all located in the immediate vicinity.

A technical review was held on April 20, 2004, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary approval* of the **Avonlea Subdivision**, to the RPC.

Commission / Public Comments

Mrs. Tiffany Jenkins of Floyd Browne Associates was present to answer any questions.

Mrs. Warthman made a motion for Preliminary approval of Avonlea Subdivision. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final

11-04 High Park Center Re-Plat of lot # 4924– Orange Twp. - 04 lots / 13.40 acres

Applicant: KD Orange 486, Inc. c/o Kimco Developers, Inc.

Subdivision Type: Commercial

Location: West side of Owenfield Drive, 1000' south of Windbrush Ave.

Current Land Use: Former agriculture/Woods

Zoned: Planned Commercial and Office

Utilities: Del-Co water and Delaware County Sanitary Sewer

School District: Olentangy

Engineer: WD Partners

I. Staff Comments

High Park Center Replat of Lot 4924 is a subdivision that includes three outlots with frontage on Owenfield Drive and one large interior lot. The three outlots are 1.992 acres, 1.299 acres and .619 acres; the interior lot is 9.203 acres. A new access drive, which aligns with an existing access to US 23, will be created just north of the southern lot. No outlot will directly access Owenfield Drive. The layout is consistent with the approved zoning of August 13, 2003.

A no-disturb zone is located along the southern property line and extends northward to protect a drainage swale and to buffer homes in Fox Ridge Subdivision. High Park Center is served by County sewer and Del-co water.

A technical review was held on April 20, 2004, after which the applicant has addressed all of the required changes on the Preliminary Plan.

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 *Preliminary and Final approval* of **High Park Center Replat of Lot 4924** to the RPC.

Commission / Public Comments

Mr. Jeff Tibbitts of WD Partners was present to represent the applicant.

Mr. Gladman made a motion for Preliminary and Final approval of High

Park Center Replat of Lot #4924. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

CONSENT AGENDA

Final

03-03.1 Vinmar Farms, Section 1 – Genoa Twp. - 45 lots / 31.38 acres

Applicant: Dominion Homes, Inc.

Subdivision Type: Single Family Residential

Location: West side of Old 3C Highway, North of Big Walnut Road, Genoa Twp.

Current Land Use: Vacant/former agricultural

Zoned: Planned Residential District (PD-1)

Utilities: Del-Co Water, public sewer system

School District: Big Walnut

Engineer: Jeffrey A. Strung, 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 of the site and into the Hoover Reservoir to the east. The overall preliminary for Vinmar Farms Subdivision was approved on January 30, 2003. Section 1 is the northeastern portion of this development.

Section 1 has a boulevard style entrance on Vinmar Way, which intersects South Old 3C Highway, just south of Tussic Road. The Delaware County Engineer's office is planning to relocate the intersection of Tussic Road and Old 3C to align with this entrance. Section 1 also includes the northeastern portion of a large loop street, Marrissey Loop. A smaller loop street, Chimera Loop, is entirely within this section and provides a connection to an undeveloped tract of land north of this development through Chichester Way.

Two open space reserves flank Old 3C Highway, which effectively provide a 200' setback for the first homes. Another reserve is located in the southwestern portion of Section 1. This reserve is a central open space within the overall development. The interior of Chimera Loop is to be used for active open space with a pedestrian/bike path that will be connected to future sections of this subdivision. A vacated railroad right-of-way is located along the western portion of Vinmar Farms that will contain a pedestrian/bike path connected to the Genoa Township path system. This path is adjacent to a large reserve in future Section 3 and will connect to paths within Section 1.

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 1** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Vinmar Farms, Section 1. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

12-04 River Bend Lot# 4268 Re-Plat – Orange Twp. - 03 lots / 03.61 acres

Applicant: Planned Communities, Inc.
Subdivision Type: Commercial/retail

Location: 8542 and 8612 Owenfield Drive, Orange Twp.
Current Land Use: Commercial/retail
Zoned: Planned Commercial and Office District, (PCD)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: Floyd Browne Associates

I. Staff Comments

This is a subdivision of Lot 4268 in the River Bend subdivision into 3 commercial lots and a 60' wide reserve lot. It is located on the southwest corner of Owenfield Drive and Riverbend Avenue. The original lot was recorded with River Bend, Section 2 in 1999. Two of the lots were split out in 2002. All three building lots are slightly larger than 1 acre. The 60' reserve (0.382 acres) provides access to Owenfield Drive for the land to the west. Del-co water and County sewer serve these lots.

The surrounding land use includes commercial along Owenfield Drive to the east, south and north, including Home Depot immediately to the south. To the west are single family and multi family residences in River Bend. The zoning in River Bend includes mixture of Single Family Planned Residential, Multi Family Planned Residential, and Planned Commercial.

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 the **Subdivision of Lot 4268 of River Bend, Sec. 2**, to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Subdivision of Lot #4268 of River Bend, Section 2. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

08-04 Giltz – Orange Twp. - 02 lots / 08.19 acres

Applicant: Giltz and Associates, Inc.
Subdivision Type: Commercial/retail
Location: 8909 South Old State Road, Orange Twp.
Current Land Use: Drug Mart and retail plaza

Zoned: Planned Commercial and Office District, (PCD)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: Chenevey and Piccin Engineering, Inc.

Applicant: Rockford Homes
Consultant: Sands Decker Ltd.

I. Staff Comments

Giltz subdivision is located on the southeast corner of South Old State Road and Candlelite Lane. It is surrounded by single family residential subdivisions to the east (Prestwick Commons), north (Shuster), and northwest (Oak Creek). To the west is a gas station/car wash and to the south is vacant land and Polaris Parkway. The land to the east, south and west are in the City of Columbus. The Giltz property was rezoned to Planned Commercial and Office (PCD) in 2000 and was to include a Drug Mart, retail center and motel. The motel is the only use yet to be developed. The preliminary plan received conditional approval in March 2004. The developer has made a fair share contribution to the County for improvements along South Old State Road, a condition of preliminary plan approval.

This subdivision includes 2 lots on 8.19 acres. The existing uses are located on a 4.5 acre lot and have access to South Old State Road (right-in/right-out only) and Candlelite Lane (full turning movement). The vacant 3.1-acre lot to the east has direct access to Candlelite Lane only, but may cross the Drug Mart lot for additional ingress/egress. Additional right-of-way will be dedicated along both Old State and Candlelite Lane.

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 the **Giltz Subdivision**, to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of Giltz Subdivision. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. EXTENSIONS

19-02.1/2 Alum Crossing, Sections 1 and 2 - Orange Twp. - 97 lots / 50.80 acres

I. Staff Comment

The applicant has requested a 6-month extension of the Alum Crossing, Sections 1 and 2 preliminary plan in order to obtain the necessary approval for final plat submission. The applicant has indicated that they plan to submit for final approval in May. This is the second request for extension.

II. Staff Recommendation

Staff recommends approval of the 6-month extension of Alum Crossing, Sections 1 and 2 to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for approval of the 6-month extension of Alum Crossing, Sections 1 and 2. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. OTHER BUSINESS

- **Consideration of expenditure: Software upgrade \$2,186 (7 MS Office '03, 1 Windows '00)**
- **Consideration for recommendation: Transfer of appropriation for software upgrade**

Mr. Miller made a motion for approval of the transfer of appropriation for software upgrades and the expenditure of \$2,186 for software upgrades. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VIII. POLICY / EDUCATION DISCUSSION (none)

IX. RPC STAFF AND MEMBER NEWS (none)

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

Meeting adjourned at 8:00 p.m.

***The next meeting of the Delaware County Regional Planning Commission
will be Thursday, April 28, 2004 7:00PM at the Delaware Hayes Services
Building, 140 N. Sandusky Street, Conference Room G-35, Delaware,
Ohio 43015.***