

Delaware County Regional Planning Commission

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

Scott B. Sanders, AICP, *Interim Executive Director*

MINUTES

Thursday, May 25, 2006 at 7:00 PM

Delaware Hayes Services Building,

140 N. Sandusky Street, Conference Room 313, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of April 27, 2006 RPC Minutes
- Executive Committee Minutes of May 17, 2006
- Statement of Policy

II. VARIANCES *(none)*

III. PUBLIC CONSTRUCTION PROJECTS *(none)*

IV. ZONING MAP/TEXT AMENDMENTS

- 22-06 ZON Jerry Tuttle – Trenton Twp. – 3.00 acres from FR to RR
- 23-06 ZON Edward Roop (Wm. Adams) – Brown Twp. – 70.8 acres from FR-1 to PUD
- 24-06 ZON NHG Development – Concord Twp. – 5.00 acres from FR-1 to PRD
- 16-06 ZON **W** Troy Twp. Zoning Commission – Comprehensive Plan amendment (PID)
- 25-06 ZON Paul Sherer and Victoria Sherer – Liberty Twp. – 5.917 acres from FR-1 to PR
- 26-06 ZON **W** Northwood Land Corp. – Berkshire Twp. – 91.2 acres from A-1 to PRD
- 27-06 ZON Mark & Joseph Ciminello – Berlin Twp. – 9.491 acres from FR-1 to PCD
- 28-06 ZON Berlin Twp. Zoning Commission – text amendments

V. SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
08-06	Alexander Way	Concord	04 lots / 07.95 acres
07-05.1-3	Nelson Farms, Section 1-3 (revised)	Liberty	150 lots / 154.30 acres
03-06.1-4	Meadows at Lewis Center, Sections 1-4 (revised)	Orange	135 lots / 75.87 acres

Preliminary/Final *(none)*

Final

01-05.1	Cheshire Woods, Section 1	Berkshire	94 lots / 80.27 acres
06-05.1	Cheshire Woods Estates, Section 1	Berkshire	24 lots / 66.83 acres
05-06	Fenstermaker	Concord	03 lots / 06.20 acres
23-05	Boulder Ridge	Genoa	28 lots / 13.99 acres
29-04	T The Woods at Wildcat Run	Liberty	12 lots / 23.02 acres
19-04.3.A	McCammon Estates, Section 3, Phase A	Orange	57 lots / 35.27 acres
19-04.3.B	McCammon Estates, Section 3, Phase B	Orange	04 lots / 02.22 acres
19-04.4	McCammon Estates, Section 4	Orange	19 lots / 06.79 acres
03-05	Wilshire, Section 7	Orange	54 lots / 35.35 acres

T=TABLED, W=WITHDRAWN

VI. EXTENSIONS

16-04	Eagle's Ridge	Berlin	63 lots / 87.82 acres
28-04	Derby Glen Farms	Liberty	53 lots / 47.90 acres

VII. OTHER BUSINESS

- Consideration for approval: Seminar Reimbursement policy and adding Continuing Education policy to employee handbook

VIII. POLICY / EDUCATION DISCUSSION

IX. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairwoman Foust called the meeting to order at 7:02 p.m.

▪ **Roll Call**

Representatives: Paul Snajd, Rick Sedlacek, Robert Hedrick, Fred Fowler, Jim Ward, Steve Burke, Gary Gunderman, Holly Foust, Dick Gladman, Marvin Miller, Lloyd Shoaf, Robert Jones, and Mike Datillo.
Alternates: Pat Blayney, Charles Sheets, and Sandra Stults. *Arrived after roll call:* Leslie Warthman (R).
Staff: Scott Sanders, Paul Deel, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the April 27, 2006 RPC Minutes**

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

▪ **May 17, 2006 Executive Committee Minutes**

1. Call to order

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

2. Approval of Executive Committee Minutes

April 19, 2006 – Mr. Gladman made a motion to approve the minutes of the April Executive Committee meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. Old Business

a. Contract updates

- 1.) **Berlin Twp.** – interested in ongoing zoning changes
- 2.) **Etna Twp.** – received a confirmation of hourly rate from Attorney Jeff Glasgow to review the Comprehensive Plan contract between Etna Twp. and the RPC.
- 3.) **Harlem Twp.** – finishing up the Steering Committee meetings for the Comp. Plan.
- 4.) **Oxford Twp.** – they received their final plan, waiting for any changes before making prints

4. New Business

a. Financial / Activity Reports for April 2006

REGIONAL PLANNING RECEIPTS		APRIL	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,230.00	\$5,270.00
Fees A (Site Review)	(4202)		\$600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$20.00	\$180.00
Membership Fees	(4204)	\$2,058.00	\$230,045.96
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$448.42	\$10,229.67
Assoc. Membership	(4206)		\$1,500.00
General Sales	(4220)	\$54.06	\$736.97
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,610.00	\$38,884.00
Charges for Serv. B (Final. Appl.)	(4231)	\$8,860.20	\$21,032.83
Charges for Serv. C (Ext. Fee)	(4232)	\$750.00	\$2,100.00
Charges for Serv. D (Table Fee)	(4233)	\$400.00	\$1,800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$800.00	\$9,460.00
Soil & Water Fees	(4243)	\$225.00	\$6,227.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$15.00
Other Reimbursements A	(4721)		\$13.10
Other Misc. Revenue (GIS maps)	(4730)	\$380.50	\$1,273.00
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$16,836.18	\$329,967.53

Balance after receipts	\$205,398.35
Expenditures	- \$ 50,596.41
End of April balance	\$154,801.94

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

- b. May RPC Preliminary Agenda** – includes 7 rezoning / text amendments, 3 preliminary, 9 final (1 of which has requested to be tabled), and 2 extension.
- c. Subdivision Regulations** – Mr. Sanders stated that there have not been any additional changes to the proposed Subdivision Regulations since the last RPC meeting. Chairwoman Foust asked if there would be discussion at the May RPC meeting. Mr. Sanders stated that he believed that the Commission members were supposed to bring any comments from their jurisdiction members to the meeting. The public hearing is scheduled for July 27, 2006.
- d. Willow Creek, Section 2** – Mr. Sanders presented the Committee with a sketch plan application to be reviewed in May. The request is to add 4 more lots to a recorded 4 lot Common Access Driveway subdivision called Willow Creek Section 1. The Committee agreed that if the applicant wanted to add more than one additional frontage lot to the CAD then a variance would need to be requested. The variance request would need to meet the criteria of a variance. The Committee could not determine the hardship from the materials submitted. They agreed a low volume/low density street would be a better alternative.

6. Other Business

7. Personnel

- a. Reimbursement policy and application form** – Mrs. Matlack explained that the proposed policy should be added to the Regional Planning Commission Employee Handbook. The reimbursement policy outlines the reimbursement for seminars, workshops, training and conferences. This policy does not cover tuition reimbursement. The policy sets forth a repayment timeline that is consistent with the Tuition reimbursement repayment policy. If the employee leaves employment with the DCRPC within 365 days of receiving the reimbursement then they must repay 100% of the amount reimbursed. If an employee leaves within 366 to 730 days, they must repay 50% of the reimbursement. If they leave after 730 days, they are not required to pay any of the funds back.

Mr. Gladman made a motion to recommend approval of the Reimbursement Policy and form. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

8. Adjourn

Having no further business, **Mr. Gladman made a motion to adjourn the meeting at 9:45 a.m. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

The next regular Executive Committee meeting will be Wednesday, June 21, 2006 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 (none)

IV. ZONING MAP/TEXT AMENDMENTS

22-06 ZON Jerry Tuttle – Trenton Twp. – 3.00 acres from FR to RR

I. Request

The applicant, Jerry Tuttle, is requesting a 3-acre rezoning from FR to RR to allow for one residential lot to be created via No Plat Approval lot split.

II. Conditions

Location: north part of 1366 Ross Road, 1200' south of Dent Road, Trenton Township

Present Zoning: Farm Residential (FR)

Proposed Zoning: Rural Residential (RR)

Present Use(s): Vacant/Agricultural

Proposed Use(s): Single-family residential

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 3 acres

School District: Big Walnut Local School District

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

Critical Resources: none

Surrounding land uses: Agriculture, some 5-acre single-family on Dent Road.

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

III. Issues

This is a straight district rezoning, so no development plan is required. It is assumed, therefore, that the applicants will divide a new lot. The existing parcel has approximately 1100' of frontage, out of which 250' will be divided for the new lot.

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

IV. Staff Recommendations

Staff recommends **Approval** of this rezoning case from FR to RR for Jerry Tuttle to the DCRPC, the Trenton Township Zoning Commission and the Trenton Township Trustees.

(The report has been corrected to reflect the correct zoning district change.)

Commission / Public Comments

No one was present to represent the applicant.

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

23-06 ZON Edward Roop (Wm. Adams) – Brown Twp. – 70.8 acres from FR-1 to PUD

Request: William Adams c/o Edward Roop is requesting a Planned Unit Development (PUD) zoning for the purpose of developing 37 single family house lots in a conservation subdivision on SR 521 in Brown Township.

I. Conditions

- Present Zoning:** Farm Residence District (FR-1)
- Proposed Zoning:** Planned Unit Development (PUD)
- Present Use:** Agriculture/woods.
- Proposed Use:** Conservation subdivision
- Existing Density:** 1 unit per 2 acre
- Proposed Density:** 0.52 units per acre
- School District:** Buckeye Valley
- Utilities Available-** Del Co Water, individual on lot septic tank with central collection system.
- Soils:** BeA – Bennington 0-2 % slope
BeB – Bennington 2-6 % slope
AmD2 – Amanda 12-18 % slope
AmE – Amanda 18-25 % slope
CaC2 – Cardington 6-12 % slope
LbE – Latham Brecksville 25-70 % slope

II. Application

This request is a property owner initiated Planned Unit Development (PUD) rezoning per Ohio Revised Code 519.021 (B), which allows a landowner to propose zoning regulations that would apply only to his land. Approval by the township does not amend the township Zoning Resolution text. The initial zoning action is legislative and subject to referendum. Any subsequent amendment of the approved development plan is administrative and subject only to an appeal pursuant to ORC 2506.

According to the development plan the standards contained in this application are based on the proposed Planned Farm Residence Conservation District (PFRCD) regulations currently being reviewed by the Brown Township Zoning Commission for possible adoption in the Zoning Resolution. Portions of similar Conservation Subdivision regulations from Genoa and Concord Township have also been used.

III. Project Description

The proposed “Salt Run” subdivision is located on the south side of SR 521 approximately ½ mile east of the Kilbourne Road split. The site contains an open agricultural field at the front (app. 12 acres) with the remainder being wooded with 2 deep ravines flowing east to west into the Alum Creek. Surrounding land use includes agriculture and low density/large lot residential. The land to the southwest is owned by the USA and is part of the Alum Creek park land.

The subdivision includes 37 lots on 70.8 acres (0.52 du/acre). It includes a single access road from SR 521. Two short cul-de-sac streets extend to the east of the main spine road along ridges between the 2 ravines. Approximately 60 percent of the site (42 acres) is set aside as permanent open space. A 5’ mulch path will be laid out throughout the open space. The lots are configured so that all but 1 is adjacent to open space. The layout also pushes the homes back and out of view from SR 521. Most of the existing overhead electric easement is kept within the open space except a portion that crosses one of the deeper residential lots. The plan indicates that the open space will be owned and maintained by the homeowners association.

The developer proposes a centralized treatment system that will include an individual “separator” tank on each lot with a sewer line collecting the wastewater and sending it to a community leach field in the open space at the front of the site. The leach field is within an area of approximately 3 acres.

IV. Issues

In this application, the applicant states that the proposed Brown Township Planned Farm Residence Conservation District (PFRCD) language was the basis for establishing the requirements of this PUD. If the development plan was intended to be a conservation subdivision according to proposed language, then this application is incomplete since much of the proposed PFRCD language was omitted. If the application is an a la carte of specific sections of the proposed PFRCD, then this application does not provide enough information for the township to evaluate its impact and is therefore premature. Staff noted the following areas of concern:

1. The text includes references to primary and secondary conservation areas, net developable acreage, and other terms relating to conservation subdivisions. None of these terms or concepts are defined.
2. A full size development plan with a scale of at least 1” = 100’ needs to be submitted, not a reduced copy.
3. There needs to be a grading plan with topographic contours. Proposed drainage structures need to be shown.
4. Engineering feasibility has not been shown. Letters from utility providers were not submitted. The Delaware General Health District and/or the OEPA have not provided a feasibility letter for the proposed wastewater treatment system.
5. Architectural design criteria – no renderings of proposed structures have been provided. Materials, colors and controls are not mentioned in the text.
6. Landscaping – the landscaping plan needs to include renderings.
7. Signs – a rendering of the entry sign is needed.

8. Divergences – none are requested, but a few are needed because the development plan submitted does not match the PUD text being submitted by the applicant. They include tree spacing (from 50' to 100'), front setback (40' from r.o.w. to 40' from edge of pavement) and lighting. An owner initiated PUD should not need divergences, except possibly from the General Development standards of the Zoning Resolution.
9. Expiration/modification of development plan – there is nothing in the text that stipulates how long the development plan is vested or how it may be modified.
10. Timetable for development is not specified. Is this to be built in a single phase? How long?
11. The Brown Twp. Comprehensive Plan does recommend residential land uses and encourages conservation subdivision in this area, but at densities of 1 du/3 acre and 1 du/5 acre. Current FR-1 zoning density is 1 du/2 acre.

V. Staff Findings

This is the first time in Delaware County that a landowner has requested a PUD zoning under the provisions of ORC 519.021 (B). While there is no criteria established for approving such a request, staff has noted the deficiencies/shortcomings of the application. We find that the application is incomplete since the development plan fails to address a number of items in the proposed Brown Township Planned Farm Residence Conservation District. If the intent was to only apply certain portions of the proposed PFRCD, then we find the application premature, since engineering feasibility has not been shown and not enough detail is provided for the township to determine the development's impact on the health, safety and general welfare of the township.

VI. DCRPC Staff Recommendation

Staff recommends **Denial** of the application by Edward Roop (William Adams), for PUD zoning of 70.8 acres, to the DCRPC, Brown Twp. Zoning Commission and Brown Twp. Trustees, *due to the reasons noted in Section IV and V of the staff report.*

Commission / Public Comments

Mr. Steve Martin, attorney for the applicant was present. He stated that they were encouraged to apply for a PUD by Mr. Laurien due to this unique tract. A number of the areas of staff concern in the report go to the area of engineering detail. The applicant does not have a problem with the recommendation of disapproval but do with several of the areas of concern expressed in the staff recommendation. This proposal for PUD under ORC 519.021 (B) are for this specific tract only. They asked for items 1-3, a portion of 4, 6-9 (of Section IV. Issues), and the last two sentences under section (V.) Staff Findings be deleted for the reasons as follows:

1. *Terms or concepts are not defined.* Mr. Martin stated that this is not a zoning regulation that applies to a Township but only to this tract of land. Areas are delineated on the maps and it is unnecessary to define those terms because the graphic presentation makes them clear.
2. *Full size development plan needs to be submitted.* He was informed by the engineer that full sized copies were submitted to the Township. They have no problem supplying the number required.
3. *Grading plan.* They address storm was in Division E and say they are going to use existing drainage ways supplemented as may be deemed necessary by the Del. Co. Engineer.
4. *Engineering feasibility not shown.* They request that the last sentence of this item,

regarding the feasibility letter from the Delaware Health District and/or OEPA being provided, be deleted. Discussions have been had with the Ohio Department of Health. The Ohio Public Health Council adopted new sewage treatment system rules that will go into effect on January 1, 2007. The Ohio Dept. of Health state that their website will be providing implementation of these rules. There is information forthcoming but the permitting will not be either one of the entities that are set forth in the staff recommendation.

6. *Landscaping*. The whole concept of a conservation subdivision is to preserve nature as it is. Essentially there is not going to be any landscaping other than at the entry feature and street trees.
7. *Signs* – They will submit the entrance feature and signs at an appropriate time to the Township Trustees for their approval.
8. *Divergences*. The applicant does not feel that any divergences will be needed. In 519.021 (B) owner initiated is unique. 519.021 sets forth that within a planned unit development, the Township zoning regulations where applicable need not be uniform but may vary to accommodate unified development etc. However, in (B) the statute expressly states that *within* that development property is subject to the planned unit regulations and “not to any other regulations”.
9. *Expiration/modification of development plan*. 509.021, under the statute when that plan is developed and approved, regulations and the development plan it applies to that tract until it is rezoned.

They are also asking that the last two sentences of the Staff findings be deleted (“*We find that the application is incomplete since the development plan fails to address a number of items in the proposed Brown Township Planned Farm Residence Conservation District. If the intent was to only apply certain portions of the proposed PFRCD, then we find the application premature, since engineering feasibility has not been shown and not enough detail is provided for the township to determine the developments’ impact on the health, safety and general welfare of the township.*”) The Brown Township Planned Residence Conservation District has not been adopted yet. The application is not premature. It may be incomplete in some of the details but those items can be worked out with the Township Zoning Commission.

Mr. Jones asked if the divergences were from the existing zoning code or the proposed owner initiated plan. Mr. Deel stated that the divergences he referred to is in their (applicant’s) regulations. They have specific regulations that they are proposing. Essentially, the applicant has taken some of the standards in the Model Conservation code and put those in the form of their proposed regulation and then each one is responded to within the development plan. They could just simply change that in the proposed language.

Mr. Blayney asked Mr. Burke if the sewage treatment system falls under the jurisdiction of the General Health District. Mr. Burke stated that it was his understanding that this type of sewage treatment system will still fall under the OEPA’s jurisdiction.

Mr. Blayney stated that under this situation a denial is appropriate. It has always been a policy of this Commission to have a tentative letter of approval for sewage disposal.

Mr. Sanders added that staff was under the impression that the OEPA was going to require some sort of local utility to maintain that system. Mr. Burke agreed.

Mr. Blayney made a motion to recommend denial of the rezoning request by Edward Roop (William Adams) due to the applicant not having a clear-cut approach (i.e., letter of approval) for the wastewater control on this site. Mr. Miller seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Hedrick). Motion carried.

24-06 ZON NHG Development – Concord Twp. – 5.00 acres from FR-1 to PRD

I. Request

The applicant, NHG Development, is requesting a 5-acre rezoning from FR-1 to PRD to accommodate five lots which will be accessed via a Common Access Driveway. The CAD stops short of a small ravine with the existing house to be retained beyond the ravine. The developer is planning to pave the CAD to the standards recently proposed but deleted from the draft Subdivision Regulations.

II. Conditions

Location: South side of Harriott Rd, 570' west of Brodie Blvd., Concord Twp.

Present Zoning: Farm Residential (FR-1), 1 du/1.5 acres

Proposed Zoning: Planned Residential (PRD), 1.5 units/gross acre

Present Use(s): Single-family residence

Proposed Use(s): Single-family residential lots

School District: Dublin School District

Utilities Available: Del-Co Water and County Sewer via Tartan Fields

Critical Resources: None

Surrounding land uses: Single-family residences on large lots, with Tartan Fields to the east and south.

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

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

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

III. Issues

1. Although most PRD zoning codes include a minimum overall project size of 10 acres, Concord's code does not include a minimum area. There is also no requirement for open space.
2. Current and proposed CAD standards allow a maximum of three lots accessing the CAD with, in this case, one additional lot on the existing street for a total of four lots. Given the recent process of revising the Subdivision Regulations, staff cannot support a fifth lot on this Common Access Driveway. Although a variance is not being sought at this time, staff cannot identify any particularly unique condition or hardship that would justify a variance.
3. Comprehensive Plan: The 2004 Concord Township Comprehensive Plan indicates the proposed site for Planned Residential at 1.25 units/gross acre as one of the options. The proposal does meet the recommendations of the Comp Plan.

IV. Criteria for Approval

In approving an application for a Planned Residential District, the reviewing authority shall determine:

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

Staff comment: It is.

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

Staff comment: It is.

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

Staff comment: Possibly – the proposal seems to mirror the lots to the east in Tartan Fields Phase 20 and 21 but does not form a transition to the 5-acre lots to the west.

V. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by NHG Development from FR-1 to PRD to the DCRPC, Concord Township Zoning Commission and Concord Township Trustees, as to the type of development, *subject to the lots being reconfigured to comply with the current limit of three lots on a Common Access Drive plus one on the existing frontage. Staff would recommend the proposed number of lots, but on a low volume/low density street.*

Commission / Public Comments

Mr. Kevin Kershner with RD Zande was present to represent the applicant. He states that the applicant is aware that a variance would probably be required for the additional lots on the CAD.

Mr. Miller made a motion to recommend conditional approval of the rezoning request by NHG Development, subject to staff comments. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

16-06 ZON Troy Twp. Zoning Commission – Comprehensive Plan amendment (PID)

Troy Twp. has requested that this application be withdrawn from the agenda.*

25-06 ZON Paul Sherer and Victoria Sherer – Liberty Twp. – 5.917 acres from FR-1 to PR

Location: East side of Liberty Road, 500’ south of Jewett Road, west of the C&O Railroad tracks

Sovereign Homes proposes a rezoning of the Sherer property to create 11 single-family building sites at an average size of 1/3 of an acre with an access to Liberty Road.

I. Conditions

Present Zoning: FR-1

Proposed Zoning: PR

Present Use: One single-family house

Proposed Use: 11 single-family house sites

Existing Density: 1 unit/acre

Proposed Density: 2 units per gross acres

School District: Olentangy Local School District

Utilities Available- Del Co Water, Delaware County sanitary sewer

Soils: GwB Glynwood Silt Loam, 2-6% slope

PwA Pewamo Silty Clay Loam 0-2 %

II. Issues

1. Kera Lane's access to Liberty Road scales off about 150' south of Torrington Drive, just meeting the County's standards for offset intersections. The applicant should confirm that this is appropriate. They should also check the geometry of Kera Lane as it curves to the south. Based on the configuration of the adjacent lot to the south, the road may need to stub to the southeast rather than taking a 90-degree turn.
2. Sanitary and Del-Co Water letters are provided, other utility letters are not.

III. Divergences

1. Due to the narrowness of the site the proposed minimum lot size is .291 acres where the Comp Plan specifies .375 acres. The application shows possible house layouts showing side-load garages, but the driveways appear to be on the lot line.
Staff comment: A divergence could be considered reasonable but reducing the number of lots to conform to the current Comp Plan is a better remedy.
2. Due to the narrowness of the site the front setback is proposed at 25' from the right-of-way instead of the 50' required.
Staff comment: The divergence may be reasonable, but with an average lot depth of 110', a 25' front and 25' rear setback leaves approximately 66' of depth for development. This will severely impact rear-yard accessory uses such as decks and pools. All garages will be side-loading; reducing the impact of cars parked in short driveways.
3. Sales model to be maintained during the sell-out period.
Staff comment: This is reasonable.
4. Sign code divergences
Staff comment: Up to the township.

IV. Conformance with the 2006 Liberty Township Comprehensive Plan

1. The 2006 Comprehensive Plan identifies this area as being developed at a density of 1.5 units per net developable acre. Net density is defined in the Liberty Township Zoning Code as a 15% deduction for roads and the area of a list of typical critical resources. This site is not impacted with slopes,

wetlands or floodplains. Therefore, the Comp Plan density range would be 7.54 lots after subtracting 15% for roads.

V. Required Findings for Planned Districts:

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

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

Staff Finding: The overall development plan is generally consistent with the general standards of the resolution.

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

Staff Finding: The 2006 Comprehensive Plan recommends residential at 1.5 units per net developable acre with sewer for this area. This would result in 7.54 units, so between 7 and 8 units should be allowed.

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

Staff Finding: The development plan generally advances the general welfare of the township, if the density conforms to the adopted Comprehensive Plan and the township assures that the lot configurations will support the proposed building types.

VI. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the rezoning request by Paul and Victoria Sherer for 5.917 acres from FR-1 to PR to the DCRPC, Liberty Township Zoning Commission, and the Liberty Township Trustees, *subject to:*

1. *That the density be reduced to 1.5 units per net developable acre (between 7 and 8 lots assuming 15% subtraction for right-of-way).*

Commission / Public Comments

Mr. Ted Uritus of Sovereign Homes was present to answer questions from the Commission. A representative with Geographics was also present to answer any technical questions. Mr. Uritus stated they have had several meetings to work with the Township officials. They have also received support from the neighbors for this project. He explained that he has approached the neighbors about selling some land area to solve the depth issues but no one has been interested in selling.

Mr. Blayney made a motion to recommend approval of the rezoning application for Paul and Victoria Sherer, subject to staff comments. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

****This application was withdrawn by Berkshire Twp.****

27-06 ZON Mark & Joseph Ciminello – Berlin Twp. – 9.491 acres from FR-1 to PCD

I. Request

Mark and Joseph Ciminello submit a zone change request from FR-1 to a Planned Commercial District (PCD) for 9.49 acres north of the Four Winds Drive and east of 3 B's and K Road in Berlin Township. The applicant also requests an amendment to the Comprehensive Plan to reflect the PCD zoning change.

Present Use: Agriculture

Proposed Use: 27 units of multi family

Existing Density: 1-unit per acres in FR-1 zone

Proposed Density: 5 units/net developable acre

School District: Olentangy

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

Surrounding land use: West- Large lot single family and agricultural uses fronting on 3 B's and K Road
East – Agriculture, North- Large lot single family homes, agriculture, South-Church, Waffle House, gas station, motels, and vacant land.

II. Background

This development is 9.49 acres out of a large 74+ acre proposed condominium development spanning Berlin and Berkshire Township. Berkshire has approved 64 acres of the development for PCD (RPC # 07-05 ZON).

The overall project is at the northern extent of county sewer service and is proposed as a transition from the commercial and retail uses along SR 36/37 to the lower density single family residences to the north.

III. Preliminary Development Plan Comments

The applicant has elected to utilize a two-step procedure which requires the submission of a preliminary development plan for the initial rezoning application. A subsequent, more detailed final development plan is required within 1 year of rezoning. The preliminary development plan submitted meets most, but not all the design standards and the preliminary plan requirements.

IV. Checklist for PCD review and approval (Section 15.05 Required Design Standards)

The development plan shall incorporate the following standards:

1. **Access** - Requires frontage on or direct access to one or more dedicated and improved public arterial roads as shown on the Delaware County Thoroughfare Plan, or to an access road that runs parallel to an arterial road. Provision for future connections to other public roads may be required by the Township, the County Engineer, and/or the Regional Planning Commission.

DCRPC Staff Comment- *The plan provides a single access to 3 B's and K Road and 2 connections to the rest of the overall development to the east in Berkshire Township. The development plan text indicates that roads will be public or private. Staff noted during the Berkshire review the desire of the fire department to have a second public access to the project. It was recommended that the east west road to 3 B's and K Rd. be public.*

2. **Minimum Tract Size** - 10 acres or as approved on the final development plan.

DCRPC Staff Comment- *The site contains 9.491 acres out of an original 20.02 acres. A Divergence is requested for a reduction. It is not stated why the applicant can not meet this requirement. Staff feels that there is no reason the minimum tract size can not be met and recommends the divergence be denied.*

3. **Maximum Commercial (Not Multi-Family Residential) Ground Coverage by Buildings and Parking (All Impervious Surfaces)**

DCRPC Staff Comment-*Not applicable*

4. **Minimum Required Open Space for Commercial Developments**

DCRPC Staff Comment-*Not applicable*

5. **Maximum Commercial Floor Space Requirements**

DCRPC Staff Comment-*Not applicable*

6. **Residential Standards for Common Wall Single Family Attached Dwelling, Two Family Dwellings, and Multi-Family Dwellings:**

- a. **Density** - Maximum of five dwelling units per net developable acre.

DCRPC Staff Comment-*the applicant calculates the net developable area to be 7.217 acres, which would allow a maximum of 36 units. The development proposes 27 units or 3.74 units per net developable acre.*

- b. **Common Open Space** - Not less than 10% of the total tract acreage must be set aside as useable common open space, meaning areas exclusive of landscape islands and berms for parking lots and yards or courts immediately adjacent to the dwelling units. The township shall determine if the open space configuration meets the intent of these standards during preliminary development plan review.

DCRPC Staff Comment-*There are 2 open space reserves proposed for a total of 3.4 acres (35.8%).*

- c. No more than 20% of multi-family units may be either designated as rental units or held back by the developer for lease; all other dwelling units must be for sale to individual owners. Assurance of compliance with this requirement shall be shown on the development plan or plat or through deed restriction.

DCRPC Staff Comment-*All units will be owner occupied, no rentals.*

- d. All exterior sides of all units shall be sheathed in brick, stucco, stucco-stone, stone, wood, or cementitious lap siding.

DCRPC Staff Comment- *No renderings are included. The architectural design statement needs to be expanded with renderings as part of the final development plan approval.*

- e. A development plan shall be submitted that meets all the standards and requirements of this Article XV, and which demonstrates that the design proposes buildings grouped together with a defined

center, a network of open space and connecting sidewalks or pathways, resident parking provided off street, and street trees and a tree lawn adjacent to the edge of the street.

DCRPC Staff Comment-Need some more detail as noted in this report.

- f. Centralized water and sewer service shall be provided.

DCRPC Staff Comment- Delco water is available from a 6" line on 3 B's and K Road. According to the service letter, "due to system restraints, fire flows may be limited". Sanitary sewer is available (letter submitted) upon extension into the site.

- g. **Floodplain** - No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.

DCRPC Staff Comment-Not applicable

- h. **Roof Pitch** - All residential roofs shall be a minimum of 6/12 pitch, or as otherwise approved by plan.

DCRPC Staff Comment-renderings are not provided. Text indicates compliance.

- i. **Walkways and Street Trees** - The Township may require walkways to connect all dwelling areas with open space and to interconnect the open spaces. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped or grassed tree lawn with street trees.

DCRPC Staff Comment-Text indicates that sidewalks will be provided on at least one side of the streets, but nothing is shown on the development plan. Two trees are proposed within the tree lawn area of each unit.

- j. **Yards and Setbacks** - Approved per development plan.

DCRPC Staff Comment- Clarification needed for building setback. Is it from the edge of street pavement or right-of-way? Staff suggests a 22' setback from the inside edge (building side) of the sidewalk to allow adequate off-street parking. Structure separation should not be less than 25' unless fireproof masonry walls are required. In no case should the buildings be closer than 15'. The divergence for structure separation should be denied.

- k. Curbed street with enclosed drainage.

DCRPC Staff Comment- Streets will be curb and gutter.

- l. **Pavement Width Standards for Intra Development Streets, Drives and Parking Lots** - All private streets, roads and driveways shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, or shall have a design life of 20 years. Parking lot pavement does not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.

DCRPC Staff Comment- Looks OK. Streets will be 26' wide with curb and gutter.

- m. **Underground Utilities** - All utility lines constructed to service the proposed commercial uses shall be located underground.

DCRPC Staff Comment- OK

- n. **Architectural Details are Desirable** - examples are wide corner boards or quoins, lintels, columns, window boxes, shutters, round louvers, etc.

DCRPC Staff Comment- No renderings are included. The architectural design statement needs to be expanded with renderings as part of the final development plan approval.

7. **Minimum Lot Width** - At the building line shall be as approved per plan.

DCRPC Staff Comment- since the dwellings are intended to be condominiums, there is no lot width, as they are all located on one lot. The final development plan will have to show specific building footprints

8. **Minimum Side Yards** - For non-residential structures shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.

DCRPC Staff Comment-Not applicable

9. **Minimum Rear Yard** - For non-residential structures shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.

DCRPC Staff Comment-Not applicable

10. **Perimeter Area** - No parking shall be constructed within 25 feet of the lot line of an existing or proposed single family home, or a residentially zoned district.

DCRPC Staff Comment-OK

11. **Water and Sewer** - Centralized water and sewer service shall be provided unless otherwise approved per development plan. The appropriate state and/or county agencies with jurisdiction shall indicate feasibility of water supply and wastewater disposal systems at the time of the preliminary development plan review.

DCRPC Staff Comment- Delco water is available from a 6" line on 3 B's and K Road. According to the service letter, "due to system restraints, fire flows may be limited." Sanitary sewer is available (letter submitted) upon extension into the site.

12. **Walkways and Street Tree** - The Township may require walkways to connect parking areas with buildings. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped or grassed tree lawn with street trees.

DCRPC Staff Comment- Text indicates that sidewalks will be provided on at least one side of the streets, but nothing is shown on the development plan. Two trees are proposed within the tree lawn area of each unit.

13. **Pavement Width Standards for Intra Development Streets, Drives and Parking Lots** - All private streets, roads and driveways shall be constructed to a pavement width and cross section that meets the Average Daily Traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, or shall have a design life of 20 years. Parking lot pavement does not have to meet street cross section standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.

DCRPC Staff Comment- Looks OK

14. **Underground Utilities** - All utility lines constructed to service the proposed commercial uses shall be located underground.

DCRPC Staff Comment-OK

15. **Environmentally Sensitive Areas** - Jurisdictional wetlands, slopes greater than 20% and 100-year floodplains shall be preserved to the greatest extent possible. No commercial or office structures shall be constructed within the 100-year floodplain of any stream or river. To the maximum extent possible, all natural drainage courses, vegetation and contours in excess of 6% shall be maintained.

DCRPC Staff Comment-Existing stream and pond to be preserved in open space.

16. **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.

DCRPC Staff Comment:-No renderings are included. The architectural design statement needs to be expanded with renderings as part of the final development plan approval.

17. **Building Height Limits** - As approved on the final development plan.

DCRPC Staff Comment: Need to see proposed buildings, but should not be a problem

18. **Landscaping** - All yards, front, side and rear, shall be landscaped. All open spaces or non-residential use areas shall be landscaped and shall meet the landscaping requirements of this resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, shall be submitted and is subject to approval as a part of the final development plan. Natural foliage shall be retained as buffers where practicable. The Township may require establishment of such tree cover and /or other foliage to buffer adjacent uses.

DCRPC Staff Comment: Description O.K for the preliminary plan, but a detailed landscaping plan must be submitted as part of the final development plan

19. **Parking** - Off-street parking shall be provided at the time of construction of the main structure or

building, with adequate provisions for ingress and egress according to the final development plan. In preparing and approving the parking plan, the parking provisions of Article XXI, Section 21.01 of this Resolution shall be incorporated, or a divergence requested.

DCRPC Staff Comment: *To allow for adequate off-street parking, the front building setback should be 22 feet from the inside edge (towards the building) of the sidewalk. No fully projecting snout garages should be allowed. Garages should be flush with the dwelling fronts or recessed*

20. **Signs** - Signs shall conform to Article XXII of this resolution, or a divergence requested and approved as part of the final development plan.

DCRPC Staff Comment: *sign detail can be done as part of the final development plan*

21. **Exterior Lighting** - All exterior lighting shall be as specifically approved as part of the final development plan in accordance with Article XXI, Section 21.13 of this resolution.

DCRPC Staff Comment: *Not applicable to the preliminary plan*

22. **Building Size Limits** - Retail or office buildings, including but not limited to NAICS Codes 114, 311811, 442, 443, 444, 445, 446, 447, 448, 451, 452, 453, 51, 52, 5312, 5313, 53211, 5322, 53242, 54, 55, and 561 shall contain no more than 65,000 square feet under one roof for any individual use.

DCRPC Staff Comment:*Not applicable*

23. **Exception to Retail and Office Building Size Limits** - Retail and office uses permitted in Section 15.02, and NAICS code 441 (Motor Vehicle and parts dealers) with an individual commercial or office that exceeds 65,000 square feet under one roof for any individual use may be approved at the discretion of the township provided they have direct access to or access to a commercial frontage road located parallel to and within 500 feet of U.S. 23 or U.S. 36.

DCRPC Staff Comment:*Not applicable*

24. **Supplemental Conditions and Safeguards** - The Zoning Commission and/or Board of Trustees may require additional conditions be met with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

DCRPC Staff Comment:*None*

V. Checklist for approval (continued) Section 15.06 Required Findings for PCD Approval:

The Zoning Commission may recommend 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: *Generally yes, but not consistent in all respects.*

2. That the proposed development meets all applicable requirements of this Article and Zoning Resolution.

DCRPC Staff Comment: *Generally yes, but not consistent in all respects.*

3. That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.

DCRPC Staff Comment: *Not currently. The applicant is requesting a simultaneous Comprehensive Plan amendment. Staff could support the amendment if the area is designated as a transitional residential zone. This area is the northern extent of the sewer service area.*

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

DCRPC Staff Comment: *Yes, if the development plan is completed.*

5. That the proposed plan meets all of the design features required in this Resolution.

DCRPC Staff Comment: *Some of the features still need to be added to the plan as noted above.*

6. That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.

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

7. That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

DCRPC Staff Comment- *It does, but the development plan needs to provide all the design features.*

VI. Checklist for Approval (continued) Section 15.07 Process for Amendment:

Consistent with ORC 519.021 (A), applications for amendment to rezone property to the PCD Zoning District may be approved according to one of the following procedures:

- A. **Two Step:** The applicant, being the owner and, if applicable, a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PCD. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PCD. (This is a legislative act and is subject to referendum). A final development plan shall be subsequently submitted to the Zoning Commission for review and approval (this is an administrative act and not subject to referendum.) This procedure may only be used if the real estate proposed to be rezoned consists of at least 10 acres; or

DCRPC Staff comment- *This is the option chosen by the applicant; see the revised development dated 1-24-05.*

VII. Checklist for approval (continued) Section 15.09 Development Plans

- A. Preliminary Development Plan – With the filing of any application to rezone property to the PCD District, the owner(s) or lessees of the subject lots or land to be rezoned within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

Twenty (20) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PCD application. The plan shall include in text and map form, the following:

1. The size and location of the proposed PCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.

DCRPC Staff Comment: *O.K*

2. Conceptual architectural elevations for all structures and signs.

DCRPC Staff Comment: *Not submitted, but general architectural criteria are given.*

3. The intended general provisions for water, fire hydrants, sanitary sewer, and adequate storm water drainage outlet. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented by the utility provider or a registered civil engineer.

DCRPC Staff Comment: *Drainage needs more detail. Surface flow appears to be generally east to west, but the need for retention/detention should be calculated. There may be farm tile that might be disturbed and rerouted. Check with the Delaware Soil and Water District before preliminary plan approval.*

4. The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.

DCRPC Staff Comment: *O.K.*

5. A design of the open space and proposed description of its use, ownership, and maintenance.

DCRPC Staff Comment: *O.K.*

6. Specific statements of divergence, if any, from the development standards in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage and so forth.

DCRPC Staff Comment: *Applicant is requesting the following divergences.*

- a.) Minimum tract size – Applicant requests a reduction to 9.49 where 10 acres is required. The site is part of 20 acre tract. There is no explanation why this divergence is necessary when it appears that the requirement can be met. Staff recommends denial of the divergence request.
- b.) Requesting reduction of structure separation to less than 25 feet without masonry walls. Reduced separation is allowed (to 15 feet) if masonry walls are provided. Staff recommends denial of the divergence request.

c.) Lighting – request to allow shielded, directional up-lighting for the entry sign. Staff recommends denial since.

7. Proposed location of all structures and uses.

DCRPC Staff Comment: *Need more detail.*

8. Preliminary Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer’s standards.

DCRPC Staff Comment: *O.K.*

9. All required design standards in Section 15.05.

DCRPC Staff Comment: *Not all shown.*

10. Fire fighting plan- letter from Fire department regarding access and water needs for fire fighting.

DCRPC Staff Comment: *O.K.*

11. Phasing plans, if any.

DCRPC Staff Comment: *O.K.*

12. Calculations of net developable acreage and proposed lot coverage for commercial uses and project density for proposed multi-family uses.

DCRPC Staff Comment: *O.K.*

13. Proposed permitted and accessory uses listed numerically and selected from the NAICS list in Section 15.02.

DCRPC Staff Comment: *O.K.*

VIII. DCRPC Staff Recommendation

Staff recommends to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees that the rezoning from FR-1 to PCD for 9.49 acres be **Conditionally Approved**, *subject to the following conditions:*

1. *The access and road from 3 B’s and K Road being public;*
2. *Adhere to the 22’ setback from the inside edge of the sidewalk along the private streets. No fully projecting front-load garages. Garages should be flush with the front of the dwelling, or recessed;*
3. *Make a 40-foot setback along the southern property line abutting the commercial lots to the south, and buffer these lots with a 7’ high combination mound and tree plantings;*
4. *Submit a landscape plan as part of the final development plan;*
5. *Submit architectural renderings with the final development plan;*
6. *Deny divergences;*
7. *Have the drainage plan checked by the Delaware Soil and Water District prior to preliminary plan approval; and*
8. *The township amending the Comprehensive Plan to designate this area as a residential transition area.*

Commission / Public Comments

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

Mr. Ward made a motion to recommend conditional approval of the rezoning request by Mark & Joseph Ciminello, subject to staff comments. Mr. Blayney seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Sedlacek). Motion carried.

28-06 ZON Berlin Twp. Zoning Commission – text amendments

In the summer of 2005, the Berlin Township Zoning Commission worked with Phil Laurien to make the editorial changes listed below to bring several portions of the township zoning ordinance into conformance with changes in state law and to update other areas to current “model” standards. These changes have been through legal review by request of the township.

I. Summary of amendments

1. Add additional text definitions to Article IV.
2. Amend Section 5.0510 Planned Industrial District to correct a typo.
3. Add a new “purpose” section 5.1512 for the Industrial District.
4. Delete section 6.03 (Public Utilities) and insert a new section 6.03.
5. Amend Article VI to include a new section 6.031 “Telecommunication Towers” pursuant to Ohio Revised Code 519.211, and delete Sections 7.04 N., 8.05 H, 9.05 H, and 11.12 H.
6. Add a new Section 6.032 to regulate trucking, busing and taxi businesses as provided in Ohio Revised Code 519.211 (C).
7. Amend various sections of Article VII FR-1.
8. Amend Article XII Neighborhood Commercial to add a list of permitted uses based upon NAICS code numbers, delete the development plan process, and amend various sections.
9. Amend Article XIV Planned Office to add a list of permitted uses based upon NAICS code numbers, make various other amendments
10. Amend Article XVII Industrial to add a list of permitted uses based upon NAICS code numbers, delete the development plan process, and make various amendments.
11. Delete Section 21.14 Noise Regulations and reserve the number
12. Delete Section 21.07 Flood Plain Regulations and reserve the number
13. Delete Article 28 BZA and insert new Article 28, BZA.
14. Amend Section 29.03 to change the penalty from \$100 to \$500 in accordance with state law.

II. Staff Recommendations

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

Commission / Public Comments

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

V. SUBDIVISION PROJECTS

Preliminary

08-06 Alexander Way – Concord Twp. - 04 lots / 07.95 acres

Applicant: AVK Development, LLC
Subdivision Type: Single-family Residential (CAD)
Location: 4604 Hyatts Road, Concord Twp.
Current Land Use: Single family residence
Zoned: Farm Residence District, (FR-1)
Utilities: Del-Co water and individual on-lot treatment systems
School District: Buckeye Valley
Engineer: Patridge Surveying

I. Staff Comments

Alexander Way contains 4 lots on 7.95 acres. An existing house will remain on a 1.85 acre lot along Hyatts Road and will continue to use the existing driveway. A CAD will provide access to the 3 lots to the rear and will be owned by the back lot (2.3 acres). The 2 other lots are each approximately 1.5 acres. All lots will utilize Del-co water and individual on-lot treatment systems. Surrounding land use is residential with the Scioto Reserve subdivision located to the south.

A technical review was held on May 16, 2006, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **Alexander Way** to the RPC.

Commission / Public Comments

Mr. Todd Ruhe was present to answer questions from the Commission.

Mr. Blayney made a motion for Preliminary approval for Alexander Way. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-05.1-3 Nelson Farms, Section 1-3 (revised) – Liberty twp. - 150 lots / 154.30 acres

Applicant: Nelson Farms Associates, LLC
Subdivision Type: Single-family Residential
Location: Between SR 315 and Liberty Rd. 1 mile north of Home Rd, Liberty Twp.
Current Land Use: Single family residence, woods and former agriculture
Zoned: Planned Residence District, (PR)
Utilities: Del-Co water and County sewer
School District: Olentangy

Engineer: EMH&T

I. Staff Comments

Nelson Farms was originally approved in March 2005 and contained 150 lots on 154.3 acres. The developer has since acquired an 11.75 acre parcel to the south and seeks an amendment to the preliminary plan to incorporate this land into the subdivision. The only change to the previous plan layout is the reconfiguration of 2 lots to allow access to the additional land. The 11.75 acres will contain 2 CAD's serving 8 total lots.

The subdivision now contains 158 lots on 166.4 acres (0.94 du/acre). It also includes 7.6 acres of open space in 5 reserve lots. An existing house on the site will remain on a future lot within the subdivision. The eastern side of the subdivision contains 3 ravines running west to east and feeding directly into the Olentangy River along the subdivisions east boundary. The west side of the development is generally flat. Access is provided via Shale Run Drive from SR 315 and Nelson Lane from Liberty Road. Forestview Lane is a loop street connecting to both Shale Run Drive and Nelson Lane. Muellen Trace and Longview Drive are streets stubbing to the north for potential future development of the adjacent land. Four CAD's are also proposed, including the 2 proposed in the additional acreage to the south. The southernmost CAD will take access from SR 315. A bike path is proposed along the north side of the main access roads and will be constructed along the 2 streets extending to the north. An overhead electric transmission line with 100' wide easement crosses the middle of the site. Lot sizes from the original plan (zoned PR) are typically 0.6 acres above the 900' elevation (88 lots) and 0.75 acres below 900' (62 lots). The 8 lots to the south (zoned FR-1) are all at least 1 acre. The RPC approved a variance to allow the 6 lot CAD (CAD # 3) on the additional acreage to the south (January 2006).

Surrounding land use includes single-family residences along SR 315 and Liberty Road. The Chessie System railroad tracks are west of Liberty Road. The Del-co water plant is to the south.

A technical review was held on May 16, 2006, after which the applicant has addressed all of the required changes, except the following:

- There are a number of inconsistencies between the preliminary plan and the approved zoning development plan. Additional errors are noted in a 4 page email from the Zoning Officer. These will need to be resolved to the satisfaction of the Zoning Officer.
- Some of the finished grade elevations were a concern. This needs to be resolved at final engineering.

II. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **Nelson Farms, Sections 1-3** to the RPC, *subject to resolving zoning issues and grading concerns.*

Commission / Public Comments

Mr. Drew Sanderell with EMH & T was present. He stated that they have addressed most of the issues that the Zoning Officer had. There is one outstanding issue and will continue to work with the Township for a resolution. They are also currently in the process of resolving issues regarding finished grade and understand that is a requirement for approval.

Mr. Blayney asked what issue is still outstanding. Mr. Sanderell stated that there is a discrepancy in interpretation. He can not find where they are required to have a ditch section for the pavement section. However, Mrs. Foust thinks there was a commitment from the previous owner of this development that they would have ditch sections through the entire site excluding one small portion. If that is the case, they

will either have to adjust the design or go back to the Township and ask for an amendment to allow curb and gutter as opposed to ditch section.

Mr. Miller made a motion for conditional Preliminary approval of the revised Nelson Farms, Sections 1-3, subject to staff comments. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

03-06.1-4 Meadows at Lewis Center, Sections 1-4 (revised) – Orange Twp. - 135 lots / 75.87 acres

Applicant: Silvestri Custom Homes

Subdivision Type: Single-family Residential

Location: North side of Lewis Center Rd approximately 500' west of S Old State Rd., Orange Twp.

Current Land Use: Agriculture/Open Field

Zoned: Single Family Planned Residential District, (SFPRD)

Utilities: Del-Co water and public sanitary sewer

School District: Olentangy

Engineer: EMH&T

I. Staff Comments

Meadows at Lewis Center was originally approved in January 2006. It included a portion of the Piatt Road extension. The County Engineer's office has since determined that the future Piatt Road needs to be west of this subdivision to allow for a roundabout intersection with Lewis Center Road. The subdivision is being amended to relocate the street previously shown as Piatt Road extension (now called Goodrich Drive) to the east to allow proper spacing between intersections. The subdivision design has not changed significantly with only modifications occurring in Section 3 and 4. The overall density and lot count remain the same.

The proposed development, located northwest of the Lewis Center Road/S Old State Road intersection, contains 135 lots on 75.87 acres (1.78 du/acre). Access to the subdivision is provided from Lewis Center Road at 2 locations approximately 1400' apart, in Section 1 and 3. The development is generally configured in a grid pattern using a series of loop and cul-de-sac streets. There are 2 street stubs to the north and 1 to the west for potential future development. The proposed lots will be a minimum of 80' X 135'. Three centrally located open space reserves (2 to 2.5 acres each) are surrounded on 3 sides by lots. An existing pond to the east side of the development will be used for stormwater retention and will be located within a future 8.6-acre open space reserve. A long open space strip will be provided along Lewis Center Road for buffering. A second retention pond will be constructed in an open space lot to the northwest corner of the site. A bike path is proposed along Lewis Center Road and through the large open space lot to the east. A series of existing treelines will be preserved and incorporated into the development design to create neighborhoods and create a buffer along Lewis Center Road as well as the north boundary. The subdivision will be platted in 4 sections, from east to west.

A technical review was held on May 16, 2006, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **Meadows at Lewis Center** to the RPC.

Commission / Public Comments

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

Mr. Blayney made a motion for Preliminary approval of the revised Meadows at Lewis Center Subdivision. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final

CONSENT AGENDA

Final

01-05 Cheshire Woods, Section 1 – Berkshire Twp. - 94 lots / 80.27 acres

Applicant: M/I Homes/Cheshire Woods, LLC
Subdivision Type: Single-family Residential
Location: 1850, 1738 Rome Corners Road, Berkshire Twp.
Currently Zoned: Planned Residential District, (PRD)
Utilities: Del-Co water and County sewer
School Districts: Big Walnut and Olentangy
Engineer: Advanced Civil Design

I. Staff Comment

This is the first section of the overall Cheshire Woods (271 lots/228.68 acres) which will eventually combine with Cheshire Woods Estates (50 lots/139.3 acres) (an overall density of 0.87 du/acre). The development is located south of Cheshire Road and between Rome Corners Road and Interstate 71. The lots are typically between 12,000-13,000 s. f. (90' X 135') and are served by County sewer. Section 1 includes 94 lots on 27.276 acres and 44 acres of open space. The open space includes 27 acres along Interstate 71.

Somerford Drive provides access from Cheshire Road and extends through the middle of the site toward the south boundary. Other streets include Kerfield Drive, Broxton Lane and Adlington Drive. Adlington Drive extends to the north boundary for potential future development of the adjacent land. A mulch walking path will be provided throughout the open space, with sidewalks provided along the streets. Surrounding land use is predominately agricultural with scattered single family lots along Cheshire 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 Approval* of **Cheshire Woods, Section 1** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of Cheshire Woods, Section 1. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

06-05.1 Cheshire Woods Estates, Section 1 – Berkshire Twp. - 24 lots / 66.83 acres

Applicant: Rome Corners Development Corporation LLC
Subdivision Type: Single-family Residential
Location: 1850, 1738 Rome Corners Road, Berkshire Twp.
Currently Zoned: Planned Residential District, (PRD)
Utilities: Del-Co water and on-site sewage disposal
School Districts: Big Walnut and Olentangy
Engineer: Hockaden

I. Staff Comment

This is the first section of the Overall Cheshire Woods Estates (50 lots/139.3 acres) which will eventually combine with Cheshire Woods (271 lots/228.68 acres) (an overall density of 0.87 du/acre). The development is located south of Cheshire Road and between Rome Corners Road and Interstate 71. The lots are a minimum 2 acres in size and will utilize individual on-lot sewage disposal systems. Section 1 includes 23 house lots and an 11.475-acre open space reserve. Hatherton Drive provides access from Rome Corners Road. Other roads include Birtles Court (a cul-de-sac) and Broxton Lane and Lawton Street, both of which stub to Cheshire Woods. An asphalt bike path will be constructed along one side of the streets within Cheshire Woods Estates.

Surrounding land use is predominately agricultural with scattered single family lots along Rome Corners 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 Approval* of **Cheshire Woods Estates, Section 1** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of Cheshire Woods Estates, Section 1. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

05-06 Fenstermaker Subdivision – Concord Twp. - 03 lots / 06.20 acres

I. Conditions

- Applicant:** Jon Fenstermaker
- Subdivision Type:** Single-family Residential (CAD)
- Location:** 6893 Riverside Drive, Concord Twp.
- Zoning:** Farm Residential District (FR-1), 1.5 minimum lot size
- Existing Land Use(s):** Single-family Residence
- School District:** Buckeye Valley Local School District
- Utilities Available:** Del-Co Water and private mound treatment systems
- Critical Resources:** 100-year floodplain along Riverside Drive
- Surrounding land uses:** Two acre residential lots along the east side of Riverside Drive and Scioto River to the west.
- Engineer:** Brad Patridge, Patridge Professional Surveyors

II. Staff Comments

The applicant is proposing to re-plat four original lots within Grandview Addition South (Lots 722 to 725). The proposed plan includes three building lots. The first lot will be 2.5 acres and include the majority of platted Lots 723 to 725. A house is currently under construction on these lots with an address of 6893 Riverside Drive, Powell. The other two lots will be mostly located outside of the original subdivision on an existing 3.32 acre parcel to the east which will be accessed by a Common Access Drive through original Lot 722 of Grandview Addition South.

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

III. Staff Recommendations

Staff recommends *Final Approval* of **Fenstermaker Subdivision** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of Fenstermaker Subdivision. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

23-05 Boulder Ridge – Genoa Twp. - 28 lots / 13.99 acres

I. Conditions

Applicant: Jason Francis, M/I Homes of Central Ohio

Subdivision Type: Single-family Residential

Location: West side of Tussic Street Rd, about ½ mile south of Big Walnut Rd, Genoa Twp

Zoning: Suburban Residential (SR)

Existing Land Use(s): Single-family residence / Wooded

School District: Westerville City School District

Utilities Available: Del-Co Water and County Sanitary Sewer

Critical Resources: N/A

Surrounding land uses: Covington Meadows Subdivision to the north, the Cambridge Subdivision to the west, Medallion Estates Subdivision to the east and a 16.5-acre agricultural field to the south.

Engineer: Andrew Sanderell, EMH&T, Inc.

II. Staff Comments

The applicant is proposing 24 lots on 13.9 acres at a gross density of 1.7 dwelling units per acre. This development includes the eastern extension of Upper Cambridge Way to Tussic Street Road. The subdivision includes 3.5 acres (24.7%) of open space to be used primarily for storm-water retention. The average lot size is 16,350 sq. ft. with a minimum lot size of 15,000 sq. ft. A street stub is provided to the south for future development. The preliminary plan was approved in September 2005.

The applicant has added a stub to a parcel owned by Delaware County on the east side of this development **The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.**

III. Staff Recommendations

Staff recommends *Final approval* of **Boulder Ridge** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of Boulder Ridge. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Applicant: Barric Thompson

Consultant: Mark Cameron, CPS Consulting

I. Staff Comments

The applicant is requesting a second 90-day tabling of the Final Plat for The Woods at Wildcat Run in order to resolve engineering issues.

II. Staff Recommendation

Staff recommends *approval of the 90-day tabling* of **The Woods at Wildcat Run** to the RPC.

Commission / Public Comments

Mr. Ward made a motion to approve the 90-day table request for The Woods at Wildcat Run. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

19-04.3.A McCammon Estates, Section 3, Phase A – Orange Twp. - 57 lots / 35.27 acres

I. Conditions

- Applicant:** M/I Homes of Central Ohio, LLC
- Subdivision Type:** Single-family Residential
- Location:** 3290 and 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

II. Staff Comments

McCammon Estates, Section 3, Phase A contains 57 lots on 35.27 acres. Walker Wood Blvd will be extended to the south from Section 2 to (future) Section 4. Marcliff Drive extends to the east and stubs at the eastern boundary. Winfield Drive is a loop street on the south side of Marcliff. Pleasant Colony Drive extends to the west and will connect to Wilshire Section 7. There is 9.5 acres of open space in 3 reserve lots. Lots are typically 90' X 140' and will be served by Del-co water and County sewer. McCammon Estates received preliminary plan approval in April 2005.

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

III. Staff Recommendation

Staff recommends *Final Approval* of **McCammon Estates, Section 3, Phase A**, to the DCRPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of McCammon Estates, Section 3, Phase A. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

19-04.3.B McCammon Estates, Section 3, Phase B – Orange Twp. - 04 lots / 02.22 acres

I. Conditions

- Applicant:** M/I Homes of Central Ohio, LLC
- Subdivision Type:** Single-family Residential (CAD)

Location: 3290 and 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

II. Staff Comments

McCammon Estates, Section 3, Phase B is a 4 lot CAD extending to the east from Walker Wood Blvd. The lots are 90' X 140' with the last lot owning the CAD. These lots will be served by Del-co water and County sewer. The land to the east backs up to I-71 and is undeveloped. McCammon Estates received preliminary plan approval in April 2005.

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

III. Staff Recommendation

Staff recommends *Final Approval* of **McCammon Estates, Section 3, Phase B**, to the DCRPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of McCammon Estates, Section 3, Phase B. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

19-04.4 McCammon Estates, Section 4 – Orange Twp. - 19 lots / 06.79 acres

I. Conditions

Applicant: M/I Homes of Central Ohio, LLC
Subdivision Type: Single-family Residential
Location: 3290 and 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

II. Staff Comments

McCammon Estates, Section 4 contains 19 lots on 6.79 acres. This is the last section of McCammon Estates and will complete the connection of Walker Wood Blvd from this development to Walker Wood to the south. Autumn Applause Drive is an east-west road extending from future Wilshire, Section 7 on the west side to the east boundary of McCammon. Lots are typically 90' X 140' and will be served by Del-co water and County sewer. McCammon Estates received preliminary plan approval in April 2005.

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

III. Staff Recommendation

Staff recommends *Final Approval* of **McCammon Estates, Section 4**, to the DCRPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of McCammon Estates, Section 4. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.



03-05 Wilshire, Section 7 – Orange Twp. - 54 lots / 35.35 acres

- Applicant:** Centex Homes
- Subdivision Type:** Single-family Residential
- Location:** South of East Orange Road and east of South Old State Road, Orange Twp.
- Current Land Use:** Woods
- Zoned:** Single Family Planned Residential District, (SFPRD)
- Utilities:** Del-Co water and public sewer
- School District:** Olentangy
- Engineer:** EMH&T

I. Staff Comments

Wilshire, Section 7 contains 49 lots on 35.356 acres. It is located east of Wilshire Estates Section 6 and connects to the future McCammon Estates to the east. Walker Woods condos are located to the south and the Olentangy Middle School is to the north. A 150’ electric easement and power lines run just north of the site along the school property. There are four ravines that traverse the site. The design is intended to use the ravines as open space (13 acres) with many of the proposed homes backing up to these ravines using walkout basements. The layout includes the easterly extension of Pleasant Colony Drive from Wilshire Estates to Walker Wood Boulevard in the future McCammon Estates. A cul-de-sac is proposed on the north side of the main road near the western edge of the site. A second cul-de-sac is proposed in the southeast corner of the site gaining access from Walker Wood Blvd. Each cul-de-sac will cross a ravine. Earthen dams are proposed in 2 of the ravines for stormwater detention.

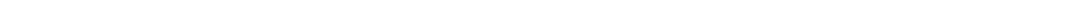
The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

II. Staff Recommendation

Staff recommends *Final approval* of **Wilshire, Section 7** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of Wilshire, Section 7. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.



VI. EXTENSIONS

16-04 Eagle’s Ridge – Berlin Twp. - 63 lots / 87.82 acres

Applicant: Grover Johnson

Consultant: Tony Eyerman, Eyerman Planning Associates, LLC.

I. Staff Comments

Preliminary approval for Eagle’s Ridge Sections 1-3 was given November 18, 2004. This application was granted the first extension November 17, 2005 in order to relocate overhead electric lines on the site. The applicant is requesting a second 6-month extension to continue working on the relocation of the electric lines. The applicant submitted a letter from First Energy stating that they expect to have the relocated electric lines installed by June 15, 2006.

II. Staff Recommendation

Staff recommends *Approval* of the 6 month extension for **Eagle’s Ridge Sections 1-3** to the RPC.

Commission / Public Comments

Mr. Ward made a motion for approval of the 6-month extension request for Eagle’s Ridge, Sections 1-3. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

28-04 Derby Glen Farms – Liberty Twp. - 53 lots / 47.90 acres

Applicant: The Homewood Corporation

Engineer: EMH&T

I. Staff Comments

Preliminary approval for Derby Glen Farms was given December 16, 2004. This application was granted a 6 month extension November 17, 2005 in order to finalize the engineering plans. This applicant is requesting a second month extension to facilitate street cross section design considerations.

II. Staff Recommendation

Staff recommends *Approval* of the 6-month extension for **Derby Glen Farms** to the RPC.

Commission / Public Comments

Mr. Ward made a motion for approval of the 6-month extension request for Derby Glen Farms. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. OTHER BUSINESS

- **Consideration for approval: Seminar Reimbursement policy and adding Continuing Education policy to employee handbook**

Chairwoman Foust explained that the Executive Committee recommended approval of the Seminar

reimbursement policy. This policy mirrors the Continuing Education policy repayment schedule. The policy was drafted by Loveland & Brosius legal counsel.

Mrs. Warthman made a motion to approve the Seminar Reimbursement policy, form and add it along with the approved Continuing Education policy to the Delaware County RPC Employee Handbook. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

• **Subdivision Regulations:**

Chairwoman Foust reminded the Commission that the public hearing on the proposed Regulations July 27, 2006. She asked if the Commission had any comments, questions or discussions on the Subdivision Regulations from their jurisdictions. Mr. Gladman stated that he would like to see the Regulations require lot addresses at the time of signatures by the Zoning Office and all other signatories. He explained that all their files are based on addresses. Mr. Snajd agreed it was a good idea. Mr. Blayney stated that he would organize a meeting with Chris Bauserman, Jewel Layton and Mr. Gladman to work out that issue. If anyone else is interested in attending, please contact Mr. Blayney.

Mr. Sanders stated that Loveland & Brosius has reviewed the proposed regulations and has sent a couple comments for correction. The staff had already corrected one and the second was the wording regarding the appendices. New wording as follows: “A copy of the required CAD Maintenance agreement is attached hereto as Appendix A and made a part of these regulations by this reference.” and “A copy of the required Certification for Agricultural and Personal Recreation Exemption form is attached hereto as Appendix B and made a part of these regulations by this reference.”

Mrs. Warthman made a motion to add the comments from Loveland & Brosius to the Regulations to be heard at the July public hearing. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VIII. POLICY / EDUCATION DISCUSSION

IX. RPC STAFF AND MEMBER NEWS

Having no further business, Mr. Ward made a motion to adjourn the meeting at 8:30 p.m. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Kolly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant

The next meeting of the Delaware County Regional Planning Commission will be Thursday, June 29, 2006, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.