



**DELAWARE COUNTY  
REGIONAL PLANNING COMMISSION**  
109 N. Sandusky Street, Delaware, Ohio, 43015 Phone 740-3-2260 Fax 740-833-2259

Philip C. Laurien, AICP, Executive Director

**\*MINUTES\***

**Thursday, May 29, 2003 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 April 24, 2003 RPC Minutes
- Executive Committee Minutes of May 21, 2003
- Statement of Policy

**II. VARIANCES (none)**

**III. ZONING MAP/TEXT AMENDMENTS**

- 25-03 ZON M/I Schottenstein Homes - Berlin Twp. – 50.38 acres from FR-1 to R-2 w/ PRD overlay
- 26-03 ZON Frederick & Mary Luella Serles – Harlem Twp. – 2.131 acres from AR-1 to FR-1
- 27-03 ZON Guy & Judy Yinger – Berkshire Twp. – 7.448 acres from A-1 to FR-1
- 28-03 ZON David Holbert – Berkshire Twp. – 12.917 acres from A-1 to FR-1
- 29-03 ZON CRV-1 Brice Point Limited – Harlem Twp. – 22.423 acres from AR-1 to PRD
- 30-03 ZON Oxford Twp. Zoning Commission – Oxford Twp. – text amendments
- 31-03 ZON Planned Communities – Liberty Twp. – 211.51 acres from FR-1 to PRD

**IV. SUBDIVISION PROJECTS**

|                           |          |                                 | Township | Lots/Acres            |
|---------------------------|----------|---------------------------------|----------|-----------------------|
| <b><u>Preliminary</u></b> |          |                                 |          |                       |
| 09-03                     |          | Dewey Subdivision               | Berlin   | 03 lots / 07.64 acres |
| 08-03                     |          | Highland Lakes East, Section 15 | Genoa    | 05 lots / 02.78 acres |
| 10-03                     | <b>W</b> | Woodtown Subdivision            | Harlem   | 02 lots / 11.29 acres |
| 04-03                     | <b>T</b> | The Lakes at Silverleaf         | Liberty  | 29 lots / 30.42 acres |
| 05-01                     |          | Willow Springs North, Section 2 | Orange   | 61 lots / 40.90 acres |

**Preliminary/Final (none)**

**Final**

|           |          |                                 |          |                       |
|-----------|----------|---------------------------------|----------|-----------------------|
| 34-98.15  |          | Tartan Fields, Phase 15         | Concord  | 25 lots / 13.05 acres |
| 34-98.18  | <b>T</b> | Tartan Fields, Phase 18         | Concord  | 14 lots / 07.71 acres |
| 20-02     | <b>T</b> | Myers Glen                      | Delaware | 09 lots / 17.42 acres |
| 23-97.3.A | <b>T</b> | Eagle Trace, Section 3, Phase A | Genoa    | 35 lots / 13.68 acres |
| 03-01.2.B | <b>T</b> | Grand Oak, Section 2, Phase B   | Genoa    | 35 lots / 52.49 acres |
| 09-02.2.A |          | Glen Oak, Section 2, Phase A    | Orange   | 24 lots / 09.85 acres |

**T=TABLED, W=WITHDRAWN**

**V. EXTENSIONS (none)**

**VI. OTHER BUSINESS (none)**

**VII. POLICY / EDUCATION DISCUSSION (none)**

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**I. ADMINISTRATIVE BUSINESS**

**#Call to Order**

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

**# Roll Call**

*Representatives present:* Don Poland, John Schmidt, Robert Hedrick, Jim Ward, Gary Gunderman, Tom Hopper, Leslie Warthman, Andrew Brenner, Holly Foust, Dick Gladman, Yvonne Ball, Dennis Bell, Bonnie Newland and Larry Dewitt. *Alternates present:* Dusty Gurney, Scott Pike, Tom Price, and George Mason. Arrived after roll call: Gary Spanner (R) and Kris Jordan (R). *Staff present:* Phil Laurien, Paul Deel, Scott Sanders, Da-Wei Liou, Bob Sochor and Stephanie Matlack.

**# Approval of the April 24, 2003 RPC Minutes**

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

**# May 21, 2003 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, Leslie Warthman, and Jim Ward. Staff present: Stephanie Matlack and Paul Deel.

**2. Approval of Executive Committee Minutes**

- a. **April 16, 2003 – Mr. Gladman made a motion to approve the minutes of the last Executive Committee meeting, seconded by Mrs. Warthman. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**3. Old Business**

- a. **Office Space** – Mrs. Matlack explained that the conference room table and remaining library shelving will be delivered on Thursday (5/22). Countryside

Construction sealed the porch stairwell after a small amount of water was found in the basement furnace room.

**4. New Business**

**a. Financial / Activity Reports for April 2003**

**Ending balance as of 03/31/03**  
**\$492,059.02**

| RECEIPTS                                |        | APRIL              | YTD TOTAL           |
|---|--------|--------------------|---------------------|
| General Fees (Lot Split)                | (4201) | \$175.00           | \$2,975.00          |
| Insp. Fees (Lot Line Transfer)          | (4203) | \$100.00           | \$420.00            |
| Fees A (Site Review)                    | (4202) | \$400.00           | \$1,200.00          |
| Membership Fees                         | (4204) | \$3,006.00         | \$146,731.00        |
| Planning Surcharge (Twp. Plan. Assist.) | (4205) | \$613.59           | \$11,345.00         |
| Charges for Serv. A (Prel. Appl.)       | (4230) | \$3,760.00         | \$31,060.00         |
| Charges for Serv. B (Final. Appl.)      | (4231) | \$13,300.00        | \$26,901.94         |
| Charges for Serv. C (Ext. Fee)          | (4232) |                    | \$150.00            |
| Charges for Serv. D (Table Fee)         | (4233) | \$600.00           | \$1,400.00          |
| Charges for Serv. E (Appeal/Var.)       | (4234) |                    | \$600.00            |
| General Sales                           | (4220) | \$286.91           | \$2,233.16          |
| Health Dept. Fees                       | (4242) | \$150.00           | \$610.00            |
| Soil & Water Fees                       | (4243) | \$475.00           | \$1,841.00          |
| Other Reimbursements                    | (4720) |                    |                     |
| Other Reimbursements A                  | (4721) |                    | \$5.33              |
| Other Reimbursements B                  | (8092) |                    |                     |
| Canceled Warrants                       | (8099) |                    |                     |
| Interfund Revenues                      | (8701) |                    |                     |
| <b>TOTAL RECEIPTS</b>                   |        | <b>\$22,866.50</b> | <b>\$227,472.43</b> |

**Balance after receipts** **\$514,925.52**  
**Expenditures** **\$39,855.59**  
**End of April balance** **\$475,069.93**

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

Mrs. Matlack explained that the County received a 75% discount from the Bureau of Workers' Compensation due to a financial surplus. As a result, the current

balance in the County's worker's compensation fund is adequate to cover the majority of this year's premium. The reduced amount due will be \$0.13 per \$100 of payroll. The DCRPC's cost will be \$420.22. The DCRPC budgeted \$4,846, leaving \$4,425.78 surplus.

**b. May RPC Preliminary Agenda** – Mr. Deel presented the Preliminary agenda which includes 6 rezoning/text amendments, 5 preliminary (of which 1 is requesting a tabling), and 6 finals.

**5. Other Business**

**a. Annual Report** – Mrs. Matlack presented the Committee with the 2002 Annual report.

**6. Personnel** (none)

**7. Adjourn**

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

Meeting adjourned at 9:15 a.m.

*The next regular Executive Committee meeting will be Wednesday, June 18, 2003 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. ZONING MAP/TEXT AMENDMENTS**

**25-03 ZON M/I Schottenstein Homes - Berlin Twp. – 50.38 acres from FR-1 to R-2 w/ PRD overlay**

**I. Request**

**Present Use:** Vacant farmland

**Existing Density:** 1 unit/acre

**Proposed Number of dwelling units:** 79

**Permitted Number of dwelling units if zoned R-2/ PRD: 63**

- 15% gross area for streets/utilities 7.557acres
- Floodplains
- Slopes greater than 20% 0.00 acres
- Existing above ground utility ROW 0.00 acres
- Jurisdictional wetlands/bodies of water 0.00 acres

50.38 ac.- 7.557ac.= 42.823ac. x 43,560 sq. ft.= 1,865,369 sq. ft / 29,600 sq. ft lot size in R-2= 63 units

**Average single family lot sizes:** 12,600

**School District:** Olentangy

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

**Soils & Drainage**

BoA Blount silt loam 0- 2% slope

GwB Glynwood 2-6 % slope

PwA Pewamo silty clay loam

**Adjacent Existing Land Uses-** single family homes on lots of one acre or more on Piatt Road, single family lots on 11,000 square foot lots in Piatt Meadows to the east, Arrowhead Elementary school to the south, and agriculture.

**III. Issues**

**1. Density-** Berlin Township amended both their comprehensive plan and R-2 zoning text on March 24, 2003. The revised comprehensive plan density for this tract drops from 1.85 to 1.25 units per acre, and the R-2 district increases lot size from 20,000 to 29,600 square feet. As a result of these changes the maximum number of house lots that can be subdivided on this tract is 63, not 79. Staff notes that the applicant submitted their zoning application on the 30<sup>th</sup>

day following the approval of the zoning change by the township. Whether that timing salvages any vested right to apply under the old zoning rules is a matter to be determined by the township’s legal counsel.

**2. PRD Overlay-** the process is a two step process with a simultaneous request to rezone to R-2 and then a PRD overlay. The applicant has selected the option to submit a preliminary plan, subject to referendum, then later submit a final development plan for administrative review. All the detailed engineering would be accomplished in the Final Development Plan process. *DCRPC Staff Comment-The R-2 zoning is appropriate.*

**3. Development Plan- Section 11.05 - Design Features Required of a PRD**  
0.00 acres

The development plan shall incorporate the following standards:

- a.) Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses;  
*DCRPC Staff Comment: The open space includes a retention pond that is not at the current low spot in a gully. Rather than reshape the land, why not accentuate the existing topography and relocate the pond? Also, lots 10-33 do not benefit from open space adjacent to them. Design layout, while good, could be improved to bring open space to more of the residents.*
- b.) No building shall be constructed within 50 feet of the perimeter property line of the overall PRD tract;  
*DCRPC Staff comment: 50’ perimeter setback should be shown on the development plan. The application requests deck encroachments in the 50’ set back. No divergence should be granted from the 50’ perimeter setback.*
- c.) The zoning commission may require walkways to connect all dwelling areas with open space and to interconnect the open spaces;  
*DCRPC Staff Comment: Sidewalks are provided along the street, but paths should connect this open space with future open space on the Mitchell tract and the Paykoff tract to create a greenway.*
- d.) Moderate to thick coverage by trees and natural undergrowth is

- desirable to most intended functions of the open space. Where such foliage exists naturally, it should be retained where practicable. Where adequate foliage does not exist, the Zoning Commission may require establishment of such tree cover or other foliage as may be necessary to achieve the purpose of the open space and the buffer of adjacent uses;  
*DCRPC Staff Comment: Street trees are proposed, but a landscape plan for the open space is absent.*
- e.) Scenic areas and views shall be preserved to the maximum extent practicable, including views from the adjacent road;  
*DCRPC Staff Comment: The view into the large open space would benefit from a larger opening between lots 40 and 41.*
- f.) Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding of the proposed or existing houses;  
*DCRPC Staff Comment: Plan needs more detail, but conceptually is OK for this stage.*
- g.) Minimum overall tract size for a PRD is 20 acres.  
*DCRPC Staff Comment: O.K.*
- h.) Improvements within the PRD shall conform to the subdivision standards for Delaware County Ohio;  
*DCRPC Staff Comment: Seems OK, but much more detail will be reviewed at the platting stage for roads, and drainage.*
- i.) Wetlands, steep (over 20%) slopes, forests, 100 year floodplains, ravines and noted wildlife habitat are to be preserved to the greatest extent possible;  
*DCRPC Staff Comment: Not applicable for slopes and floodplains. No jurisdictional wetlands, but most of the site is Pewamo soil, our wettest soil. Many drainage tiles will be broken during construction and the underground drainage must be rerouted. Suggest it be rerouted to a grass waterway in the open space. Basements in Pewamo soil are likely to be wet; sump pumps with emergency power and basement waterproofing (not just damp proofing) should be required as a condition for any full basements in Pewamo soil.*
- j.) The permitted density shall not be exceeded.  
*DCRPC Staff Comment: 63 units are permitted by the R-2 zoning text (29,600 square foot lot size) as amended March 24. 79 units are requested, which exceeds the allowable density. Consult with township legal counsel about the effect of the timing of the application and possible vesting of the old zoning in this case. DCRPC staff is making its recommendations pursuant to the new zoning standards that passed March 24, 2003.*
- k.) The required percent of open space shall be provided. (R-2: 20% of gross tract area required, or 10.076 acres; 15.47 acres provided)  
*DCRPC Staff Comment: O.K.*
- l.) No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.  
*DCRPC Staff Comment: O.K.*
- m.) In the R-2 zone, centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer/Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.  
*DCRPC Staff Comment: OK.*
- n.) The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. All residential roofs must be a minimum of 5/12 pitch, or as approved by plan.  
*DCRPC Staff Comment: OK.*
- o.) Village lots shall be fenced for safety if they abut agriculture.  
*DCRPC Staff Comment: Not applicable.*
- p.) Sidewalks or paths shall be provided in the village area. Sidewalks shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed green strip. Deciduous, broad leaf street trees (i.e. maple, oak, sycamore, chestnut, sweet gum) shall be planted (or saved) at the rate of one per 60 feet of frontage on both sides of the street. Trees must be at least a 2.5-inch caliper at planting. Trees may be placed in the 5 foot green strip if permitted by the county engineer and/or township

trustees, otherwise they shall be placed in the front lawn of the residences.  
*DCRPC Staff Comment: OK.*

- q.) Setbacks- Houses shall be setback a minimum of 50 feet from the village street centerline, or as approved per plan.  
*DCRPC Staff Comment: Proposed setbacks are 25' from ROW, which is 55' from centerline, which is O.K. Larger setbacks would look better in this neighborhood, and all the lots are deep enough to do so. The township should make sure the builder understands that the 25' setback is for the house only; garages must set back 12' behind the front line of the house.*
- r.) Minimum lot size:, none, per plan  
*DCRPC Staff Comment: Average lot size is 12,600 square feet. OK.*
- s.) Minimum Lot Width at the building line- none, per plan.  
*DCRPC Staff Comment: Average lot width is 90', OK.*
- t.) Minimum Side yards- Eight feet each side for houses, five feet from an attached garage to side lot line.  
*DCRPC Staff comment: OK.*
- u.) Minimum Rear yard- Fifty (50) feet for houses and attached garages, or as per plan.  
*DCRPC Staff Comment: OK.*
- v.) Street layouts should be looped, grid, square or other traditional village layout. Cul-de-sac should be avoided where possible.  
*DCRPC Staff Comment: O.K.*
- w.) Attached garages shall be setback at least 12 feet from the front building line of the house, if on street parking is not provided.  
*DCRPC Staff Comment: 27' wide streets can provide parking only on one side and are not intended for resident parking in new Berlin Township subdivisions. None of the architectural elevations submitted meet this setback standard. They all have flush or partially projecting front loading garages. The township wanted to accentuate the home, and not the garage, so modified floor plans will have to be used, as these will not work. If the township wishes to consider a divergence, consider two possibilities:*
  - a.) Allow a flush front Home/garage only if the home and

*garage is setback at least 37' from street ROW.*  
b.) Allow side load garages at the 25' setback line.

- x.) Porches- A covered porch or portico across some portion of the front of the house is a recommended structural design element.  
*DCRPC Staff Comment: Some of the elevations show this, some do not. These are standard production houses that may need modification to meet the intent of the Berlin PRD.*
- y.) Street lighting, if provided, must be of white light, with light standards of traditional or Victorian design (no modern gooseneck lamps or yellow lighting). Maximum height of standards is 16 feet.  
*DCRPC Staff Comment: No street lighting standards included.*
- z.) Building Height Limits - No buildings in this district shall exceed thirty-five (35) feet in height measured from the elevation of the threshold plate at the front door to the highest point of the roof. Chimneys, barns, silos, grain handling conveyors, church spires, domes, flag poles, and elevator shafts are exempted from the height regulation and may be erected to any safe height, not to exceed one-hundred (100) feet in height. No windmills, antennas, or towers shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and not to exceed one hundred (100) feet in height.  
*DCRPC Staff Comment: O.K., agree to standards herein.*
- aa.) Building Dimensions - (Floor space requirements) - Each detached single family dwelling hereafter erected in this district shall have a living area not less than one-thousand (1000) square feet or eight-hundred (800) square feet of ground floor living area, if the residence is multi-story. All such living areas shall be exclusive of basements, porches or garages.

All attached single family structures constructed within this district shall contain the following minimum living area:

|                             |                  |
|-----------------------------|------------------|
| One (1) bedroom unit-       | 800 square feet  |
| Two (2) bedroom unit        | 900 square feet  |
| Three or more bedroom units | 1000 square feet |

*DCRPC Staff Comment: O.K. minimum square footage proposed is 1400 square feet.*

- bb.) Landscaping - All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the requirements of article XXIII, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the final development plan.  
*DCRPC Staff Comment: O.K., but more detail needed on final plan.*
- cc.) 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 development plan. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution, when appropriate, shall be incorporated.  
*DCRPC Staff Comment: Deferred to final development plan. See comments on garage setback above.*
- dd.) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII (Signs) of this Resolution and except as permitted by the Board of Zoning Appeals incidental to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.  
*DCRPC Staff Comment: Deferred to township review of development plan*
- ee.) The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or tract for sale.  
*DCRPC Staff Comment: Two monument signs of 32 square feet requested for Piatt Road. Exceeds standard. No divergence requested.*
- ff.) Exterior Lighting- All exterior lighting shall meet the lighting requirements of Article XXI of this zoning resolution, unless a variation from these standards is specifically approved as part of the final development plan.  
*DCRPC Staff Comment: Deferred to township review of development plan*
- gg.) Other required provisions as stated in this ordinance. The Berlin Township Zoning Commission and/or Board of Trustees 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 common open space, and any other pertinent development characteristics.

*DCRPC Staff Comment: As determined by Berlin Zoning commission.*

1. Conformance to PRD preliminary plan requirements: Section 11.13 – DEVELOPMENT PLANS-

- 1.) The proposed size and location of the PRD 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: OK, but structures within 200' not shown.*

- 2.) Suggested architectural designs for all structures and signs.

*DCRPC Staff Comment: Signs not illustrated.*

- 3.) The intended general provisions for water, fire hydrants, sanitary sewer and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.

*DCRPC Staff Comment:*

- Letter from the Berlin fire chief.
- Del-Co Water serves the site with an 8-inch main on Weyant Street. Letter from the company.
- Gas- There has been no letter from gas suppliers to state they can serve.
- Electric- There is a letter from AEP to say they can serve.
- Sewer- letter from Delaware county sanitary engineer- service is provided.

- 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: Street E should extend east and stub to the Mitchell tract for future development.*

- 5.) A design of the open space and proposed description of its use and maintenance.

*DCRPC Staff Comment: No active use proposed? What is the improvement*

*plan for the open space?*

- 6.) Specific statements of divergence from the development standards in this article.

*DCRPC Staff Comment: Deck encroachment requested in 50-foot rear yard.*

- 7.) Proposed location of all structures

*DCRPC Staff Comment; Building envelope of 50' x 60' adequate for now.*

- 8.) Preliminary Traffic Impact Analysis based upon new trip generation.

*DCRPC Staff comment: Traffic Impact analysis submitted from EMH&T. The County Engineer must determine if an entrance left turn lane southbound is warranted on Piatt Road.*

- 9.) The responsibility and maintenance of any proposed on-site sewage disposal systems, and letter from the appropriate county or state agency declaring the site feasible for such design.

*DCRPC Staff Comment: Not applicable.*

- 10.) All required design features from Section 11.08.

*DCRPC Staff Comment: Covered previously herein.*

- 11.) Emergency service provisions (letter from Fire and Police departments).

*DCRPC Staff comment: covered previously herein.*

- 12.) Phasing plans.

*DCRPC Staff Comment: None submitted. This is a small subdivision for a major production builder, might only be one phase.*

- 13.) Simultaneous with the application for a PRD, the applicant shall schedule a walkabout on the site with the Zoning Commission to familiarize all parties with the lay of the land, and the general design intent of the applicant

*DCRPC Staff Comment: Has walkabout been scheduled?*

## **2. Convenience store**

*DCRPC Staff Comment: Not Applicable.*

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

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

all of the following requirements:

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

*DCRPC Staff Comment: Plan is generally complete and consistent, but there are items that need to be addressed and can be at the township level.*

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

*DCRPC Staff Comment: Yes as to R-2 zoning and to PRD zoning, but the density requested exceeds the amended comprehensive plan as of March 24, 2003, an issue to be resolved by the township.*

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

*DCRPC Staff Comment: Yes, but the density issue needs to be resolved.*

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

*DCRPC Staff Comment: Yes, in general, but certain noted features still need some attention.*

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

*DCRPC Staff Comment: Yes.*

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

*DCRPC Staff Comment: Yes.*

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

*DCRPC Staff Comment: Yes.*

## **V. DCRPC Staff Recommendation**

Staff recommends **conditional approval** to the DCRPC, the Berlin Twp. Zoning Commission, and the Berlin Twp. Trustees, *subject to:*

- A. Approval for R-2 zoning.*
- B. Approval of PRD overlay subject to the township's resolution of the permitted density (63 homes under the recently amended comprehensive plan and R-2 zoning, or 79 homes under the previous Comprehensive plan map and R-2 zoning).*
- C. Twp. resolution of the front setback and perimeter setbacks as suggested*

herein. No divergence to allow “snout houses”.

**Commission / Public Comments**

Mr. Jack Reynolds of Smith & Hale was present to represent the applicant. The issue of density and vesting will be discussed with the prosecutor’s office. The comments from Mr. Laurien have been submitted to their engineer and to EMH & T and will be reviewed prior to the zoning commission meeting. The applicant has agreed to remove one of the signs and plans to submit sign descriptions at the zoning meeting. They will also look at moving the pond farther to the low area.

Ms. Judy Cameron (4444 Iris Court in Piatt Meadows) asked if this plan meets the newly enacted Township requirements. Mr. Reynolds said it did not. He believes the applicant is vested by the filing of the application by the 30<sup>th</sup> day (after the adoption of zoning amendments). This will be presented to the county prosecutor for an opinion. Ms. Cameron questioned the lot size and house size for the development. Mr. Reynolds stated that both meet the requirements for this zoning district request.

Mr. Ward asked if the applicant is willing to stub the road for future development to the adjoining property as recommended by Mr. Laurien. Mr. Reynolds stated that he believes the applicant would agree to this request.

***Mr. Ward made a motion for conditional approval of the zoning request by M/I Schottenstein Homes subject to staff comments, seconded by Mr. Gunderman. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.***

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**26-03 ZON                      Frederick & Mary Luella Serles – Harlem Twp. – 2.131 acres from AR-1 to FR-1**

**Request**

The applicant is requesting to rezone 2.131 acres from AR-1 to FR-1 in order to subdivide a lot less than 5 acres.

**Conditions**

- Location:** East side of Hughes Road approximately 1300’ north of Adams Road, Harlem Township
- Present Zoning:** (AR-1) Agricultural Residential
- Proposed Zoning:** (FR-1) Farm Residential
- Present Use:** Woods

- Proposed Use:** Residential
- Existing Density:** 1du/5 acres
- Proposed Density:** 1 du/2 acre
- School District:** Big Walnut
- Utilities Available:** Del-Co water and on site septic
- Soils:** SsA - Smothers Silt Loam, 0 – 2 percent slope  
CeB – Centerburg Silt Loam, 2 – 6 percent slope

**General comments**

This rezoning would allow the applicant to split 2.131 acres from an original 30.795-acre tract. The wooded site is located on the east side of Hughes Road approximately 1300’ north of Adams Road. Genoa Township is to the west. The surrounding land use is mostly large lot residential, including several lots between 1 to 5 acres, as well as some agriculture. Most of the area in Harlem Township is zoned AR-1, which requires a minimum lot size of 5 acres. A few parcels in the vicinity are zoned FR-1, which requires a minimum lot size of 2 acres. Lands to the west in Genoa Township are zoned Rural Residential, which also requires a minimum of 2 acres. The property will utilize individual septic systems and Del-co water.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as residential. The plan recommends that residential development in this area be on large lots and smaller subdivisions, but does not define the acreage requirement. However, a goal of the residents was that residential lots be a minimum of 1 ¼ acres.

**Staff Recommendation**

Staff recommends **approval** of the 2.131 acre rezoning from AR-1 to FR-1, to the RPC, Harlem Township Zoning Commission, and the Harlem Township Trustees.

**Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Brenner made a motion to recommend approval of the rezoning application by Mr. and Mrs. Serles, seconded by Mr. Gunderman. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.***

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**27-03 ZON                      Guy & Judy Yinger – Berkshire Twp. – 7.448 acres from A-1 to FR-1**



**Request**

The applicant is requesting to rezone 7.448 acres from A-1 to FR-1 in order to subdivide lots less than 5 acres.

**Conditions**

- Location:** 9484 Cheshire Road, Berkshire Township
- Present Zoning:** (A-1) Agricultural
- Proposed Zoning:** (FR-1) Farm Residential
- Present Use:** Agriculture
- Proposed Use:** Residential
- Existing Density:** 1du/5 acres
- Proposed Density:** 1 du/acre
- School District:** Big Walnut
- Utilities Available:** Del-Co water and on site septic
- Soils:** BeA – Bennington Silt Loam, 0 – 2 percent slope  
BeB – Bennington Silt Loam, 2 – 4 percent slope  
CaB – Cardington Silt Loam, 2 – 6 percent slope  
CaC2 – Cardington Silt Loam, 6 – 12 percent slope

**General comments**

The applicant seeks a rezoning for 3 separate tracts totaling 7.448 acres from an original 37.951-acre tract. Two of the tracts will be split resulting in 5 new residential lots of approximately 1.5 acres each. Current zoning (A-1) requires a minimum of 5 acres for residential lots, while FR-1 allows lots as small as 1 acre. The site is located on the south side of Cheshire Road approximately 1000' east of Domigan Road. The Village of Sunbury is to the north and south. The surrounding land use is predominately residential (existing and proposed). Several lots along Cheshire Road in Berkshire are between 1 and 2 acres and are zoned FR-1. Lots in Sunbury across the street are as small as 0.3 acres. The proposed lots will utilize individual septic systems and Del-co water. It should be noted that the Board of Health will only approve on-site wastewater treatment at this site if Sunbury refuses sanitary sewer service to the property. Sunbury should be contacted to see if they would provide sewer service.

**Comprehensive Plans**

According to the Berkshire Township 2001 Comprehensive Plan, this property is located in Sub-Area 8. The plan states that Sub-Area 8 west of Old 3C Highway (outside of the 36/37 corridor) is recommended for low density, one unit per 85,000 square feet (1.95 acres) residential development or agricultural use. Current FR-1 zoning still permits one-acre lots, but sewage disposal plans affect the ultimate lot size.

**Staff Recommendation**

Staff recommends **approval** of the 7.448 acre rezoning from A-1 to FR-1, to the RPC, Berkshire Township Zoning Commission, and the Berkshire Township Trustees.

**Commission / Public Comments**

Dr. James Benson Parks (535 Church View Court) asked the size of the lots. Mr. Laurien stated that the lots would be approximately 1½ acres. Dr. Parks asked the minimum frontage required. Mr. Bell responded that the .3-acre Sunbury lots across the street required 80' frontage. Berkshire Twp. requires 150'.  
*Mr. Gladman made a motion to recommend approval of the zoning request by Mr. Yinger, seconded by Mr. John Schmidt. VOTE: Majority For, 2 Opposed (Mr. Gunderman and Mr. Bell). Motion carried.*

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**28-03 ZON                      David Holbert – Berkshire Twp. – 12.917 acres from A-1 to FR-1**

**Request**

The applicant is requesting to rezone 12.917 acres from A-1 to FR-1 in order to subdivide lots less than 5 acres.

**Conditions**

- Location:** East side of 3 B's and K Road 50' south of Heverlo Road, Berkshire Township
- Present Zoning:** (A-1) Agricultural
- Proposed Zoning:** (FR-1) Farm Residential
- Present Use:** Agriculture
- Proposed Use:** Residential
- Existing Density:** 1du/5 acres
- Proposed Density:** 1 du/acre
- School District:** Olentangy
- Utilities Available:** Del-Co water and on site septic
- Soils:** BeA – Bennington Silt Loam, 0 – 2 percent slope  
BeB – Bennington Silt Loam, 2 – 4 percent slope  
AmE – Amanda Silt Loam, 10 – 25 percent slope  
CaB – Cardington Silt Loam, 2 – 6 percent slope

**General comments**

The applicant is requesting a rezoning to FR-1 in order to subdivide a 12.917-acre flag lot into 3 lots on a common access drive. Current zoning (A-1) requires a minimum of 5 acres for residential lots, while FR-1 allows lots as small as 1 acre. The proposed lots will range from 2 to 3.5 acres with a 4.5-acre remainder being transferred to an adjoining property. This subdivision will utilize Del-co water and individual on site septic systems.

The site is located on the east side of 3 B's and K Road just south of Heverlo Road. Berlin Township is to the west. The surrounding land use is largely agriculture with most of the frontage along 3 B's and K used for single family residences on lots generally 1 to 5 acres. Most of the surrounding residences are zoned FR-1 in both Berkshire and Berlin with the remaining land in Berkshire backing up to I-71 zoned A-1.

**Comprehensive Plans**

This property is located in Sub-Area 1 in the Berkshire Township 2001 Comprehensive Plan. The Plan recommends residential development for this site at a density not to exceed 1 unit per 85,000 square feet (1.95 acres). The FR-1 zoning request conforms to the Comprehensive Plan.

**Staff Recommendation**

Staff recommends **approval** of the 12.917 acre rezoning from A-1 to FR-1, to the RPC, Berkshire Township Zoning Commission, and the Berkshire Township Trustees.

**Commission / Public Comments**

*Mr. Gladman made a motion to recommend approval of the rezoning request by Mr. Holbert, seconded by John Schmidt. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**29-03 ZON CRV-1 Brice Point Limited – Harlem Twp. – 22.423 acres  
 from AR-1 to PRD**

**Note: This case was reviewed and conditionally approved by the RPC on January 30<sup>th</sup>, 2003 (Case 06-03 ZON – Keller property). Due to a change in property ownership, the Township is requesting the RPC to review it again. The following are the minutes from the January RPC meeting.**

**Location:** West side of Harlem Road, south of Woodtown Road, Harlem Township, by George and Alice Keller.

**I. Conditions**

**Present Zoning:** Agricultural and Residential AR-1  
**Proposed Zoning:** PRD  
**Present Use:** Vacant fields, woods and ravine  
**Proposed Uses:** 31 single-family lots  
**Existing Density:** 1-unit/ 5 acres in AR-1  
**Proposed Density:** 1.5 units per acre (gross)  
**School District:** Big Walnut  
**Utilities Available-** Del Co Water, Delaware County sanitary sewer.  
**Soils:** CeB Centerburg 2-6% slope  
 BeA Bennington 0-2 % slope

**II. General comments**

- 1.)** This is the only tract of land in Harlem Township that can currently be served by Delaware County Sanitary sewer (by extension from Hoover Woods subdivision to the west). It also enjoys a very private densely wooded entrance that suggests an open space subdivision. The PRD is a viable alternative for this site because of these unique factors.
- 2.)** Because the 20.619-acre tract relates topographically to the 24-acre Church of Columbus tract to the south, the development plan correctly shows a stub street connection and a 60' Right of Way.
- 3.)** The loop street around the open space and the cul-de-sac are both low volume streets, and are shown as 50' right of way, which should be adequate.
- 4.)** The westerly road ends in a cul-de-sac with lots 24 and 25 extending west into Genoa Township. The applicant should check with Genoa Township about possible split-zoning issues. This land is zoned Rural Residential in Genoa Township, with a minimum lot size of 2 acres (.5 units/acre). It lies within the Planning Area II on the Genoa 1999 Comprehensive Plan, which would recommend a density of .66 units per acres if rezoned to PRD. A PRD rezoning in Genoa may be required.
- 5.)** Lot Layout- Stormwater retention basins are correctly located in open space reserves. Pathways link open space.

**III. Conformance with Local Comprehensive Plans**

The 1988 Harlem Township Comprehensive Plan recommends single family residential use for the subject tract. The township did not anticipate any centralized

sewage disposal before the year 2010, so lots were anticipated to be large enough for on-site sewage disposal (generally greater than one acre). The use conforms to the comprehensive plan.

**IV. Conformance with PRD Development Standards**

- 1.) Density- 1.5 units per acre with sanitary sewer conforms to the PRD standards
- 2.) Minimum lot size- 13,000 square feet proposed, no minimum required.
- 3.) Open space- .015 acre per dwelling unit required (.465 acres); 3.4 acres provided.
- 4.) Front setback – 30’ proposed, approvable per plan.
- 5.) Side setback- 15’; 20’ required unless side walls are masonry. May require a divergence or masonry walls.
- 6.) Provisions for water, sanitary sewer and surface drainage. Del Co water is available to the site. Sanitary Engineer Jack Smelker confirms that sanitary sewer was designed to be extended from Hoover Woods subdivision to the west, and that capacity exists for this development. There is good drainage to on-site ravines; detention off-stream is shown on the plan.
- 7.) Maximum Height 35’, conforms to standard.
- 8.) Building dimensions-Minimum 1800 square feet, conforms to standards.
- 9.) Landscaping- an overall landscape plan is submitted, and standards are found in the text. Conforms to the intent of the standards.
- 10.) Preservation of 6+% slopes- slopes are in yards or open space areas and need not be overgraded.
- 11.) Parking- off-street parking and 480 square foot garages is required.
- 12.) Signs-references the township’s sign code.
- 13.) Architectural design criteria- numerous examples of typical home styles, adequately shown.
- 14.) Location of parks- open space is noted and adequate.
- 15.) Divergences- none requested, may need side yard divergence for non-masonry walls.

**V. Criteria for approval as a PRD**

- 1.) If the proposed development is consistent in all respects with the purpose, intent and general standards of the Zoning Resolution.  
*DCRPC Staff Finding: Yes*
- 2.) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.  
*DCRPC Staff Finding: Yes*
- 3.) If the proposed development advances the general welfare of the township and the immediate vicinity.  
*DCRPC Staff Finding: Yes*

**VI. DCRPC Staff Recommendation**

Staff recommends **conditional approval** of the zoning change from AR-1 to PRD to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees subject to the following:

- a.) Genoa Township must be consulted about the need to rezone their portions of lots 24 and 25.
- b.) Sewer must be extended to the site.
- c.) Side yard setback must be 20’ or masonry walls must be required, or a divergence given to 15’ proposed.

**Commission / Public Comments (January 2003)**

Mr. Jeff Strung of EMH & T was present to represent the applicant. Mrs. Warthman stated that she has not reviewed this plan for compliance to the Genoa Twp. Zoning Resolution. Mr. Beaver, a private owner in Genoa Twp. abutting these lots, has informed her of a private deed agreement on this property that may restrict it. Further research is needed. Mr. Strung stated that he planned to submit this to Genoa Twp. after they felt comfortable that this project would be accepted in Harlem Twp.

*Mr. Gladman made a motion to recommend conditional approval of the rezoning request by George and Alice Keller, subject to staff and Genoa Twp. Zoning Officer comments. Mr. Brenner seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Genoa Twp. and Harlem Twp.). Motion carried.*

**Commission / Public Comments**

Mr. Jeff Strung of EMH & T was present to represent the applicant. He stated there were no changes to the plan. The property changed ownership and there was an issue associated with the deed which required going through the Township approval process again.

Mr. Ward asked if everything has been worked out with Genoa Twp. Mr. Strung stated that if this plan does not proceed in Harlem Twp., the applicant would not make an application for Genoa Twp. Mrs. Warthman stated that since there would be no building in Genoa Twp., the applicant would not need to rezone the Genoa Twp. portion.

*Mr. Ward made a motion to recommend conditional approval of the rezoning application by CRV-1 Brice Point Limited, subject to staff comments during the 1/30/03 hearing. Mr. Brenner seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.*



**30-03 ZON Oxford Twp. Zoning Commission – Oxford Twp. – text amendments**

**Applicant:** Oxford Township Zoning Commission  
**Request:** Review and make recommendations on Township zoning amendments.

**General**

The Oxford Township Zoning Commission reviewed their current zoning resolution and is initiating amendments to the following:

- Common Access Drives (CADs);
- Recreation and Planned Recreation Districts relating to Campgrounds;
- Definitions
- Planned Residence District (PRD)
- “Housekeeping” type updates and amendments to improve clarity.

**Amendments**

**A.) Article VII – Farm Residence District**

Section 7.06B currently permits Common Access Driveways (CADs) if approved by the Board of Zoning Appeals. The CAD cannot serve more than 2 lots. The proposed amendment would require lots utilizing a CAD to be at least 5 acres (a minimum 2 acres is required for all other lots in the FR-1 district). Also, a CAD could not be located closer than 2500 feet to another CAD. Other changes include a requirement for a CAD maintenance agreement and a 100’ building setback from all lot lines for CAD lots. **Staff comments:** *This is a matter of local policy choice, but we would remind the township that a regulation must be uniformly applied to all lands within a zoning district. Consult with the County Prosecutor for a legal opinion.* Also, the 2500’ separation may need to be supported by a statement of the deleterious or adverse aspects of CAD’s that result in a need for such separation. Please consult with the prosecutors.

**B.) Article XXII – Recreational District (REC)**

Section 22.03 - Adds to permitted use h) Occupancy for more than 270 days during any 12 consecutive calendar months will be considered permanent residential use by the occupant which is not permitted. **Staff comment:** Is this referring to campgrounds as proposed in the Planned Recreational District? If the campground is to be a permitted use, then Section 22.05c) should be amended to delete the reference to conditionally permitted campgrounds. (Other conditionally permitted references in 22.05c) should be deleted as well since there are none in Section 22.04-Conditional Uses.

**C.) Article XXIII – Planned Recreational District (REC)**

Adds to Section 23.03f) “Campgrounds” the same language proposed in 22.03h) which prohibits occupancy for more than 270 days in a 12-month period. Mobile and manufactured homes have been added to Section 23.05d) and e) as prohibited uses in campgrounds. **Staff comment:** *none.*

**D.) Application of District Language in PRD, PID, PIND and PREC**

The amendment changes the word “shall” to “may” in the application section of all planned districts eliminate archaic and vague language. **Staff comment:** The language is still confusing. **Staff suggests the following language: (Please also check with the Prosecutor)**

*“The provisions of this Article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a zoning map amendment to PRD. An owner of land may submit an application for change to PRD zoning under the provisions of this Article. The action of the Township upon an application processed pursuant to this Section shall be considered a legislative act, subject to referendum.”*

**E.) Article IV – Definitions**

Add definition for Campground and related terms. **Staff comment:** *O.k. Staff would also suggest adding a definition for single-family dwelling to include permanently sited manufactured housing as follows:*

*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.*

**F.) Article X – Planned Residence District (PRD)**

10.03 – Replace “mobile” with “manufactured” in describing types of dwellings permitted in the PRD. **Staff comment:** *The definition suggested in E) above would clear this up.*

10.07a) – *Changes minimum lot size in the PRD from 0.25 acres to 1 acre. Staff comment: This is a matter of local choice, but the staff notes that this defeats the notion of clustering developments to provide more open space. It would be impossible to achieve 50 percent open space at a density of 1 unit/acre with 1-acre lots; in fact, there would be no open space.*

10.07d) – *Building dimensions are increased for apartments and multi-family*

units. *Staff comment: none.*

**Staff Recommendation**

Staff recommends **conditional approval** of the Oxford Township Zoning text amendments, *subject to staff comments*, to the DCRPC, the Oxford Twp. Zoning Commission, and the Oxford Twp. Trustees.

**Commission / Public Comments**

Mr. Ward stated that it is almost impossible to put requirements on driveways accessing a road in many circumstances. This was an issue during the Thoroughfare Plan. Mr. Scott Pike stated that every property owner has the right to access the road. CAD requirements may be different.

Mr. Laurien stated that the Township doesn't have to permit CAD's. They could prohibit them by saying all lots must have access on a public street. The Township should have the county prosecutor review the proposed amendments.

*Mr. Gladman made a motion for conditional approval of the text amendments for Oxford Twp., subject to staff comments, seconded by Mr. Brenner. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**31-03 ZON                      Planned Communities – Liberty Twp. – 211.51 acres from FR-1 to PR**

**I. Request**

Planned Communities requests rezoning to PR from FR-1 to permit a planned unit development comprised of two tracts of land (Smith tract, 146.6 acre at the SE corner of Taggart and Hyatts Roads; Ruth tract, 64.9 acres, north side of Hyatts Road).

**II. Conditions**

**Present Zoning:** Farm Residential

**Proposed Zoning:** Planned Residential

**Open Space required:** None

**Open Space provided:** 117.23 acres or 55 %

**Present Use:** Agriculture and woods.

**Proposed Uses:**

- 100 Single-family house lots

- 80 attached condominiums

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

**Density- Liberty Township Comprehensive Plan-**

- Planning Unit 7 -Residential at 1 unit/acre; .75 acre lot size (Sq. Ft.), or per plan.

**Density Proposed:** .85 unit per acre (gross)

**School District:** Olentangy

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

**Soils: Smith tract**

Gallman silt loam 2- 6% slope

GwC2; Glynwood 6-12 % slope

LyD2 Lybrand 12-18%

RoA; Rossburg 0-2% slope (floods)

ScB; Scioto silt loam 2-6% slope

StA; Scioto silt loam 0-2 % slope

**Ruth tract**

GwB; Glynwood 2-6 % slope

GwC2; Glynwood 6-12 % slope

LyD2 Lybrand 12-18 % slope

LyE2 Lybrand 18-25 % slope

**II. Issues**

This is the second RPC review for this project. The first was numbered 28-02 ZON. That proposal requested PR zoning for 211 units of housing (131 lots, 80 condos). That proposal was withdrawn under threat of referendum. The applicant is submitting a new proposal with fewer homes (100 houselots, 80 condos).

There are a number of issues:

- Design layout versus soils and slope (topographic conditions)
- Road connections
- Sewer trunk line extension
- Conformance to the Comprehensive Plan;
- Open space utilization; Ohio SR 315 Scenic Byway corridor
- Conformance with Development Plan standards; Divergence for lots less than .75 acre below 900'

**A. Design layout -**

- Ruth tract- The proposed attached condominium units are appropriate, clustered around a deep ravine of 18-25% slope with surface rock formation. The townhouse style condominiums are completely shielded from adjacent single family home views by large trees and topographic relief.
- Smith tract- By reducing the density and the number of lots, the design better fits the topography of the site. Taggart Road is preserved and no lots have direct access to Taggart. The 41 acres west of Taggart Road along the Olentangy River (state scenic river) will be deeded to Liberty Township as permanent open space.

B. Roads-

- Ruth tract - has only one full access for 80 units of housing. A second emergency access is proposed to Hyatts Road. An access (even if it is a private street) to the Planned Earth tract to the east should also be provided. Both should be a hard surfaced driveway with gate.
- Smith Tract connection to the Stony Brook Retirement community to the east must be a public street with 50 ROW. It will be a private street within Stony Brook. The future street connection to the Thornwood–Taggart LLC development land is acceptable. An access to Taggart Road is needed. If the County Engineer concurs, the proposed emergency access at the south end to the site may suffice, but it must be a hard surface driveway with gate.

C. Sewer trunk line extension- The County does not currently provide wastewater service to this site. An agreement between the developer and the County allows Planned Communities to construct a 36” sewer along the Olentangy River to just north of Home Road, construct a pump station and force main to the 24” sewer in North Orange subdivision and temporarily discharge there until the new Olentangy Interceptor is constructed.

D. Conformance to the Comprehensive Plan- the Liberty Township

Comprehensive Plan Area 7 recommends a maximum density of one unit per gross acre. The request conforms to the plan. The Comprehensive plan also requires a minimum lot size of one acre below 900’ elevation to protect the scenic river valleys. Lot sizes may be reduced to .75 acre in a PR or as approved per PUD plan.

Virtually all of both tracts lie below 900’. The PR plan for Olentangy Falls requests a divergence from the .75 acre lot size to .4 acre in order to preserve

open space. Lots are at least 125’ wide at the building line, another mitigating factor. DCRPC staff recommends the divergence for lot size.

E. Ohio SR 315 Scenic Byway corridor- Open space along the river protects this corridor.

F. Floodplain- The floodplain elevation is 799 –797. Floodplain is protected by open space.

G. Conformance with other Development Plan Standards in Section 10.06

- 1.) Landscaping - no landscaping plan submitted. Landscape plan is required with subdivision plat.
- 2.) Architectural Designs for structures and signs
  - no sign details are submitted.
  - Single family homes-Verbal architectural criteria are given, but no sample designs.
  - Townhouse renderings are included.
- 3.) Front yard – the applicant requests a 30’ setback, a divergence from the 60’ required. DCRPC staff suggests that 30’ be granted as setback for the townhouses when garages are at least 37’ setback. 40’ can be considered as the setback for the single-family homes. There should be a prohibition on “snout houses” or homes where the front-loaded garage projects in front of the home. Flush-front garage / home setbacks should be a minimum 37’ from street right-of-way to preserve adequate off-street parking for the condominiums.
- 4.) Water-Del-Co water must extend a new main from their treatment plant.
- 5.) Electric and Gas- Service letters supplied.
- 6.) Wetland delineation- Wetlands are delineated in ravine on Ruth tract, left undisturbed.
- 7.) Drainage- O.k. conceptually.
- 8.) Traffic and future probable development – A traffic study will be required for subdivision platting. The development at build-out will generate approximately 10 new trips per single family home per, and 7 new trips

per townhouse per day. The total would be 1,560 new trips.

- 9.) Compatibility with existing and future probable uses-The PR use is compatible with surrounding land uses.
- 10.) Time table for development-5-10 years.

### **III. Section 11.06 - Required findings for Approval of a Planned Residential Development**

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

- 1.) That the proposed development is consistent in all aspects with the intent, and general standards of this zoning resolution.  
**DCRPC Staff Finding:** *Yes, subject to the divergences for setbacks and lot size, if granted by the Twp.*
- 2.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.  
**DCRPC Staff Finding:** *If the township agrees to a divergence for lot sizes less than .75 acre below 900' elevation, the plan conforms to the Liberty Comprehensive Plan.*
- 3.) That the proposed development advances the general welfare of the township and the immediate vicinity.  
**DCRPC Staff Finding:** *Yes.*

### **IV. DCRPC Staff Recommendation**

DCRPC staff recommends **conditional approval** for PR zoning for 100 single family lots and 80 townhouse condominiums on 211 acres on Hyatts Road in Liberty Township, *subject to the township granting divergences for lot size to .4 acres and setbacks as recommended in section II. D and II. G. 3.) respectively.*

### **Commission / Public Comments**

Mr. Jack Brickner, Development Director for Planned Communities was present. He stated that they have met with ODNR, EPA and Taggart and Hyatts Road residents. The open space would be deeded to the Township who will coordinate with ODNR for a conservation easement. Due to Taggart Road resident concerns, there would be only ditch setback improvements on Taggart Road, which were approved by the County Engineer. Chief Bernans has

approved a dedicated ROW for an emergency access drive to the south to Taggart Rd. There are 1½ acres of wetlands, which are not effected at all with this redesign. There are several thousand feet of jurisdictional streams within the development. Only about 4% would be effected. The landscape setback has been increased on Taggart Rd. Architectural controls have also been added to the notes. A reduction in lot size is being asked to permit 0.4 acres, along with the front setback reduction. The main reason for this was to increase the open space in the back yards and keep the homes toward the roads.

Ms. Judy Brozek (944 W. Orange Rd.) stated that the comprehensive plan states single family residences only [SIC] below the 900' elevation. Even though you won't see the condos from the road, they still tax the school system and burden the roads. The 13 houses with all their backyards to Taggart Road are very aesthetically undesirable.

Mrs. Nikki George (Hyatts Rd.) present, accompanied by her husband, attorney Mr. Chris Rinehart, and neighbor John Hutchinson. She stated that her property is adjacent to the Ruth property. She believes that this proposal violates the intent of the comprehensive plan.

Mr. Gerald Willet (900 Hyatts Rd.) stated that emergency access road from the Ruth property to Hyatts Rd. is 60' from his bedroom. Planned Communities has been responsive to their requests. The condo units provide a lot of green space. He stated he is in favor of the plan.

Mrs. Melinda Vasila (1170 Hyatts Road) stated that she is in support of the condo. development. She appreciates Planned Communities moving the entrance up Hyatts Road. She believes the clustering preserves more of the natural landscape.

Mr. Tim Peterkoski, ODNR, stated that the applicant has taken ODNR's comments into consideration on this redesign. The floodplain and the area west of Taggart is being preserved which is critical to the ecological health of the Olentangy River. He believes the applicant has addressed most if not all of their concerns.

Mr. Gary Spanner asked the staff to clarify the 900' elevation discrepancy. Mr. Laurien stated that the comprehensive plan talks about elevations under 900' in both the Scioto and the Olentangy watersheds are recommended to be a maximum density of 1 unit per acre but they can be either attached or detached if served by sanitary sewer. Lots in a PRD are ¾ of an acre lot size or as



approved per plan. In this particular instance the staff feels like the attached condo. units make sense. The terrain is very rugged on the north side. Extensive cut and fill would have to be done in order to get the ¾-acre lots. This scenario would be worse. In a PRD, attached units are permitted. The Township has the right to approve them per plan.

*Mr. Spanner made a motion to recommend conditional approval of the rezoning request by Planned Communities, subject to staff comments. Mr. Mason seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**IV. SUBDIVISION PROJECTS**

**Preliminary**

**09-03 Dewey Subdivision – Berlin Twp. - 03 lots / 07.64 acres**

- Applicant:** Holbert & Paycoff
- Subdivision Type:** Residential
- Location:** South side of Curve Road, West of Dale-Ford Road
- Current Land Use:** Vacant, former agriculture
- Zoned:** Farm Residential
- Utilities:** Del-Co water and on-site septic systems
- Soils:** BoA – Blount 0-2% slope  
BoB – Blount 2-4% slope  
GwB – Glynwood 2-6% slope  
PwA – Pewamo 0-1% slope
- School District:** Olentangy School District
- Project Engineer:** Scioto Land Surveying Service, Inc.

**Staff Comments**

This subdivision creates three lots, ranging from 2.018 acres to 2.817 acres, each having its own access to an existing, public street. These lots normally would be created as no-plat subdivisions (lot splits) but the overall number of splits from the original 57-acre tract exceed the number allowed by the Ohio Revised Code.

The site is wooded to the north, with open, agricultural fields to the south. Two drainage swales cross the site, one from west to east and the other from the south, both meeting just west of Dale-Ford Road.

The 2001 Delaware County Thoroughfare Plan identifies a future road extending south from Roloson Road, connecting it to Piatt Road. This road is not a priority to the County Engineer at this time and the proposed Glenn Road extension to Peachblow Rd. is expected to reduce the need for this connection.

*A technical review was held on May 20, 2003, after which the applicant has addressed all of the required changes.*

**Staff Recommendation**

Staff recommends *Preliminary approval* of **Dewey Subdivision** to the RPC.

**Commission / Public Comments**

Mrs. Karen Coffman, Scioto Land Surveying was present to answer any questions from the Commission.

Mr. John Schmidt stated that with regards to the Thoroughfare Plan, the connection is a low priority for the Township. On Lot # 1, there is a culvert that should be correctly sized by an independent agency prior to final approval signatures by the zoning officer. Mrs. Coffman agreed to this request. Mr. Laurien asked what year storm would this be typically sized for. Mr. Pike stated 10-year if it was on a public road. Mr. Laurien stated that just because it's sized correctly, how do we know the correct size was installed since it's not in the public right-of-way. Mr. Pike stated that Mr. Milt Link with Soil & Water could check the sizing.

Mr. Schmidt stated that there is a drainage easement along the entire swale. How can you prevent the homeowners from filling the drainage swale? Mr. Laurien stated that this could also be a note on the plat.

*Mr. Schmidt made a motion for conditional Preliminary approval of the Dewey Subdivision, subject to (1.) a note on the plat stating the culvert size as provided by the Soil & Water Conservation District and (2.) a note prohibiting the drainage easement from being filled. It should be listed as a "no build/no fill area". Mr. Brenner seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Gunderman). Motion carried.*

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**08-03 Highland Lakes East, Section 15 – Genoa Twp. - 05 lots / 02.78 acres**

**Applicant:** Planned Communities, Inc.  
**Subdivision Type:** Single-Family Residential  
**Location:** East side of Highland Lakes Avenue, 150’ south of Interlachen Avenue, Genoa Twp.  
**Current Land Use:** Vacant  
**Zoned:** Planned Residential District (PD-1)  
**Utilities:** Del-Co water and public sewer  
**School District:** Westerville  
**Engineer:** EMH&T

**Staff Comments**

This is the last section of the Highland Lakes East development. Section 15 will include 5 lots on 2.78 acres. The lots will all access a new cul-de-sac street off the east side of Highland Lakes Avenue called Bretton Place. The gross density for this section is 1.8 units per acre with the minimum lot size being 10,000 sq. ft. This section contains no open space. Del-Co water and County sewer serve all of Highland Lakes.

Surrounding land use includes residential to the north, west, and south in other phases of Highland Lakes East. The WOSU-TV transmission tower is located to the east. Highland Lakes East was zoned PD-1 in 1991 and includes a mix of single-family and cluster homes around a golf course.

*A technical review was held on May 20, 2003, after which the applicant has addressed all of the required changes.*

**Staff Recommendation**

Staff recommends *Preliminary approval of Highland Lakes East, Section 15* to the RPC.

**Commission / Public Comments**

Mr. Jack Brickner of Planned Communities was present to represent the applicant. He stated that this would be the last 5 lots in the Highland Lakes Subdivision, which has been in the process for 14 years.

Mrs. Warthman stated that on the minimum rear setbacks, the text “unless otherwise shown” must be removed. Mr. Brickner agreed. Mrs. Warthman also asked for clarification of the “no build zone” area, since it was not a zoning

requirement. Mr. Brickner said that the statement was added at the developer’s choice.

*Mr. Gladman made a motion for conditional Preliminary approval of Highland Lakes East, Section 15, subject to staff and Genoa Twp. comments. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**10-03 W Woodtown Subdivision – Harlem Twp. - 02 lots / 11.29 acres**

**Applicant:** Mike Ross  
**Consultant:** Civil Design Engineering

**Staff Comments**

This application has been withdrawn.

**04-03 T The Lakes at Silverleaf – Liberty Twp. -29 lots / 30.42 acres**

**Applicant:** Vincent Margello  
**Consultant:** Bischoff Miller & Associates

**Staff Comments**

The applicant has requested a 90-day tabling to resolve zoning issues. This is the second request to table for this project.

**Staff Recommendation**

Staff recommends *approval of the 90-day tabling of The Lakes at Silverleaf* to the RPC.

**Commission / Public Comments**

*Mr. Gladman made a motion to approve the 90-day tabling of The Lakes at Silverleaf, seconded by Mr. Brenner. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**05-01 Willow Springs North, Section 2 – Orange Twp. -  
61 lots / 40.90 acres**

**Applicant:** M/I Schottenstein Homes  
**Subdivision Type:** Single-Family Residential  
**Location:** East side of Old State Rd., north of Lewis Center Rd.,  
Orange Twp.  
**Current Land Use:** Agriculture, Wooded  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and public sewer  
**School District:** Olentangy  
**Engineer:** EMH&T

**Staff Comments**

The applicant is requesting preliminary approval of 61 lots on 40.9 acres on the east side of Old State Road. This subdivision received preliminary approval in May 2001 but expired due to failure to submit a final plat in the required time period. Section 2 will extend Polar Drive from Section 1 (to the north) to connect with Old State Road. The gross density for the subdivision is 1.5 units per acre. No-build zones and a tree conservation area are located on the rear of various lots. The existing building on-site will be razed at time of construction.

A large detention pond will be constructed within a shallow ravine in the no-build zone to the east. The Army Corp of Engineers has approved the detention within the ravine.

There is no open space provided, but the conservation area and no-build zones were allowed during the zoning process to count for the required 10% open space (circa 1994). These areas will not be accessible by all lot owners.

Surrounding land use includes the Berlin Presbyterian Church and Cemetery to the northwest. Willow Springs (recorded December 19<sup>th</sup>, 1991) is located south of this section and Willow Springs North Section 1 (recorded July 18, 1994) is located immediately to the north. Bryn Mawr at Delaware Subdivision is located directly across South Old State Road to the west with Alum Creek State Park/Reservoir bordering the section to the east.

- ***A technical review was held on May 22<sup>nd</sup>, 2001, after which the applicant has addressed all of the required changes.***

**Staff Recommendation**

Staff recommends *Preliminary approval Willow Springs North Sec. 2* to the RPC.

**Commission / Public Comments**

Mr. Jeff Strung of EMH & T was present to represent the applicant. He stated that the engineering plans are at the County Engineer’s office for review.

***Mr. Gladman made a motion for Preliminary approval of Willow Springs North, Section 2. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**Preliminary/Final** (none)

**CONSENT AGENDA**

Mr. Deel stated that four of the final applications have requested tablings. Those include: Tartan Fields, Section 18 for 90 days, Myers Glen for 30 days, Eagle Trace, Section 3, Phase A for 90 days and Grand Oak, Section 2, Phase B for 90 days.

***Mr. Ward made a motion to approve the tablings as requested. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

Mr. Deel stated that the staff reports for Tartan Fields, Phase 15 and Glen Oak, Section 2, Phase A recommended final approval but these plats do not have county engineer’s signature so the reports should be changed to denial. He stated the engineer for those projects wished to address the Commission.

Mr. Kershner of RD Zande stated that he represents both applications. He understands the final mylars do not have the county engineer’s signature, a requirement for final plat approval. The reason why they are not signed is unknown. Both of the subdivisions are under construction. Tartan Fields, Phase 15 is all done but the streets, Glen Oak is just about completed and ready for the streets. He believes the county engineer would sign them, but it was a matter of timing. Mr. Pike stated that they are able to be signed, but there were timing issues. He stated he would like to work with RPC staff to work out a better process for mylars.

Mr. Laurien reminded the applicant to not start the application process, until they know for sure that they will be able to obtain all the required signatures prior to the deadline.

**Mr. Ward made a motion for Final approval of Tartan Fields, Phase 15 and Glen Oak, Section 2, Phase A. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**Final**

**34-98.15 Tartan Fields, Phase 15 – Concord Twp. - 25 lots / 13.05 acres**

**Applicant:** NHG Development Group, Inc.  
**Subdivision Type:** Single-family residential  
**Location:** East side of Concord Road, South of Harriott Road  
**Current Land Use:** Vacant, former agriculture  
**Zoned:** Residential District (R-2)  
**Utilities:** Del-Co water and central sewer with land application, county maintained  
**School District:** Dublin School District  
**Project Engineer:** R.D. Zande and Associates, Inc.

**Staff Comments**

This is a 25-lot portion of the 191-lot Tartan Fields, East of Concord Road development. The overall preliminary was approved on December 17, 1998. Phase 15 includes the extension of Archer Lane to the south, creating a cul-de-sac. There is no direct access from this section to Concord Road. Lots range in size from third-acre lots to .82- and .95-acres at the cul-de-sac.

Surrounding land uses include Phase 14 of Tartan Fields to the north and east. The Tartan Fields Golf Course abuts the southeast side of the site, while one-acre parcels to the southwest were platted in Seely Subdivision in 1978. Large lot residential houses are located to the west, across Concord Road, with scattered agricultural tracts.

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

**Staff Recommendation**

Staff recommends *Final approval* of **Tartan Fields, Phase 15** to the RPC.

**Commission / Public Comments**

**Mr. Ward made a motion for Final approval of Tartan Fields, Phase 15. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**34-98.18 Tartan Fields, Phase 18 – Concord Twp. - 14 lots / 07.71 acres**

**Applicant:** NHG Development, Inc.  
**Project Engineer:** R.D. Zande and Associates

**Staff Comments**

The applicant has requested a 90-day tabling of Tartan Fields, Phase 18 in order to obtain the necessary signatures for final approval.

**Staff Recommendation**

Staff recommends *approval of the 90-day tabling of the Final plat of Tartan Fields, Phase 18 to the RPC.*

**Commission / Public Comments**

**Mr. Ward made a motion to approve the 90-day tabling of Tartan Fields, Phase 18 Final Plat. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**20-02 Myers Glen – Delaware Twp. - 09 lots / 17.42 acres**

**Applicant:** Frank Goode  
**Project Engineer:** Floyd Browne Associates

**Staff Comments**

The applicant has requested a 30-day table of Myers Glen.

**Staff Recommendation**

Staff recommends *approval of the 30-day tabling of the Final plat of Myers Glen, to the RPC.*

**Commission / Public Comments**

**Mr. Ward made a motion to approve the 30-day tabling of Myers Glen Final Plat. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**23-97.3.A Eagle Trace, Section 3, Phase A – Genoa Twp. - 35 lots / 13.68 acres**

**Applicant:** Centex Homes  
**Project Engineer:** EMH&T/ Ed Miller

**Staff Comments**

The applicant is requesting a 90-day tabling in order to obtain the required signatures.

**Staff Recommendation**

Staff recommends a 90-day tabling of the Final plat of **Eagle Trace, Section 3, Phase A** to the RPC.

**Commission / Public Comments**

*Mr. Ward made a motion to approve the 90-day tabling of Eagle Trace, Section 3, Phase A Final Plat. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**03-01.2.B Grand Oak, Section 2, Phase B – Genoa Twp. - 35, lots / 52.49 acres**

**Applicant:** Centex Homes  
**Consultant:** EMH & T

**Staff Comments**

The applicant has requested a 90-day tabling of Grand Oak, Section 2, Phase B in order to obtain the required signatures for final approval.

**Staff Recommendation**

Staff recommends approval of the 90-day tabling for **Grand Oak, Section 2, Phase B** to the RPC.

**Commission / Public Comments**

*Mr. Ward made a motion to approve the 90-day tabling of Grand Oak, Section 2, Phase B Final Plat. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**09-02.2.A Glen Oak, Section 2, Phase A – Orange Twp. - 24 lots / 09.85 acres**

**Applicant:** Dominion Homes  
**Subdivision Type:** Single-family residential  
**Location:** North side of Orange Road, West of South Old State Road  
**Current Land Use:** Vacant, former agriculture  
**Zoned:** Planned Residential (PD-1)  
**Utilities:** Del-Co water and county sewer system  
**School District:** Olentangy School District  
**Project Engineer:** R.D. Zande and Associates, Inc.

**Staff Comments**

Glen Oak Section 2, Phase A, is a 23-lot portion of Glen Oak which accesses Orange Road at a major entrance at Blue Holly Drive. Blue Holly Drive begins with a boulevard entrance and proceeds north to a future access to the school site. The plan includes intersections with Holderman Street, Primrose Avenue and Geranium Drive. Lots are generally quarter-acre in size. This phase includes a half-acre reserve in the powerline easement, which is to be used as open space. Section 2 received preliminary approval on July 25, 2002.

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

**Staff Recommendation**

Staff recommends *Final approval* of **Glen Oak, Section 2, Phase A** to the RPC.

**Commission / Public Comments**

*Mr. Ward made a motion for Final approval of Glen Oak, Section 2, Phase A. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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V. EXTENSIONS (none)

**VI. OTHER BUSINESS** (none)

**VII. POLICY / EDUCATION DISCUSSION** (none)

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, June 26, 2003, 7:00PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.*