



**DELAWARE COUNTY  
REGIONAL PLANNING COMMISSION**

50 Channing Street, Delaware, Ohio, 43015 Phone 740 -833-2260 Fax 740-833-2259

Philip C. Laurien, AICP, Executive Director

\* MINUTES\*

**Thursday, May 31, 2001 at 7:00 PM  
Delaware Joint Vocational School Auditorium  
1610 St. Rt. 521, Delaware, Ohio 43015**

**I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of April 26, 2001 RPC Minutes
- Executive Committee Minutes of May 23, 2001
- Statement of Policy

**II. VARIANCES (none)**

**III. ZONING MAP/TEXT AMENDMENTS**

- 19-01 ZON Edward Hursey – Harlem Twp. – 0.635 acres from AR-1 to FR-1
- 20-01 ZON LLD Properties LLC and Tim Dickens–Harlem Twp. – 5.002 acres from AR-1 to FR-1
- 21-01 ZON **W/D** Genoa Square,L.P.–Genoa Twp.–0.823 acres–zoned PD-2 – request for additional retail space
- 13-01 ZON Robert Taek Ro–Orange Twp.–289.87 acres–FR-1 to SFPRD (Glen Oak Subd.)

**IV. SUBDIVISION PROJECTS**

		<b>Township</b>	<b>Lots/Acres</b>
<u>Preliminary</u>			
29-98.4.5/6	Scioto Reserve, Sec. 4, Ph.'s 5 & 6	Concord	48 lots / 15.80 acres
10-01	Abbington of Powell	Liberty	01 lot / 03.64 acres
43-00.1.1/2/3/4	Golf Village, Sec. 1, Ph.'s 1,2,3,4	Liberty	142 lots / 76.73 acres
43-00.7.1/2/3	Golf Village, Section 7, Phases 1,2,3	Liberty	108 lots / 51.33 acres
43-00.7.4	Golf Village, Section 7, Phase 4	Liberty	73 lots / 36.70 acres
05-01	Willow Springs North, Section 2	Orange	61 lots / 40.90 acres

Preliminary/Final (none)

<u>Final</u>			
04-01	<b>T</b> Summerwood, Section 2	Berlin	12 lots / 17.00 acres
29-98.1.4	Scioto Reserve, Section 1, Phase 4	Concord	40 lots / 14.59 acres
38-99	Slane Ridge	Genoa	17 lots / 09.80 acres
16-00.1.1/2	<b>T</b> Woodland Hall, Section 1, Ph.'s 1 & 2	Liberty	38 lots / 94.46 acres
17-00.1	Woods on Seldom Seen, Ph.3, Part 1	Liberty	24 lots / 30.27 acres
73-94.A.1	Resubd. of Lot# 2921 in Big Bear Farms, Sec. 4	Liberty	02 lots / 02.88 acres
27-98.3	<b>T</b> Abbey Knoll, Phase 3	Orange	38 lots / 31.62 acres
33-98	The Village at Alum Creek, Phase 5	Orange	64 lots / 26.19 acres
31-00	McGonigle No. 1	Oxford	05 lots / 19.37 acres
32-00	McGonigle No. 2	Oxford	04 lots / 17.62 acres

**T=TABLED**

**V. EXTENSIONS (none)**

**VI. OTHER BUSINESS**

- Consideration for Approval; Professional Services, Legal \$1942.61 (Attorney Don Brosius)
- Outcome of T& R vs. Berlin Twp. lawsuit
- Outcome of Wallingford lawsuit

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

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**I. ADMINISTRATIVE BUSINESS**

**■ Call to Order**

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

**■ Roll Call**

Representatives present: Don Poland, John Schmidt, Robert Hedrick, Jim Ward, Steve Burke, Chris Bauserman, Dale Simpkins, Cy Schmidt, Holly Foust, Charles Heimlich, Dick Gladman, Bill Thurston, Hansel Waugh, Jeannette Curren, and Kevin Moran. Alternates present: Ken Baker. Staff present: Phil Laurien, Mike Bissett, Paul Deel, Joe Clase, Jiyeong Lee, Da-Wei Liou and Stephanie Matlack.

Due to not having a quorum, *Mr. Gladman made a motion to call an emergency meeting, seconded by Mr. Moran. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**■ Approval of the April 26, 2001 RPC Minutes**

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

**■ May 23, 2001 Executive Committee Minutes**

1. Call to order

Chairwoman Foust called the meeting to order at 1:30 p.m. Present: Holly Foust, Dick Gladman, Leslie Warthman and Commissioner Jim Ward. Steve Burke was absent. Staff present: Phil Laurien, Stephanie Matlack and Jiyeong Lee.

2. Approval of Executive Committee Minutes

- a. April 18, 2001 – *Mr. Gladman made a motion to approve the April Executive Committee minutes. Mrs. Warthman seconded the motion.*



- a. Stephanie Matlack evaluation – presented a copy of the evaluation to the Committee.
- 7. Adjourn- **Mr. Gladman made a motion to adjourn the meeting, seconded by Mrs. Warthman. VOTE: Unanimously For, 0 Opposed. Motion carried.**

Meeting adjourned at 3:15 p.m.

**The next Executive Committee meeting will be Wednesday, June 20, 2001 at 8:30 a.m. in the 2nd Floor conference room at 50 Channing Street, Delaware, Ohio, 43015**

**■ Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted 10 minutes to make their formal presentation. The audience will then be granted up to 10 minutes 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.

**II. VARIANCES (none)**

**III. ZONING MAP/TEXT AMENDMENTS**

**19-01 ZON Edward Hursey – Harlem Twp. – 0.635 acres from AR-1 to FR-1**

The applicant is requesting to rezone 0.635 acres from AR-1 to FR-1 to be transferred to another parcel.

**Conditions**

- Location:** North side of Fancher Road, west of South County Line Road
- Present Zoning:** (AR-1) Agricultural/Residential
- Proposed Zoning:** (FR-1) Farm Residential
- Present Use:** Agricultural buildings
- Proposed Use:** Farm Residential
- Existing Density:** 1du/5 acres

- Proposed Density:** 1 du/acre
- School District:** Johnstown-Monroe
- Utilities Available:** Private well and septic
- Soils:** BeA: Bennington Silt Loam, 0 – 2 percent slope  
PwA: Pewamo silty clay loam, 0 – 1 percent slope

**General comments**

The site is surrounded by agricultural zoning with the exception of the parcel to the south, which is zoned FR-1. The 0.635 acres being rezoned contains outbuildings for the home on the existing FR-1 zoned 1.07-acre parcel to the south. The purpose of rezoning is to transfer the 0.635 acres to the 1.07-acre parcel. The plan provided shows an encroachment of the existing buildings on the new western property line.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as agricultural. 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 conditional approval of the 0.635 acre rezoning from A-1 to FR-1, to the RPC, Harlem Township Zoning Commission, and the Harlem Township Trustees, subject to the applicant showing that buildings on the parcel to be created will not be encroaching.

**Commission / Public Comments**

No one was present to represent the applicant.

Having no questions, **Commissioner Ward made a motion to recommend conditional approval of the rezoning application by Mr. Hursey, subject to the applicant showing that buildings on the parcel to be created will not be encroaching. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**20-01 ZON LLD Properties LLC, an Ohio Limited Liability Company, and Timothy W. Dickens – Harlem Twp. – 5.002 acres from AR-1 to FR-1**

**Request**

The applicant is requesting to rezone a 5.002-acre lot from Agriculture Residential (AR-1) to Farm Residential (FR-1).

**Conditions**

**Location:** 5353 Harlem Road, Harlem Twp.  
**Present Zoning:** Agriculture Residential (AR-1)  
**Proposed Zoning:** Farm Residential (FR-1)  
**Present Use:** Residential  
**Proposed Use:** Residential  
**Existing Density:** 1 unit / 5 acres  
**Proposed Density:** 1 unit / acre  
**School District:** Big Walnut  
**Utilities Available:** Del-Co water and private septic  
**Soils:** Bennington Silt Loam (0-2 percent slopes) - BeA  
Bennington Silt Loam (2-4 percent slopes) - BeB

**Staff Comments**

The site has an existing home and barn with vacant land on the east side of the lot. The surrounding land use includes scattered single-family homes and agriculture. The applicant is rezoning the property in order to lower the minimum lot size from five acres to one. This rezoning would allow the applicant to subdivide the lot into 2 or 3 lots. Several homes along Center Village Road in the vicinity are on lots between 1 and 3 acres. The homeowner should consult with the Health Department to assure that there is adequate area for additional septic systems.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as agricultural. 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 5.002 acre rezoning from Agriculture Residential (AR-1) to Farm Residential (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. Gladman made a motion to recommend approval of the rezoning request by LLD Properties and Timothy Dickens. Commissioner Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**13-01 ZON     Robert Taek Ro – Orange Twp. – 289.87 acres from FR-1 to SFPRD**

**13-01a ZON     Robert Taek Ro – Orange Twp. - 7.05 acres from FR-1 to PCD for a light rail station, park and ride lot and combined neighborhood retail store**

**Location: East side of CSX railroad, north of Orange Road, West of Old State Road in Orange Township, by Robert Ro, Franklin Real Estate and Colomet Inc., Dominion Homes, optionee.**

**I. Conditions**

**Present Zoning:** Farm Residence (FR-1)

**Proposed Zoning:** SFPRD; PCD

**Present Use:** Vacant, agriculture, wet woods and power lines.

**Proposed Uses: PRD subdivision called Glen Oak**

- 335 single family lots, minimum 75' x 125'
- 310 Single Family Detached condominiums
- 127 acres of open space (42% of site), including a public dedication of 25 acres for a middle school, 44 acres active recreation park, and 24 acres of wooded preserve.
- Future light rail station with integral convenience store (only to be developed if the light rail station is a reality).

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

**Proposed Density:** 2.15 units per acre (gross density overall)

- 1.97 units per acre gross on 335 SF lots
- 2.6 units per acre gross on 310 SF condos

**School District:** Olentangy

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

**Soils:** Blount silt loam 0-2 % slope

Blount Silt Loam 2-6 % slope

Glynwood Silt Loam 2-6% slope

Glynwood Silt Loam 6-12 % slope

Pewamo 0-2 % slope

**II. Conformance with Local Comprehensive Plans**

The recently adopted Orange Township 2001 Comprehensive Plan recommends single family residential at 2 dwelling units per acre. The request conforms to the plan for use, but slightly exceeds the density.

The developer is asking that the density be increased beyond the 2 units per acre in the

comprehensive plan because of:

- a.) Open space-10% is required, 42 % is provided (.2 D.U./acre potential PRD zoning bonus).
- b.) A 15-foot perimeter buffer is to be provided (.2 D.U./acre potential PRD zoning bonus).
- c.) The site is located adjacent to a railroad track (.4 D.U. /acre potential PRD zoning bonus).

A Park and Ride lot and transit station is shown in the old Lewis Center on the draft 2001 Orange Township Comprehensive plan. The location of the rail station at this location better serves blue-collar workers traveling to the industrial park and white collars worker outbound from their homes. The location conforms to the adopted 2001 Orange Township Comprehensive Plan.

### **III. Conformance with Development Standards**

1.) Provisions for sanitary sewer. The original design capacity for these lands was broken into four drainage areas with a capacity of 380 units (project total proposes 641 units). A May 17, 2001 letter from the county sanitary engineer states “it is possible that you could discharge the remaining 251 units from the southwest and northwest quadrants into a 12” diameter sanitary sewer on Orange Road, east of the railroad tracks. In order to use that alternative, you would need to construct a 15” sewer from the Orange Road pump station to the interceptor sewer which discharges into the Campus at Hidden Ravines area, and take the Orange Road Pump station out of service. Easements would also need to be acquired for the sewer extension. The 24” sewer that the above sewer discharges into currently has capacity for the proposed development. That status, however, is constantly changing.”

If the developer will commit to making these new additions to the sewer system at his expense, the sewer issue will be resolved.

2.) Storm water -Detention ponds (schematic at this stage) may need to be increased in size at the platting stage. There is good drainage available with outlets correctly place at the northwest and southeast corners of the site.

3.) Proposed Traffic Patterns and their relationship to existing conditions-

- a.) A traffic impact study was prepared by RD Zande. With a total of 645 dwelling units, the residential portion of the development should generate over 6000 new trips per day. The proposed light rail station would also generate trips (but overall should help to reduce area traffic).

65% of the 6000 new trips generated by Glen Oak will use the S. Old State Road

and Orange Road intersection, which is at level of service E (failure) during PM peak hour. The addition of new traffic puts this intersection below failure; the intersection must be improved as part of this project and the adjacent Delaware Crossing 100- unit zoning reviewed last month.

The County Engineer has determined that future developments should contribute to mitigate their fair share of offsite traffic impacts as part of the subdivision process. Meetings have been held with the developers of Delaware Crossing and Glen Oak, and both are agreeable to a set aside or bond for offsite traffic improvements to S. Old State and Orange Roads, and the Lewis Center / Old State intersection. This fair share improvement or contribution is to be captured by the county engineer as part of the subdivision process.

With the tacit understanding that the developer will commit to his fair share of offsite traffic improvements within the S. Old State Lewis Center to Orange Road general “traffic shed”, staff will consider this significant problem to be adequately addressed for zoning.

- b.) Arrangement of streets in regard to existing or planned streets- The easterly entrance of Orange Road aligns with the Holderman Drive, which is appropriate. There is good connectivity to adjacent Summerfield Village, and Oak Creek. The Thompson property to the north was the subject of a rezoning case 18-01 ZON last month for Delaware Crossing. The developers of both Glen Oak and Delaware Crossing have agreed to align a second stub connection so that north-south movements will be accomplished. The Glen Oak entrance from S. Old State Road will permit right-in/right-out and left- in movements, but no left turn out (northbound). North bound left turn movements to S. Old State Road will have to be accomplished from the Delaware Crossing entrance. These development plans need to be finalized at the township zoning level.
- c.) Although the traffic study calls for right and left turn lanes for all three entrances off S. Old State and Orange Road, the development plan does not show them, either in general plan or in detail. The impacts are great enough to potentially warrant a three-lane section to Orange Road from the Conrail tracks to S. Old State. Similarly, the impacts on S. Old State may warrant a third lane in conjunction with new development opposite (Abbey Knoll and Old State Farms).
- d.) No sidewalks are shown on the development plan, but they are noted in the text description. It should be clear that sidewalks are normally required in Orange Township for PRD lots.

4.) A divergence is being requested for side yard separation. 10’ separation is asked

between single family detached condominiums. There is no letter from the township fire chief regarding fire separation and ability to combat fires with the 10' separation.

- 5.) The plan should note who would build the active recreation fields. Open space land is intended to be dedicated to the school district and the township. The township recreation committee should resolve these issues.

#### **IV. Other Considerations**

- 1.) The design is a clever use of a difficult site that is criss-crossed with power lines and impacted by a railroad track, jurisdictional wetlands and poorly drained soils. The designers have responded by drawing a development that fits the site, retains wetlands, retains woods, uses recreation to buffer residential from the railroad, attempts to reduce traffic generation by inclusion of a future light rail station, and builds single family detached housing as recommended by the comprehensive plan.
- 2.) The single family detached condominium is introduced in the “neo traditional neighborhood style”, with detached garages serviced by alleys. No driveways mar the aesthetic of the street front.
- 3.) 52 acres of open space are to be dedicated civic use (school) and recreational development.
- 4.) The light rail station would be a public utility, which is exempt from zoning. Nonetheless, the applicant is making a good faith effort to comply with PCD zoning. The applicant stipulates the following conditions regarding the light rail station:
  - a.) The architecture shall be residential style, with a pitched roof not to exceed 25'.
  - b.) Siding shall be limestone or earth toned siding.
  - c.) Maximum size of the station and the integral convenience store shall be 6000 square feet, with not more than 3000 square feet devoted to the convenience store.
  - d.) Station shall be setback at least 50' from north property line, 50' from the ROW of Glen Oak entry boulevard, and 100' from Orange Road.
  - e.) Complete utilities provisions will be met.
  - f.) No more than two driveways shall access the Glen Oak development and there shall be no access directly to Orange Road.
  - g.) The rail station will be a public facility operated by COTA or its successor. This is not expected to occur prior to 2010.
  - h.) Until the rail station is developed per plan no commercial uses shall be conducted on the site.

- i.) Commercial uses shall be conducted only within the single building housing the train station.
- j.) The 7-acre site for the rail station shall remain undeveloped until such time as COTA is capable of developing it.
- k.) Prior to construction of the rail station, detailed site and construction plans shall be approved by Orange Township.

- 5.) The applicant's willingness to submit to zoning and to stipulate conditions that would be met is laudable, but it does not guarantee the actual construction of a light rail line. For that reason it must be noted that the development plan, if approved for the light rail station, will expire in three years if not constructed.

#### **V. Required Findings for SFPRD and PCD**

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

**DCRPC Staff Finding:** Yes.

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

**DCRPC Staff Finding:** Yes, but the density slightly exceeds the comprehensive plan, and must be reduced to 2 units per acre to conform.

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

**DCRPC Staff Finding:** Yes, provided that the dedication of open space, the off site sewer improvements and fair share off site traffic improvements are done at the developer's expense.

#### **VI. DCRPC Staff Recommendation**

- A. **Staff recommends conditional approval of the zoning change from FR-1 to SFPRD, for case 13- 01 ZON, subject to a.) the developer mitigating off site traffic impacts via a fair share contribution to the county engineer; b.) the open space be dedicated to public use, either the school district or the township or both; agreement be reached on who will construct the open space improvements; c.) the density be reduced to 2 units per gross acre to**

conform to the 2001 Orange Township comprehensive plan.

**B. Staff recommends conditional approval of the zoning change from FR-1 to PCD for the future construction of a light rail station with integral convenience store, case 13- 01a ZON, subject to the following conditions:**

- 1.) Maximum size of the station and the integral convenience store shall be 6000 square feet, with not more than 3000 square feet devoted to the convenience store.
- 2.) Station shall be setback at least 50' from north property line, 50' from the ROW of Glen Oak entry boulevard, and 100' from Orange Road.
- 3.) Complete utilities provisions will be met.
- 4.) No more than two driveways shall access the Glen Oak development and there shall be no access directly to Orange Road.
- 5.) The rail station will be a public facility operated by COTA or its successor. This is not expected to occur prior to 2010.
- 6.) Until the rail station is developed per plan no commercial uses shall be conducted on the site.
- 7.) Commercial uses shall be conducted only within the single building housing the train station.
- 8.) The 7-acre site for the rail station shall remain undeveloped until such time as COTA is capable of developing it.
- 9.) Prior to construction of the rail station, detailed site and construction plans shall be approved by Orange Township.

**Commission / Public Comments**

Mr. Jeffrey McNealy was present to represent Dominon Homes. The developers have agreed to do their fair share on the traffic study and have been working with the County Engineer on that. The developers also agree to pay for the sewer upgrades to handle all the capacity of this project. Mr. McNealy stated that AEP will be relocating one of the power lines to bring it within 75 feet of the rail road right-of-way. Since the application was originally filed, further discussions with Mr. Denny Lowery and the school board architect indicate the school site would be moved to the south west side by the recreation area and the single family residences would be moved north to the east of the recreation area.

Mr. Mike Green, Director of Planning for COTA stated that they have recently completed a major investment study for the north corridor of their service area. The Board has selected the light rail expanded bus option for the north corridor as a locally preferable alternative. They have directed the staff to proceed to identify preliminary engineering monies to continue this effort. Service is proposed to be operated from the downtown to the northern most station (at Lazelle Road). The timeline for this effort would be 2007-2008 implementation. An extension further north is a possibility after

this station is in. There is adequate capacity for park and riders. A political jurisdiction can join the (COTA) taxing district, but it is the option of the Township Trustees to join in this service area.

Commissioner Ward asked for further explanation on what it takes to get the rail service implemented. It was Commissioner Ward's understanding that all the residents of Orange Township have to pay the COTA tax. Mr. Green said that was correct. COTA is a regional transit authority. It would be a ¼ % sales tax.

Commissioner Ward said that the light rail system will not only bring workers up from Franklin County to work in the industrial businesses but it brings all the problems Columbus has up into the township. Commissioner Ward stated that the reason he is so against this is that the DATA system was set up so Delaware County would have its own transit system.

After much discussion, Chairwoman Foust asked if the Commission wished to make a motion.

Mr. Simpkins questioned why the applicant is requesting the rail station now if it is not feasible for another 7-10 years, since the development plan would expire in 3 years if not constructed. Mr. McNealy said that the Orange Twp. zoning code provides for an extension of that regulation at the discretion of the Township Trustees. The applicant feels it would be better to get it locked in to the land. If the Orange Twp. Trustees three years from now say no, they won't renew it. Mr. McNealy stated that the Commission would be recommending approval of a reservation of space to allow the light rail option decision later on. Mr. Gladman stated his preference for the applicant to bring the zoning request in when they are in the position of actually open the station. Mr. Laurien stated that if it's a light rail station (and a park-and-ride in the interim), those are regulated public utilities and are specifically exempt from zoning. Mr. Gladman agreed and again questioned the zoning request. Mr. Laurien stated that the applicant is submitting for zoning to submit themselves to the Townships review of their development plan. The convenience store will not be opened until the light rail station is in place.

***Commissioner Ward made a motion for conditional approval of the rezoning request from FR-1 to SFPRD by Mr. Ro, subject to:***

- 1.) *the developer mitigating off site traffic impacts via a fair share contribution to the county engineer;*
- 2.) *the open space be dedicated to public use, either the school district or the township or both; agreement be reached on who will construct the open space improvements;*
- 3.) *the density be reduced to 2 units per gross acre to conform to the*

**2001 Orange Township comprehensive plan.**

**Mr. Moran seconded the motion. VOTE: 15 For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.**

**Commissioner Ward made a motion to deny the rezoning request from FR-1 to PRD (to include the light rail system and convenience store. Mr. Moran seconded the motion. Chairwoman Foust asked for any discussion.**

Mr. Bausermen questioned whether it would be worse to leave it the current zoning status (FR-1) and allow someone to put up a house that would preclude this opportunity in the future or to zone this area for this purpose now and protect it for this future use. He agreed traffic doesn't warrant the system right now, but if traffic continues like the last 10 years, there will be a need and it should be preserved now. Mr. Cy Schmidt agreed.

**Chairwoman Foust stated that there was a motion in favor of denial and a second. VOTE: Generally against the denial, 1 Abstained (Orange Twp.). Motion failed.**

**Mr. Cy Schmidt made a motion to recommend approval of the zoning from FR-1 to PCD, subject to:**

- 1.) Maximum size of the station and the integral convenience store shall be 6000 square feet, with not more than 3000 square feet devoted to the convenience store.
- 2.) Station shall be setback at least 50' from north property line, 50' from the ROW of Glen Oak entry boulevard, and 100' from Orange Road.
- 3.) Complete utilities provisions will be met.
- 4.) No more than two driveways shall access the Glen Oak development and there shall be no access directly to Orange Road.
- 5.) The rail station will be a public facility operated by COTA or its successor. This is not expected to occur prior to 2010.
- 6.) Until the rail station is developed per plan no commercial uses shall be conducted on the site.
- 7.) Commercial uses shall be conducted only within the single building housing the train station.
- 8.) The 7-acre site for the rail station shall remain undeveloped until such time as COTA is capable of developing it.
- 9.) Prior to construction of the rail station, detailed site and construction plans shall be approved by Orange Township.

**Mr. John Schmidt seconded the motion. Chairwoman Foust asked for any discussion.**

Commissioner Ward stated that he feels this is an intrusion from Franklin County into Delaware County. Chairwoman Foust asked that isn't it up to the voters to approve the levy?

Mr. John Schmidt asked if COTA is the only system that could run the light rail system or could DATA (or another system) run it. Mr. McNealy responded yes. Chairwoman Foust said that the application doesn't specifically ask for COTA to manage the system but a light rail system in general. Mr. McNealy agreed.

Chairwoman Foust asked Mr. Cy Schmidt that based on the discussion, pointing out that the application is not specifically requesting COTA be the one to build this, would he like to amend his motion to recommend approval, deleting COTA specifically from Staff comments #5 and #8, but to provide for this to be a light rail station with a public transit authority and a park-and-ride facility with an internal convenience store?

**Mr. Cy Schmidt made a motion to amend his previous motion to delete COTA from the staff comments (#5 and #8) and insert public transit authority. Mr. Moran seconded the motion for amendment. VOTE: Unanimously For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.**

**Mr. Cy Schmidt made a motion to recommend approval of the rezoning from FR-1 to PRD, subject to:**

- 1.) Maximum size of the station and the integral convenience store shall be 6000 square feet, with not more than 3000 square feet devoted to the convenience store.
- 2.) Station shall be setback at least 50' from north property line, 50' from the ROW of Glen Oak entry boulevard, and 100' from Orange Road.
- 3.) Complete utilities provisions will be met.
- 4.) No more than two driveways shall access the Glen Oak development and there shall be no access directly to Orange Road.
- 5.) The rail station will be a public facility operated by a public transit authority. This is not expected to occur prior to 2010.
- 6.) Until the rail station is developed per plan no commercial uses shall be conducted on the site.
- 7.) Commercial uses shall be conducted only within the single building housing the train station.
- 8.) The 7-acre site for the rail station shall remain undeveloped until such time as a light-rail system authority is capable of developing it.
- 9.) Prior to construction of the rail station, detailed site and construction plans shall be approved by Orange Township.

**Mr. John Schmidt seconded the amended motion. VOTE: 15 For, 1 Opposed (Trenton Twp.), 1 Abstained (Orange Twp.). Motion carried.**

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**IV. SUBDIVISION PROJECTS**



**Preliminary**

**29-98.4.5/6 Scioto Reserve, Sec. 4, Phases 5 & 6 – Concord Twp. - 48 lots, 15.80 acres**

**Applicant:** Home Road LTD  
**Subdivision Type:** Single-Family Residential  
**Location:** North Side of Home Road, north of Hunter Lake Drive, Concord Twp.  
**Current Land Use:** Agriculture / Wooded  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and sanitary sewer with land application, County maintenance  
**School District:** Buckeye Valley / Olentangy  
**Engineer:** Jason Francis, R. D. Zande & Associates

**Staff Comments**

Scioto Reserve Section 4, Phases 5 and 6 consist of 48 lots on 15.8 acres as part of the overall Scioto Reserve subdivision on the north side of Home Road, east of South Section Line Road. The subdivision will include 3 cul-de-sacs west of Scioto Chase Boulevard. Lots are typically 9,100 sq. ft. Section 4, Phase 4 is located to the east, and the golf course is located to the north, south and west. This development is to be served by a land application sewage system that will be owned and maintained by the County. These phases are zoned PRD with a density of 3.04 du/acre. A ditch maintenance petition for all existing drainage within the golf course must be filed prior to final plat approval.

*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 *conditional Preliminary approval* of Scioto Reserve, Sec. 4, Phases 5 & 6 to the RPC, subject to the ditch maintenance agreement for all existing drainage being filed.

**Commission / Public Comments**

Mr. Kevin Kershner of RD Zande stated that he agrees with the condition of approval.

*Mr. Simpkins made a motion for conditional Preliminary approval of Scioto Reserve, Section 4, Phases 5 & 6, subject to the ditch maintenance agreement for all existing drainage be filed. Mr. Cy Schmidt seconded the motion. VOTE: Unanimously For, 0*

***Opposed. Motion carried.***

**10-01                      Abbington of Powell – Liberty Twp. - 01 lots, 03.64 acres**

**Applicant:** Harold & Joyce Hardin  
**Subdivision Type:** Assisted living  
**Location:** East side of Old Sawmill Road, east of Bradford Drive, Liberty Twp.  
**Current Land Use:** Wooded  
**Zoned:** Planned Commercial (PC) and Farm Residential (FR-1)  
**Utilities:** Del-Co water and public sewer  
**School District:** Olentangy  
**Engineer:** John McCann, Stults & Associates

**Existing Land Use:**

To the west is open space part of Wedgewood Commerce Park.  
To the north is the Sawmill Baptist Church.  
To the south is single family residential.  
To the east will be a 7.4-acre residual residential tract after dividing this 3.64-acre parcel.

**Staff Comments**

The Abbington of Powell is a single lot subdivision to accommodate a proposed assisted living facility with 48 rooms on the east side of Old Sawmill Road across from Bradford Court. The 3.64-acre development will also extend Bradford Court approximately 230 feet to the east, which will serve as the sites only access. The subdivision will leave 7.4 acres out of the original 11.04-acre tract with an existing house to the east. Most of the site (3.21 acres) was recently rezoned from Farm Residential to Planned Commercial (RPC # 50-00ZON).

It should be noted that the sewer capacity for the original parcel is 3 du/acre. The equivalent capacity for the proposed use (48 unit assisted living facility) requires 4.28 acres. The applicant will have to reduce the number of assisted living spaces or acquire adjacent acreage to maintain 48 living units.

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

- Include Bradford Court in the total acreage.
- The current zoning is PC and FR-1.

**Staff Recommendation**

Staff recommends *conditional Preliminary approval* of Abbington of Powell to the RPC, subject to resolution of all TRC comments.

**Commission / Public Comments**

Mr. John McCann of Stults & Associates was present to represent the applicant. Mr. McCann stated that all the TRC comments have been addressed. He is also working with the sanitary office on the sanitary issues.

Chairwoman Foust asked if it was their option to acquire more ground. Mr. McCann said he was going to try to work something out with the owner and the developer.

Chairwoman Foust pointed out that the sewer service map that was submitted was for 4.2 acres and is not sure it extended to the north property boundary or if it only included the ROW. The distance from the north edge of the rezoned area and the north edge of the Hardin property is 61 feet, so that extra 1 foot will have to be addressed. Mr. McCann said that it has been eliminated. Chairwoman Foust asked if the plat boundary for the Abbington of Powell match the legal description for the rezoning. Mr. McCann will check on it.

***Mr. Cy Schmidt made a motion for conditional Preliminary approval of Abbington of Powell, subject to the resolution of all TRC comments and the zoning requirements. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**43.00.1.1/2/3/4      Golf Village, Sec. 1, Phases 1, 2, 3 & 4 – Liberty Twp. –  
142 lots, 76.73 acres**

**Applicant:** Dominion Homes  
**Subdivision Type:** Single-Family Residential  
**Location:** North side of Seldom Seen Road  
**Current Land Use:** Agriculture, Single-Family Residence  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and public sewer  
**School District:** Olentangy  
**Engineer:** R.D. Zande & Associates

**Surrounding Land Uses**

North: Woods on Seldom Seen Subdivision and future Golf Village phases.  
West: Large agricultural tract and Woods on Seldom Seen Subdivision.  
East: Future Golf Village phases.  
South: Chippewa Park Subdivision and Big Bear Farms

**Staff Comments**

The phases in this application are the southwestern portion of the Golf Village development with two access points along Seldom Seen Road and a connection to the Woods on Seldom Seen Development to the north. The design includes 142 lots (minimum 10,400-sq. ft lot size) on 76.73 acres with 14.53 acres of open space. The open space will have two ponds for drainage and include a bike/walking path to connect to the future Golf Village phase to the north. An additional 10' of right-of-way is being provided along Seldom Seen Road for a road widening. One of the streets in the development will be a through connection from Seldom Seen Road through the Woods on Seldom Seen north to Rutherford Road. The site is now the Seldom Seen Heights subdivision, which needs to be vacated by the developer in order to remove the existing property lines.

- ***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 *conditional preliminary approval of Golf Village, Sec. 1, Phases 1, 2, 3 & 4* to the RPC, subject to the completion of the Sawmill Parkway extension and the existing Seldom Seen Heights Subdivision being vacated and meeting all zoning requirements.

**Commission / Public Comments**

Mr. Kevin Kershner of RD Zande was present. He stated that he would work with the Auditor's office to vacate the property lines and ROW's prior to the final plat application. He stated that the staff comment regarding Sawmill Parkway should be changed to "the Final plat will not be approved prior to completion of the Parkway". Mr. Bissett agreed.

***Commissioner Ward made a motion for conditional Preliminary approval of Golf Village, Section 1, Phases 1, 2, 3 & 4, subject to meeting all zoning requirements and with the stipulation that the final application will not be approved prior to the construction of the extension of Sawmill Parkway. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**43.00.7.1/2/3      Golf Village, Sec. 7, Phases 1, 2, & 3 – Liberty Twp. –  
108 lots, 51.33 acres**

**Applicant:** Charles A. Vince  
**Subdivision Type:** Single-Family Residential

**Location:** South side of Home Road and East side of Steitz Road.  
**Current Land Use:** Agriculture, Woodland  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and public sewer  
**School District:** Olentangy  
**Engineer:** ADR & Associates Ltd.

**Surrounding Land Uses**

North: Golf Village, Sec. 7, Phase 4  
West: Large lot single family residential along Steitz Road.  
East: Golf course (future)  
South: Future phases of Golf Village.

**Staff Comments**

The phases in this application are the northwestern portion of the Golf Village development with an access point from Steitz Road. The design includes 108 lots (minimum 10,400-sq. ft lot size) on 51.33 acres with 4.4 acres of open space. One of the open space reserves will have a pond for drainage and the other reserve will be at the entrance of the Steitz Road access. Hickory Rock Road will extend south from phase 4 and then to the east where it will end in a loop and have a stub for Wildflower Drive, that will connect to future phases to the south.

- *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 *conditional preliminary approval of Golf Village, Sec. 7, Phases 1, 2, & 3* to the RPC, subject to the completion of the Sawmill Parkway extension (prior to final plat approval) and meeting all zoning requirements.

**Commission / Public Comments**

Mr. Dave Krock of ADR & Associates.

*Mr. Simpkins made a motion for conditional Preliminary approval of Golf Village, Section 7, Phases 1, 2 & 3, subject to meeting all zoning requirements and with the stipulation that the final plat would not be approved prior to the extension of Sawmill Parkway construction. Mr. Cy Schmidt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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43.00.7.4                      Golf Village, Sec. 7, Phase 4 – Liberty Twp. - 73 lots, 36.70

acres

**Applicant:** Triangle Properties, Inc.  
**Subdivision Type:** Single-Family Residential  
**Location:** East side of Steitz Rd., south of Home Rd.  
**Current Land Use:** Agriculture  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and public sewer  
**School District:** Olentangy  
**Engineer:** Bauer, Davidson, & Merchant, Inc.

**Surrounding Land Uses**

North: Proposed School site.  
West: Large lot single family residential along Steitz Road.  
East: Commercial, Golf Village.  
South: Golf Course (future)

**Staff Comments**

The phases in this application are the northwestern portion of the Golf Village development with an access point from Home Road. The design includes 73 lots (minimum 10,400-sq. ft lot size) on 36.7 acres with 3.16 acres of open space. Hickory Rock Road ends in a loop to the east and also extends west and then south where it will continue into phases 1,2 and 3 of Section 7. A drainage pond is located on the corner of Steitz and Home Roads in an open space reserve. There is a note on the plan indicating that the sidewalk for Northway Drive shall align with the sidewalk for the proposed school, and be built to the paved surface of Home Road.

- *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 *conditional preliminary approval of Golf Village, Sec. 7, Phase 4* to the RPC, subject to the completion of the Sawmill Parkway extension (prior to final plat approval) and meeting all zoning requirements.

**Commission / Public Comments**

Mr. Curt Dommer of Bauer, Davidson & Merchant was present to represent the applicant.

Mr. Chris Bauserman said he was concerned about the pedestrian linkage to the school site. Mr Laurien stated that there have been discussions with some school board members and invited Mr. Bauserman to attend to work out provisions for a safe crossing. The school plans to submit for review next month.

Chairwoman Foust stated that the development plan requires sidewalks in all phases of Golf Village, not just along one street.

*Mr. Cy Schmidt made a motion for conditional Preliminary approval of Golf Village, Section 7, Phase 4, subject to meeting all zoning requirements, the completion of Sawmill Parkway extension (prior to final plat approval), and working out the pedestrian linkage to the high school with the County Engineer. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**05-01 Willow Springs North, Sec. 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:** Shawn Lanning – 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. 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. 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. Shawn Lanning of EMH & T was present to represent the applicant.

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

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**Preliminary/Final** (none)

**CONSENT AGENDA**

Chairwoman Foust asked if there were the Commission wished to remove any applications from the consent agenda (excluding the table requests). Hearing none, requested a motion.

*Mr. Simpkins made a motion for Final approval of Scioto Reserve, Section 1, Phase 4, Slane Ridge, Woods on Seldom Seen, Phase 3, Part 1, Resubdivision of Lot 32921 in Big Bear Farms, Section 4, The Villages at Alum Creek, Section 5, McGonigle No. 1, McGonigle No. 2. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*Commissioner Ward made a motion to approve the tablings as requested for Summerwood, Section 2, Woodland Hall, Section 1, Phases 1 and 2, and Abbey Knoll, Phase 3. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**Final**

**04-01 Summerwood, Sec. 2 – Berlin Twp. – 12 lots, 16.46 acres**

**Applicant:** Don Kenny, Triangle Properties

**Engineer:** M-E Companies, Inc.

**Staff Comments**

The applicant has requested to table this application for 30 days in order to obtain lot

numbers and addresses.

**Recommendation**

Staff recommends *approval of a 30-day tabling* of **Summerwood Section 2** to the RPC.

**Commission / Public Comments**

*Commissioner Ward made a motion to approve the table request for 30 days for the Summerwood, Section 1 subdivision. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**29-98.1.4 Scioto Reserve, Section 1, Phase 4 – Concord Twp. – 40 lots, 14.59 acres**

**Applicant:** R.D. Zande & Associates  
**Subdivision Type:** Single-family residential  
**Location:** South side of Home Road, east of South Section Line Road, Concord Twp.  
**Current Land Use:** Agriculture/Vacant Land  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and private sewage systems  
**School District:** Buckeye Valley  
**Engineer:** Kevin Kershner, R.D. Zande

**Staff Comments**

Scioto Reserve, Section 1, Phase 4 is the subdivision of 14.59 acres into 40 lots. This phase is the extension of Tree Lake Boulevard from Home Road to the south with the site surrounded by future phases of Scioto reserve to the West and South. The lots along the western portion of Tree Lake Boulevard received preliminary approval with Phase 5 in April of 2001 and the rest of the lots received preliminary approval in February of 2000.

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

**Recommendation**

Staff recommends *Final approval* of **Scioto Reserve, Section 1, Phase 4** to the RPC.

**Commission / Public Comments**

*Mr. Simpkins made a motion for Final approval of Scioto Reserve, Section 1, Phase 4. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**39-99.1**

**Slane Ridge – Genoa Twp. – 17 lots, 09.80 acres**

**Applicant:** The Slane Co., Ltd.  
**Subdivision Type:** Single-family residential  
**Location:** East Side of Tussic St. Rd., north of Medallion Drive, Genoa Twp.  
**Current Land Use:** Agriculture  
**Zoned:** Suburban Residential (SR)  
**Utilities:** Del-Co water and public sewage  
**School District:** Westerville  
**Engineer:** Joe Wood, J&J Surveying

**Staff Comments**

The applicant proposes a subdivision of 17 lots on a cul-de-sac street on 9.80 acres. An additional reserve lot is included for stormwater retention and a common area that will be maintained by a homeowners association. The lots are all approximately 20,000 sq. ft. and the density will be 1.73 units/acre. Slane Ridge Subdivision was given conditional preliminary approval on September 30, 1999.

The property is located on the east side of Tussic Street Road approximately 1 mile south of Big Walnut Road. The surrounding land use is single family residential, including Medallion Estates (under construction) to the north, east and south, and Shellbark Ridge and Eastland Subdivisions to the west. Medallion Golf Course is adjacent to the east. Most of the surrounding area is zoned Planned Residential (PD-1) with few pockets of Rural Residential (RR) and Suburban Residential (SR).

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

**Recommendation**

Staff recommends *Final approval* of **Slane Ridge Subdivision** to the RPC.

**Commission / Public Comments**

*Mr. Simpkins made a motion for Final approval of Slane Ridge. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**16-00.1.1/2 Woodland Hall, Section 1, Phases 1 & 2 – Liberty Twp. –  
38 lots, 94.46 acres**

**Applicant:** The Isaac Group  
**Engineer:** ME Companies

**Staff Comments**

The applicant has requested a 90-day tabling of this project in order to obtain Sanitary approval.

**Recommendation**

Staff recommends *approval of a 90-day tabling of Woodland Hall, Section 1, Phases 1 & 2* to the RPC.

**Commission / Public Comments**

*Commissioner Ward made a motion to approve the table request for 90 days for the Woodland Hall, Section 1, Phases 1 and 2 subdivision. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**17-00.1 Woods on Seldom Seen, Phase 3, Section 1 – Liberty Twp. –  
24 lots, 30.27 acres**

**Applicant:** Crafton Properties  
**Subdivision Type:** Single Family Residential  
**Location:** South side of Rutherford Road approximately 1400 feet east of Steitz Road  
**Current Land Use:** Agriculture/woods/vacant  
**Zoned:** Farm Residence (FR-1)  
**Utilities:** Del-Co Water, Public Sanitary Sewer  
**School District:** Olentangy  
**Engineer:** Stults & Associates, Inc.

**Staff Comments**

The Woods on Seldom Seen, Phase 3, Section 1 contains 24 lots on 30.27 acres (0.79 du/acre). The surrounding land uses are residential with open space to the east, south and southwest. Lots range from 1 to 1.42 acres. The development consists of the easterly extension of Filiz Lane from Woods on Seldom Seen Phase 2 and a new street off of Rutherford Road. This Phase includes a drainage easement for the large retention pond in the center of the overall development. Future phases to the south will connect to the Golf Village development allowing access to Seldom Seen Road.

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

**Recommendation**

Staff recommends *Final approval of Woods on Seldom Seen, Phase 3, Section 1* to the RPC.

**Commission / Public Comments**

*Mr. Simpkins made a motion for Final approval Woods on Seldom Seen, Phase 3, Part 1. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**73-94.A.1 Resubd. Of Lot #2921 in Big Bear Farms, Sec. 4 – Liberty Twp. –  
02 lots, 02.88 acres**

**Applicant:** First Citizens National Bank  
**Subdivision Type:** Commercial  
**Location:** North side of Powell Road, east of Sawmill Parkway, Liberty Twp.  
**Current Land Use:** Bank  
**Zoned:** Planned Commercial District (PC)  
**Utilities:** Del-Co water and public sewer  
**School District:** Olentangy S.D.  
**Engineer:** Craig Bohning, EMH&T

**Staff Comments**

The applicant is requesting the re-subdivision of Lot #2921 in Big Bear Farms, Section 4. This re-subdivision divides the previously approved 2.88-acre lot into 2 lots. The plan includes an existing access easement along the northern boundary of the lots running between the Sawmill Parkway and Galloway Drive. Access will only be permitted via the easement that presently accesses the existing First Citizens National Bank that is on the proposed western lot.

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

**Recommendation**

Staff recommends *Final approval* of **Resubd. of Lot #2921 in Big Bear Farms, Sec. 4** to the RPC.

**Commission / Public Comments**

*Mr. Simpkins made a motion for Final approval of Resubdivision of Lot 32921 in Big Bear Farms, Section 4. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**27-98.3**                      **Abbey Knoll, Phase 3 – Orange Twp. – 38 lots, 31.616 acres**

**Applicant:** Rockford Homes, Inc.  
**Engineer:** John Wicks – EMH&T

**Staff Comments**

The applicant has requested to table Abbey Knoll, Phase 3 for 90-days.

**Recommendation**

Staff recommends *approval of the 90-day* of **Abbey Knoll, Phase 3** to the RPC.

**Commission / Public Comments**

*Commissioner Ward made a motion to approve the table request for 90 days for the Abbey Knoll, Phase 3 subdivision. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**33-98**                      **The Village at Alum Creek, Phase 5 – Orange Twp. – 64 lots, 26.194 acres**

**Applicant:** M/I Schottenstein Homes, Inc.  
**Subdivision Type:** Single-Family Residential  
**Location:** West side of S. Old State Rd., about 2400 feet south of Lewis Center Rd.  
**Current Land Use:** Agriculture and open field  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and public sewer

**School District:** Olentangy S.D.  
**Engineer:** Roger Adams – EMH&T

**Staff Comments**

The Development Plan was approved in 1994 (case #18-94ZON) and the preliminary for this section was approved for 278 lots in December of 1998. The Section 5 final plat application does not include all of the lots approved in the preliminary under Section 5. This Section 5 final plat includes only 64 lots on 26 acres being the extension of Alum Village Drive to the west to Sotherby Drive and the loop street Cheyenne Creek Drive. There is a 4-acre open space lot in the center of the loop street that will contain a pond used for detention purposes with access from Alum Village Drive.

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

**Recommendation**

Staff recommends *Final approval* of **The Village at Alum Creek, Section 5** to the RPC.

**Commission / Public Comments**

*Mr. Simpkins made a motion for Final approval of The Villages at Alum Creek, Section 5. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**31-00**                      **McGonigle No. 1 – Oxford Twp. – 5 lots, 19.10 acres**

**Applicant:** Rod McGonigle  
**Subdivision Type:** Single-Family Residential, (CAD)  
**Location:** Northside of St. Rt. 229, about 2000 ft. east of Strine Rd.  
**Current Land Use:** Agriculture, open field, and woodland  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water and private septic  
**School District:** Buckeye Valley S.D.  
**Engineer:** Scioto Land Surveying Service, Inc. – Frank Celio

**Staff Comments**

McGonigle No. 1 is a five (5) lot, 19.10 acre CAD subdivision. The land is currently zoned Farm Residential (FR-1). The subdivision received preliminary approval on August 31<sup>st</sup>, 2000. The site is very flat with a wooded area to the north. The lots range from 1.7 to 8.5 acres with the CAD being 1.5 acres serving each of the 5 lots. The two

lots fronting on SR 229 will be restricted from access to SR 229. The lots will be served by on-site septic and soil absorption fields as well as Del-Co Water.

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

**Recommendation**

Staff recommends *Final approval of McGonigle No. 1* to the RPC.

**Commission / Public Comments**

*Mr. Simpkins made a motion for Final approval of McGonigle No. 1. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**32-00 McGonigle No. 2 – Oxford Twp. – 4 lots, 17.47 acres**

**Applicant:** Rod McGonigle  
**Subdivision Type:** Single-Family Residential, (CAD)  
**Location:** Northside of St. Rt. 229, about 3000 ft. east of Strine Rd.  
**Current Land Use:** Agriculture, open field, and woodland  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water and private septic  
**School District:** Buckeye Valley S.D.  
**Engineer:** Scioto Land Surveying Service, Inc. – Frank Celio

**Staff Comments**

McGonigle No. 2 is a four (4) lot, 17.47 acre CAD subdivision. The land is currently zoned Farm Residential (FR-1). The subdivision received preliminary approval on August 31<sup>st</sup>, 2000. The site is very flat with a wooded area to the north. This site is east of McGonigle No.1. The lots range from 1.89 to 9.4 acres with the CAD being 1.5 acres serving each of the 4 lots. The lot fronting on SR 229 will be restricted from access to SR 229. The lots will be served by on-site septic and soil absorption fields as well as Del-Co Water.

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

**Recommendation**

Staff recommends *Final approval of McGonigle No. 2* to the RPC.

**Commission / Public Comments**

*Mr. Simpkins made a motion for Final approval of McGonigle No. 2. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**V. EXTENSIONS (none)**

**VI. OTHER BUSINESS**

- **Consideration for Approval; Professional Services, Legal \$1942.61 (Attorney Don Brosius)**  
*Mr. Cy Schmidt made a motion to approve the expenditure request for attorney fees (\$1942.61), seconded by Mr. Bauserman. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- **Outcome of the T&R Vs. Berlin Twp. lawsuit**  
Mr. Laurien explained that on May 1, 2001, Judge Richard M. Markus (assigned to the Delaware County Common Pleas Court) rendered his final judgement in the Berlin Township PRD and rezoning cases brought by T & R Properties and J.D. Partnership (Plaintiff's).

**PRD Text Amendment**

Judge Markus declared that the approval process of the Amendment to Article XI (PRD) of the Zoning Resolution by the Berlin Township Board of Trustees on May 3, 1998 was invalid due to improper notice and unavailability of documents. He further ordered that the Berlin Township Trustees and Berlin Township are permanently enjoined from taking any action to enforce the Article XI amendment of the Zoning Resolution (adopted on May 3, 1999). This judgement was not intended to impair the township's later consideration or adoption of the amendment to Article XI provided the township complies with the statutory requirement for notice of a Board of Trustees hearing on that proposal.

**Rezoning**



In the zoning case, the Court declared that the Berlin Township Trustees validly denied the application for a rezoning from FR-1 to PRD for 40 acres on Africa Road, citing the reasons used by the DCRPC staff in recommending denial.

Among the reasons for denial:

- “plaintiffs’ proposed use of their property is inconsistent with the land use for surrounding properties, which are single-family lots of approximately 2-5 acres with large new homes, a reservoir and park area owned and maintained by the federal government, and property maintained for agricultural use”
- “plaintiffs’ proposed use of their property is inconsistent with the "Purpose" of the Berlin Township's Zoning Resolution in Section 2.01; inconsistent with the Delaware County Land Use Plan which the Berlin Township Zoning Resolution effectively incorporates at Section 3.01; inconsistent with the township's Comprehensive Development Plan as defined in Section 4.01 inconsistent with the application requirements for a PRD in Section 11.02; and inconsistent with the Criteria for Approval for a PRD in Section 11.06(C). Further, the plaintiffs' application lacked the details which a PRD application must provide pursuant to Section 11.06”
- “From all the evidence at this Court's hearing/trig this Court finds that the plaintiffs' amended application fails to satisfy the Berlin Township Zoning Resolution for rezoning FR- 1 property to a PRD, for the reasons which the DCRPC staff explained in their report to the DCRPC.”

In an interesting twist, Judge Markus also noted that the PRD is worded such that it may not exceed the density of the zone in which it is placed. In other words, in an FR-1 district in Berlin Township the density may not exceed one unit per acre in a PRD.

Other townships have similar, but not identical language. Mr. Laurien suggested checking each Township’s resolution to see if there is an issue with regard to the administrative non-referendable action.

• **Wallingford lawsuit**

Mr. Laurien explained this was a platting and zoning case in Liberty Township in which the DCRPC and Liberty Twp. were co-defendants. The applicant applied for rezoning, which was approved from FR-1 to PRD. A plat was not secured within the 3-year time limit so the Township said the zoning reverted. In the Court of Common Pleas, there was an agreement that the automatic reverter clause was not constitutional and therefore was still zoned PRD, but the 3-year limit on the development plan was constitutional. The applicant then had to come back with a new development plan. If the zoning had changed, in terms of lot size requirements, which it had, the applicant would have to conform to the new lot sizes. This case went to the Court of Common Pleas where we

won. Then it went to the Court of Appeals. A decision just came back from the Court of Appeals upholding the DCRPC and the Township and the original denial of the filing for a subdivision plat that did not conform to current zoning standards.

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

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

Meeting adjourned at 8:45 p.m.

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, June 28, 2001, 7:00PM at the Delaware Joint Vocational School North Campus, 1610 St. Rte. 521, Delaware, Ohio 43015.*