



**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, June 27, 2002 at 7:00 PM

**Delaware Hayes Services Building, Conference Room G35**  
**140 N. Sandusky Street, Delaware, Ohio 43015**

**I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of May 30, 2002 RPC Minutes
- Executive Committee Minutes of June 19, 2002
- Statement of Policy

**II. VARIANCES**

11-02-V **W/D** Dent Woods – Trenton Twp. – reduction of CAD width

**III. ZONING MAP/TEXT AMENDMENTS**

27-02 ZON Episcopal Retirement Homes, Inc., PC Smith Farm, LLC – Liberty Twp. - 133 acres from FR-1 to PERRC  
 28-02 ZON Planned Communities, Inc. – Liberty Twp. – 211.51 acres from FR-1 to PR  
 29-02 ZON Berkshire Township Zoning Commission – text amendments  
 30-02 ZON M/M Jay Scott, c/o David Fisher–Berlin Twp–309.5 acres from FR-1 to R-2/PRD  
 31-02 ZON M/M Reynolds & M/M Hinkle–Concord Twp- 1.96 acres from FR-1 to PC  
 32-02 ZON Scioto Township Zoning Commission – text amendments  
 33-02 ZON Berlin Twp. Zoning Commission – text amendments  
 34-02 ZON Linda Kress – Troy Twp. – 1.0 acres from (nonconforming) FR-1 to PCD

**IV. SUBDIVISION PROJECTS**

		<b>Township</b>	<b>Lots/Acres</b>
<b><u>Preliminary</u></b>			
14-02	<b>W/D</b>	Bridlespur Place	Liberty 04 lots / 12.91 acres
15-02.1.A&B		Orange	32 lots / 21.12 acres
47-00.1.3		Orange	02 lots / 09.48 acres
16-02		Radnor	03 lots / 33.07 acres
11-02	<b>W/D</b>	Dent Woods	Trenton 03 lots / 16.28 acres

**Preliminary/Final**

17-02 Wilgus Subdivision Radnor 01 lots / 2.00 acres

**Final**

12-02 Gilbert Subdivision Berk. 02 lots / 03.78  
acres  
 10-02 Walnut Ridge Concord 04 lots / 08.29  
acres  
 64-93.6.2 T Harvest Wind, Sec. 2, Ph. 6 Genoa 02 lots / 05.62  
acres  
 43-00.7.D.I Golf Village, Sec. 7, Ph. D, Pt. I Liberty 41 lots / 20.25 acres  
 04-02.1 Golf Village Commercial, Sec. 1 Liberty 01 lots / 02.19 acres

**T=TABLED, W/D = WITHDRAWN**

**V. EXTENSIONS**

12-01 Wedgewood Place, Sec. 2 Liberty 10 lots / 05.79 acres  
 13-01 Walnut Woods Orange 37 lots / 28.71 acres

**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, Fred Fowler, Jim Ward, Debbie Martin, Don Wuertz, Chad Antle, Gary Gunderman, Tom Hopper, Leslie Warthman, Holly Foust, Dick Gladman, Yvonne Ball, Marvin Miller, Hansel Waugh, and Larry DeWitt. *Alternates present:* Merlin Sheets, Dusty Gurney, Scott Pike, Tom Price, Shawn Leininger, Lloyd Shoaf, George Mason Sr., and Ken Baker. *Arrived after roll call:* John Schmidt (R), Gary Spanner (R), Andrew Brenner (R), Charles Heimlich, (R), Bonnie Newland (R), and Charles Sheets (A). *Staff present:* Philip Laurien, Scott Sanders, Paul Deel, Da-Wei Liou, Bob Sochor, Jeremy Krotz and Stephanie Matlack.

• **Approval of the May 30, 2002 RPC Minutes**

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

• **June 19, 2002 Executive Committee Minutes**

**1. Call to order**

*Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Dick Gladman, Leslie Warthman and Jim Ward. Absent:*

Steve Burke. Staff present: Philip Laurien and Stephanie Matlack.

**2. Approval of Executive Committee Minutes**

- a. **May 22, 2002** – Mr. Gladman made a motion to approve the minutes of the last meeting. Mrs. Warthman seconded the motion. **VOTE: Unanimously For, 0 Opposed. Motion carried.**

**3. Old Business**

- a. **Office Space** – Mr. Laurien stated that Mr. Loveland (attorney for the DCRPC) and attorneys from the Prosecutor’s office are finalizing the lease in regards to the section of responsibility for insurance coverage. There was a construction meeting last week and all items were resolved. Plumbing for the new office will only replace current service lines. Mr. Laurien suggested that he, Mr. Ward and Jack Prim of the Maintenance Department meet to discuss items needed to be completed prior to the bidding for outside jobs.

**4. New Business**

- a. **Financial / Activity Reports for May 2002** – (Mrs. Matlack stated that the Auditor’s office has not finalized the reports due to the new software. They hope to be able to send out the new reports by the end of this week.)

The Financial Report for May was presented:

<b>Ending balance as of 04/30/02</b>		<b>\$614,869.75</b>
<b>Receipts</b>	<b>May</b>	<b>YTD</b>
General Fees (NPA)	\$ 5,115.00	\$ 10,230.00
Inspec. Fees (Transfer)	\$ 200.00	\$ 540.00
Fees A (Site Review)	\$ 200.00	\$ 1,200.00
Membership Fees	\$ 1,548.00	\$144,717.80
Planning Surcharge (Twp. Assist.)	\$ 1,030.95	\$ 17,734.97
Charges for Services A (Prel. Appl.)	\$ 3,100.00	\$ 35,185.00
Charges for Services B (Final Appl.)	\$11,150.00	\$ 39,332.05
Charges for Services C (Ext. Fees)	\$ 300.00	\$ 750.00
Charges for Services D (Table Fees)	\$ 400.00	\$ 3,000.00
Charges for Services E (Appeal/Var)	\$ 600.00	\$ 1,200.00
General Sales	\$ 433.53	\$ 3,676.09
Health Dept. Fees	\$ 100.00	\$ 3,490.00
Soil & Water Fees	\$ 778.00	\$ 2,928.00

Other Reimbursements	\$ 216.66	\$
Other Reimbursements A	\$	\$
Other Reimbursements B	\$	\$
Canceled Warrants	\$	\$
Inter-fund Revenues	\$	\$
<b>TOTAL</b>	<b>\$ 25,172.14</b>	<b>\$ 264,200.57</b>

<b>Balance after receipts</b>		<b>\$640,041.89</b>
<b>Expenditures</b>	<b>\$65,067.94</b>	
<b>End of May balance</b>		<b>\$574,973.95</b>

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

- b. **June RPC Preliminary Agenda** – June’s agenda consists of 5 rezoning/text amendments, 3 Preliminary applications (2 were withdrawn along with a variance), 1 combined Preliminary / Final, 5 Finals and 2 extensions. Mr. Laurien stated that there were no controversial subdivision cases. He also stated that July would be the last month for the RPC to review platting for the Golf Village subdivision due to proposed annexation into Powell in August.

**5. Other Business**

- a. **Contract Updates** – Staff informed all contracts that there would be no meetings for the month of July.
  - 1.) **Trenton Twp.** – First meeting to be held August 18, 2002.
  - 2.) **Concord and Kingston Twp.’s** – Should be wrapping up in late fall with adoption in early 2003.
  - 3.) **Sunbury** – Begin in the fall.
  - 4.) **Genoa Twp.** – Begin in the fall. Start with the zoning resolution.
- b. **Thoroughfare Plan** – Chairwoman Foust asked Mr. Ward about the status of the Thoroughfare Plan. Mr. Ward said that the attorneys are reviewing the Appendix. Mrs. Foust asked if the Commission could approve the Appendix of the Thoroughfare Plan with the exclusion of the access management section and references to it. Mr. Ward said that he understood that the Commission would need to go through public hearings again prior to their vote. Mr. Laurien will consult Mr. Brosius on public hearing requirements

for the DCRPC.

- c. **Subdivision Regulations** – Mr. Laurien would like to meet with Chairwoman Foust and Mr. Brosius with a working draft in early July.

**6. Personnel**

- a. **GIS Intern – costs versus budget – year projection** – Mr. Laurien presented the Committee with an estimated spending on regular full time staff and for the two co-op students to the end of the year along with an additional summer intern for Planning and GIS work. GIS assistance is needed to (1.) create new wetlands layer, (2.) update zoning codes and web site content, (3.) convert Del-Co waterlines to shape file, (4.) update multi-family data layer, (5.) convert population projection file from QuatroPro to Excel, (6.) update subdivision and rezoning database, (7.) create a building structure layer for those Twp.’s that have a Comprehensive Plan completed by DCRPC.

An additional \$22,428 would be needed in Administration (salaries, medicare, PERS, workers comp.) to cover this additional staff compensation. This could be transferred from the Contingency account and would not need an additional appropriation. Extra staff is needed to support the current workload.

*Mrs. Warthman made a motion to approve the transfer of \$22,428 from Contingency to Administration. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- 7. **Adjourn** – Mr. Gladman made a motion to adjourn the meeting at 11:00 am. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

*The next Executive Committee meeting will be Wednesday, July 17, 2002 at 8:30 a.m. in the 2<sup>nd</sup> Floor conference room at 50 Channing St., 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**

11-02-V W/D Dent Woods – Trenton Twp. – reduction of CAD width

*\*\* This application was withdrawn by the applicant. \*\**

**III. ZONING MAP/TEXT AMENDMENTS**

27-02 ZON **Episcopal Retirement Homes, Inc., PC Smith Farm, LLC – Liberty Twp. – 133 acres from FR-1 to Planned Elderly Retirement and Residential Community (PERRC)**

**Location:** South side of Hyatts Road, west of US 23, Liberty Township

**I. Conditions**

**Present Zoning:** FR-1

**Proposed Zoning:** PERRC

**Present Use:** Agriculture

**Proposed Use:** Planned retirement, assisted living, independent living and nursing home community

**School District:** Olentangy

**Utilities Available-** Del Co Water, Delaware County sanitary sewer (Approximately April 2004 upon extension by Planned Communities).

**Soils:** BoA Blount 0-2% slope

BoB Blount 2- 6% slope

GwB Glynwood 2-6% slope

GwC2 Glynwood 6-12% slope

LyD2 Lybrand 12-18% slope

**II. General**

Liberty Township has recently adopted PERRC zoning. This is the first application for zoning map amendment pursuant to PERRC. Episcopalian Retirement Homes Inc. is a faith based, Ohio non-profit corporation organized to create and manage residential facilities for elderly persons. Their proposal is

to develop the 133-acre site for a mixture of independent living, assisted living and nursing home units.

Independent living-

- Manor homes, one or two-family free-standing homes – 150 units
- Apartments - 136 units

Assisted Living - 40 units

Nursing Home - 66 beds  
**92 units Total**

Episcopal Retirement Homes pledges to meet the age restriction in the PERRC as follows:

- a.) *Intended and operated for occupancy by persons 55 years of age or older;*
  - b.) *At least 80% of the occupied assisted living units are occupied by at least one person who is 55 years of age or older;*
  - c.) *Policies are adopted, published and adhered to concerning these occupancy requirements; and*
  - d.) *Verification procedures must be in place to verify the 80% occupancy requirement.*
  - e.) *Comply with the restrictions on occupancy with respect to the independent housing accommodations as set forth in Article XI, Section 11.08.*
- *Each occupied single and multi-family attached or detached independent dwelling unit (Unit) shall at all times have as a permanent occupant therein at least one person who is 55 years of age or older (the Qualifying Occupant); provided, in the event of the death of a person who was the sole Qualifying Occupant of a Unit, the spouse of such Qualifying Occupant may continue to occupy the Unit as long as the provisions of the Fair Housing Amendments Act and the regulations adopted thereunder are not violated by such occupancy. For purposes of this subsection, an occupant shall not be considered a “permanent occupant” unless such occupant considers the Unit*

*to be his or her legal residence and actually resides in the Unit for at least six months during every calendar year.*

- *The development plan shall specify the manner and method to be used in order to maintain compliance with the general criteria set forth in Section 11.02. This includes providing copies of any and all rules and regulations proposed to be enforced with respect to the independent housing accommodations contained within the development plan.*

**III. Conformance with Local Comprehensive Plans**

An amendment to the Liberty Township Comprehensive Plan would permit PERRC zoning in residential areas with:

- 1.) *Access to an arterial street.* Hyatts Road is a minor arterial street.
- 2.) *Consideration for the nature of effects on surrounding land uses.* The land uses are single family detached homes around the perimeter of the 133-acre site, matching the nearest land uses. The closest home offsite is 250’ distant.
- 3.) *Ability to adequately buffer adjacent residential properties.* A landscaping plan and detail shows that significant buffering will soften the visual effects.
- 4.) *Sewer capacity.* The County currently does not have wastewater service to this site. An existing agreement between developer Planned Communities and the County would allow 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 Olentangy Interceptor is constructed, which may be spring of 2004, but no confirmed date has been set.
- 5.) *Architectural compatibility with established neighborhood forms.* Development plans show “A” roofed and extensively gabled residential style buildings. The township may ask for more detailed renderings for structures and signs in the preliminary plan. They are required in the final development plan.
- 6.) *Availability of required infrastructure-*Access roads may need to be upgraded; see Section IV.

***DCRPC Staff Conclusion:*** *The proposed Stoney Brook 392 unit PERRC generally conforms to the Liberty Township comprehensive plan for this area.*

**IV. Conformance with Development Standards: Preliminary Development Plan Issues**

The site is well suited for the development. Most, but not all development standards are fully met. Several divergences are requested.

- 1.) Access- Section 11.08 1.) *requires frontage on and direct access to one or more dedicated and improved public roads. Ideally, three means of ingress/egress should be provided for more than 50 units of housing.* Applicant states that the boulevard entry should count as two means of access. County Engineer, Fire Chief and RPC staff disagree. A full public street (not an emergency connector) should be made to the Olentangy Falls subdivision to the west. This connector can be a private street within the Stoney Brook development, but should be a public street stub to the property line of Olentangy Falls.

*DCRPC staff recommendation: Divergence should be denied. Two means of public street access can and should be provided. The boulevard entry is not needed, and can be reduced to a two-lane road to offset the cost of the second public street connection.*

- 2.) Section 11.08 (4 ) Number of individuals living in manor homes- requesting 3 not two.  
*DCRPC staff recommendation – Approve divergence.*
- 3.) Section 11.08 (5) Minimum 900 square feet for independent living units. Approximately 13 apartment units proposed as 825 square feet, not the 900 square feet required.  
*DCRPC staff recommendation – Approve divergence to 825 square feet for 13 units.*
- 4.) Section 11.08 (17)- 48' height on nursing home where 40' is permitted- the three-story apartment building is 48' to comply with the requirement of a 6/12-pitch roof. The apartment buildings are at the core of the development and do not overshadow any surrounding land uses.  
*DCRPC staff recommendation – Approve divergence.*

Other issues to be resolved:

- Traffic- Under the County engineer's Traffic Impact Study standards, a traffic study is warranted based on the size and type of development. A

preliminary traffic study by the applicant's consultant concludes that no left turn storage lane, nor right turn taper are needed on Hyatts Road.

*The county TIS standards are used to determine impacts on area roads, including right and left turn lanes. A west-bound left turn storage lane is required, as is a right turn taper. The County Engineer will consider the need for widening Hyatts Road in front of the development.*

- Public safety/Fire protection/hydrants- the fire chief has listed three additional concerns in his letter of May 31 to Korda/Nemeth engineering regarding hydrant placement, turnarounds, and 24' pavement width. *These issues must be resolved in the final development plan.*
- Sewer- *Obtain assurances of the availability of sanitary sewer as a condition of local zoning approval and prior to issuance of zoning compliance for building permits.*

**V. Required Findings for PCD case 9-02-ZON**

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

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

***DCRPC Staff Finding:** Subject to amendment of those deficient standards and granting of variances as noted in Section IV above, the plan will meet the criteria.*

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

***DCRPC Staff Finding:** The development conforms to the Liberty Township Comprehensive Plan.*

- 3.) That the proposed development advances the health, safety, and morals of the township and the immediate vicinity.

***DCRPC Staff Finding:** The proposed development advances the health, safety, and morals of the township and the immediate vicinity.*

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

Resolution.

**DCRPC Staff Finding:** *Subject to the corrections and divergences recommended by DCRPC staff, the proposed plan meets all of the design features required in this Resolution.*

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

**DCRPC Staff finding:** *the proposed development is in keeping with the existing land use character and physical development potential of the area.*

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

**DCRPC Staff Finding:** *The proposed development will be compatible in appearance with surrounding land uses.*

**V. DCRPC Staff Recommendation**

DCRPC staff recommends conditional approval of the 133 acre rezoning from FR-1 to PERRC for Episcopal Retirement Homes for the Stoney Brook development on Hyatts Road in Liberty Township subject to:

- 1.) *Section 11.08(1) access divergence should be denied. Two means of public street access can and should be provided. The boulevard entry is not needed, and can be reduced to a two-lane road to offset the cost of the second public street connection.*
- 2.) *Section 11.08 (4) divergence for number of individuals living in manor homes (requesting 3 not 2 persons) should be approved, but there should be an agreement as to how many manor homes could have 3 residents.*
- 3.) *Section 11.08(5) divergence for up to 13 apartment units to be 825 square feet rather than the minimum 900 square feet should be approved.*
- 4.) *Section 11.08 (17) 48' height divergence for the apartment buildings that provide 6/12 pitch roofs should be granted.*
- 5.) *In accordance with Delaware County Traffic Impact Standards, the developer must install a west-bound left turn storage lane on Hyatts Road, and an east bound right turn taper. Potential widening of Hyatts Road must be resolved between developer and the County Engineer.*

- 6.) *The fire chief's concerns in his letter of May 31 to Korda/Nemeth engineering regarding hydrant placement, turnarounds, and 24' pavement width must be resolved in the final development plan.*
- 7.) *County sanitary sewer service must be provided to the site prior to construction of Stoney Brook.*

**Commission / Public Comments**

Mr. Kenneth Golanka, attorney for Episcopal Retirement Homes was present along with Doug Spitler, President of Episcopal Retirement Homes, John Panovsky, Korda/Nemeth Engineering, and Greg Jones, SFCS (project designer). Mr. Golanka understands the staff's comment on the additional entrance road. He questioned whether that road could be gated. Mr. Laurien stated that the PERRC requires two entrances but recommends three. Mr. Golanka stated that they are willing to work with the Township on access issues.

**Mr. Miller made a motion to recommend conditional approval of the rezoning request by the Episcopal Retirement Homes, subject to staff comments. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**28-02 ZON      Planned Communities, Inc. – 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 Residence

**Proposed Zoning:** Planned Residential

**Open Space required:** None

**Open Space provided:** 106 acres or 50 %

**Present Use:** Agriculture and woods.

**Proposed Uses:**

- 131 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 (32,670 Sq. Ft.), or per plan.

**Density Proposed:** 1 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

**III. Issues**

There are a number of issues:

- Design layout versus soils and slope (topographic conditions)
- Roads-Taggart Road Relocation; street connectivity to the north, south and east; multiple accesses
- Sewer trunk line extension
- Conformance to the Comprehensive Plan;
- 100 year floodplain of the Olentangy river, a state scenic river
- 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 versus soils and slopes-**

- Ruth tract- attached condominiums units are appropriate clustered around a deep ravine of 18-25% slope with surface rock formation. Condos are completely shielded from adjacent single family home views by large trees and topographic relief. Due to design and road considerations on smith tract, recommend that 5-10 units be shifted from Smith to Ruth, retaining the 211 unit count.
- Smith tract- Design has both positive and negative aspects. The northern-most pair of E/W streets run up-and-down hill to preserve the 12-18% ravines to the rear of homes; makes sense. The entrance from Taggart, however, stops and makes a sweeping ascent to the south and east, then doubles back and cul de sacs. It may be preferable to use the existing topography by following the cut of the original driveway through the "gut" of the swale, then heading easterly up the hill and serve the lots with lateral N/S roads running parallel to grade along the hillside. Consultant should review this for feasibility. Eyebrow drives along Taggart Road are a good feature, with 108' setback. Open space along the Olentangy river is excellent and conforms to the intent of the Liberty Township Comprehensive Plan and the 315 Scenic Byway corridor, plus it protects the 100 year floodplain.

**B. Roads-**

- Taggart Road- relocation is proposed. Taggart road is currently a scenic, but narrow road with substandard culverts in some locations. Relocation is acceptable to the County Engineer, but the curve radii must meet County standards, and the approximate intersection of Taggart and Hyatts must be maintained. This means Taggart Road cannot move dramatically west at its intersection with Hyatts.
- Hyatts Road- the Ruth tract must have two full accesses. The emergency access must become a full access. Eliminate the cul de sac.
- Connector 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.
- South- Stub a street connection to the Thornwood-Taggart LLC development land.

**C. Sewer trunk line extension-** The County does not currently provide wastewater service to this site. An agreement between 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 Olentangy Interceptor is constructed, which may be spring of 2004, but no confirmed date has been set.

D. Conformance to the Comprehensive Plan- the Liberty Township

Comprehensive Plan Area 7 recommends a 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 proposes:

- 82 lots of 110' x 150' (16,500 sq. ft. or .38 acre);
- 38 lots 130' x 170' (22,100 sq. ft. or .5 acre);
- 11 lots 200' x 250' (50,000 sq. ft. or 1.14 ac.).

The *township must decide* if they believe this is appropriate and meets the spirit and intent of the comprehensive Plan. *Divergence will be required (was not requested) for lot sizes less than .75 acre below 900' elevation.* Staff's opinion is that the 25 acres of open space along the Olentangy river is a mitigating factor. Lots are at least 110' wide, another mitigating factor. Other proposed open spaces are mitigating factors *if they have a series of connecting paths to make them useable open space.*

*No such paths are currently shown. There is a large stand of mature pine trees with a fine needle carpet west of the old house on the Smith tract proposed lots 31 and 50. These are beautiful shade trees, which should be preserved.*

E. Ohio SR 315 Scenic Byway corridor- Opens space along the river protects this corridor. Closest housing is 500' from the river; very good.

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

G. Conformance with other Development Plan Standards in Section 10.06

- 1.) Landscaping - no landscaping plan submitted. Landscape plan required with subdivision plat.
- 2.) Architectural Designs for structures and signs- no sign details are submitted. Verbal architectural criteria are given, but no sample designs. Since the proposed lots are wide enough for side load

garages, suggest the developer agree to a prohibition on “snout houses” or homes where the front loaded garage projects in front of the home and is located at the min. 30' setback. Snout houses push more parking onto the street when setbacks are shallow, as proposed here (proposing 60' from centerline, which is 30' from ROW).

- 3.) Side yard setback- there is an inconsistency in the application text on page 5. Section 10.07 B. 2, side yard setback is listed as 25' from side lot lines. 10.07 B.5 states that minimum building separation is 25', implying a 12.5' side yard. This needs to be corrected, and the *township must decide what setback is acceptable.*
- 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- No outlet is shown for the entrance pond.
- 8.) Traffic and future probable development – A traffic study will be required for subdivision platting. The development at build-out will generate 2110 new trips per day.
- 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. Home construction must wait for sewer.
- 11.) Divergences from the Development Standards- Divergence needed for lot sizes less than .75 acre.

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 Finding:** *If the plan were amended to address all the issues noted in Section III, it would be consistent with the intent and general standards of the resolution.*
- 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, if the plan were amended to address all the issues noted in Section III, it would advance the general welfare of the township and immediate vicinity.*

#### **V. DCRPC Staff Recommendation**

DCRPC staff recommends conditional approval for PR zoning on 211 acres on Hyatts Road in Liberty Township subject to:

- 1.) Review feasibility of modifying the south side of the Smith tract design as noted.
- 2.) Taggart Road relocation must meet County curve radii standards, and the approximate intersection of Taggart and Hyatts must be maintained. This means Taggart Road cannot move dramatically west at its intersection with Hyatts. Taggart must swing east, will affect lots 121-124.
- 3.) Hyatts Road- the Ruth tract must have two accesses. The emergency access must become a full access. Eliminate the cul de sac.
- 4.) Connector 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.
- 5.) Stub a street connection to the Thornwood–Taggart LLC development land to south of Smith tract.
- 6.) Sewer trunk line must be extended per contract between County and Planned Communities.
- 7.) Water line must be extended according to Del-Co Water Co. standards.
- 8.) *Divergence will be required (was not requested) for lot sizes less than .75 acre below 900' elevation.*
- 9.) Open spaces should have development plans showing pathways. Possible 25 ac. River front dedication to Twp.?
- 10.) Move lots 31 and 50 and preserve large stand of mature pine trees with a fine needle carpet west of the old house.

- 11.) Submit landscaping typical cross sections for buffers and entrances. Submit landscape plan with subdivision plat.
- 12.) Submit architectural designs for structures and signs.
- 13.) Prohibit “snout houses” on shallow lots with 30’ setbacks. Snout houses have front-load garages projecting in front of the home where the garage is located at the 30’ minimum setback line. Front-load garages should have 40’ of setback from street ROW to prevent significant on-street parking.
- 14.) Resolve with the township the inconsistency between the stipulated side yard setback (25’) and building separation (25’, which implies a 12.5’ side yard setback).
- 15.) Show drainage outlet for entrance pond off Taggart Road.

#### **Commission / Public Comments**

Mr. Jack Brickner, Director of Development for Planned Communities stated that they met with the County Engineer and Mr. Laurien earlier this week and resolved a lot of issues. On the revisions there would be a maximum 8’ overlap (projection) between the face of the garage and the building line of the main house. The minimum width of the lots are 110’ to try to encourage side load garages. They will be clarifying with the Township the separation between buildings. The 25’ separation mentioned in the plan is intended only for the condominiums. Between the single family the separation is intended to be larger. The Fire Chief indicated that the north side (Ruth property) drive could be a paved emergency access only with the main entrance to the west. The County Engineer and Mr. Laurien have asked for an additional entrance and this issue will be worked out through the zoning process.

Mr. Denny Lowry with Olentangy Schools wanted to thank Planned Communities. Although this project does not produce a lot of students for the District, they are working with the school administration on an additional school site at another location.

Mr. Ward expressed his gratitude for the project having a large setback from the 100-year floodplain. Mr. Brickner stated that the regulation is in the Liberty Township Comprehensive Plan and they were aware of it when they started on this project.

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



**29-02 ZON Berkshire Township Zoning Commission – text amendments**

**Applicant:** Berkshire Township Zoning Commission

**Request:** Review and Comment on Application language of Planned Dist.

**I. General**

The Berkshire Township initiated a clarification revision to the Application section of each of their Planned Districts to eliminate archaic and vague language. No actual changes were made to the standards of any of the districts, nor were any map changes made. The text changes were authored by Attorney Donald Brosius on behalf of Berkshire township. These changes were based on the draft crafted between the DCRPC staff and the County Prosecutor’s office to clarify ambiguous language. Berkshire Township has sent these amendments with the unanimous support of the Zoning Commission, to the DCRPC for statutory review.

**II. Contents of text amendments**

Delete Sections 11.02, 13.02, 14.02, 15.02 and 18.02 of the Berkshire Township Zoning Resolution in their entirety, and substitute, in lieu thereof, the following:

**Section 11.02 APPLICATION:** *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 in the township that is served by centralized water and sanitary sewer 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.*

**Section 13.02 APPLICATION:** *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 PRCD. The action of the Township upon an application processed pursuant to this Section shall be considered a legislative act, subject to referendum.*

**Section 14.02 APPLICATION:** *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 PIND. The action of the Township upon an application processed pursuant to this Section shall be considered a legislative act, subject to referendum.*

**Section 15.02 APPLICATION:** *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 PCD. The action of the Township upon an application processed pursuant to this Section shall be considered a legislative act, subject to referendum.*

**Section 18.02 APPLICATION:** *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 PID. The action of the Township upon an application processed pursuant to this Section shall be considered a legislative act, subject to referendum.*

**III. Staff Findings and Recommendation**

Staff finds that the Berkshire Township “housekeeping” text amendments are appropriate and *recommends approval* to the DCRPC, Berkshire Township Zoning Commission, and Trustees.

**Commission / Public Comments**

***Mr. Gladman made a motion to recommend approval of the Berkshire Twp. text amendments. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**30-02 ZON M/M Jay Scott, c/o David Fisher – Berlin Twp. – 309.5 acres from FR-1 to R-2 with PRD overlay**

**I. Request**

Landowners Harley Jay and Marsena Scott have applied to Berlin Township for rezoning to permit a golf course community plus one convenience store on Cheshire Road.

This request would permit:

- 219 single-family homes
- 1 Cheshire Road Estate lot
- 177 condominium units
- 60 patio homes
- 105 assisted living units
- Convenience store at the North West corner of Cheshire road and the Alternative 3 arterial road from the Delaware County Thoroughfare Plan (2001)

- The existing Tanglewood Golf Course would be used as permanent open space for the development and held by Jay Scott to maintain as a golf course. The golf course would also serve as the irrigation area for a permanent, on-site sanitary sewage disposal system, comprised of treatment plant, holding ponds and land application. The system would be dedicated to Delaware County for permanent maintenance and operation.

**Present Use:** Golf course, Agriculture and woods, three single-family houses

**Existing Density:** 1 unit/acre

**Proposed Number of dwelling units:** 562

**Permitted Number of dwelling units if zoned R-2/ PRD: 565**

- 15% gross area for streets/utilities 46.42 acres
- Floodplains 0.00 acres
- Slopes greater than 20% 0.00 acres
- Existing above ground utility ROW 0.00 acres
- Jurisdictional wetlands/bodies of water 3.60 acres  
50.02 acres

309.5 ac.- 50.02 ac.= 259.48ac. x 43,560 sq. ft. 11,302,948 sq. ft / 20,000 sq. ft lot size in R-2= 565 units

**Average single family lot sizes:**

- 60 x 125 = 7,500 square feet – 106 lots
- 75 x 125 = 9,375 square feet - 45 lots
- 80 x 125 = 10,000 square feet- 67 lots

**School District:** Olentangy

**Utilities Available-** Del Co Water. On site sewage treatment with proposed land application to the golf course.

**Soils & Drainage**

- BIA Blount silt loam 0- 2% slope
- BIB Blount silt loam 2-6% slope
- GwB Glynwood 2-6 % slope
- PwA Pewamo silty clay loam

**II. Facts and Existing Conditions**

**Adjacent Existing Land Uses-** *single family homes on large lots of one acre or more, and agriculture.*

**Area Development Trends**

The Kingman Hill annexation has brought the city of Delaware contiguous to the west. Large residential subdivisions are being constructed adjacent to this property. Jay Scott filed an annexation petition for this land to the city of Delaware, but has asked the city to stay proceedings for 6 months while he attempts to get zoning approvals in the township. If he can get zoned in the township for PRD and obtain OEPA approval for the land application sewage disposal system, he would allegedly stay in the township and not annex to the city.

**III. Issues**

There are a number of issues.

1. R-2 zoning, and conformance to the Berlin Comprehensive Plan
2. PRD Overlay: Preliminary, then final development plans
3. Development Plan-Conformance to Design Standards/Divergences
4. Conformance to PRD preliminary plan requirements
5. Convenience store
6. Alternative 3, 2001 County Thoroughfare Plan

**1. R-2 zoning, and Conformance to the Berlin Comprehensive Plan**

The 1999 Berlin Township Comprehensive Plan recommends for Areas 7.c. and d:

- 1.) Develop as single family residential. If centralized water and sewer are available, then densities may be greater than one unit per acre up to 1.85 units per acre. If centralized water and sewer are not available, then lot sizes should be one unit per acre or larger in accordance with Board of Health regulations for on lot septic systems, depending on soil suitability.  
*DCRPC Staff comment: O.K., complies with comprehensive plan, if centralized sewer can be provided.*
- 2.) Link many parcels together to resolve drainage problems caused by the very flat topography.  
*DCRPC Staff comment: Linkage O.K., but drainage must be engineered on final development plan.*

- 3.) Link land with Liberty Township lands to the west.  
*DCRPC Staff comment: Not achieved. Provide stub street(s) to the Hughes and/or Braumiller Development tracts to the west, on the north side of Cheshire road.*
- 4.) Retain Tanglewood golf course.  
*DCRPC Staff comment: O.K.; golf course may need to be reconfigured to prove feasibility for land application system.*
- 5.) Retain the rural character along Cheshire Roads with large-lot single family. If developed as part of a planned development, place large open spaces along the road frontage. Consider the area for a future school site if developed at densities of greater than one unit per acre.  
*DCRPC Staff comment: O.K. for open space. Developer should contact Olentangy School district regarding future school sites.*
- 6.) Upgrade Cheshire Road to at least 20' with 5-7 foot paved shoulders.  
*DCRPC Staff comment: See Traffic study recommendations.*

**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 if the land can be provided with centralized sewer, but the PRD must stand on the merits of the development plan.*

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

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: Golf course satisfies need for open space, but the presumption is made by the applicant that the golf course can be utilized in basically its existing layout. Land application may require reconfiguring the golf course. Design layout 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 proposed development standards request a 25' rear yard setback. This will not work for lots along the perimeter, where 50' is required. 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: Requested divergence. Since sidewalks are required in the PRD along streets, that will satisfy some of this. The lack of centralized useable open space for non-golfers is still a concern, and walkways to such open spaces should be included.*

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: Not applicable; golf course has significant foliage and new tree lawns are proposed along streets..*

e.) Scenic areas and views shall be preserved to the maximum extent practicable, including views from the adjacent road;  
*DCRPC Staff Comment: O.K.*

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: O.K.*

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. Approximately 3.6 acres of wetlands are within the golf course area and are to be preserved.*

j.) The permitted density shall not be exceeded.

*DCRPC Staff Comment: Application says divergence requested to 2.1 units per net acre, however, the gross density of 1.8 is complied with, and the net developable area divided by the R-2 lot size permits the 562 units proposed, so it does not appear a divergence is needed.*

k.) The required percent of open space shall be provided. (R-2: - 20% of gross tract area required, 49% 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: No county sanitary sewer is available to the site, necessitating on site centralized sanitary sewers for this density. No letter indicating feasibility of the land application system has been issued by the County Sanitary engineer pending on-site soil testing for permeability, however the County Sanitary Engineer has prepared a theoretical soils capacity analysis based*

*on county soil maps, which must be verified by on site soil tests by the applicant. If the on-site testing corroborates the analysis, the site could possibly be used to land-apply treated effluent. A letter from the County Sanitary engineer will be required for the final development plan. For the preliminary plan review and R-2/PRD zoning request, DCRPC staff feels that there is adequate basis to meet the land application feasibility.*

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: There are no footprints shown, no structural locations, no architectural details other than a commitment that up to 20 % of the single family homes will have natural materials on the front. Clearly inadequate to judge the look of the dense Planned Unit Development (PRD) neighborhoods requested.*

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: Street trees are provided on the landscape plan. Sidewalks must be provided. No cross section or note states this, must be corrected.*

q.) Setbacks- Houses shall be setback a minimum of 50 feet from the village street centerline, or as approved per plan.

*DCRPC Staff Comment: O.K.*

r.) Minimum lot size:, none, per plan

*DCRPC Staff Comment: Lot sizes proposed as:*

- 60' x 120' or 7,200 square feet (.165 ac.)
- 75' x 120' or 9,000 square feet (.20 ac.)
- 80 x 120' or 9,600 square feet (.22 ac.)

These would be the smallest lots ever created in Berlin Township, with the exception of a small number of lots in Cheshire. The look will not be rural character, it will be urban, or suburban. Careful architectural treatment of building size, bulk, mass, angle of roofline, and materials is needed to make this become a coherent neighborhood that is a benefit to the township. Without such detail (no such detail has been submitted) the development plan has the potential to adversely effect the health, safety and property values of the community with regard to fire safety, and concentration of population and property values due to haphazard and unplanned aesthetics. The tradeoff for higher density has to be greater detail on the PUD development plan. Some of this detail must be on the preliminary plan in order for the township to visualize the impact on the community. Clearly needs more work here before the township votes on this plan.

s.) Minimum Lot Width at the building line- none, per plan.

DCRPC Staff Comment: Lots are not wide enough for side load garages, if they are desired.

t.) Minimum Side yards- Eight feet each side for houses, five feet from an attached garage to side lot line.

DCRPC Staff comment: Divergence requested for 6' side yards, 12' between houses. This is a function of making the lots too narrow. There is no benefit to the township to grant this variance unless there is a specific footprint for each such structure that desires a 6' setback, and a home designed for the lot. Traditional Neighborhood Designers (New Urbanists) use narrow lots, but homes are shotgun style, front to back, with very specific architectural guidelines to create the proper mass and height for an urban neighborhood. No such standards are offered for Scotland Yard. See Covington Meadows subdivision PRD in Genoa Township between Tussic Road and Old 3 C to see what this proposal can look like.

u.) Minimum Rear yard- Fifty (50) feet for houses and attached garages, or as per plan.

DCRPC Staff Comment: Divergence requested to 25'. Cannot reduce from 50' rear yards for perimeter lots. Suggest minimum 30' rear yard for interior lots.

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: If the township does not want on-street parking, suggest this standard be adhered to. This prevents the "snout house" that projects in front of the home and is located at the minimum setback line. Snout houses push parking into the street. Again, see Covington Meadows, or Kesselbrooke Station subdivision off S. Liberty Street in Delaware.

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: Applicant does not intend to build porches or porticos. Need height, bulk, setback, and architectural standards for dense PUD neighborhoods. Berlin Zoning commission should consider this.

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.

aa.) 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.*

bb.) 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: No building sizes offered yet, but agreed to standards herein. O.K.*

cc.) 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.*

dd.) 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 comment on garage setback in w.) above.*

ee.) 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 final development plan*

ff.) 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: Deferred to final development plan*

gg.) 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 final development plan*

hh.) 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.*

**4. 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: Same comment as previous, need these now.*



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:

- Del-Co Water serves the site, with allegedly adequate flow for domestic and fire protection. No letter from the company.
- Gas- There has been no letter from gas suppliers to state they can serve.
- Electric- There is no letter from AEP to say they can serve.
- *Sewer- previously addressed.*

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

*DCRPC Staff Comment: O.K.*

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

*DCRPC Staff Comment: Useable open space needed for non-golfers.*

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

*DCRPC Staff Comment: Covered individually herein.*

7.) Proposed location of all structures

*DCRPC Staff Comment; Not shown, much needed.*

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

*DCRPC Staff comment: Traffic Impact analysis from E.P Ferris and Assoc. recommends the developer:*

- *“Provide eastbound turn lanes on Cheshire Road at development Road A, Road B and the Proposed Future Arterial.*
- *Provide westbound left-turn lanes on Cheshire road at the Proposed Arterial and development road C.*
- *Provide additional lanes for right turning traffic for*

*eastbound Cheshire Road at road C and for westbound traffic at the Proposed Future Arterial, road B, and road A.*

- *Provide two approach lanes and one departure lane for a minimal distance from Cheshire Road for development Road A, road B, Road C and the Proposed Future Arterial.”*

*The traffic study meets the submission requirement for preliminary plan, but staff notes that the study has not been reviewed by the county engineer, nor does it refer to the most recent development plan.*

*Recommendations may be amended pending county engineer’s comments. Staff notes that Roads A, B and C are improved, but it would seem prudent to align the entrance to the assisted living campus with the Proposed Future Arterial street, which means adjustment of the convenience store lot.*

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: Covered previously herein.*

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: O.K. 5-10 year build out, can be phased through platting process.*

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?*

**5. Convenience store**

A convenience store without fuel sales according to NAICS (Executive Office

of the President of the United States industry classification manual) number 445120, is a permitted use provided it does not exceed .5% of the total residential square footage to be constructed, and it is located within the tract, but fronts on a major arterial street adjacent to the PRD.

*DCRPC Staff Comment: The store is located at a potentially appropriate location if the township agrees, but there is no site plan, so no comment can be made on access, size of store, parking, signage, etc.*

#### **6. Alternative 3 2001 County Thoroughfare Plan**

*DCRPC Staff Comment: Proposed New Arterial street is located approximately where Alternative 3 from 2001 County Thoroughfare Plan generally indicates a new north south link.*

#### **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 incomplete.*
- 2.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.  
*DCRPC Staff Comment: Yes.*
- 3.) That the proposed development advances the general welfare of the township and the immediate vicinity.  
*DCRPC Staff Comment: Only if the development plan is fleshed out in more detail satisfactory to the township.*
- 4.) That the proposed plan meets all of the design features required in this resolution.  
*DCRPC Staff Comment: Plan is incomplete.*
- 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, but the plan is incomplete.*
- 6.) That the proposed development will be compatible in appearance with the remainder of the district.  
*DCRPC Staff Comment: No; this has the potential to*

*be a very dense neighborhood, which, needs more detail and architectural commitments to assure compatibility. If such commitments were made, then the plan would be compatible.*

- 7.) That the minimum open space as required herein has been provided.  
*DCRPC Staff Comment: Yes.*

#### **V. RPC Staff Findings**

The preliminary development plan is a work in progress. The developer does not know who his end users/builders will be, and is trying to defer many of the preliminary plan requirements until the final development plan phase, by which time the individual buyers/builders would emerge and offer their product, but the citizens would have lost their right of referendum. This is a recipe for a disjointed and unattractive development. If the applicant would complete the deficiencies noted in Section III (above) to the satisfaction of the Berlin Zoning commission, the plan could be an asset to the community. The main findings are that the proposal conforms in use, location and density to the Comprehensive Plan. The land application system is theoretically feasible and must be proven by final development plan. The township, not the RPC, should be the arbiters of the many missing aesthetic details.

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

- A. *Staff recommends approval for R-2 zoning subject to provision of centralized sanitary sewer.*
- B. *Staff recommends conditional approval of PRD overlay, subject to completion and correction of the preliminary development plan to correct all the itemized deficiencies noted in Section III above, to the satisfaction of Berlin Township.*

#### **Commission / Public Comments**

Mr. David Fisher, attorney for the applicant along with Mr. Jeff Strung, EMH & T were present. Work has been contracted to do the drilling/testing for the land application system but is being delayed due to the rain.

Mrs. Julie Johnson (1516 Cheshire Road) asked why the Thoroughfare Plan was depicted on the west side of the golf course but this developer has moved it to the east side which would direct it directly through her home. Mr. Laurien responded that the Thoroughfare Plan does not agree on a specific alignment. It is a point to point study for a connection. Corridor studies need to be done on each of the connectors. He would defer to Mr. Strung as to why it was

aligned where it is in this plan. Mr. Strung said they chose the east side primarily due to its location to the rest of the streets. The County Engineer agreed that it could go either on the west or the east side.

Mr. Jim Johnson (1516 Cheshire Road) stated that this road was relocated to the east side because Mr. Scott and the engineer wanted it to be. Mr. Johnson, nor any other residents in the area were approached for their opinion of this proposal.

Mr. Harry Kesterson (1630 Cheshire Road) stated that he feels that Cheshire Road has turned into a freeway with all of the traffic.

Mr. DeWitt stated that he sat through another presentation Mr. Fisher gave at Sunbury Town Council and like this one was very incomplete. The adjoining property owners were also not approached.

Mr. Spanner asked if the applicant has thought any about staff's comments on usable open space for non-golfers and where they could locate it. Mr. Fisher stated that since this golf course is already in place and the area beside is narrow it would be very difficult to put any additional open space there. Mr. Laurien suggested eliminating a few lots and create a park area adjacent to the golf course.

Mr. Fisher noted that there have been several informal meetings at Berlin Township and believes they were publicized.

Mr. Spanner asked if the pond on the far right corner of the proposal is the treatment plant holdings/storage pond and if the treatment plant would be located there also. Mr. Fisher said yes. Mr. Antle stated that the Sanitary Engineer has not yet approved that location for the plant. Chairwoman Foust asked if that would be decided after the soil testing. Mr. Antle said that they have not had any discussions with the engineer regarding the layout. Mr. Fisher stated that the location of the plant is usually done after the soils testing.

**Mr. Miller made a motion to recommend conditional approval of the R-2 zoning request subject to centralized sanitary sewer availability. Mr. Spanner seconded the motion. VOTE: Majority For, 4 Abstained (Mr. Ward, Mr. Wuertz, Mrs. Martin and Mr. Schmidt). Motion carried.**

**Mr. Miller made a motion to recommend conditional approval of the PRD rezoning request subject to all staff comments. Mrs. Warthman seconded the motion. VOTE: Majority For, 4 Abstained (Mr. Ward, Mr. Wuertz, Mrs. Martin and Mr. Schmidt). Motion carried.**

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**31-02 ZON M/M Reynolds & M/M Hinkle – Concord Twp. - 1.96 acres from FR-1 to PC**

This rezoning application is submitted by M/M Reynolds & M/M Hinkle for a Planned Commercial and Office District to expand an existing home occupation business at 3903 US 42 in Concord Township.

**I. Conditions**

**Present Zoning:** Farm Residential District (FR-1)  
**Proposed Zoning:** Planned Commercial and Office District (PCD)  
**Present Use:** 2 residences and Cedar Woodworking Shop  
**Proposed Use:** Same, with expansion to business and accessory buildings  
**Existing Density:** 1 unit / 1.5 acres  
**Proposed Density:** N/A  
**School District:** Buckeye Valley  
**Utilities Available:** Del Co Water and on-site septic  
**Soils:** BoA – Blount silt loam, 0-2% slopes

**II. Background**

The applicants seek a zoning change to PCD to expand an existing home occupation business called Cedar Woodworking Shop. The 1.96 acre site is comprised of 2 lots from the Eagle subdivision and a portion of a lot in the Welch subdivision, and additional unplatted land to the rear. The Hinkle property (Lot 4089) contains a residence, a 24' X 32' detached garage, and a 10' X 12' shed.

The plan is to:

- add a 24' X 32' addition to the house,
- 24' X 48' addition to the garage, and
- a 24' X 32' in-ground swimming pool.

The Reynolds property (Lot 4088/pt of 4087) currently contains:

- a residence, a 24' X 80' building,
- and a 30' X 60' barn.

Future structures include:

- a 30' X 76' shop with an attached 25' X 45' office.
- There will also be a parking area (approximately 20' X 100') adjacent to the shop.
- Each house has a separate driveway with the Reynolds driveway (blacktop) extending along the property line between the 2 houses for access to the business.
- A second access to the business (gravel driveway) comes from S. Section Line Road across the William Eagle property to the east and is allowed by a verbal agreement between the property owners.

Cedir Woodworking produces and installs custom cabinets and countertops. They have grown from a part time business several years ago to a full time operation. Materials are delivered to the site an average of 10 times a week. Walk in business is minimal, since most of the business is through general contracting. The business includes a truck and work crew. A second truck and crew may be added in the future.

The property is located on the south side of US 42 approximately 800 feet west of S. Section Road. Surrounding zoning includes Neighborhood Business (B-1), Community Business (B-2), and General Business (B-3) around the intersection of US 42 and S. Section Line Road to the northeast. The remaining lands are zoned Farm Residential (FR-1). The existing commercial uses nearby include Studio 42 hair salon, Dari Treat ice cream parlor, Dreamland Motel, and Marathon gas station. There are also several residences in the area along US 42 and S. Section Line Road. Some of these appear to house expanded home occupations.

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

The following items may need further information:

- 1.) Neither the development plan nor application indicates the acreage of the site.
- 2.) A landscaping plan has not been submitted. Existing trees should be shown around the site perimeter.

- 3.) Architectural renderings for proposed structures and sign details have not been submitted.
- 4.) Utility feasibility letters have not been submitted. None of the existing septic systems have been shown on the development plan. Is there adequate area to provide on-site treatment for the future development? The Health Department has verbally stated to Staff and the applicants that the proposed shop and parking area should be reserved for a primary and secondary leach field for the future buildings. They have also indicated that a note will be required on the plat that the business structures have not been approved by OEPA or the Health Dept. for a commercial septic system.
- 5.) Will there be any stormwater retention?
- 6.) ODOT has no objection to the proposal as long as the use does not change or the existing use does not increase traffic on US 42.
- 7.) An easement and maintenance agreement should be recorded for the access drive to S. Section Line Road across the Eagle property. This driveway should also be shown on the plan.
- 8.) Section 21.09 Driveway Regulations: Commercial driveways are required to be a minimum of 20' wide and shall be hard-surfaced. This could be a problem for the US 42 access, since the existing residences are only 28' apart.
- 9.) Section 21.01 Parking: All parking areas and driveway aisles shall be paved. Also, no parking lot or parking area shall be located closer than 6' to any side or rear lot line.
- 10.) Residential structures are prohibited in the PC zoning district unless they are specifically designed as part of the architecture of the (commercial) structure in a village setting. The applicant would need a divergence to allow the existing residences in a PCD.
- 11.) What is the timetable and phasing of the plan?

### **IV. Conformance with Comprehensive Plan**

The 1995 Concord Comprehensive Plan recommends an extension of the current highway-related commercial at the intersection of US 42 and S. Section Line Road. The Comprehensive Plan map however, only shows a very small portion of the site within this area. The Plan is clearly not parcel specific, but appears to designate a general area. The Township must determine where the intended boundary is supposed to be. This area appears to be in transition from older residential to commercial reuse. Heavy truck traffic at the Section Line / US 42 intersection suggests commercial use would be appropriate.

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

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

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

**DCRPC Staff Finding:** The development plan is incomplete and does not show engineering feasibility. Items in Section III above have not been adequately addressed.

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

**DCRPC Staff Finding:** Yes. The 1995 Comprehensive Plan Map appears to identify the US 42/S. Section Line Road area for Planned Commercial and the text discusses “extension” of existing commercial. The Township is updating the Plan and could be completed by the end of the year. Specific land use recommendations have not yet been discussed.

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

**DCRPC Staff Finding:** Allowing the existing use to continue would not be detrimental to the surrounding area. A more intense use of the property without adequate area for on-site wastewater treatment and storm drainage would have a negative impact. Absent a complete development plan the proposed zoning to PC would not advance the general welfare of the township and the immediate vicinity. If the applicant can provide more details for the proposed structures with engineering feasibility, or revise the plan to only rezone the existing structures and use, then PC zoning could advance the general welfare of the township and immediate vicinity.

**VI. Staff Recommendation**

Per telephone conversation 6/26/02, the applicants have agreed to revise the development plan to only rezone the existing use and structures and to delete new structures. Therefore, staff recommends conditional approval to the Regional Planning Commission, the Concord Township Zoning Commission, and the Concord Township Trustees, subject to addressing the remaining items in Section III above.

**Commission / Public Comments**

Mr. Carl Reynolds, President and owner of Cedir Woodworking was present. This application was submitted in order to expand the business. He submitted a letter agreeing to remove the proposed buildings from the request. Mrs. Warthman asked if the current use was a zoning violation. Mr. Reynolds replied that it was. The rezoning is to make it comply.

*Mr. Spanner made a motion to recommend conditional approval of the rezoning request by Mr. and Mrs. Reynolds and Mr. and Mrs. Hinkle subject to staff comments. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**32-02 ZON                      Scioto Township Zoning Commission – text  
amendments**

**Applicant:** Scioto Township Zoning Commission  
**Request:** Review and Comment on Application language of  
Planned                      Districts

**I. General**

The Scioto Township Zoning Commission initiated a clarification revision to the Application section of two of their Planned Districts to eliminate archaic and vague language. No actual changes were made to the standards of any of the districts, nor were any map changes made. The text changes were based on the draft crafted between the DCRPC staff and the County Prosecutor’s office to clarify ambiguous language.

**II. Contents of text amendments**

The proposed amendments apply to Article X, Planned Residential Development, and Article XVII, Planned Industrial.

The intent of the Zoning Commission is to delete Sections 10.02 and 17.02 of the Scioto Township Zoning Resolution in their entirety, and substitute, in lieu thereof, the following:

**Section 10.02 APPLICATION:** *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 in the township that is served by centralized water and sanitary sewer 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.

**Section 17.02 APPLICATION:** 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 PI. The action of the Township upon an application processed pursuant to this Section shall be considered a legislative act, subject to referendum.

**III. Staff Findings and Recommendation**

Staff notes that the motion by the Zoning Commission was to amend both section 10.02 and 17.02, but that the revision clause for 17.02 was inadvertently omitted. Staff finds that the Scioto Township “housekeeping” text amendments are appropriate and recommends approval to the DCRPC, Scioto Township Zoning Commission, and Trustees, subject to the language revising section 17.02 (see above) also be adopted by the Zoning Commission and Township Trustees.

**Commission / Public Comments**

Mr. Miller made a motion to recommend conditional approval of the text amendments subject to staff comments. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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**33-02 ZON Berlin Twp. Zoning Commission – text amendments**

**Applicant:** Berlin Township Zoning Commission

**Request:** Review and Comment on Application language of  
Planned Industrial Districts

**I. General**

The Berlin Township Zoning Commission initiated a clarification revision to the Application section of their Planned Industrial District to eliminate archaic and vague language. No actual changes were made to the standards of any of the district, nor were any map changes made. The text changes were based on the draft crafted between the DCRPC staff and the County Prosecutor’s office to clarify ambiguous language.

**II. Contents of text amendments**

The proposed amendments apply to Article XVIII, Planned Industrial.

The intent of the Zoning Commission is to delete Sections 18.02 of the Berlin Township Zoning Resolution in its entirety, and substitute, in lieu thereof, the following:

**Section 18.02 APPLICATION:** 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 PI. The action of the Township upon an application processed pursuant to this Section shall be considered a legislative act, subject to referendum.

**III. Staff Findings and Recommendation**

Staff finds that the Berlin Township “housekeeping” text amendment to Section 18.02 is appropriate and recommends approval to the DCRPC, Berlin Township Zoning Commission, and Trustees.

**Commission / Public Comments**

Mr. Miller made a motion to recommend conditional approval of the text amendments subject to staff comments. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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**34-02 ZON Linda Kress – Troy Twp. – 1.0 acre from Farm Residential (FR-1 with a nonconforming commercial use) to Planned Commercial**

**I. Conditions**

**Present Zoning:** Farm Residential (FR-1)  
**Proposed Zoning:** Planned Commercial (PCD)  
**Present Use:** Former “Something’s Fishy” Bait Store  
**Proposed Use:** Truck repair  
**Existing Density:** NA  
**Proposed Density:** NA  
**School District:** Delaware City  
**Utilities Available:** Del-Co Water and private septic  
**Soils:** Lybrand, 12-18% slope  
Glynwood Silt Loam, 6-12% slope

**II. General Background**

The applicant seeks rezoning of 1 acre from Farm Residential with a legal non-

conforming commercial use to Planned Commercial for the purpose of establishing a center for tractor, and truck repair. No trailers will be repaired on-site. Trucks will be repaired on site, but will not be stored there. There are two existing buildings. The smaller building closer to Main Road will house an office, a break room for employees, and a lounge where drivers can wait while their vehicles are being repaired. The site is crossed with an easement for US 23, a right-of-way for Main Road, a water line easement and at least three gas line easements.

### III. Issues

1. The Something's Fishy Bait Shop was a legal non-conforming use. The Bait Shop closed but two years have not passed, so the non-conforming use may be continued.
2. The township asked the DCRPC to review all commercial non-conforming uses in 1998. A report was issued by DCRPC staff, which recommended adoption of the Highway Service District, and the Something's Fishy Bait Shop (Gillette tract) be zoned HSD (see report October 28, 1998).
3. The township offered to rezone the site to HSD at no cost to the former owner. The former owner attended a meeting, but did not sign the authorization form. Former owner now tells the new owner Linda Kress, they thought they authorized rezoning when they signed paper at the township meeting, but that was only the sign-in sheet.
4. HSD Zoning permits related uses such as Motor Vehicle Dealers and Manufactured Home Dealers as conditional uses in HSD, which would normally include repairs, and on-site trucks. Truck repair is not specifically listed as a permitted or conditional use, and since time is of the essence, Linda Kress is now requesting Planned Commercial, which allows any commercial use pursuant to approval of a development plan. Since the township previously offered to zone this site HSD, which would permit similar uses, the repair of trucks (not trailers) within the existing barn seems a reasonable reuse of the site on a five-lane US divided highway (US 23).
5. Planned Commercial zoning requires a development plan. The development plan submitted is a mortgage survey, which accurately depicts the site and buildings as of February 2002. In the ensuing months, most of the large bait shop building has been removed, new

stone has been placed over the broken paving, and the site has been cleaned and improved. *A new development plan should be submitted, showing the information required as follows (DCRPC staff comments in italics):*

- a.) The proposed size and location of the Planned Commercial and Office District. *As shown on Mortgage Survey*
- b.) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping. *As shown on Mortgage Survey.*
- c.) Architectural design criteria for all structures and criteria for proposed signs, with proposed control procedures. *Include sign sketch.*
- d.) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. *As shown on Mortgage Survey. Use existing buildings as they are June 24, 2002, existing septic system, and Del Co water.*
- e.) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise. *Not applicable.*
- f.) The relationship of the proposed development to existing and probable uses of surrounding areas. *Show existing/proposed buffering to adjacent residential homes.*
- g.) Location of parks and other public facility sites, if any. *Not applicable.*
- h.) The proposed time schedule for development of the site including streets, buildings, utilities and other

facilities. *Not applicable.*

- i.) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases. *Not applicable.*
- j.) The ability of the applicant to carry forth his plan by control of the land and the engineering feasibility of the plan. *Not applicable.*
- k.) Specific statements of divergence from the development standards in Articles XXI and/or XXII or existing County regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved the same shall be complied with. *Request waiver for subdivision plat, since the lot has existing buildings and will not be divided. Stipulate the intensity of use (number of trucks and employees) permitted by Zoning Commission on Development Plan.*
- l.) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer. *Not applicable.*

6. Text or plans should also address the following standards from Section 15.07 of the Troy Township Planned Commercial district:

- a) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. *(Discuss with Zoning Commission)*
- b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of

1977 or later amendments as enforced by the Ohio Environmental Protection Agency. *(Use this language on development plan.)*

- c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. *(Discuss with Zoning Commission)*
- d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities. *(Not applicable, use site as is)*
- e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply. *(Use this language on development plan)*
- f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. *(Use this language on development plan)*
- g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. *(Submit text prohibiting extended outdoor truck engine idling, etc.)*
- h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than fifty (50%) percent of the lot area. Structures shall cover no more than twenty-five (25%)



percent of the lot or parcel area. *(Use buildings and paving as they are June 24, 2002)*

- l) Landscaping - All yards, front, side and rear, shall be landscaped. Such landscape plans shall meet the requirements of Article XXIII of this Resolution. *(Use site as is, discuss with Zoning Commission)*
- n) Parking – *(Use existing parking.)*
- o) Signs – *(As approved by the township Zoning commission.)*

**IV. Criteria for Approval**

In approving an application for a Planned Commercial and Office District the reviewing authorities shall determine:

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

*DCRPC Staff Comment: The current development plan (mortgage survey) is incomplete. If a development plan is submitted to the township zoning commission that addresses all of the concerns listed in Section III above, then the development could be consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.*

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

*DCRPC Staff Comment: The Township Comprehensive Plan shows this parcel to be a legal non-conforming commercial use (formerly a bait shop). A separate report by the DCRPC staff in 1998 recommended Highway Service District zoning, and the township offered to rezone it to HSD, which permits related uses such as motor vehicle dealers. The intent of the comprehensive plan would be met by a use of this site for truck*

repair.

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

*DCRPC Staff Comment: If a complete development plan were submitted to the township that addresses all the concerns in section III above, then the proposed development would advance the general health safety and morals of the township.*

**V. DCRPC Staff Recommendation**

The staff recommends to the Regional Planning Commission, the Troy Township Zoning Commission, and the Troy Township Trustees that the application of Linda Kress for rezoning 1 acre on the southeast corner of US 23 and Main Road from FR-1 to PCD be conditionally approved, subject to the submission of a development plan to the township zoning commission that satisfactorily addresses all of the concerns listed in Section III above.

**Commission / Public Comments**

Mrs. Linda Kress and Mr. Doug Kress owners of AYS Commercial Services were present to answer any questions from the Commission. Mr. Ward stated that regarding the noise comment by staff, this property is located directly in front of a rail road track. Noise shouldn't be an issue.

Mr. Baker stated that he has heard comments as to the danger of that intersection (Main Road and US 23) but feels the accidents at that intersection were due to driver error. Mr. Ward said the accidents were also south of this intersection.

***Mr. Miller made a motion to recommend conditional approval of the rezoning request by Mr. and Mrs. Kress subject to staff comments. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**IV. SUBDIVISION PROJECTS**

**Preliminary**

**14-02 W/D Bridlespur Place – Liberty Twp. - 04 lots / 12.91 acres**

*\*\* This application was withdrawn by the applicant. \*\**

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**15-02.1.A&B The Estate of Glen Oak, Sec. 1, Ph. A&B – Orange Twp. - 32 lots / 21.12 acres**

**Applicant:** Robert Taek Ro  
**Subdivision Type:** Residential  
**Location:** North of East Orange Road, West of South Old State Road  
**Current Land Use:** Former agriculture  
**Zoned:** SFPRD (Single Family Planned Residential District)  
**Utilities:** Del-Co water and county sanitary  
**School District:** Olentangy  
**Engineer:** EMH&T

**Staff Comments**

The overall preliminary plan for Glen Oak divides the project into two parts. The northern portion is The Estate of Glen Oak. This is the first section in that portion. It is accessed from South Old State Road approximately 900 feet north of the entrance to Olde State Farms. It consists of 32 house lots and two reserves, one of which is a large retention pond. Ashcreek Drive is the boulevard entrance to this portion of Glen Oak. There will be at least 300 feet of setback between the first home and South Old State Road. Veronica Place, Greenspire Drive and Snapdragon Way are north/south roads in this section. Blue Holly Drive begins with a T intersection at Greenspire Drive and will eventually end with an intersection at Orange Road. This section provides two connections to the adjacent property to the north.

**A technical review was held on June 18, 2002, after which the applicant has addressed all of the required changes.**

**Staff Recommendation**

Staff recommends *Preliminary approval of The Estate of Glen Oak, Section 1, Parts A&B*, to the RPC.

**Commission / Public Comments**

Mr. David Denniston of EMH & T was present to answer questions from the

Commission.

***Mr. Gladman made a motion for Preliminary approval of The Estate of Glen Oak, Section 1, Parts A&B, seconded by Mr. Brenner. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**47-00.1.3 North Orange, Sec. 1, Ph. 3 – Orange Twp. - 02 lots / 9.487 acres**

**Applicant:** North Orange Land, LLC  
**Subdivision Type:** Commercial  
**Location:** US 23 (Columbus Pike) at Gooding Blvd.  
**Current Land Use:** Open, former agriculture  
**Zoned:** PC (Planned Commercial)  
**Utilities:** Del-Co water and county sanitary  
**School District:** Olentangy  
**Engineer:** Floyd Browne and Associates

**Staff Comments**

Section 1 Phase 3 is the southern edge of the overall 346-acre North Orange development. The site plan includes a new road, Pacer Drive, going to the south from Gooding Blvd. Pacer Drive splits the land into two portions; a 4.218-acre commercial lot to the east and a 4.542-acre lot that will become part of Orange Township's safety campus to the west. The lots will take their main access from Pacer Drive only. The commercial lot will have a right-in, right-out only on Gooding Boulevard. Pacer Drive will extend to the southern property line for future extension. A 100 foot no-build zone runs along the southern property line and buildings must be setback 150' from U.S. 23.

**A technical review was held on June 18, 2002, after which the applicant has addressed all of the required changes.**

**Staff Recommendation**

Staff recommends *Preliminary approval of North Orange, Section 1, Phase 3*, to the RPC.

**Commission / Public Comments**

Mrs. Tiffany Jenkins with Floyd Browne & Associates was present to represent North Orange LLC (Planned Communities).

**Mr. Gladman made a motion for Preliminary approval of North Orange, Section 1, Phase 3. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**16-02 Byers Meadows – Radnor Twp. - 03 lots / 33.78 acres**

**Applicant:** Frank Goode  
**Subdivision Type:** Residential (CAD)  
**Location:** 3481 Byers Road  
**Current Land Use:** Flag lot with a complete garage and house under construction  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water and on-site septic  
**School District:** Buckeye Valley  
**Engineer:** Floyd Browne Associates  
**Soils:** GwB – Glynwood Silt Loam  
GzC3 – Glynwood Silty Clay Loam  
BoA – Blount Silt Loam  
PwA – Pewamo Silty Clay Loam

**Staff Comments**

The applicant seeks to create a Common Access Driveway to access three lots. The current property is a flag lot with 120-foot access strip. The CAD is approximately 1200 feet long with three passing areas. It crosses a small swale from west to east that continues through the width of the property. A large garage and pond exist on the largest lot.

**A technical review was held on June 18, 2002, after which the applicant has addressed all of the required changes.**

**Staff Recommendation**

Staff recommends *Preliminary approval* of **Byers Meadows** to the RPC.

**Commission / Public Comments**

Mr. Josh Wolf of Floyd Browne & Associates was present.

**Mr. Miller made a motion for Preliminary approval of Byers Meadows, seconded by Mr. Brenner. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**11-02 W/D Dent Woods – Trenton Twp. - 03 lots / 16.28 acres**

\*\* This application was withdrawn by the applicant.\*\*

**Preliminary/Final**

**17-02 Wilgus Subdivision – Radnor Twp. - 01 lot / 2.00 acres**

**Applicant:** Francis and Mary Lou Wilgus  
**Subdivision Type:** Commercial  
**Location:** 3769 Warrensburg Road  
**Current Land Use:** Open, former agriculture  
**Zoned:** PC (Planned Commercial)  
**Utilities:** Del-Co water  
**School District:** Buckeye Valley  
**Engineer:** Floyd Browne and Associates  
**Soils:** BoB – Blount Silt Loam

**Staff Comments**

This plan was before the Regional Planning Commission in January for rezoning. Radnor Township requires that commercial lots go through the subdivision review process prior to being platted. The development plan has not changed. It is a 2-acre site with a drive-through feed store with some outside storage and no sanitary facilities in the building. The Delaware General Health District requires the final plat to state that approval of this plat does not constitute approval for an individual sewage treatment system. The engineer has, however, provided siting for primary and secondary septic fields.

**A technical review was held on June 18, 2002, after which the applicant has addressed all of the required changes.**

**Staff Recommendation**

Staff recommends *Preliminary and Final approval* of **Wilgus Subdivision** to the RPC.

**Commission / Public Comments**

Mr. Ted Miller of Floyd Brown & Associates was present.

**Mr. Miller made a motion for Preliminary & Final approval of Wilgus Subdivision. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**CONSENT AGENDA**

Chairwoman Foust asked if the Commission would like to remove any of the final applications from the consent agenda. Hearing none, asked for a motion.

**Mr. Gladman made a motion for Final approval of Gilbert Subdivision, Walnut Ridge, Golf Village, Section 7, Phase D, Part I, and Golf Village Commercial Section 1. Mr. Brenner seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger). Motion carried.**

**Final**

**12-02      Gilbert Subdivision – Berkshire Twp. - 02 lots / 03.78 acres**

**Applicant:** Joel Gilbert  
**Subdivision Type:** Residential  
**Location:** 1270 S. Galena Road  
**Current Land Use:** Open rear portion of lot with single-family residence on frontage  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water and on-site septic  
**School District:** Big Walnut  
**Engineer:** Floyd Browne Associates

**Staff Comments**

The applicant is seeking a re-subdivision of Lot 322 of the Berkshire Meadows #3 Subdivision to allow an additional residence to the rear of the current lot. The current 3.741 acres will be split into 1.443 acres for the current structure and 2.298 for the new residence. A new drive will be constructed in a small wooded area to access the new flag lot. The plan calls for an additional .043 acre strip of right-of-way dedication along the roadway. As a result of the Thoroughfare Plan adopted by the RPC, additional right-of-way is requested by the County Engineer on certain roads for future improvements. South Galena Road is on the list of committed network improvements by the year 2020.

**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 **Gilbert Subdivision**, to the RPC.

**Commission / Public Comments**

**Mr. Gladman made a motion for Final approval of Gilbert Subdivision. Mr.**

**Brenner seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger). Motion carried.**

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**10-02      Walnut Ridge – Concord Twp. -04 lots / 8.29 acres**

**Applicant:** Carol Laxson  
**Subdivision Type:** Residential  
**Location:** 5050 Clark-Shaw Road  
**Current Land Use:** Open rear portion of lot with single-family residence on frontage  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water and on-site septic  
**School District:** Buckeye Valley  
**Engineer:** Patridge Surveying

**Staff Comments**

The plan calls for three new lots to the rear of an existing house. All four lots will be accessed from a Common Access Drive. A new 60' strip will be platted to give the three rear lots access to Clark-Shaw Road. However, due to sight distance issues where the strip meets Clark-Shaw, the existing driveway will be maintained as the CAD. The driveway will be upgraded to meet the CAD standards.

**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 **Walnut Ridge Subdivision**, to the RPC.

**Commission / Public Comments**

**Mr. Gladman made a motion for Final approval of Walnut Ridge. Mr. Brenner seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger). Motion carried.**

**64-93.6.2 Harvest Wind, Sec. 2, Ph. 6 – Genoa Twp. - 02 lots / 05.62 acres**

**Applicant:** Bob Webb

**Consultant:** Floyd Browne Associates, Inc., Tim Huffman

**Staff Comments**

The applicant has requested a 90-day tabling in order to complete the sanitary sewer lines.

**Staff Recommendation**

Staff recommends *approval of the 90-day table request for Harvest Wind, Section 2, Phase 6* to the RPC.

**Commission / Public Comments**

*Mr. Ward made a motion to approve the 90-day table request for Harvest Wind, Section 2, Phase 6. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**43-00.7.D.I Golf Village, Sec. 7, Ph. D, Pt. I – Liberty Twp. - 41  
lots / 20.25 acres**

**Applicant:** Homewood Corporation  
**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:** Bauer, Davidson & Merchant, Inc.

**Staff Comments**

This application is for the final platting of Section 7, Phase D, Part I, which contains 41 lots on 20.25 acres and an open space areas of 0.465 and 0.202 acres. This plat is an extension of Hickory Rock Drive, with an entrance off of Home Road. 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.

Golf Village, Section 7, Phase D received preliminary approval on May 31<sup>st</sup>,

2001. These phases are the northwestern portion of the Golf Village development with an access point from Steitz Road and Home Road. The design includes 108 lots (minimum 10,400-sq. ft lot size) on 51.33 acres with 4.4 acres of open space.

**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 Golf Village, Section 7, Phase D, Part I* to the RPC.

**Commission / Public Comments**

*Mr. Gladman made a motion for Final approval of Golf Village, Section 7, Phase D, Part I. Mr. Brenner seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger). Motion carried.*

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**04-02.1 Golf Village Commercial, Sec. 1 – Liberty Twp. - 01 lots /  
02.19 acres**

**Applicant:** Triangle Real Estate, Inc.  
**Subdivision Type:** Commercial  
**Location:** Southeast corner of Home Road and Sawmill Parkway  
**Current Land Use:** Agriculture  
**Zoned:** PC  
**Utilities:** Del-Co water, public sewer, AEP Electric, Columbia Gas  
**School District:** Olentangy  
**Engineer:** R.D. Zande & Associates, Inc.

**Staff Comments**

Golf Village Commercial Section 1 contains a single 2.19-acre lot at the corner of Sawmill Parkway and Home Road. Access will be via a right-in service entrance from Sawmill Parkway at the southwest corner, and a right-in/right-out/left-in from Home Road at the northeast corner. Ingress/egress easements are provided along the lot perimeter. The easement is also extended to the south from the lot to connect with the full intersection to Sawmill Parkway. Although the entire Golf Village Commercial development is private, the drainage will be required to be on County ditch maintenance.

Surrounding land use includes future sections of Golf Village Commercial to

the east and south, future commercial/office to the west, future industrial and existing single family residences to the east, future multi-family residential and golf course to the south, and existing large lot residential and agriculture to the north.

**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 plat approval* of **Golf Village Commercial, Section 1** to the RPC.

**Commission / Public Comments**

*Mr. Gladman made a motion for Final approval of Golf Village Commercial Section 1. Mr. Brenner seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Shawn Leininger). Motion carried.*

V. EXTENSIONS

12-01 Wedgewood Place, Sec. 2 – Liberty Twp. - 10 lots / 05.79 acres

**Applicant:** Homewood Corporation  
**Engineer:** C.F. Bird & R.J. Bull, Inc.

**Staff Comments**

The applicant is requesting a 6-month extension. This phase received preliminary approval June 28, 2001.

**Staff Recommendation**

Staff recommends *approval of the 6-month extension* of **Wedgewood Place Sec. 2** to the RPC.

**Commission / Public Comments**

*Mr. Ward made a motion to approve the 6 month extension for Wedgewood Place, Section 2. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

13-01 Walnut Woods – Orange Twp. - 37 lots / 28.71 acres

**Applicant:** Grover C. and Mary R. Johnson  
**Engineer:** W-H & Associates

**Staff Comments**

The applicant is requesting a 6-month extension. This phase received preliminary approval June 28, 2001.

**Staff Recommendation**

Staff recommends *approval of the 6-month extension* of **Walnut Woods** to the RPC.

**Commission / Public Comments**

*Mr. Ward made a motion to approve the 6 month extension for Walnut Woods. Mr. Brenner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

VI. OTHER BUSINESS (none)

VII. POLICY / EDUCATION DISCUSSION (none)

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

Meeting adjourned at 9:00 p.m.

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, July 25, 2002 7:00PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference room G-35, Delaware, Ohio 43015.*