



**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 28, 2001 at 7:00 PM
Delaware Joint Vocational School Auditorium
1610 St. Rt. 521, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of May 31, 2001 RPC Minutes
- Executive Committee Minutes of June 20, 2001
- Statement of Policy
- Consideration of the Delaware County Thoroughfare Plan

II. VARIANCES

01-09-S-V Frank Del Grecco - Liberty Twp. – variance to allow 4 lot Common Access Drive subdivision

III. ZONING MAP/TEXT AMENDMENTS

- 22-01 ZON Kingston Twp. Zoning Commission–text and map amendments – Kingston Twp. Zoning Resolution
- 23-01 ZON Brown Twp. Zoning Commission – Comprehensive Plan review
- 24-01 ZON JD Partnership and T&R Propts.–Berlin Twp–40.6 acres from FR-1 to PRD
- 25-01 ZON T & R Propts. and Ron Sabatino–Berlin Twp. – 61.36 acres from FR-1 to PRD
- 26-01 ZON Olentangy Local School District – Liberty Twp. – proposed high school site

IV. SUBDIVISION PROJECTS

| <u>Preliminary</u> | Township | Lots/Acres |
|--|-----------------|-----------------------|
| 11-01 T Rivercrest, Section 1 | Liberty | 11 lots / 43.13 acres |
| 12-01 Wedgewood Place, Section 2 | Liberty | 10 lots / 05.79 acres |
| 43-00.9.2 Golf Village, Section 9, Phase 2 | Liberty | 70 lots / 28.31 acres |
| 13-01 Walnut Woods | Orange | 37 lots / 28.71 acres |
| <u>Preliminary/Final</u> | | |
| 14-01 Fourwinds, Section 2 | Berkshire | 01 lot / 01.91 acres |
| <u>Final</u> | | |
| 47-99 Maplewood Farms | Berkshire | 03 lots / 30.42 acres |
| 04-01 T Summerwood, Section 2 | Berlin | 12 lots / 17.00 acres |
| 29-98.2.3 Scioto Reserve, Sec. 2, Ph. 3 | Concord | 28 lots / 08.01 acres |
| 64-93.7.1 Harvest Wind, Phase 7, Section 1 | Genoa | 35 lots / 17.13 acres |
| 15-99.2 Covington Meadows, Section 2 | Genoa | 52 lots / 13.88 acres |
| 34-00 The Gates at Hoover | Genoa | 12 lots / 25.58 acres |
| 35-97.4 Highland Lakes East, Sec. 11, Ph.4 | Genoa | |
| 35-97.5 Highland Lakes East, Sec. 11, Ph.5 | Genoa | |
| 37-00 T Trotters Gait | Liberty | 38 lots / 60.27 acres |

| | | | |
|-----------|------------------------------------|---------|-----------------------|
| 10-01 T | Abbington of Powell | Liberty | 01 lot / 03.64 acres |
| 16-00.1 T | Woodland Hall, Section 1 | Liberty | 38 lots / 94.46 acres |
| 20-99 | Wedgewood, Section 10 | Liberty | 27 lots / 27.99 acres |
| 06-94.5.A | Wilshire Estates, Section 5, Ph. A | Orange | 32 lots / 16.09 acres |
| 06-94.5.B | Wilshire Estates, Section 5, Ph. B | Orange | 28 lots / 21.90 acres |
| 09-00 T | Burndt Pond Farms | Scioto | 17 lots / 39.28 acres |

T=TABLED

V. EXTENSIONS

VI. OTHER BUSINESS

- Consideration of approval: Legal fees \$1250.00

VII. POLICY / EDUCATION DISCUSSION

I. ADMINISTRATIVE BUSINESS

■ Call to Order

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

■ Roll Call

Representatives present: Don Poland, John Schmidt, Robert Hedrick, Commissioner Jim Ward, Commissioner Don Wuertz, Steve Burke, Chad Antle, Chris Bauserman, Tom Hopper, Leslie Warthman, Holly Foust, Charles Heimlich, Dick Gladman, Yvonne Ball, Hansel Waugh, Bev Alltop, Jeannette Curran, and Kevin Moran. Alternates present: Tom Price, Shawn Leininger, and Ken Baker. Arrived after roll call: Gary Spanner (R) and Bonnie Newland (R). Staff present: Phil Laurien, Mike Bissett, Paul Deel, Jiyeong Lee, Da-Wei Liou, Jeremy Krotz and Stephanie Matlack.

■ Approval of the May 31, 2001 RPC Minutes

Mr. Gladman made a motion to approve the minutes from the last month. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

■ June 20, 2001 Executive Committee Minutes

1. Call to order

Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Dick Gladman, Steve Burke and Commissioner Jim Ward. Absent: Leslie Warthman. Staff present: Phil Laurien and Stephanie Matlack.

2. Approval of Executive Committee Minutes

- a. **May 23, 2001 – Mr. Gladman made a motion to approve the minutes of the last Executive Committee meeting. Mr. Burke seconded the motion. VOTE: 3 For, 1 Absent (Commissioner Ward), 0 Opposed. Motion carried.**

3. Old Business

a. Office Space – request for appraisal

Mr. Laurien requested permission from the Committee to obtain an appraisal of a vacant parcel proposed for office space. *Mr. Gladman made a motion to approval Mr. Laurien’s request for an appraisal up to \$1000.00, seconded by Mr. Burke. VOTE: Unanimously For, 0 Opposed. Motion carried.*

4. New Business

a. Financial / Activity Reports for May 2001

The Financial reports were presented:

Ending balance as of 04/30/01 \$615,630.91

| <u>Receipts</u> | <u>May</u> | <u>YTD</u> |
|--------------------------------------|---------------------|----------------------|
| General Fees (NPA) | \$ 330.00 | \$ 5,775.00 |
| Inspec. Fees (Transfer) | \$ 160.00 | \$ 1,000.00 |
| Fees A (Site Review) | \$ 100.00 | \$ 1,400.00 |
| Membership Fees | \$ | \$122,017.00 |
| Planning Surcharge (Twp. Assist.) | \$ 2,812.65 | \$ 24,023.29 |
| Charges for Services A (Prel. Appl.) | \$19,110.50 | \$ |
| 58,908.75 | | |
| Charges for Services B (Final Appl.) | \$10,693.95 | \$ |
| 53,227.75 | | |
| Charges for Services C (Ext. Fees) | \$ | \$ 3,450.00 |
| Charges for Services D (Table Fees) | \$ 200.00 | \$ |
| 2,400.00 | | |
| Charges for Services E (Appeal/Var) | \$ | \$ 1,500.00 |
| General Sales | \$ 604.10 | \$ 2,768.10 |
| Health Dept. Fees | \$ 50.00 | \$ 3,490.00 |
| Soil & Water Fees | \$ 475.00 | \$ 2,050.00 |
| Other Reimbursements | \$ | \$ |
| Other Reimbursements A | \$ | \$ |
| Other Reimbursements B | \$ | \$ |
| Canceled Warrants | \$ | \$ |
| Inter-fund Revenues | \$ | \$ |
| TOTAL | \$ 34,536.20 | \$ 282,009.89 |

Balance after receipts \$650,167.11

Expenditures \$38,015.40

End of May balance \$612,151.71

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

b. June RPC Preliminary Agenda –

Mr. Laurien presented the Preliminary agenda (4 Preliminary applications, 1 Preliminary / Final, 13 Final and 5 zoning cases.) Mr. Laurien explained that zoning case #24-01 ZON JD Partnership and T & R Properties (40.6 acres from FR-1 to PRD) was previously reviewed and recommended for denial by the RPC due to the densities exceeding what is allowed in the Comprehensive Plan. The submitted material was the same with the same densities as previously submitted.

Case # 25-01 ZON T & R Properties and Ron Sabatino (61.36 acres from FR-1 to PRD) was a supplemental application to one previously submitted and recommended for denial then tabled by the Township (and still has not been acted on). This plan also exceeds the densities allowed in the Comprehensive Plan.

The proposed Olentangy High School site is a project of regional impact therefore the DCRPC can review the plans. Mr. Laurien explained that he met with Denny Lowry and the architect to discuss pedestrian connections and traffic flow both internal and external.

c. Thoroughfare Plan – Mr. Laurien informed the Committee that because we have not received copies of the Thoroughfare Plan text for all the DCRPC representatives to review prior to the RPC meeting on the 28th, that there will be discussion from the audience and Commission but would expect to table the vote until the July 26th RPC meeting.

d. Cooperative Sewer Planning – County, City of Delaware, Village of Sunbury and Townships

Mr. Laurien met with Tom Marshall, Delaware City Utilities Director, Bill Ferrigno, Delaware City Engineer, and Tom Homan, Delaware City Administrator to discuss a unified sewer plan for Delaware City, County, Townships and Villages. The City’s sewer plant is over capacity. There have been two requests to the OEPA. The City needs to upgrade the plant to 8 million

gallons / day and map out a potential additional service area.

5. Other Business

a. Recommendation of approval of Professional Services, Legal \$1250.00 (Attorney Jeff McNealy for Ford Estates research and opinion)

Mr. Gladman made a motion to recommend approval of the Professional Services, legal fees for Ford Estates research and opinion. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. Personnel

a. Paul Deel evaluation – Mr. Laurien presented Paul Deel's yearly evaluation. Chairwoman Foust praised Mr. Deel for his hard work.

7. Adjourn

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

The meeting adjourned at 9:45 a.m.

The next Executive Committee meeting will be Wednesday, July 18, 2001 at 8:30 a.m. in the 2nd Floor conference room at 50 Channing Street, Delaware, Ohio, 43015

• Consideration of the Delaware County Thoroughfare Plan

Chairwoman explained that due to the number of individuals wanting to speak in regards to the Thoroughfare Plan, there would be a 3-minute time limit for each individual after the formal presentation by the consultant.

Ms. Valerie Croasmun of MS Consultants presented the draft Delaware City / County Thoroughfare Plan. The Thoroughfare Plan began in the Fall of 1999. The existing Thoroughfare Plan is over 10 years old. There have been 32 meetings to date. Step 1: Thoroughfare Plan, Step 2: Corridor study, Step 3: Final design and construction plans.

What the Thoroughfare Plan will provide for the community and the staff in the City and County is existing and future traffic projections, general locations for new roadways, recommendations on upgrades to the existing road network, prioritization for the recommended improvements and functional classifications of roadways. The Thoroughfare Plan will not provide for specific alignment for roadways, a detail

design for the existing road upgrades, or detailed analysis of intersection and road operation. Supplements to the Thoroughfare Plan are traffic calming for the City area, traffic impact study standards and access management guidelines and transportation system management guidelines.

The County's transportation goals are (1.) improve road continuity, (2.) additional access to the major arterial and freeway system, and (3.) relieve congestion primarily in the southern part of the County. The City transportation goals are: (1.) reduce congestion on the downtown streets, (2.) addressing the high truck volume on the major routes through the City, and (3.) adding roadways to support the development primarily on the west side of the City.

Transportation corridor concerns in the south region of the City of Delaware are terrain, scenic river crossings, rail road crossings, storage site along the Stratford Road area, Ecological Center, power line easements, existing structures, and location of intersections and roadways primarily the key intersections of US 23 / SR 315 and US 23 / US 42. Some of the options looked at in this corridor initially were where should this alternative end. Should it extend just to the Sawmill Parkway, to US 23? Should it stop at Liberty Road? The findings were that leaving it at Sawmill Parkway or at Liberty Road, traffic increased on Bunty Station and the 315/US 23 intersection was adversely effected. The corridor for alternative 1 connecting US 42 to US 23 and going east to alternative at Glenn Road, to help route traffic up to 36/37 is a corridor that extends from about the extension of Stratford Road (Hawthorn Blvd. area) over to US 42 and down just south of Cheshire and up to the Alternative 3 (Glenn Road extension).

Future meetings include: 7/25/01 City Planning meeting, 7/26/01 Delaware County Regional Planning Commission regular meeting, 7/31/01 County Commissioners meeting.

(Please see attached Thoroughfare Plan map)

Mr. Todd Marker (4256 Olentangy River Road) was present to oppose the route 42 bypass through Liberty Township. He stated at a Regional Planning meeting February 24, 1994, the Commission recommended approval of an amendment to the Liberty Township Zoning resolution (to require a 120' river buffer) which was found to be an illegal zoning. Mr. Marker believes putting a truck bypass over the river will not preserve the scenic river and is not a good plan.

Ms. Rita Brummley, Chairperson for Citizen's for Responsible Road Development (CRRD) opposes the southern road proposal (Alternative 1: east/west connector road

beginning at US 42 between SR 257 and South Section Line Road, connecting with Cheshire Rd. at its intersection with US 23). CRRD would like to see a better plan for connecting roads and residential areas. They would also like to see US 42 truck traffic continued on US 42 directly to 36, routed through a non-residential area. The Committee is also against new bridges, routing a 4-lane highway from US 42 to Cheshire Rd. as modeled. Also, the reclassification on the type of roads to be considered when connecting east/west in that residential area.

Mr. Tim Peterkoski, River Coordinator for the Ohio Department of Natural Resources (1889 Fountain Square Court, Columbus, Ohio 43229) stated that ODNR have a policy to not approve new bridge crossings over State Scenic rivers. Since Olentangy is a State Scenic River it would fall under Section 1517.16 of the Ohio Revised Code and require the approval of the Director of ODNR to move forward. It is understood that there is a traffic problem in southern Delaware County and ODNR would support a connector that would use the US 42/US 23 by pass through the City of Delaware. They encourage the use of existing bridges and modification of the roads to accommodate more traffic. The southern connector (#1 on the proposed Thoroughfare Plan map) is one of the better sections of the Olentangy River. The water quality is very high in that area where it comes out of Delaware due to the forested ravines and few developments which harbor a lot of rare fish species and highly intolerant species to pollution. Since the section of the river at the proposed US 42 /US 23 connector is of poor quality there would be less impact to the stream than the southern connector. Mr. Peterkoski encouraged the further study of the US 42/US 23 bypass instead of the southern bypass (#1).

Mr. Kim Cellar (4635 Mill Water Drive, Powell, Ohio), a Liberty Township Trustee supports the comprehensive Thoroughfare planning and compliments the persons involved for having the foresight for doing this now. The Liberty Twp. Trustee board is unanimous that new development should handle new traffic and is glad to see that the Plan reflects that. However, there have been many discussions as a Trustee board on the southern bypass. Mr. Cellar disagrees with this bypass. In 1988 when the Township developed it's Comprehensive Plan, they agreed with the County that a major thoroughfare was needed (now Sawmill Parkway) which was funded totally without any tax payers dollars. Mr. Cellar believes poor planning in the City of Delaware is being pushed upon the Township. He believes the Trustees are unanimously in support of an intersection improvement of Jewett Road and Liberty Road. A new signal at Sawmill Parkway and Bainbridge should be installed. Mr. David Brown (1557 Bean Oller Road, Delaware, Ohio) stated that we should not be solving the City of Delaware's traffic problems by moving the traffic into Liberty Twp. nor should the taxpayers be paying for the City's problems.

Mr. Matt Montague (3350 Clark Shaw Road, Powell, Ohio) stated that things are out of control and the residents are very angry about the proposals. Believes more planning should be done to control the development.

Mr. Greg Hickman (4501 Liberty Rd., Delaware, Ohio) believes that the timeframe at which the southern bypass was put on the Thoroughfare Plan was not enough time for discussion or comments. He said that he doesn't agree with the Thoroughfare Plan process. He believes that it is obvious now that it is not practical financially to cross the Reservoir and doesn't believe it should be left on the Plan.

Mr. Ronald Berggren (9787 Windale Farms Circle, Galena, Ohio.) believes the bridge over the (Hoover) Reservoir is detrimental to the environment and the ecology, will decrease property values of the many large homes both on the east and west side of the Reservoir, and reduce the quality of life for those that came to this area for its unique environment. He believes having a line on a map often creates perception and perception often becomes reality. When people are selling property they have to give disclosure, and if you are disclosing to a prospective buyer that they are going to have a bridge in their back yard (even if it never happens) you have lost significant value for your property.

Mr. John Vouis (821 Cheshire Rd., Lewis Center, Ohio) stated that the proposed southern bypass would go right through his property across his front porch. Mr. Vouis opposes the Cheshire Road extension but supports the connection to the north at US 42/US 23.

Mr. John Sabo (783 Cheshire Rd., Delaware, Ohio) stated that the proposed Cheshire extension would go through his property and opposes this location. He feels US 23 could be upgraded (reduce the median strip in the center) to accommodate those wanting to travel north to US 36.

Mr. Errol D Souza (9800 Windale Farms Circle, Delaware, Ohio) stated that he was against the proposed crossing of the Olentangy River. He said that he doesn't believe it is feasible and if it's not going to happen then take it off of the Plan.

Mrs. Marlene Tope (4433 Olentangy River Road, Delaware, Ohio) stated that she is against the proposed bridge over the Olentangy River. She said that the bypass is proposed to go through her neighbor's 300-acre parcel. This property is proposed to be donated for parkland and ball fields.

Mr. Kevin Hennessey (716 Curve Road, Delaware, Ohio), an OSU engineering graduate proposed a "super modern cloverleaf interchange". He said that given the

problems in moving the traffic from US 42 to US36 /SR 37, he proposed taking London Road and turning it into a “full blown route” into the City, create a clover leaf for traffic direction and run out to 36/37.

Ms. Phyllis Hollified (4344 Liberty Rd., Delaware, Ohio) questioned why the bridge at 36/37 isn't being proposed to be widened. She referred to a document called the Ohio Smart Growth Agenda and suggested that the Commission read it before voting on the Thoroughfare Plan. She said she hasn't seen a document supporting the Thoroughfare Plan map or goals and objectives of what is trying to be accomplished. The Ohio Smart Growth Agenda suggests having a total comprehensive plan, saving the green space, and using existing roads. Believes tax dollars should be spent coming up with an overall plan not just for road but for development also.

Mr. Laurien stated that all the testimony would be taken into account and the Committee will meet prior to the July 26th RPC meeting.

■ 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

01-09-S-V Frank Del Greco – Liberty Twp. – variance to allow 4 lot Common Access Drive subdivision

Request

The applicant is proposing a 4 lot CAD subdivision on the south side of Bridlespur Lane, approximately 2000 feet south of Home Road in Liberty Township. A variance is requested from Section 306.01 of the Subdivision Regulations to increase the number of lots allowed on a CAD from 3 to 4 lots.

Staff Comments

Frank Del Greco owns 2.27 acres with an existing house on the south side of Bridlespur Lane and the adjoining 10.2-acre vacant parcel to the south (landlocked). George Reuter owns a 1.9-acre flag lot to the east of the Del Greco property. They propose to use the flag lot as a CAD to access the 10.2-acre tract

and subdivide 4 lots, none of which would have legal road frontage. The lots would be between 2 and 3.5 acres and utilize on-site septic systems.

The Subdivision Regulations do allow 4 and 5 lot CADs at the discretion of the Commission if the additional lots have legal road frontage. However, the commission has typically allowed this only on through streets where fewer curb cuts are desired.

Bridlespur Lane exceeds the County's standard for cul-de-sac length (approximately 4000') and number of lots (20). The property is surrounded by vacant land to the south, east and west.

Criteria for a variance

The burden is on the applicant to demonstrate in writing, each of the following:

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other parties.

Findings: Bridlespur Lane is an overlength cul-de-sac serving 20 lots. Adding 4 lots without any secondary access could be a problem from an emergency access standpoint. However, since the Township does not object to additional lots on Bridlespur Lane, Staff will agree to a 3 lot CAD. If the applicant still desires the fourth lot, it should access directly off of Bridlespur Lane.

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.

Findings: The applicant has enough road frontage to allow the 4th lot access to Bridlespur Lane. The variance is not necessary.

- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.

Findings: The shape, size and characteristics of the property do not create a hardship to the applicant. Allowing only 3 lots to access the CAD rather than 4 is also not a hardship (the owner still has an economic use of his land).

- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations,

or the desirable development of the neighborhood and community.

Findings: Bridlespur Lane exceeds the County’s standard for cul-de-sac length and number of lots. The request does impair the intent and purpose of the Subdivision Regulations in that CADs are only to be used to serve 3 lots.

Staff Recommendation

Staff recommends to the RPC that the request by Frank Del Greco for a variance to allow more than 3 lots on a CAD be *denied*.

Commission / Public Comments

Mr. Chuck Orth of Stults & Associates was present to represent the applicant. He feels the 4 lot CAD would prove to be better access management. He has met with the Township Trustees and the Fire Chief all who have agreed with this proposal.

Commissioner Ward asked if the deed would show that the road is not a Township road but a private road. Mr. Orth said that a CAD maintenance agreement would be recorded with specific distribution of responsibility to each owner.

Mr. Gladman expressed his preference for a 4 lot CAD rather than 2 driveways side by side.

Mr. Burke said that the soils are still questionable for a septic in lot #4. Mr. Orth stated that they would be contacting a soil scientist.

Mr. Laurien stated that the RPC has been asked to approve 4,5 and 6 lot CAD’s and have consistently denied them. CAD’s are not to be used as a development tool for the maximum development of land. There is a viable economic use of land (the 3 lot CAD). The fourth lot is suspect. If they can do the fourth lot, it’s on Bridlespur, a low traffic volume road.

Mr. Bauserman agreed that Bridlespur was not a high traffic road and is already a substandard road. He is hesitant to approve a variance in a situation where he questions the viability of the development in general.

Mr. Spanner made a motion to approve the variance on the condition that the 4th lot could obtain septic approval.

Mr. Laurien feels the applicant should prove that the 4th lot could be built upon. There is a viable economic use for 3 lots that they have proven. The 4th lot is not proven, yet they are saying they have a hardship and need to get the 4th lot. He recommends the applicant get approval for the 4th lot first. Mr. Laurien read Section

306.01 of the Subdivision Regulations: “Common Access Drives provide an alternative to construction of public or private streets to access not more than three lots, except as provided in Section 306.07, in a recorded subdivision plat. CADs may be allowed or required by the Commission, based upon a case-by-case evaluation of site and project specific characteristics such as, but not limited to: access management and traffic safety, slopes, watercourses, preservation of environmentally sensitive areas, access and maneuvering room for fire-fighting vehicles, and compliance with local zoning codes. The Common Access Drive is not intended, nor shall it be used as a development tool.”

Mr. Gladman made a motion to approve the 4-lot CAD proposed by Mr. Del Greco, Mr. Spanner seconded the motion. HAND VOTE: 7 for approval, 12 opposed to approval, 3 abstained (Liberty, Brown and Trenton Twp.’s). Motion failed. Variance denied.

III. ZONING MAP/TEXT AMENDMENTS

22-01 ZON Kingston Township Zoning Initiation

Applicant: Kingston Township Zoning Commission
Request: Review and make recommendations on the first Kingston Township Zoning Resolution.

I. General

The Kingston Township Trustees have decided to bring zoning under local control. Currently, Kingston Township has Delaware County Zoning. A Zoning Commission was appointed pursuant to ORC 519, which has labored for over a year to create a local zoning resolution. The basic code is taken from the county code, with selected other borrowings. The proposed township zoning map is identical to the current county zoning map.

II. Comments

Kingston Township has contracted with DCRPC to produce a comprehensive plan for the township. This contract will begin in late summer 2001. After the comprehensive plan is adopted, it is likely that there will be modifications to the township zoning resolution and perhaps to the map.

DCRPC staff has met numerous times with the Zoning Commission to discuss zoning

strategy and content. A detailed review of the entire resolution has been twice provided, followed by comments from the prosecutor's office.

Significant changes include:

- a.) reduction in maximum density for PRD zones from 1 unit per acre to 1 unit per 1.95 acres;
- b.) minor changes in the cell tower regulations;
- c.) Adopting a 5-acre minimum lot size with 300 feet of frontage for an Agricultural District as yet unmapped.

Although certain philosophical differences may remain between staff and the zoning commission, the resolution is fully complete, well crafted, and ready for adoption. Since there are no map changes, the major effect of the zoning initiation is local control.

III. Staff Recommendation

Staff recommends *approval* of the Kingston Township Zoning Resolution and map to the DCRPC, the Kingston Township Zoning Commission, and the Kingston Township Trustees.

Commission / Public Comments

No one was present to discuss the application.

Commissioner Ward made a motion to recommend approval of the initiation of the Kingston Twp. Zoning resolution and map. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

23-01 ZONBrown Twp. Zoning Commission – Comprehensive Plan review

Applicant: Brown Township Zoning Commission

Request: Review and Comment on the proposed 2001 Brown Township Comprehensive Land Use Plan.

I. Procedure

Ohio Revised Code 713.23 (5) states a duty of the RPC to “ review, evaluate, and make comments and recommendations on proposed and amended comprehensive land use ... plans of local units of government and make recommendations to achieve compatibility in the region.”

II. General

The Brown Township Trustees and Zoning Commission initiated a comprehensive plan by contracting with the Delaware County Regional Planning Commission (DCRPC) as provided by ORC 713.23 (4). The plan has been the subject of 12 months work by a land use steering committee of Zoning Commission, Board of Zoning Appeals, landowners and residents. A draft text and map have been revised and sent, with the unanimous support of the Zoning Commission, to the DCRPC for our statutory review.

III. Executive Summary of the 2001 Brown Township Comprehensive Plan

According to the U.S. Bureau of Census, Delaware County is the fastest growing county in Ohio by percentage of growth and the 25th fastest growing county in the USA from 1990-99. Brown Township has experienced modest growth of 1.75% per year from 1990-2000, putting its current projected population at 1,396.

Berlin Township, Brown Township's neighbor to the south, has grown at a 5.11% annual rate from 1990-1999. Orange Township, south of Berlin Township, has grown at 12.74% annually from 1990-99. This growth wave is pushing north. Brown Township is likely to remain a single-family residential rural area due to a lack of sanitary sewer service and large areas of poorly drained soils unsuitable for septic tanks and leach fields. With the eastern expansion of Delaware City, the western portion of the Township may encounter suburban growth pressures in the next 10 years. The natural resources in the eastern portion of the township are recommended for conservation through lower densities and encouragement of conservation subdivision design. The unincorporated Village of Kilbourne is a traditional grid pattern neighborhood with a unique character that the township would like to preserve through appropriate architectural and spatial standards for new development if sewer were to become available.

A. Findings of the 2001 Comprehensive Plan:

1. To date, the township has lost 127.84 acres by annexation. (total)
2. 172 new homes have been built in the last 20 years.
3. Population has grown from 1,174 in 1990 to 1,396 (DCRPC projected) at the end of 2000, an increase of 18.89%.
4. From January 1987 to December 1999, 67 new lots were reviewed by the DCRPC, of which less than 30 were platted/recorded. This means 37 lots still can not receive building permits.

5. Agricultural and undeveloped acreage is still approximately 85% of the township, and the number one land use by acreage.
6. Traffic is not yet a significant problem on most township roads, residents have concerns that traffic along SR 521 and County Home Road will increase if a new interchange is constructed at SR 521 and I 71 and other proposed roads are built.
7. The local farm-to-market roads were not built to sustain their new functional roles as collector and arterial streets. Most collector roads need to be widened, but some narrow roads are considered part of the scenic character.
8. Brown Township has significant natural beauty in its ravines, which need protection.
9. There are 471 total housing units within Brown Township, all of which are single family homes. 89% of all housing is new, or in very good condition.
10. Delaware County is in good economic condition. The current unemployment rate is 1.7- 1.9%. The current inflation rate is less than 2%. If anything, economists worry that the low unemployment rate may deter new industry from locating in the county.
11. The Polaris area eight miles south of US 36, has been a huge job and traffic generator for Delaware County. As land becomes more scarce and expensive there, northerly commercial expansion up the US 23 corridor, along the US 36 corridor, and at the US 36-SR37/ I-71 interchange becomes more likely. The US 36/SR 37 corridor represents an opportunity for commercial tax base.
12. US 36 is losing its ability to move through-traffic as it becomes a commercial frontage road. Access management principles to limit curb cuts can help prevent the deterioration of this important highway.
13. There is adequate potable water supplied by the Del Co Water Company, but summertime lawn watering taxes their ability to maintain treatment and pressure. A year round alternate-day watering ban was instituted in July 1999.
14. Brown Township is currently outside of the Delaware County sanitary sewer service district.
15. Buckeye Valley Schools, which serves all of the township, has experienced modest growth in its student population and has stabilized in the last 3 years.
16. Fire protection is provided by the Tri-Township Fire District,

17. staffed by on-call paid volunteers and four full-time personnel. Brown Township generated 276 of 14,366 or 1.9% of the Sheriff's complaints in 1999.
18. There is one township park, and Alum Creek State Park provides passive open space and recreation. There may be a need for additional active recreation such as baseball and soccer fields, tennis and basketball courts, and a public swimming pool in the future.

Vision Statement

When Brown Township is completely built out, we would like it to be a community with a rural feel and character. Roads should remain somewhat narrow, but safely carry the traffic. Rural roads would have a rough edge, with fencing and mature landscaping that reminds us of the rural past. We would like most residential areas to remain low-density large lots with deep setbacks.

We would like agriculture and/or green spaces throughout the community. We would like to preserve unique scenic views and our critical natural resources such as ravines, floodplains, wetlands, forests and Alum Creek Lake. We would like limited planned commercial and planned industrial uses, with attractive landscaping to balance the tax base. We would like to have a variety of land uses with controlled densities of population dependent upon the locations, natural features, and availability of utilities.

As we grow, we would like to see a center of the township in Kilbourne, where a traditional village with neighborhood shops would be an attractive location. We would like to retain the small town feel in the human scale of structures, the use of natural materials and traditional structural colors.

We want to live in a community where growth is balanced with the conservation and enhancement of rural landscapes, agriculture, cultural and heritage resources, and the environment.

B. Goals and Objectives of the Brown Township Comprehensive Plan

1. Community Vision

Goal - To retain economically viable agriculture.

Objectives

- a) Classify the most important farmland by soil type, location, productivity and proximity to development using the USDA Land Evaluation Site Assessment model (LESA).

- b) Preserve viable farmland as part of Planned Residential Developments (PRDs) by transfer (sale) of development rights from farmland to adjacent PRDs in return for a permanent easement for open space and/or agriculture on the remaining adjacent farmland.
- c) Keep Farm-Residential zone densities low at one unit per two acres.

Goal – To Retain Rural Character

Objectives

- a) Retain lands in Farm-Residential zoning status where no sanitary sewer is expected.
- b) Encourage Conservation subdivision design

Goal - To ensure significant and diverse citizen input into the planning process.

Objectives

- a) Use the 17-member steering committee as the primary citizen input to the Zoning Commission in amending the Comprehensive Plan.
- b) Advertise an open informational meeting to discuss and review the recommendations of the plan prior to public hearings.
- c) Use a township newsletter or weekly newspaper insert to publish and mail a synopsis of the plan to every household in Brown Township.

Goal – To prevent undue congestion on narrow county and township roads.

Goal – To protect rural real estate values

Objectives

- a) Maintain a minimum lot size in areas with sanitary sewer service that emulate suburban densities within Planning Areas 1 and 3 (not to exceed 1.25 du/acre).
- b) Maintain a rural lot size adequate to safely utilize on-site water supply and sewage disposal systems where no sanitary sewer service is available.

2. Environment

Goal - To preserve natural beauty, wildlife, quietness and open space.

Objectives

- a.) Amend the zoning text to require a green way link between adjacent PRD subdivisions.
- b.) Create a landscape detail for greenway paths.
- c.) Retain wooded green ways along ravines, waterways and project perimeters in reviewing Planned Developments and conventional subdivisions.

- d.) Set landscape and architectural design standards for planned developments that stipulate the kinds of centralized green spaces envisioned.
- e.) Require the linkage of planned developments by bike paths or walking paths in green ways so that new neighborhoods are all pedestrian oriented and children can move safely between neighborhoods without having to be driven by automobile.
- f.) Create a landscape detail or “look” for new developments that front on township roads.
- g.) Amend the zoning text to require the appropriate landscaping buffer detail between certain residential and non-residential land uses. Create a landscaping detail(s) to be used between incompatible land uses.

Goal - To avoid inappropriate sprawl and retain critical resource areas and wildlife corridors

Objectives

- a) Retain natural vegetation and use existing topography as buffers where they exist.
- b) Protect critical resources including floodplain and slopes over 20% with adequate buffer distances and corresponding densities.
- c) Encourage the use of conservation design in site development to protect *natural resources and* unique areas in the township.
- d) Request the county amend its subdivision regulations to protect 100-year floodplains
- e) Amend the zoning resolution to identify and protect floodplains, jurisdictional wetlands, and slopes over 20% in planned residential developments (PRD).

Goal – To conserve surface and ground water quality

Objectives

- a) Require minimum 2-acre lot size in areas without sanitary sewer, require larger lot sizes within close proximity to the Alum Creek drinking water reservoir.
 1. 1000’ from edge of Alum Creek 100 year flood plain – density of 1 unit per 5 acres
 2. 1000’ from top of Alum Creek bank slopes 20% or greater - density of 1 unit per 5 acres

3. Land Use

Goal - To retain a primarily single family residential housing mix, but offer diversity of housing when needed services are available.

Goal - To retain an overall low density.

Goal – To protect sensitive surface and ground water aquifers

Objectives

- a.) Retain single family densities of at least one unit per 2 acres where there is no centralized sanitary sewer provided by Delaware County or Delaware City and emulate surrounding densities when sewer is available.
- b.) Use the width of roads, the capacity of water and sewer systems, and the soil characteristics to regulate development, using the densities and land uses on the comprehensive plan map as a guide.
- c.) Avoid development of uses or densities that cannot be serviced by currently available or imminently planned infrastructure, unless such development mitigates its unplanned infrastructure impacts.
- d.) Permit single family housing in standard subdivisions with 20,000 square foot lots with centralized sanitary sewer and water, adequate fire protection and road access. (within Planning areas 1 and 3)
- e.) Permit multi family units as part of Planned Residential Developments, approved per the development plan. (Within Planning areas 1 and 3)
- f.) Permit flexible lot sizes as part of Planned Residential Developments.
- g.) Maintain the area at the borders of Delaware City between US 42 and US 36/SR 37 as a suburban residential heart of the township, with water and sewer provision there before any further expansion to the remainder of the township. Maximum gross PRD density of 1.25 units per acre for Planned Residential (cluster) developments.
- h.) Develop policies for service provision that relate to the comprehensive plan

Goal - To provide appropriate recreation and managed open space

Objectives

- b) Acquire 25-50 acres of land for a future Township park with active recreation (playing fields for organized sports).
- c) Create a series of mini-parks (less than 1 acre) with ¼ mile spacing as part of Planned Residential Developments where densities are greater than 1 unit per acre. Create a series of neighborhood parks of 15 acres with active recreation with ½ mile spacing in PRD neighborhoods.

Goal - To determine and implement an appropriate land use mix

Objectives

- a) Direct Planned Commercial and Industrial growth along US 36/SR 37 corridor.
- b) To create architectural guidelines for a Brown Township “look” for commercial, industrial and office development; avoid “franchise architecture” that has no community architectural syntax.
- c) Acquire new sites for township facilities, including fire, police, road maintenance, etc.
- d) Avoid prematurely zoning land beyond the reasonable needs of the real estate market.
- e) Use the Comprehensive Plan as the guideline in zoning.
- f) Use the 15-member steering committee as the primary citizen input to the Zoning Commission in amending the Comprehensive Plan.
- g) Advertise an open informational meeting to discuss and review the recommendations of the plan prior to public hearings.
- h) Avoid strip commercial development by addressing the proposed access management policies.
- i) Provide for 5 year updates and revisions to the plan.

Goal – Discourage Annexation into the City of Delaware

Objectives

- a) Offer Development alternatives to annexation
- b) Work with City of Delaware to possibly create a Joint Economic Development District (JEDD) for commercial and industrial uses, or a cooperative agreement for residential uses.

Goal - To use access management controls to limit key access points to minimize traffic congestion.

Objectives

- a) Require commercial parallel access roads and connections between planned commercial developments on major arterial streets.
- b) Space new signals on US 42 and US 36/SR 37 with at least one half-mile separation.
- c) Adopt the appropriate ODOT Access Management recommendations; work with ODOT to prevent the deterioration of US 42 and US 36/SR 37.

C. Recommendations

Chapter 15 includes detailed Sub Area recommendations that relate to the 2001 Comprehensive Plan Map

IV. Staff Findings and Recommendation

- Brown Township has followed an appropriate planning process to evaluate their goals and objectives for future growth.
 - Brown Township has created a Comprehensive Land Use Plan map in ArcView and in paper form of at least 1"=1000' scale that is site specific with a land use and density recommendation for each parcel in the township.
 - The final draft version of the Brown Township 2001 Comprehensive Plan incorporates all comments by the County Prosecutor.
- Note:** All references to the 2000 Comprehensive Plan should be changed to 2001.

Staff finds that the Brown Township 2001 Comprehensive Plan is compatible with regional planning goals and recommends approval to the DCRPC, Brown Twp. Zoning Commission and Brown Twp. Trustees.

Commission / Public Comments

Having no questions, *Mr. John Schmidt made a motion to recommend approval of the 2001 Brown Township Comprehensive Plan. Mr. Hedrick seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

24-01 ZON T & R Properties – Berlin Township - 40.6 acres on Africa Road approximately 2400 feet south of US 36 & 37 from FR-1 to PRD

I. Request

This request is for PRD zoning of 40.6 acres on Africa Road in Berlin Township, to develop 68 single-family houses in a (current) FR-1 zoning district. The applicant calls this "PRD North" since he also seeks PRD zoning in a separate but concurrent zoning ("PRD South") on Africa Road (DCRPC case 25-01 ZON).

This is a repeat application. The development plan is virtually identical with RPC case 29-99 ZON, which was denied by the township. That denial has been the subject of ongoing litigation. The latest decision (by Judge Marcus in the Delaware County Court of Common Pleas, on remand from the Court of Appeals) upheld the townships' denial of PRD zoning at 1.69 units per acre where 1 unit per acre was the planned density. That decision has been appealed to the Court of Appeals.

II. Conditions

Present Zoning: Farm Residence

Proposed Zoning: Planned Single Family Residential

Present Use: Agriculture and woods, one single-family house

Proposed Use: 68 single-family house lots in a PRD, one out-lot at 625 Africa Road

Existing Density: 1 unit/acre

Proposed Density: 1.69 dwelling units per acre

School District: Olentangy

Utilities Available- Del Co Water, Delaware County 12" sanitary sewer force main in Africa Road.

Soils: BeB Bennington 2- 6% slope

CaB Cardington 2-6% slope

CaC2 Cardington 6-12 % slope

CnA Condit Silt Loam 0-2 %

LbF- Latham-Brecksville, 25-70 % slope

III. Facts

The applicant requests a density increase from 1.00 unit/acre in the FR-1 District to 1.69 unit/acre in PRD to allow the placement of 67 new single family house lots around a central ravine east of Africa Road, and to create an out lot of 1.5 acres for an existing home. The 67 lots range from 10,400 square feet to 24,000 square feet, and average 13,000 square feet.

1. Existing land Use:

To the west, facing this land are single-family lots of approximately 2-5 acres with large new homes.

To the north is the United States of America land (Alum Creek Reservoir and Park).

To the south is a 5-acre lot with a large new single family home, and agriculture.

To the east is land zoned Industrial, currently used as agricultural, and beyond that, the Biancone industrial building on 3 B's & K Road, uses for the distribution of janitorial supplies.

2. Sanitary Sewer

There is a 12" diameter sewer force-main along Africa Road in front of the subject property. The applicant's development plan states that "a gravity sewer will be extended along Africa Road from the existing 24" sewer at Sherman Road to serve the development." According to maps at the sanitary engineer's office, the subject tract will still be served by the East Alum Creek and Cheshire lift stations, which

may need upgrading.

The County Commissioners control the sewer system. They have stated publicly (January 1999, DCRPC) that the townships should control the use and density of land by local zoning; the county is just providing sewer service. Accordingly, townships must determine how to “spend” their sewer capacity by their comprehensive plans and zoning.

A sewer capacity analysis in the 1999 Berlin Township Comprehensive Plan indicated that if all lands in the sewer tributary that includes the subject 40 acre tract were to use the sewer equally, the residual sewer capacity, or residential density would be .36 units per acre.

Access to county sewer does not automatically bring suburban densities. Many county sewer service areas were never planned for densities greater than one unit per acre in the 1979 sewer facilities plan. This is true in portions of Liberty, Genoa, Berkshire and Berlin Townships.

Developing at higher densities than planned results in “holes in the township” without sewer capacity. This “robbing Peter to pay Paul” phenomenon is avoidable with good planning.

3.) Water

Del-Co water is available on Africa Road, however, Del-Co water states that service for this subdivision requires tapping a 16” main on 3 B’s & K Road. An easement for this main is shown on the development plan.

4.) Other Utilities

A 50-foot wide gas main easement runs very close to new home locations. A gas service and drainage easement serves the Gemienhardt property to the south. Both are shown on the development plan.

5.) Traffic and future probable development

Africa Road is a 22’ two-lane minor arterial county road, which has recently been resurfaced. The anticipated impact will be approximately 10 new trips per house or 670 new trips per day. The Berlin Township Zoning Commission and/or the County Engineer may require a traffic study.

6.) Compatibility with existing and future probable uses

Article XI (PRD) of the Berlin Twp. Zoning Resolution requires that the “relationship of the development to existing and probable uses during the

development timetable” be shown. The applicant currently has an additional zoning case before the township (“PRD south”). That proposal is for 61.3 acres, at a density of 1.91 units/acre. A January 1998 master concept plan for these and other lands on Africa Road owned by the James family indicated a potential 463 housing units. The applicant may still have option on the James lands; this was not disclosed on this application.

7.) Compliance with the Berlin Township Comprehensive Plan

Berlin Township adopted its most recent Comprehensive Plan on June 12, 2000. That plan, which designates this land as single family at one unit per acre, has been appealed to Federal District Court. The 1989 Berlin Township Land Use Map also recommends single family development at 1 unit per acre for these lands; the request is for 1.69 units/ac.

IV. Requirements for approval per the “current” (1989) Berlin Township PRD Zoning Resolution

Article 11.06, C.

“In approving an application for a Planned Residential Development, the reviewing authority shall determine:”

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

A final development plan must be submitted which meets all the criteria for approval under the zoning resolution at the time of zoning amendment. The application plan has been revised, (landscaping plan has been amended, renderings of landscape cross sections and features are included; sign plan details have been included; examples of potential structural renderings have been included).

Unresolved development plan issues:

- a.) The developer/applicant shows the “north” and “south” PRD zonings requested. These would be two islands of higher suburban density in an area of otherwise very large lots (2-5 acres) adjacent to the Alum Creek State Park. This does not conform to the intent of both the January 1, 1989 Land Use Map, and the adopted, but challenged, 1999 Comprehensive Plan.
- b.) The County Engineer has previously indicated that a left turn lane will have to be constructed in Africa Road at the

development entrance, or a traffic study would be required to show such lane was not needed. No turn lane is shown on the development plan; no traffic study has been submitted.

- c.) 50' rights of way are shown where 60' is required.
- d.) The high-pressure gas main (pipe) is less than 30 feet from the building envelope on lots 4, 65 and 66, and only 40 feet from the building envelope on lot 5. These setbacks seem imprudent in case of a rupture.
- e.) In light of recent litigation, it is questionable whether the Township can grant PRD density of more than one unit per acre for lands zoned FR-1, shown as FR-1 on the 1989 Land Use Map. The Court noted the township could not approve PRD's exceeding one unit per acre on this 40-acre site, or other such FR-1 zoned and planned sites, noting that they "lacked the authority."

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

- a.) The 1989 Berlin Township Land Use Map recommends this area for residential use at one unit per acre. The request is for 1.69 d.u. per acre. The proposal does not conform to the comprehensive plan; the applicant acknowledges this lack of compliance in his application.
- b.) The 1989 and 1999 Comprehensive Plans considered the effect of sanitary sewer service. Both plans proposed over four thousand acres in several areas of the township for expansion of suburban style (densities greater than one unit per acre) residential development. The subject 40-acre tract is not in a suburban area.

The area of Africa road north of Cheshire is one of the most rural and isolated areas of the township. The township wished to preserve both the rural character of the area, and protect surface water quality of Alum Creek Reservoir. The 1999 Comprehensive Plan therefore retained the one-unit/acre density of the 1989 Land Use Map for the property in question.

- c.) The Delaware County 1993 Regional Land Use Plan for this area shows the land to contain areas that are suitable for development, areas which are unsuitable for development, and areas which are critical resource management areas, but does not recommend uses or densities. It states several policies:

- 1.) *"It shall be the policy of the Central Planning Area to discourage piecemeal development of unrelated, isolated single use developments and stand alone structures."*(Page 1, Central Area Master Plan DCRPC 1993 Master Plan)." This application introduces a stand-alone suburban development into a rural area. This area was intended to stay low density in proximity to large lot single family homes, lands of the United States, and the Alum Creek State Park. Compliance not achieved by this request.
- 2.) Inside sewer service districts, suburban pattern development will predominate, but alternatives to this pattern should be initiated.
 - a.) Existing settlements should be expanded to become villages (Cheshire) not achieved by to this request.
 - b.) All developments should be planned developments, permitting townships to participate with the county Engineer and the DCRPC to review, through zoning requirements and development standards, proposed uses, subdivision plans, and to have opportunity to achieve thoroughfare planning objectives, appropriate land use mix, and clustering to preserve critical resources, historic resources, and special features of sites." PRD is an appropriate land use, but density exceeds local plans.
 - c.) For proposed land uses deemed appropriate according to the Central Planning Area's balanced land development pattern and development suitability, it shall be the policy of the central Planning area to consider the compatibility of proposed land uses with existing land uses." Use is compatible, but density is not.

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

- a.) At this time, the development plan proposed does not advance the general welfare of the township and the immediate vicinity for the reasons and deficiencies stated above.

V. Staff Findings

- 1.) The applicant’s requested 40.6 acre PRD zoning appears to be a stand-alone suburban density subdivision in a rural area.
- 2.) The development plan is incomplete, according to current standards.
- 3.) The proposal does not conform to the density of the 1989 Berlin Township Land Use Map, or the adopted (but challenged) 1999 Berlin Township Comprehensive Plan. It generally does not conform to the policies of the DCRPC 1993 Master Plan for the Central Planning Area.
- 4.) The applicant purchased the property with the knowledge it was zoned FR-1 and thus planned for one unit per acre. The rezoning represents his gamble that the township will grant higher densities, unsupported by either the 1989 Land Use Map or the 1999 Comprehensive Plan. The surrounding residential densities are a maximum of one unit per acre.
- 5.) A new single family subdivision named Summerwood is being very successfully developed 2.7 miles south of the applicant’s 40.6-acre tract on the east side of Africa Road. Summerwood contains 71 one-acre lots on a 104-acre tract in a FR-1 zone, using the county sanitary sewer. Summerwood is similar to the subject site. It is divided by a ravine and adjacent to parklands of the United States.

Demand is strong for acreage lots with wooded ravines. Summerwood had sales of 30 house lots ranging in price from \$80-139,000 in the first six months of marketing. Summerwood demonstrates that Berlin Township’s comprehensive plan and FR-1 zoning for such lands is reasonable and provides a viable economic use

- 6.) In light of recent litigation, the township “lacks the authority” to grant 69 units of housing at this location “without violating Section 11.02 and 11.07 of the Berlin Township Zoning Resolution.” The applicant could apply for a 40 unit

PRD on this site, a density of one unit per acre.

VII. DCRPC Staff Recommendation

DCRPC staff recommends that the application by T&R Properties for PRD zoning to construct 68 houses at a density of 1.69 units per acre on 40.6 acres on Africa Road in Berlin Township be *denied*.

Commission / Public Comment

Mr. Ben Zacks of Zacks Law Group and Mr. David Hart, President of DB Hart Land Planning and Development Consultants were present representing the applicant. Mr. Zacks stated that they had requested that the application be tabled because they did not receive the report until about 4:30 p.m. today. He spoke with Ron Bullard of the Zoning Commission, who stated that he would support a tabling.

Mr. Hart stated that the 1989 Comprehensive Plan is basically the zoning map. The current zoning text allows for Planned Residential Development to be applied to all lands in the Township. The 2000 Comprehensive Plan is currently being challenged. Even if there is a conflict between the application in whether it does or does not comply with the comprehensive plan, Mr. Hart believes that zoning overrides the comprehensive plan. Mr. Hart stated that if you read the PRD zoning, this property is entitled to 3-3.5 units per acre, but they are only requesting 1.69 units per acre. Some changes in the development plan from the previously submitted application include: landscape and entry cross sections, cross sections for the buffer zones, vehicular service area, sign plan, expanded architectural criteria including photographs of typical homes (all custom built homes). Staff reports structural renderings were not submitted with the previous application. They are not a requirement by the resolution, but maybe a preference. With respect to the sewers, there is correspondence in the application that comes to different conclusions regarding the capacity of the sewer system in this location. The applicant did agree to a turn lane. The staff reported the development plan as incomplete. The Township accepted the application as complete.

Mr. Tim Halter (6391 Sherman Road, Galena, Ohio) was present to oppose this application. He stated that the applicants do not care about the Township or resident’s wishes. He feels the development should comply with the Comprehensive Plan. The lots in the subdivision are 100 foot wide but one of the homes shown as a typical rendering is 102 foot wide.

Mr. Jim Worman (650 Africa Road, Galena, Ohio) lives on 6.3 acres. He purchased this property for its rural character. He opposes this application and would like to

see it remain its current zoning.

Mr. Rick Gemienhardt (881 Africa Road, Galena, Ohio) said that he agrees with the staff report. The application fails to meet all 3 requirements for approval under Article 11.06 C of the 1989 Berlin Township Zoning Resolution. Zoning text and Comprehensive Plan of 1989 are not the same. Judge Markus ruled in a recent court case that they clearly were two distinct maps. Asked where in the zoning resolution or what court case proves that “zoning overrules the comprehensive plan”.

Mr. Bob Miller (1880 Africa Road, Galena, Ohio) expressed his dissatisfaction with the application.

Mr. Spanner asked about the traffic study. Mr. Laurien stated that it is not required but can be requested by the County Engineer, DCRPC or the Township.

Mr. Bauserman asked how the applicant reacts to the court decision stating that the Township lacks authority to grant anything other than the 1 unit per acre. Mr. Zacks stated that the decision has been appealed.

Commissioner Ward made a motion to recommend denial of the rezoning application by T&R Properties and JD Partnership. Mr. Leininger seconded the motion. VOTE:22 For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

25-01 ZON T & R Properties – Berlin Twp. - 61.36 acres on the east and west sides of Africa Road north of Sherman Road from FR-1 to PRD

I. Request

This request is for PRD zoning of 61.36 acres on Africa Road in Berlin Township, to develop 117 single-family houses in a (current) the FR-1 District. 42.84 acres are located on the west side of Africa Road, and 18.53 acres on the east side. The applicant calls these “PRD South” since he also seeks PRD zoning in a separate but concurrent zoning further north on Africa Road (RPC case 24-01 ZON).

This is a supplemental filing, whose development plan is different from RPC case 24-00 ZON, which was denied by the Delaware County Regional Planning Commission on April 27, 2000, and tabled by the applicant at the township.

II. Conditions

Present Zoning: Farm Residence

Proposed Zoning: Planned Single Family Residential

Present Use: Agriculture and woods.

Proposed Use: 117 single-family house lots in a PRD

Existing Density: 1 unit/acre

Proposed Density: 1.91 dwelling units per acre

School District: Olentangy

Utilities Available- Del Co Water, Delaware County 12” sanitary sewer force main in Africa Road.

Soils: BeB Bennington 2- 6% slope

CaB Cardington 2-6% slope

CaC2 Cardington 6-12 % slope

CnA Condit Silt Loam 0-2 %

PwA Pewamo 0-2%

III. Facts

The applicant requests a density increase from 1.00 unit/acre in FR-1 zoning district to 1.91 unit/acre in PRD to allow the placement of 117 single family homes.

Average lot size is 12-13,000 square feet.

1. Existing Land Use:

To the west, is the United States of America land (Alum Creek Reservoir and Park).

To the north are single-family lots of approximately 2-5 acres with large homes.

To the south are single-family lots of approximately 2-5 acres with large homes, and agriculture.

To the east is land agricultural land.

2. Sanitary Sewer

There is a 12” diameter sewer force-main along Africa Road in front of the subject property. The applicant’s development plan states that “a gravity sewer will be extended along Africa road from the existing 24” sewer at Sherman road to serve the development.” According to maps at the sanitary engineer’s office, some of this land may be able to be served by a gravity extension, but some land will still be served by the Cheshire and East Alum Creek lift stations, which may need upgrading.

The County Commissioners control the sewer system. Their policy (January 1999, DCRPC) is that the townships should control the use and density of land by local zoning; the county is just providing sewer service. Accordingly, townships must

determine how to “spend” their sewer capacity by comprehensive plans and zoning.

A sewer capacity analysis in the 1999 Berlin Township Comprehensive Plan indicated that if all lands in the sewer tributary that includes the subject 61.36 acre tract were to use the sewer equally, the residual sewer capacity, or residential density, would be .36 units per acre. Access to county sewer does not automatically bring suburban densities. This is true in many areas of the county, including Liberty, Genoa, Berkshire and Berlin Townships.

Granting higher densities than planned results in what are called “holes in the township” without sewer capacity. This “robbing Peter to pay Paul” phenomenon can be avoided by good planning.

3. Water

Del-Co water is available on Africa Road, however, Del-Co water states that service for this subdivision requires tapping a 16” main on 3 B’s & K Road. Easements for this main and the cost of extension of the main are developer’s expenses.

4. Other Utilities

The project would be served by American Electric Power and Columbia Gas.

5. Traffic and future probable development

Africa Road is a 22’ two-lane minor arterial county road, which has recently been resurfaced. The anticipated impact will be approximately 10 new trips per house or 1170 new trips per day. The Berlin Township Zoning Commission and /or the Delaware County Engineer may require a traffic study. Left turn lanes are provided at project entrances on Africa Road by the development plan.

The plan does not propose any looped access to Sherman Road, or upgrade of Sherman Road, which is only 12 feet wide. The County Engineer and/or the township may require access to, and upgrading of Sherman Road.

6. Compatibility with existing and future probable uses

Article XI (PRD) of the Berlin Twp. Zoning Resolution requires that the “relationship of the development to existing and probable uses during the development timetable” be shown. The applicant currently has an additional zoning case before the township (“PRD North”). That proposal is for 40.6 acres, at a density of 1.69 units/acre. A January 1998 master concept plan for these and other lands on Africa Road owned by the James family indicated a potential 463 housing units. The applicant may still have option on the James lands; this was not disclosed on his application.

The area of Africa Road from Cheshire to US 36 is a rural and isolated area, characterized by large lots 2-5 acres in size. The single largest landowner is the United States of America, which owns the land for the Alum Creek Reservoir, and leases it to the state of Ohio for use as a state park.

The development of suburban density housing development is incompatible with the existing and probable future land uses.

The developer also contemplates creating private boating and parking facilities on lands owned by the USA and leased to the state of Ohio. He offers no letters of approval for such use of public lands.

This would become a public access easement to the park, which is undesirable according to Robert Wattenschaidt of the US Army Corps of Engineers, who maintain control over the reservoir. It would encourage a higher concentration of people in areas intended for preservation and wildlife habitat (letter dated April 4, 2000).

7. Compliance with the Berlin Township Comprehensive Plan

Berlin Township adopted its most recent Comprehensive Plan on June 12, 2000. That plan designates the subject 42.84 acres west of Africa Road as single family at one unit per two acres. The subject 18.53 acres east of Africa Road is recommended for single family at one unit per acre. The 1999 Comprehensive Plan has been appealed to Federal District Court. The 1989 Berlin Township Land Use Map recommends single family development at 1 unit per acre for both these tracts. The applicant’s request is for 1.91 units/ac overall for 61.36 acres. The proposed density does not conform to adopted comprehensive plans.

IV. Requirements for approval per the “current” (1989) Berlin Township PRD Zoning Resolution

Article 11.06, C.

“In approving an application for a Planned Residential Development, the reviewing authority shall determine:”

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

A final development plan must be submitted which meets all the criteria for approval under the zoning resolution at the time of zoning amendment. The development plan has been revised, (landscaping plan has been amended, renderings of landscape cross

sections and features are included; sign plan details have been included; examples of potential structural renderings have been included, bike and pedestrian paths are shown). The new street layout preserves existing tree lines.

Unresolved Development Plan Issues:

- a.) Access to lands of the USA for development as a boat dock and parking lot are premature, since no approval from the Corps of Engineers and ODNR have been obtained.
- b.) In light of recent litigation it is questionable whether the Township can grant PRD density of more than one unit per acre for lands zoned FR-1, shown as FR-1 on the 1989 Land Use Map. He cautioned the township not to approve PRD's exceeding one unit per acre on such sites, noting that they "lacked the authority." It is difficult to see how the township can approve PRD zoning for more than one unit per acre on these 61.36 tracts while this case is in litigation.

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

- a.) The 1989 Berlin Township Land Use Map recommends this area for residential use at one unit per acre. The request is for 1.91 d.u. per acre. The 1999 Comprehensive Plan lowered the density for lands abutting the lands of the U.S. (Alum Creek Reservoir and State Park) to one unit per two acres to better protect surface water quality in the reservoir and to blend with the existing lower densities. The request does not conform to comprehensive plan densities.
- b.) The 1989 and 1999 Comprehensive Plans considered the effect of sanitary sewer service. Both plans proposed over four thousand acres in several areas of the township for expansion of suburban style residential development (densities greater than one unit per acre). The subject tracts (61.36 acres) are not in a suburban area.
- c.) The area of Africa road north of Cheshire is one of the most rural and isolated areas of the township. The township wished to preserve both the rural character of the area, and to protect surface water quality of Alum Creek Reservoir. The 1989 Land

Use Plan recommended one-unit/acre density for the property in question. The 1999 Comprehensive Plan recommends One unit per acre for the 18.53 acres east of Africa Road, and one unit per two acres for the 42.84 acres west of Africa Road.

- d.) The Delaware County 1993 Regional Land Use Plan for this area shows the land to contain areas that are suitable for development, areas which are unsuitable for development, and areas which are critical resource management areas, but does not recommend uses or densities. It states several policies:
 - 1.) "It shall be the policy of the Central Planning Area to discourage piecemeal development of unrelated, isolated single use developments and stand alone structures." (Page 1, Central Area Master Plan DCRPC 1993 Master Plan)." This application introduces a stand-alone suburban subdivision into a rural area intended to stay low density in proximity to large lot single family homes, lands of the United States, and the Alum Creek State Park. Compliance not achieved by this request.
 - 2.) Inside sewer service districts, suburban pattern development will predominate, but alternatives to this pattern should be initiated.
 - a.) Existing settlements should be expanded to become villages (Cheshire) not achieved by to this request.
 - b.) All developments should be planned developments, permitting townships to participate with the county Engineer and the DCRPC to review, through zoning requirements and development standards, proposed uses, subdivision plans, and to have opportunity to achieve thoroughfare planning objectives, appropriate land use mix, and clustering to preserve critical resources, historic resources, and special features of sites." PRD is an appropriate land use, but density exceeds local plans.
 - c.) For proposed land uses deemed appropriate according to the Central Planning Area's balanced land development pattern and development suitability, it shall be the policy of the central Planning area to consider the compatibility of

proposed land uses with existing land uses.” Use is compatible but density is not.

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

- a.) At this time, the development plan proposed does not advance the general welfare of the township and the immediate vicinity for the reasons and deficiencies stated above.

V. Staff Findings

- 1.) The applicant’s requested 61.36 acre PRD zoning is a stand-alone suburban subdivision in a rural area. The township has planned over 4000 acres in other areas of the township for such suburban subdivisions.
- 2.) The density of this proposal exceeds the recommended density of the 1989 Berlin Township Land Use Map, and the adopted (but challenged) 1999 Berlin Township Comprehensive Plan. It generally does not conform to the policies of the DCRPC 1993 Master Plan for the Central Planning Area.
- 3.) Approval of densities approaching 2 units per acre would not only look inappropriate in the most rural corner of the township, but would potentially “rob” sewer capacity from other land owners and lower available residual sewer capacities else where in the tributary area.
- 4.) The applicant purchased the property with the knowledge it was zoned FR-1 and thus planned for one unit per acre. The rezoning represents his gamble that the township will grant higher densities, unsupported by either the 1989 Land Use Map, or the 1999 Comprehensive Plan. The surrounding residential land uses are a maximum of one unit per acre.
- 5.) A new single family subdivision named Summerwood is being very successfully developed on the east side of Africa Road with one-acre house lots in an FR-1 zone using the county sanitary sewer. Summerwood contains 71 one-acre lots on a 104-acre tract, using county sanitary sewer. Summerwood is similar to the subject site. It is divided by a ravine and adjacent to parklands of the United States.
- 6.) Demand is strong for wooded acreage lots. Summerwood had sales of

30 house lots ranging in price from \$80-139,000 in the first six months of marketing. Summerwood demonstrates that Berlin Township’s comprehensive plan and FR-1 zoning for such lands is reasonable and provides a viable economic use

- 7.) In light of recent litigation, the township “lacks the authority” to grant a PRD density of 1.91 units/acre of housing at this location “without violating Section 11.02 and 11.07 of the Berlin Township Zoning Resolution.” The applicant could apply for a 61 unit PRD on these two sites, a density of one unit per acre.

VI. DCRPC Staff Recommendation

DCRPC staff recommends that the application for PRD zoning for 117 houses at a density of 1.91 units per acre on 61.36 acres by T&R properties on Africa Road, Berlin Township be *denied*.

Commission / Public Comments

Mr. Ben Zacks, Zacks Law Group and Mr. David Hart, President of DB Hart Land Planning and Development Consultants were present representing the applicant. He stated that there is property at US 36/ SR37 that was FR-1 that moved into a PRD, so there was a precedent for such zonings in this area of the township.

Mr. David Hart stated that this was a supplemental application. The revisions to this application preserved all treed and wooded areas (particularly the west area) with the exception of a crossover for the roads to reach the southwestern portion of the site. A buffer area was also included on the south side going from 100 feet extending 600 feet (total of 700 feet) back from Africa Road to screen the development from the house on the property to the south. Pedestrian trails were added. Sign plan and architectural criteria has been included in the application. Mr. Hart stated that he believes there is sewer capacity to meet the needs of this development. A letter from a private consultant was submitted with the application that states there is capacity to accommodate 4,000 new units in this vicinity. Open space in the south project is at 29% and the north project is 30%. Other PRD’s approved and developed in the area have 1.7% to 17%.

Mr. Laurien asked Mr. Zacks for the name and location of the approved (PRD) planned residential development in Berlin Township on US 36/SR 37 that he (Mr. Zacks) referred to in his opening comments. Mr. Zacks said it was called the 36/37 (he did not recall the recorded name). He said it was testified to by Mr. David Shade, as the attorney who participated. It was partially into the adjacent township. About 20 of the neighbors of the PRD were in Berlin Township. Mr. Laurien asked

if the zoning in the adjacent Township (Berkshire Twp.) was referendumed. Mr. Zacks said it was approved in the Berlin Township but was subsequently referendumed.

Mr. Robert LeBlanc (6085 Sherman Road, Galena, Ohio) stated that he is on the Berlin Township Zoning Commission. The application Mr. Zacks is referring to was denied by Berlin Township. It was attached to the Berkshire Township PRD that was referendumed. The Berlin Twp. part of the application was a very small piece along 3 B's & K. Road north. Therefore, the township was consistent in denying higher densities in this are of the township.

Mr. Tim Halter (6391 Sherman Road, Galena, Ohio) stated that this application was tabled at the Township since May 2000. This application does not meet the land use plan at ¼ acre lots.

Mr. Rick Gemienhardt (881 Africa Road, Galena, Ohio) stated that the application fails to meet the three requirements for a PRD. He also stated that he agrees with staff comments.

Mr. Don Sherman (Sherman Rd., Galena, Ohio) owns the farmland to the south of this proposed development. This land has been in his family since 1850. His family is one of the first settlers in the Township. His brother owns 14 acres adjacent to his land. Mr. Sherman stated that he has no complaints with this development if the applicants increased the lot sizes. He said there is a major problem with people driving/walking back to the reservoir thinking it was government ground. He thinks with heavy development this problem may increase but with larger lots and more expensive homes it wouldn't be a problem.

Mr. Joe Holehouse (2630 S. 3 B's & K Road, Galena, Ohio) stated he doesn't have a problem with developing this area but believe it should conform to the plan so many residents spent so much time writing.

Mrs. Terry Sherman (1458 Africa Road, Galena, Ohio) stated that her land is contiguous to the proposed development. She said there are 50-foot cliffs beyond the tree line. She would have to put up a fence in order to keep people from going through her property to get to the Reservoir.

Mr. Chad Antle (Delaware County Sanitary Engineer's office) stated that there are not 4000 units of sewer capacity in the trunk line in this area.

Mr. Poland made a motion to recommend denial of the rezoning application by T

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& R Properties and Ron Sabatino due to staff comments. Mr. Baker seconded the motion. VOTE: 22 For denial, 0 Opposed, 1 Abstained (Berlin Twp.) Motion carried.

**26-01 Olentangy School District, Development of Regional Impact-
 Olentangy High School**

Location: North side of Home Road, west of Liberty Road, west of the railroad, Liberty Township.

I. Conditions

Present Zoning: Farm Residence (FR-1)
Present Use: Agriculture, power lines.
Proposed Use: New Olentangy (west) High School.

School District: Olentangy
Utilities Available- Del Co Water, Delaware County sanitary sewer.

General

The Olentangy School District request comments from the DCRPC on the proposed location and site plan design of the new Olentangy High School (west). The facility will eventually serve approximately 2,000 students plus teachers and staff.

Comments

The school sought a centrally located site of 120 acres to allow for future expansion of both the school and its related athletic fields. The Home Road site is a good location directly adjacent to the largest single subdivision in Delaware County, Golf Village (approximately 1500 units). Home Road is an east west arterial street that is expected to be widened by the draft 2001 Delaware County Thoroughfare Plan.

The eastern flank of the proposed site consists of an overhead electric power line, and beyond that, the proposed northern extension of the Sawmill Parkway. With up to 120 busses being stored and accessing this site, as well as many hundreds of student and visitor cars each day, traffic impacts will be a consideration. The school itself is pulled forward to relate visually to Home Road. Traffic movements are

separated at two entrances off Home, one approximately 550 feet west of the proposed Sawmill Parkway Extension, and the second approximately 1100 feet west of the proposed Sawmill Parkway Extension. A third entrance to Home Road provides access to athletic field parking. This road aligns with the main entrance to Golf Village.

The development plan provides for two future entrances directly from the Sawmill Parkway, and also sets aside open space to allow for the Sawmill Parkway to cross the northeast corner of the school property, so that it may run west of the electric substation at Hyatts Road.

There are six multi purpose practice fields, two soccer fields, eight tennis courts, a football stadium, four baseball diamonds, a bus maintenance facility and parking area with 1300 parking stalls provided. The site is intended to separate bus and car traffic. Pedestrian paths have been provided throughout to connect all the land use functions, and the football /baseball fields have been moved 150' closer to the school in response to RPC staff comments. A pedestrian path will connect to the Home Road terminus of the Golf Village sidewalk system, making a logical school-crossing site for walkers.

The school district is coordinating with the County Engineer on the need for turn lanes at the Home road entrances.

Staff Recommendation

Staff endorses the amended Olentangy High School (west) development plan.

Commission / Public Comments

Mr. Bauserman stated that he is concerned with the other fields (baseball, soccer, football) on the site. The speed is restricted during school hours, but with the fields there, pedestrian access should be a concern in those off-hours. He requested that the school work with the County Engineer's office on how to deal with the pedestrian traffic. He believes there will be a signal at Sawmill Parkway and Home Road. If there is going to be a crosswalk it should be at a signalized intersection.

Commissioner Ward asked if there would be a fence other than where the crosswalk is to keep individuals from just walking across the street and onto the fields. Mr. Bauserman did not know. He stated that he was in favor of the plan but would like to work with the school regarding the pedestrian access.

Mr. Bauserman made a motion to recommend approval of the Olentangy High

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School (west) development plan subject to staff comments and working out pedestrian access with the County Engineer's office. Commissioner Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

11-01 Rivercrest, Section 1 – Liberty Twp. - 11 lots / 43.13 acres

Applicant: Planned Communities

Consultant: Tiffany Jenkins, Stults & Associates

Staff Comments

The applicant has requested to table this application for 90-days.

Staff Recommendation

Staff recommends approval of the 90-day request of Rivercrest, Section 1. This application will be placed on the September 27, 2001 RPC meeting unless requested earlier by the applicant.

Commission / Public Comments

Commissioner Ward made a motion to approve the 90-day table request for Rivercrest, Section 1. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Applicant: Homewood Corporation

Subdivision Type: Single-family residential

Location: Between Delwood Drive in Wedgewood Place and Manchester Drive in the Liberty Lakes, Section 3 subdivision.

Current Land Use: Wooded

Zoned: Planned Residential District (PR)

Utilities: Del.Co. Water and public sewers

School District: Olentangy

Engineer: C.F. Bird & R.J. Bull, Inc.

Surrounding Land Use

North: The Lakes of Powell Section 3 (City of Powell)

West: Wedgewood Place Section 1, Phase 1
East: Liberty Lakes Section 3
South: Sawmill Baptist Church

Staff Comments

This section of Wedgewood Place consists of 10 lots on 5.79 acres. Manchester and Delwood Drives will meet creating an east-west connection between Sawmill Road and Salisbury Road. The design also includes a small cul-de-sac extending to the south. Drainage will flow to a pond to the northwest and to a storm sewer to the southeast.

- *A technical review was held on June 19th, 2001, after which the applicant has addressed all of the required changes, except for the following:*
 - Effective Date for FEMA floodplain maps is April 21st, 1999 not April 12th.
 - Finished grade elevations are not shown on the revised preliminary.
 - Soils are listed but are not outlined on the revised preliminary.
 - Name of subdivision must be delineated as “Section 2”, not “Section II” as per DCRPC’s new subdivision naming policy.

Staff Recommendation

Staff recommends *conditional Preliminary approval* of the Wedgewood Place, Section 2 subdivision to the RPC, subject to another revised preliminary being submitted addressing staff comments.

Commission / Public Comments

Mr. Andrew Gardner of Bird + Bull was present to present the applicant. He stated that he would correct all drafting errors on the plan prior to final plat submission.

Mr. Spanner made a motion for conditional Preliminary approval of Wedgewood Place, Section 2, subject to staff comments. Mr. Bauserman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

43-00.9.2 **Golf Village, Section 9, Phase 2 – Liberty Twp. - 70 lots / 28.31 acres**

Applicant: Triangle Real Estate Services, Inc.
Subdivision Type: Single-family residential
Location: On the south side of Home Rd., east of Steitz Rd., Liberty

Township
Current Land Use: Agricultural
Zoned: Planned Residential District (PR)
Utilities: Del.Co. Water and public sewers
School District: Olentangy
Engineer: Bauer, Davidson & Merchant, Inc.

Surrounding Land Use

North: Proposed Golf Course (Golf Village)
West: Proposed Golf Course (Golf Village)
East: Proposed Golf Course (Golf Village)
South: Proposed Golf Village Section 9, Phase 1

Staff Comments

Golf Village Section 9, Phase 2 is part of the northwestern portion of the overall Golf Village development and consists of the northern extension of Sterling Lakes Dr. and Woodfield Court from Phase 1. There are 70 lots with an average net lot area of 0.31 acres and a 0.795-acre open space lot. A detention basin will be located to the north of the subdivision and drainage will be moved through swales at the rear of the lots. Sidewalks are planned for both sides of the street throughout the design.

A technical review was held on June 19th, 2001, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *conditional Preliminary approval* of the **Golf Village, Section 9, Phase 2**, to the RPC, subject to the Sawmill Parkway being completed before the Final Plat is signed.

Commission / Public Comments

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

Mr. Moran made a motion for conditional Preliminary approval of the Golf Village, Section 9, Phase 2, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

Applicant: Grover C. & Mary R. Johnson
Subdivision Type: Single-family residential
Location: On the north side of Big Walnut Rd., east of I-71, Orange Township
Current Land Use: Vacant/Wooded
Zoned: SFPRD and FR-1
Utilities: Del.Co. Water and public sewers
School District: Olentangy
Engineer: W-H & Associates, Ltd.

Surrounding Land Use

North: I-71 and USA Lands

West: I-71 and USA Lands

East: Vacant wooded land / Genoa Township

South: Big Walnut Rd. and proposed new condo development

Staff Comments

Walnut Woods is a 37 lot subdivision of 28.71 acres on the northeast corner of I-71 and Big Walnut Road. The site is wooded with one large ravine and small creeks, which are tributaries of the Alum Creek to the southeast. The site was zoned SFPRD in April of 2001 (03-01 ZON) with the exception of a 4 acre parcel to be retained by the developer for a possible new interchange, which remains zoned FR-1.

If it is determined that the interchange will not be installed, this lot will be available for development.

Two access points will be constructed from Big Walnut Rd. for the new streets. Walnut Woods Drive will be a cul-de-sac with a common access drive at its terminus. Walnut Bluff Drive will end in a "T" turnaround stubbing to the east for future extension. If the property to the east is to be developed and connect to Walnut Bluff Drive, the access point for Walnut Bluff Dr. will go away and a "T" turnaround will be placed at its southern terminus. Walnut Woods Drive will align with a street for condo development to the south and there will be a widening of Big Walnut Rd. The CAD at the northern terminus of Walnut Woods Dr. will be 20' wide and paved, draining to a small creek along its northern edge.

There are four phases to the development with lots ranging from 0.34 to 0.8 acres. There are two reserve lots making up 8.46 acres of open space, one in the ravine and one being a buffer from I-71. The ravine reserve lot includes a walking path and gazebo, providing the residents in the subdivision pedestrian access between both streets.

A technical review was held on June 19th, 2001, after which the applicant has

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addressed all of the required changes.

Staff Recommendation

Staff recommends Preliminary approval of **Walnut Woods** to the RPC.

Commission / Public Comments

Mr. Rick Harkless of W-H & Associates was present to represent the applicant.

Mr. Spanner stated that he was glad to see something worked out with the potential interchange.

Mr. Spanner made a motion for Preliminary approval of Walnut Woods. Mr. Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final 14-01

Fourwinds, Section 2 – Berkshire Twp. - 01 lot / 01.91 acres

Applicant: MTB Corp.

Subdivision Type: Commercial

Location: On the east side of Fourwinds Dr., south of U.S. 36/S.R. 37, Berkshire Township

Current Land Use: White Castle restaurant

Zoned: Planned Commercial & Office District (PCD)

Utilities: Del Co. water and public sewer

School District: Olentangy

Engineer: Stults & Associates Inc.

Staff Comments

MTB Corp. is proposing the second phase of a potential 61.01-acre commercial subdivision on U.S. 36/37 including Fourwinds Drive. Section 2 includes 1

commercial lot of 1.24-acres for the existing White Castle Restaurant and a cul-de-sac to the south. The Cracker Barrel Restaurant is to the west across Fourwinds Drive. The intersection of Fourwinds Drive and US 36/37 is signalized per ODOT's requirements.

The surrounding land use includes commercial along US 36/37. The Ohio Department of Transportation owns 4.0 acres to the west. Wendy's & McDonald's are adjacent to the east. MTB and Dorcy Oil Company own the remaining 38.6 acres to the south.

A technical review was held on June 19, 2001, after which the applicant has addressed all of the required changes.

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 *Preliminary and Final approval of Fourwinds, Section 2* to the RPC.

Commission / Public Comments

Tiffany Jenkins, Stults & Associates was present to represent the applicant.

Commissioner Ward made a motion to for Preliminary and Final approval of Fourwinds, Section 2. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

CONSENT AGENDA

Chairwoman Foust asked if there were any Final applications the Commission wished to have removed from the Consent agenda. Hearing none, asked for a motion.

Mr. Moran made a motion for Final approval of Maplewood Farms, Scioto Reserve, Section 2, Phase 3, Harvest Wind, Phase 7, Section 1, Covington Meadows, Section 2, The Gates at Hoover, Highland Lakes East, Section 11, Phase 4, Highland Lakes East, Section 11, Phase 5, Wedgewood, Section 10, Wilshire Estates, Section 5, Phase A, Wilshire Estates, Section 5, Phase B. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Final

47-99 Maplewood Farms – Berkshire Twp. - 03 lots / 30.42 acres

Applicant: Joseph and Dell Ann Kuhn

Subdivision Type: Single-family residential (CAD)

Location: On the east side of Carters Corner Rd., north of U.S.36/S.R. 37, Berkshire Township

Current Land Use: Agricultural/wooded

Zoned: Agricultural District (A-1)

Utilities: Del-Co water and private septic

School District: Big Walnut

Engineer: Malcolm A. Grove

Staff Comments

This is a three lot CAD subdivision on 30.7 acres with Del-Co water and on-site sanitary systems. Surrounding land uses include mostly agriculture with some residential along Carter's Corner Road. The site has an existing home and pond within a large wooded flag lot. The design consists of two additional homes to be built on lots to the north of the existing home. The CAD will be 16' paved with 4 pull-off areas and ditching on either side. The subdivision was granted preliminary approval in January of 2000.

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

Staff Recommendation

Staff recommends *Final approval of the Maplewood Farms*, to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval of Maplewood Farms. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

04-01

Summerwood, Section 2 – Berlin Twp. - 12 lots / 17.00 acres

Applicant: Don Kenny, Triangle Properties

Engineer: M-E Companies. Inc.

Staff Comments

The applicant has requested a 90-day tabling due to circumstances associated with receiving sanitary approval of the final plat.

Staff Recommendation

Staff recommends a 90-day tabling of the **Summerwood, Section 2**, to the RPC. This application will be placed on the September 27, 2001 RPC meeting, unless requested earlier by the applicant.

Commission / Public Comments

Commission Ward made a motion to approve the 90 day table request for **Summerwood, Section 2**. Mr. John Schmidt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

29-98.2.3 Scioto Reserve, Sec. 2, Ph. 3- Concord Twp. - 28 lots / 08.01 acres

Applicant: Home Road LTD
Subdivision Type: Single-family residential
Location: On the south side of Home Rd., east of S.R. 257, Concord Township
Current Land Use: Agricultural/Open Space
Zoned: Planned Residential District (PRD)
Utilities: Del Co. water and public sewer
School District: Olentangy
Engineer: R.D. Zande & Associates

Staff Comments

Scioto Reserve Section 2, Phase 3 consists of 28 lots on 8 acres as part of the overall Scioto Reserve subdivision on the south side of Home Road east of South Section Line Road. Phase 3 is located south of Phase 1 and 2 that gain access from Home Road. Glenmore Drive connects Phase 1 and 2 to Phase 3. A 1.83-acre reserve (7.88%) open space area is located between phases 3 and 4 to the south. The preliminary plan for phases 3 and 4 received conditional approval in March of 2000. The applicant has since addressed all staff comments.

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 the **Scioto Reserve, Section 2, Phase 3**, to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval of **Scioto Reserve, Section 2, Phase 3**. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

64-93.7.1 Harvest Wind, Phase 7, Section 1 – Genoa Twp. - 35 lots / 17.13 acres

Applicant: Webb Ventures
Subdivision Type: Single-family residential
Location: On the east side of Centergreen Dr., east of Tussic St., Genoa Township
Current Land Use: Agricultural/Open Space
Zoned: Planned Residential District (PD-1)
Utilities: Del Co. water and public sewer
School District: Westerville
Engineer: Stults and Associates, Inc.

Staff Comments

This phase of Harvest Wind consists of two cul-de-sacs and a stub street to Eagle Trace to the north. Harvest Wind Phase 6, Section 1 is located to the west with future Harvest Wind phases to the east and south. There are 35 lots planned on 10.2 acres with 4.5 acres of open space. Sidewalks are to be constructed on both sides of all streets in this phase and the open space will have two large retention basins for stormwater management. Overall preliminary approval for Harvest Wind was granted in October of 1993.

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 the **Harvest Wind, Phase 7, Section 1**, to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval of **Harvest Wind, Phase 7, Section 1**. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

15-99.2 Covington Meadows, Section 2 – Genoa Twp. - 52 lots / 13.88 acres

Applicant: M/I Schottenstien Homes. Inc.
Subdivision Type: Single-family residential
Location: On the west side of Tussic St., east of S. Old 3C Highway, Genoa Township
Current Land Use: Agricultural
Zoned: Planned Residential District (PD-1)
Utilities: Del Co. water and public sewer
School District: Westerville
Engineer: EMH&T/John Wicks

Staff Comments

Section 2 of Covington Meadows consists of the northern extension of Covington Meadows Drive and a connection to Tussic Street Road. There are 52 residential lots on 13.88 acres of the total 42.633 acres in this section. The remaining 27.937 acres is within 5 open space lots, of which lots 5810 and 5811 are to be owned by the Genoa Township Land Conservation Association and maintained by the homeowners association. A large detention basin will be constructed in lot 5810. Covington Meadows received overall preliminary approval in May of 1999.

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 the Covington Meadows, Section 2, to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval Covington Meadows, Section 2. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

34-00 The Gates at Hoover – Genoa Twp. - 12 lots / 25.58 acres

Applicant: Robert Weiler Jr.
Subdivision Type: Single-family residential

Location: On the east side of Sunbury Rd, north of Big Walnut Rd., Genoa Township
Current Land Use: Open Space
Zoned: Rural Residential District (RR)
Utilities: Del Co. water and on site septic systems
School District: Westerville
Engineer: Scioto Land Surveying Service, Inc.

Staff Comments

This application is for 12 lots on 25.58 acres with lots ranging from 2 to 2.5 acres. The Hoover Reservoir surrounds the site to the east and north with the Johnstown Acres subdivision to the south and USA lands to the west across Sunbury Road. The design consists of a 14' wide one-way private loop street with a 50' easement that has been constructed and approved by the County Engineer. All of the lots will gain access from the private street. Two of the lots (5617 & 5628) will have a narrow pathway access to the USA lands on the eastern bank. There is a drainage easement along the back yards of the eastern lots and some western lots, which are partially in the flood plain. None of the proposed leach fields will be within the flood plain boundary. The existing house on lot 5619 and the barn on lot 5620 will remain.

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 the Gates at Hoover, to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval The Gates at Hoover. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

35-97.4 Highland Lakes East, Sec. 11, Ph.4 – Genoa Twp. - 24 lots / 11.33 acres

Applicant: DHMI Lakes, Ltd.
Subdivision Type: Single-family Residential
Location: South side of Freeman Road west of State Route 3
Current Land Use: Vacant
Zoned: Planned Residential District, (PD-1)
Utilities: Del-Co water and public sewer

School District: Westerville
Engineer: EMH&T

Staff Comments

This phase consists of 23 build lots and the northern extension of Commonwealth Drive, which ends in a cul-de-sac south of Freeman Road. The design also includes another short cul-de-sac and a stub to the east as well as a reserve lot to be dedicated to Genoa Township. The phase is surrounded by The Woods on Indian Run to the west, other phases of Highland Lakes to the south, and Genoa Township Land to the east.

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 Highland Lakes East, Section 11, Phase 4 to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval of Highland Lakes East, Section 11, Phase 4. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

35-97.5 Highland Lakes East, Sec. 11, Ph.5 – Genoa Twp. - 21 lots / 07.99 acres

Applicant: DHMI Lakes, Ltd.
Subdivision Type: Single-family Residential
Location: South side of Freeman Road west of State Route 3
Current Land Use: Vacant
Zoned: Planned Residential District, (PD-1)
Utilities: Del-Co water and public sewer
School District: Westerville
Engineer: EMH&T

Staff Comments

This phase consists of 24 lots and the northern extension of Congressional Drive, which turns west and connects to Commonwealth Drive. The site is surrounded by recorded sections of Highland Lakes to the south, the Woods at Indian Run to the west, Pleasant Corners to the east and Genoa Township land as well as future

Highland Lakes phases 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 approval* of Highland Lakes East, Section 11, Phase 5 to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval Highland Lakes East, Section 11, Phase 5. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

37-00 Trotters Gait – Liberty Twp. - 38 lots / 60.27 acres

Applicant: Timberrock LLC
Consultant: Kurt Ziessler, P.E., Hockaden & Associates

Staff Comments

The applicant has requested to table Trotters Gait for 90 days for the completion of the private roads.

Staff Recommendation

Staff recommends the tabling of Trotters Gait for 90 days. This application will be placed on the September 27, 2001 RPC meeting, unless requested earlier by the applicant.

Commission / Public Comments

Commission Ward made a motion to approve the 90 day table request for Trotters Gait. Mr. John Schmidt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

10-01 Abbington of Powell – Liberty Twp. - 01 lot / 03.64 acres

Applicant: Harold and Joyce Hardin
Consultant: John McCann, Stults & Associates

Staff Comments

The applicant has requested to table Abbington of Powell for 30 days.

Staff Recommendation

Staff recommends the tabling of Abbington of Powell for 30 days. This application will be placed on the July 26, 2001 RPC meeting.

Commission / Public Comments

Commission Ward made a motion to approve the 30 day table request for Abbington of Powell. Mr. John Schmidt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

16-00.1 Woodland Hall, Section 1 – Liberty Twp. - 38 lots / 94.46 acres

Applicant: Stratford Development Co.
Engineer: EMH&T/David Denniston

Staff Comments

The applicant has requested a tabling of the final plat for 90 days to obtain all required signatures.

Staff Recommendation

Staff recommends the 90-day tabling of Woodland Hall to the RPC. This application will be placed on the September 27, 2001 RPC meeting, unless requested earlier by the applicant.

Commission / Public Comments

Commission Ward made a motion to approve the 90 day table request for Woodland Hall. Mr. John Schmidt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**20-99
acres**

Wedgewood, Section 10 – Liberty Twp. - 27 lots / 27.99

Applicant: Stratford Development Co.
Subdivision Type: Single-family Residential
Location: East side of Riverside Drive just north of the Delaware/Franklin County line
Current Land Use: Vacant
Zoned: Planned Residential District, (PR)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: Shawn Lanning, EMH&T, Inc.

Staff Comments

The applicant is creating a street containing two cul-de-sacs. The main street, Heathrow Drive, is laid out for potential future development to the north (Currently Safari Golf Course). This phase contains three reserve lots that are to remain as permanent green space area, of which lot 3911 along the Scioto River will be owned and maintained by Liberty Township.

Section 10 is located east of the Scioto River. A small portion of the site lies in the 100 yr. Floodplain. The Scioto View subdivision is to the northeast, Safari Golf Course borders the property to the north, and Wedgewood, Section 4 borders to the southwest. A major ravine prevents this phase from connecting to Section 4. The preliminary plan received conditional approval in August of 1999 and the staff comments have since been addressed.

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 **Wedgewood Section 10**, to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval of Wedgewood, Section 10. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

06-94.5.A Wilshire Estates, Sec. 5, Ph. A – Orange Twp. - 32 lots / 16.09 acres

Applicant: Centrex Homes
Subdivision Type: Single-family residential
Location: On the east side of S. Old State St, north of E. Powell Rd., Orange Township
Current Land Use: Wooded
Zoned: Single Family Planned Residential District, (SFPRD)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: EMH&T/Adam Long

Staff Comments

Section 5 Phase A is the eastern extension of Pleasant Colony Drive with 32 lots on 16.09 acres including a 5 lot CAD and a 1.78 acre open space lot. A variance for lots 5303 through 5307 to access a CAD was granted in July of 1994 due to topography. The site is surrounded by other sections of the Wilshire subdivision with the exception of Walker Wood located to the south. Overall preliminary of the Wilshire subdivision was granted in July of 1994.

Staff Recommendation

Staff *recommends Final approval* of the **Wilshire Estates, Section 5, Phase A**, to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval of Wilshire Estates, Section 5, Phase A. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

06-94.5.B Wilshire Estates, Sec.5, Ph. B – Orange Twp. -28 lots / 21.90 acres

Applicant: Centrex Homes/Wilshire Development Co.
Subdivision Type: Single-family residential
Location: On the east side of S. Old State St, north of E. Powell Rd., Orange Township
Current Land Use: Agriculture/Wooded
Zoned: Single Family Planned Residential District, (SF-PRD)

Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: EMH&T/Adam Long

Staff Comments

Section 5 Phase B is the eastern extension of Bold Venture Dr. with two cul-de-sacs along the northern portion and open space to the south. A connection from the existing Tall Pines Drive to the north is also provided in this section along with a no build lot. There are 28 lots on 21.904 acres, 11.09 of which is open space (3 lots). The two open space lots to the north contain a powerline easement and the open space lot to the south has a ravine. The site is surrounded by other phases of the subdivision with the exception of the vacant land to the north. Overall preliminary of the Wilshire Estates subdivision was granted in July of 1994.

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 the **Wilshire Estates, Section 5, Phase B**, to the RPC.

Commission / Public Comments

Mr. Moran made a motion for Final approval of Wilshire Estates, Section 5, Phase B. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-00 Burndt Pond Farms – Scioto Twp. - 17 lots / 39.28 acres

Applicant: Edward A. Kemmler Foundation
Engineer: IEG Engineering

Staff Comments

The applicant is requesting a tabling of the final plat for 90 days to obtain required signatures.

Staff Recommendation

Staff *recommends the 90-day tabling* of **Burndt Pond Farms**, to the RPC. This application will be placed on the September 27, 2001 RPC meeting, unless requested

earlier by the applicant.

Commission / Public Comments

Commission Ward made a motion to approve the 90 day table request for Burndt Pond Farms. Mr. John Schmidt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. EXTENSIONS (none)

VI. OTHER BUSINESS

- **Consideration of approval: Legal fees \$1250.00**

Mr. Bauserman made a motion to approve the Legal fee expenditure, seconded by Mr. Spanner. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION

Mr. Laurien presented the Commission with the 2000 Annual report.

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

Meeting adjourned at 11:00 p.m.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, July 26, 2001, 7:00PM at the Delaware Joint Vocational School North Campus, 1610 St. Rte. 521, Delaware, Ohio 43015.