

**\*MINUTES\***

**Thursday, July 27, 2000 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 June 29, 2000 RPC Minutes
- Executive Committee Minutes of July 19, 2000
- Statement of Policy

**II. VARIANCES**

**III. ZONING MAP/TEXT AMENDMENTS**

- 36-00 ZON Meredith Martin – Harlem Twp. - .2 acres from FR-1 to PCD
- 37-00 ZON Delaware County Rural Zoning Commission – text amendments
- 38-00 ZON Robert Lee – Berkshire Twp. – 3.0 acres from A-1 to FR-1
- 39-00 ZON Clyde Liming – Berkshire Twp. – 7.7 acres from A-1 to FR-1
- 40-00 ZON Richard Medellin Enterprises – Berk. Twp. – 63.34 acres from FR-1/ A-1 to PCD
- 41-00 ZON M/I Schottenstein Homes – Genoa Twp. – PD-1 (modification of approved plan) – 192.83 acres

**IV. SUBDIVISION PROJECTS**

		<b>Township Lots/Acres</b>	
<u>Preliminary</u>			
25-00	Big Daddy Farms (FKA: Sisia)	Berkshire	02 lots / 14.58 acres
23-00	Tall Oaks III	Liberty	10 lots / 27.08 acres
26-00	Orange Pointe Comm.Park, Ph. 2 & 3	Orange	07 lots / 109.9 acres
24-00	Warrensburg Estates	Rad/Sci	03 lots / 42.41 acres
<u>Preliminary/Final</u>			
<u>Final</u>			
35-97.3	Highland Lakes East, Sec. 11, Pt. 3	Genoa	
02-97.7	Sherbrook, Phase 7	Genoa	83 lots / 36.04 acres
02-97.8	Sherbrook, Phase 8	Genoa	29 lots / 16.33 acres

**T=TABLED**

**V. EXTENSIONS**

- 30-99 River Bend, Section 4 Lib/Ora 34 lots / 43.33 acres

**VI. OTHER BUSINESS**

- Consideration for approval: Travel Reimbursement: Jiyeong Lee (\$1402.61) ESRI Annual conference
- Consideration for approval: State Audit: Jim Petro Auditor of State (\$1676.86) Review of FY 1998-1999

**VII. POLICY / EDUCATION DISCUSSION**

**I. ADMINISTRATIVE BUSINESS**

**■ Call to Order**

Chairwoman Foust called the meeting to order at 7:05 p.m.

**■ Roll Call**

Representatives present: Don Poland, John Schmidt, Bill Adams, Fred Fowler, Jim Ward, Debbie Martin, Chad Antle, Tom Hopper, Leslie Warthman, Bill Shively, Holly Foust, Charles Heimlich, Dick Gladman, Yvonne Ball, Bill Thurston, Marvin Miller, Hansel Waugh, Kevin Moran and Larry Starling. Alternates present: Steve Burke, Clyde Seidle, and Paul Oswalt. Arrived after roll call: Gary Spanner (R), Dale Simpkins (R), and Dora Orwig (R). Staff present: Phil Laurien, Paul Deel, Mike Bissett, Jiyeong Lee, Da-Wei Liou, Joe Clase, Ben Henson and Stephanie Matlack.

**■ Approval of the June 29, 2000 RPC Minutes**

Chairwoman Foust stated that there was one correction to the June RPC minutes on page 36 in the section regarding term life insurance. The sentence should read: “Mr. Wuertz stated that he feels that the **DCRPC** should make the option available but that the employees should bear the cost.” *Mr. Gladman made a motion to approve the minutes of the last meeting. Mr Moran seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**■ July 19, 2000 Executive Committee Minutes**

**1. Call to order**

*Chairwoman Foust called the meeting to order at 8:40 a.m. Present: Holly Foust, Dick Gladman, Loretta Firis, Jim Ward and Larry Starling. Staff present: Phil Laurien and Stephanie Matlack.*

**2. Approval of Executive Committee Minutes**

a. **June 6, 2000 Special meeting – Mr. Gladman made a motion to approve the minutes of the special meeting, seconded by Mr. Starling. VOTE: 4 For, 0 Opposed, 1 Abstained (Mr. Ward). Motion carried.**

b. **June 21, 2000 – Mr. Starling made a motion to approve the minutes of the last regular meeting. Mr. Gladman seconded the motion. VOTE: 4 For, 0 Opposed, 1 Abstained (Mr. Ward). Motion carried.**

**3. Old Business**

- a. **Office Space** – Mr. Laurien stated that the contract with Bruce Gardner Architects has been signed and mailed. Work will begin in approximately 3 weeks on the drawings for the existing layout and the proposed layout.

**4. New Business**

- a. **Financial / Activity Reports for June 2000** – The financial report was presented:

<b>Ending balance</b>		<b>\$554,958.57</b>
<b>Receipts</b>	<b>JUNE</b>	<b>YTD</b>
General Fees (NPA)	\$ 4,125.00	\$ 15,675.00
Inspec. Fees (Transfer)	\$ 140.00	\$ 880.00
Fees A (Site Review)	\$ 500.00	\$ 1,900.00
Membership Fees	\$	\$122,277.00
Planning Surcharge (Twp. Assist.)	\$ 4,018.38	\$ 11,623.46
Charges for Services A (Prel. Appl.)	\$ 8,569.80	\$
44,015.25		
Charges for Services B (Final Appl.)	\$17,900.00	\$
63,595.45		
Charges for Services C (Ext. Fees)	\$ 300.00	\$ 450.00
Charges for Services D (Table Fees)		\$ 400.00
	\$ 1,400.00	
Charges for Services E (Appeal/Var)	\$ 913.50	\$ 2,113.50
General Sales	\$ 622.35	\$ 3,628.77
Health Dept. Fees	\$ 1,550.00	\$ 7,300.00
Soil & Water Fees	\$ 525.00	\$ 2,300.00
Other Reimbursements	\$ 156.66	\$ 156.00
Other Reimbursements A	\$	\$ 150.00
Inter-fund Revenues	\$	\$
<b>TOTAL</b>	<b>\$39,720.69</b>	<b>\$277,465.09</b>
<b>Balance after receipts</b>		<b>\$594,679.26</b>
<b>Expenditures</b>	<b>\$41,370.98</b>	
<b>End of June balance</b>		<b>\$553,308.28</b>

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

- b. **July RPC Preliminary Agenda** – There are 6 zonings, 4 preliminary and 3 final applications. There may be some controversy with the Preliminary plan of the Orange Point Commerce Park Phases 2 and 3. Duke – Weeks Engineering is constructing this project. When this property was originally sold to AEP, the right of way on Graphics Way was not included in the sale. Duke – Weeks Engineering does not propose to construct or aid in the construction of the northern extension of Graphics Way. Mr. Laurien contacted RJ Solove but has not heard back from their office regarding this connection. The connection was part of the overall preliminary plan.

c. **Contracts**

- 1.) **Berkshire Twp.** – Staff time about completed. Public meetings will continue. So far most comments have been favorable toward the plan.
- 2.) **City of Delaware, Delaware Twp., RPC-** Mr. Laurien explained that he was contacted by John Werner Liberty Township Trustees to work on a land use study of US 23 similar to the Northwest Area plan. This would be a Liberty Twp. / Delaware Twp. / City of Delaware comprehensive plan with a zoning overlay for the US 23 corridor. This would ensure the proper development of the Kingman Hill area. Mr. Laurien stated that the RPC has been very busy with contract work and does not feel at this time that staff could take on another contract. He also made the City aware that there are several dues paying members wanting assistance and did not feel it was appropriate to put a non-dues paying entity in front of our members requesting assistance.

- d. **GIS/Health Department 2000 contract** – Miss Firis stated that the Delaware City-County Health Department is working on the remaining grants for the year 2000 for the Radon testing and has presented a signed contract (signed by the Health Commissioner, Fran Veverka) to continue the radon mapping by Mr. Lee. She stated that this would be the last contract for this project due to decreasing interest in the matter. The invoices need to be submitted by September 2000 to receive the funds. The RPC will map the data collected by the Health Department. Miss Firis stated that the maps

would be included in the grant application and the Health Dept. staff would have a copy but they would not publish this map as in the past. Mr. Ward stated his objections to the RPC's involvement in this project due to the inconsistency in data results. He stated that the results could be wrongly interpreted. The contract was approved by Mr. Gladman, Chairwoman Foust, Mr. Starling, Mr. Ward opposed. Miss Firis abstained.

- e. **Aerial photo imagery – Shoreh Elhami, DALIS Project** – Mr. Laurien presented the Committee with several memos from Mrs. Shoreh Elhami questioning the RPC's contribution toward the cost of the satellite imagery to update the 1997 ortho photos. She is requesting financial assistance from the City of Delaware, Delaware County Soil and Water Conservation District, MORPC and the DCRPC. She has received confirmation of funds from MORPC. The SWCD will not be participating due to funding constraints. The DCRPC is being requested to contribute \$2500.00 toward the cost of \$16,000.00.

Mr. Ward made a motion to recommend approval of the \$2500.00 expenditure for satellite imagery, Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- f. **Recommendation of Approval: Jiyeong Lee reimbursement for ESRI conference \$1402.61** – *Miss Firis made a motion to recommend approval of the travel and conference expenses for Mr. Lee in the amount of \$1402.61. Mr. Starling seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*
- g. **Recommendation of Approval: Auditor of State fees: \$1676.86** – *Mr. Ward made a motion to recommend approval of the expenditure for the State of Ohio Auditor fees in the amount of \$1676.86. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

5. **Other Business - none**

6. **Personnel - none**

7. **Adjourn** – *Mr. Gladman made a motion to adjourn, seconded by Mr. Starling. VOTE: Unanimously For, 0 Opposed. Motion carried.*

Meeting adjourned at 9:35 a.m.

***The next Executive Committee meeting will be Wednesday, August 23, 2000 at 8:30 a.m. in the 2nd Floor conference room at 50 Channing Street, Delaware, Ohio, 43015***

■ **Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted 10 minutes to make their formal presentation. The audience will then be granted up to 10 minutes to speak, at which time the chair will allow questions from the members of the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration.

II. **VARIANCES** (none)

III. **ZONING MAP/TEXT AMENDMENTS**

**36-00 ZON Merideth Martin – Harlem Twp. – 0.2 acres from R-2 to PC**

**Request**

The applicant is requesting to rezone a 0.2 acre lot from Low Density Residential District (R-2) to Planned Commercial and Office District (PCD) for an art studio including retail.

**Conditions**

**Location:** South-west corner of Rich Street and SR 605 in Center Village. 200 ft. north of the intersection of SR 605 and Center Village Road.

**Present Zoning:** Low Density Residential District (R-2)

**Proposed Zoning:** Planned Commercial and Office District (PCD)

**Present Use:** Vacant building and shed

**Proposed Use:** Commercial / Art Studio

**Existing Density:** 1 unit / acre

**Proposed Density:** N/A

**School District:** Big Walnut

**Utilities Available:** Del-Co Water, On-site septic

**Soils:** Centerberg - CeB  
Bennington - BeB

### Surrounding Land Use

**North** - 0.2 acre residential lots along SR 605

**South** – Empty lot flanked by a residence and Taylor’s Grocery on the southwest corner of SR 605 and Center Village Road.

**East** – Residential lots and Fracasso’s Pizza on the northeast corner of SR 605 and Center Village Road.

**West** – Residential on larger lots of about half an acre.

### Staff Comments

The 0.2-acre site is located in the unincorporated Center Village on the south-west corner of Rich Street and SR 605. The site contains a vacant structure that had functioned as a township building. This structure is to be renovated and include an addition on the back for an art studio and retail with one employee. The surrounding zoning is all Low Density Residential (R-2), with Neighborhood Commercial zoning on the south-west, north-east and north-west corners of SR 605 and Center Village Rd. The Health Dept. has granted a variance for the on-site septic system.

### Divergences

1. **The applicant is requesting a divergence from the requirement of a paved drive to gravel in order to facilitate storm water drainage, improve aesthetics and reduce cost:** Staff feel this is a reasonable request due to the low traffic and small size of the lot and proposed drive/parking area, as well as the character of Center Village.
2. **The applicant is requesting a variance from the 100’ setback from the nearest intersection for a driveway entrance. The lot size will only allow a distance of 96’ to the center of the driveway entrance which will replace the existing non-conforming drive entrance that is even closer:** Staff feel that this is also a reasonable request due to the size of the lot, and the low traffic of the commercial use.
3. **The applicant is requesting a divergence from the requirement of the placement of a sign 25’ from the nearest right-of-way. The location of the existing building will not allow this, so the sign is proposed at a location with zero clearance to the right-of-way:** Staff feel that this request is reasonable due to the existing setback conditions within Center Village and the small size of the sign itself. The existing sign does not

conform to the setback requirements and the proposed sign will be shorter.

### Conformance with Comprehensive Plan

The 1988 Harlem Twp. comprehensive plan shows the proposed site as part of the Village Center, where uses are recommended to be residential or commercial ventures that serve the local residents. The type of development anticipated is the renovation of existing residential structures. The art studio fits this description.

### Development Plan

The development plan contains all required information including architectural renderings, materials, landscaping, the existing building and addition with fencing, down-lighting, brick sidewalk, and gravel parking area with seven spaces. If the tenancy changes in the future, any change to the development plan would trigger an administrative review by the township. This ensures that the commercial use will remain a low intensity development.

### Staff Recommendation

Staff recommends *approval* of the 0.2 acre rezoning from Low Density Residential District (R-2) to Planned Commercial and Office District (PCD) to the RPC, Harlem Twp. Zoning Commission, and the Harlem Twp. Trustees.

### Commission / Public Comments

Mr. Fred Hostetler was present on behalf of Meredith Martin.

Mr. Gladman stated his concern with the sign being placed too close to the right of way. Mr. Bissett stated that he talked to Mike Ridge of the Co. Engineer’s office and that Mr. Ridge determined that the sign would not cause a sight distance problem. Mr. Seidle agreed that Mr. Ridge would not have said that there was not a site distance problem if he had not done the proper calculations to determine so.

Mr. Oswalt asked if there was any consideration given to moving the handicap parking space closer to the building rather than on the other side of the parking lot, particularly since it’s gravel. Mr. Hostetler did not see a problem in moving it. He stated that he would look into it.

Mr. Seidle asked if the sign could be moved more south. Mr. Hostetler stated that it would then have to be placed inside the picket fence and may need to be taller.

Mr. Miller made a motion to recommend conditional approval of the rezoning

request subject to staff and Commission comments. Mr. Heimlich seconded the motion. VOTE: 22 For, 3 Opposed (Orange Twp., Clyde Seidle, and Jim Ward). Motion carried.

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**37-00 ZON Delaware County Rural Zoning Text Amendments**

(Incorporates Fred Fowler’s, Dave Hejmanowski’s and Farm Bureau comments)

**Applicant: Delaware County Rural Zoning Commission**

**Request: Text Amendments to**

- **Article IV Definitions**
- **Article VI Application of Resolution**
- **Article VII Farm Residence District (FR-1)**
- **Article VIII Low Density Residence District (R-2)**
- **Article IX Medium Density Residence District (R-3)**
- **Article X Planned Residential District (PRD)**
- **Article XXVII Non-Conforming Uses**
- **Article XXVIII Zoning Inspector, Zoning Certificate and Applications**
- **Article XXXI Board of Zoning Appeals**

**I. General**

The Delaware County Rural Zoning Commission has reinitiated revisions to the county zoning text. This zoning creates no new map changes. The Delaware County Rural Zoning Resolution applies to Kingston, Marlboro, Oxford, Radnor and Thompson Townships.

The Rural Zoning Commission held a series of public meetings in 1999 to discuss possible new zoning text amendments. After consultation with Fred Fowler, Delaware County Zoning Officer, DCRPC staff and Duncan Whitney, County Prosecutor, the Rural Zoning Commission submitted the amendments for DCRPC

review in case 52-99. Due to controversy over some select amendments the County Commissioners denied the entire package. This is a re-file without the most controversial amendments relating to CADs, Flag lots and LESA evaluation.

**NOTE:**

- Where the RPC staff agrees with the amendment, we will simply describe, but make no comment to the amended text. This is shown in standard font.
- ***Where RPC staff suggests revisions to the amendments, comments are made in bold Italics and noted as “RPC Staff Concerns”.***
- Comments are listed as “RPC Staff Comments” in bold Italics.

**II. Amendments**

**Article IV - Definitions**

Accessory Use is defined.

***RPC Staff Concerns: we suggest that a period be placed after the word “profit” and delete the remaining clause “unless the appropriate conditional use permit has been obtained”. This clause implies that all for-profit activities in residential districts require a conditional use permit, which conflicts with provisions for permitted home occupations by one homeowner.***

Antenna is defined, includes telecommunications towers.

Dwelling, single family is deleted, and replaced by Single Family Dwelling to comply with Senate Bill 142 regarding permanently sited manufactured homes. Industrialized units and permanently sited manufactured homes are single family homes subject to all zoning standards (square footage minimums, lot size, setbacks, etc.).

Family is revised from six unrelated people to five unrelated people living together as a single housekeeping unit.

Industrialized units are defined.

***RPC Staff Concerns: This definition should stipulate that manufactured homes and mobile homes are not industrialized units.***

Home Occupation is defined.

***RPC Staff Concerns: This definition conflicts with the treatment of limited home***

occupations by one resident as a permitted use. Delete the words “as an accessory use”.

Permanently Sited Manufactured Homes are defined.

**RPC Staff Concerns:**

- *Subparagraph (d) should state “as manufactured”. This avoids the possibility of an on-site add-on to achieve the minimum size required by statute.*
- *Sub paragraph (i) and (j) should be deleted as requested by the County Prosecutor, since they were deleted from the final language of SB 142.*
- *Sub paragraph (k) should conform to ORC 303.212 (A) (1) by adding the words: “that are uniformly imposed on all single family dwellings in the district except requirements that specify a minimum roof pitch and requirements that do not comply with the standards established pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974” [88 Stat. 700, 42 U.S.C.A 5401].”*

Manufactured homes are defined.

Mobile home is revised.

**RPC Staff Comment:** *This definition may wish to retain the sentence “It does not include travel trailers.”*

Public Sewer is defined.

**RPC Staff Concerns:**

- *This should read public sanitary sewer.*
- *Rather than say a “collection system”, it should say “treatment system”.*
- *This definition also states that “zero discharge facilities are not considered public sewer.” This prohibits the so-called “land application systems”, which are permitted by the Ohio EPA with appropriate engineering, and which have been used successfully in Delaware County. Such “zero discharge” systems can help provide permanent open space, and potentially save farmland. We recommend that the statement “zero discharge facilities are not considered public sewer” be deleted.*

Public Water is not currently defined, but needs to be.

**RPC Staff Concern:** *define Public Water as follows: Del-Co Water Company, or any municipal, township or county owned and operated water system.*

Structure is revised to include accessory buildings and play sets.

**RPC Staff Concern:**

- *Delete the words “more or less”.*

- *Signs are usually considered structures for purposes of zoning. We suggest the word “signs” be included after “heating fuel containers”.*

**Article VI- Application of Resolution**

Section 6.03- includes a reference to zoning applying to public utilities where ORC so allows. This language was requested by the Prosecutor.

**Article VII - Farm Residence District**

Section 7.03- Permitted Uses

b.) Strikes (deletes) permanent dwellings for domestic help. Becomes a conditional use.

**RPC Staff Concern:** *the Farm Bureau submitted an Attorney General opinion No. 93-034 “that when a migrant labor camp is constructed and used for the direct and a immediate purpose of housing migrant workers to harvest the land on which the camp is located, the camp is exempt from township zoning pursuant to ORC 519.21 (A) even if the migrant workers subsequently harvest crops on other land that the camp owner leases or if the camp owners subsequently "leases" the workers to other farmers in the area while allowing the workers to stay in the camp.” Please consult with the County Prosecutor.*

Permits accessory buildings (barn, shed, garage) to be built before the main structure (house). **RPC Staff Comment:** *this allows a pole barn to be built on site before a single family home in rural areas. This may be desirable for agriculture, but it has proved to be a problem for rural residential lots in other jurisdictions where illegal businesses are started in accessory buildings when a home is not required first. May wish to rewrite this.*

c.) Strikes mobile home usage for full time farm labor as a permitted use. Becomes a conditional use.

**RPC Staff Comment:** *Same as 7.03 (b).*

e.) Extends temporary mobile home usage from 12 to 18 months.

g.) Defines permitted (limited) home occupations.

**RPC Staff Concern:** *Should consider adding a paragraph (h) and (i) to permitted uses under FR-1 zoning and all straight residential districts to allow for Adult Family Homes as provided in ORC 3722 and Class B Residential Day Care as provided in ORC 5104.054, since these are zoning exempt.*

Section 7.04- Conditional Uses

g.) Strikes lots for boat or RV storage.

j.) Adds mobile home (one) for full time farm labor as a conditional use.

Section 7.05 Prohibited Uses

b.) Reduces the number of inoperable vehicles from 5 to 3, requires a fence 6-8' in height to screen more than 3 inoperable vehicles.

d.) Changes reference to mobile homes as conditional uses.

h.) Prohibits telecommunications towers in residential districts, except for residential use.

**RPC Staff Concern: There should be a comma, not a period, after the clause "Subject to the procedures set forth in ORC 303.211", no telecommunications tower...**

Section 7.06- Development Standards

a.) Increases the minimum lot size in the FR-1 District from one acre to 1.951 acres (85,000 sq. ft.). This conforms to the minimum lot sizes recommended by the Board of Health for on site septic systems.

**RPC Staff Comment- we concur with these changes. This lot size reflects the need for a suitable amount of well-drained soil for a primary and secondary leach field, which typically takes 2 acres in Delaware County due to our heavy clay soils. It also reflects the Rural Zoning Commission's sense of what rural character should be in the FR-1 districts on individual lots. If higher density is desired, a landowner can petition for a PRD with 50% open space and still have the one unit per acre that is the current FR-1 standard density.**

c.) Clarifies average finish grade. Requires an on-lot fall zone for any antenna or tower. County Prosecutor's office believes this is OK.

**Article VIII- Low Density Residential District (R-2)**

Section 8.01- strikes the word [central] sewer and inserts "public". Strikes the word [central] water and inserts "public".

**RPC Staff Concern: public water is not defined in the resolution. If definitions for public water and public sewer are defined as revised herein by RPC staff, section 8.01 is OK.**

Section 8.04

f.) Prohibits telecommunications towers, except for residential use and requires

a fall

Zone.

**RPC Staff Concern: See comments in 7.05 h.) and 7.06 c.) above.**

**Article IX- Medium Density Residential District (R-3)**

Section 9.01- strikes the word [central] sewer and inserts "public". Strikes the word [central] water and inserts "public".

**RPC Staff Concern: same as 8.01.**

Section 9.05

f.) Prohibits telecommunications towers, except for residential use and requires a fall zone.

**RPC Staff Concern: See comments in 7.05 h.) and 7.06 c.)**

**Article X Planned Residence District PRD**

Section 10.01- second paragraph reads "planned residential development districts are limited to areas served by central sewer and central water or by an approved package plant." This language is confusing and contradicts the definition for public sewer and the (RPC suggested) definition for public water.

**RPC Staff Concerns:**

- **Delete the word central sewer and replace with public sewer (as amended by RPC staff herein)**
- **Delete the word central water and replace with public water ( as amended by RPC staff herein)**
- **Place a period after the word water, and delete the words "or by an approved package plant."**

**Section 10.04**

- Clarifies conditional uses
- Declares a discontinuance period of 2 years and a one-year start up.
- Eliminates home occupations in accessory structures.
- Reduces home occupations from 50% to 20% of the dwelling unit.

Section 10.05-Prohibits telecommunications towers in PRDs.

**RPC Staff Comment: Same as 7.05 (h).**

Section 10.06

Step One and Step Two create a two-part application procedure for PRD. Step One is legislative, involves the rezoning of the property with a preliminary development plan. This step is subject to referendum. Step Two is the

administrative review of the development plan by the Zoning Commission, which is not subject to referendum.

e.) Shifts the power to extend development plan approval to the Rural Zoning Commission from the County Commissioners.

#### Section 10.07 Development Standards-

a.) Intensity of Use- (Page 37) Decreases the density from 4 units per acre to one unit per 85,000 sq. ft. of gross tract area with 30% open space, or one unit per acre with 50% open space. Strikes other density bonuses.

#### **RPC Staff Concerns:**

- *We agree with the gross density changes of 1 unit per 85,000 square feet, or one unit per 43,560 square feet with 50 % open space, but the proposed minimum lot size of 0.25 acres within a cluster may defeat the flexibility needed to achieve maximum open space. We suggest that the words “or as approved per plan” be added after the words “not less than 0.25 acres”.*

Net Density- Page 38 [lines 6-13] retains confusing language that begins “For purposes of development within the Planned Residence District in areas under county zoning, the maximum density for development shall be as follows:”

#### **RPC Staff Concerns:**

*We suggest that lines 6-13 on page 38 are unnecessary and should be struck because:*

- *The table states that single family density shall be 1 unit per 85,000 square feet. This conflicts with the permission to reduce lot size to .25 acre within cluster PRDs.*
- *The table may have a typo, but as currently amended, it reads that 28 units of two family and townhouses per 1.95 acres would be permitted.*

b.) Open Space- Increases open space requirement from .020 acre per dwelling unit to 30% of the total gross acreage. States that “effluent holding ponds” do not count toward required open space. Permits agriculture as open space. Strikes education facilities as open space use.

#### **RPC Staff Concerns:**

- *Allow the open space aspects of educational facilities to be counted as open space (ball fields, etc).*
- *Add the word “treated” before “effluent holding ponds”.*

c.) 2.) Arrangement of Structures - Strikes barns, silos, grain-handling conveyors from exempted height limits. They are agriculturally exempt.

#### Article XXVII- Non Conforming Uses

Section 27.02- Restoration- Reduces the amount of damage from 60% to 50% that a non conforming use may incur without a conditional use permit to rebuild.

Section 27.03 –Enlargement- Requires a conditional use permit for any enlargement except for single family house, which may enlarge if it meets setback requirements. Allowance is made for expansion of a single family home if it meets setback requirements.

**RPC Staff Concern:** *Add the words “or variance” after “conditional use permit”.*

Section 27.04- Replacement- Struck in its entirety.

#### Article XXVIII- Zoning Inspector

Section 28.02- Permits structures less than 150 square feet to be exempt from zoning certificates. This includes back yard sheds, etc.

#### Article XXXI- Board of Zoning Appeals

Section 31.05- Establishes a 21-day advance application for BZA hearing.

Section 31.06- Increases the abutter notice from lands within 200 feet to 500 feet.

**RPC Staff Comment:** *ORC 303.15 does not provide a distance requirement for abutter notices. The County Prosecutor advises that this is OK.*

Section 31.07- Establishes standards to be met in the granting of a conditional use. These generally conform to the standards set in the case of Harner v. City of Urbana Bldg and Zoning Bd of Appeals, 1992 WL 380307, No. 92-CA-02 (2d Dist Ct App. Champaign 12/22/92)

#### Staff Recommendation

The amendments are generally well considered and well written, but need some final revisions, as noted in **bold italics** before being adopted by the County Commissioners. The County Prosecutor should be asked to review these final amendments one last time.

Staff recommends *conditional approval* of the proposed text changes subject to the RPC Staff concerns in bold Italics to the RPC, Delaware Co. Rural Zoning Commission, and the Delaware County Commissioners.

#### Commission / Public Comments

Mr. Ward asked if there was anything in the amendments regarding cell towers and placement of structures near them. Mr. Laurien stated that there was a

proposal that required the setback from the property line be equal or greater than the height of the tower (Sec. 7.06 (c.))

*Mr. Miller made a motion to recommend conditional approval of the text amendments requested by Delaware County Rural Zoning Commission, subject to staff comments. Mr. Gladman seconded the motion. VOTE: 22 For, 0 Opposed, 3 Abstained (Jim Ward, Debbie Martin and Bill Shively. Motion carried.*

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**38-00 ZON Robert Lee – Berkshire Twp. – 3 acres from A-1 to FR-1**

**Request**

The applicant wishes to rezone 3 acres of an 86 acre tract in order to split out an existing home.

**Conditions**

- Location:** East side of Three B’s and K Road south of Cheshire Road
- Present Zoning:** Agricultural (A-1)
- Proposed Zoning:** Farm Residential (FR-1)
- Present Use:** Agricultural/Residential
- Proposed Use:** Residential
- Existing Density:** 1 unit / 5 acres
- Proposed Density:** 1 unit / acre
- School District:** Olentangy
- Utilities Available:** Del-Co Water, On-site septic
- Soils:** Cardington - CaB  
Bennington - BeA

**Adjacent Zoning and Land Use**

**West:** Berlin Twp. 2, 3 and 5 acre lots zoned FR-1 flanked by The Meadows at Cheshire subdivision in a PRD zone.

**North:** Large lot single family residences in Agricultural zone.

**South:** Remaining large acreage A-1 tract and scattered FR-1 zoned lots along 3 B’s and K Rd. in Berkshire Township, and all FR-1 in Berlin Twp.

**East:** Large remainder lot in Agricultural zone and I-71.

**Conformance with Comprehensive Plan**

This area is designated as Agricultural in the 1989 Berkshire Twp Master Plan. The plan states that the area should “maintain a rural setting” but does not state a preferred density. The only reference to density for the agricultural district is located in the section “Residential Uses”, which states that “The remainder of Berkshire Township may be developed as rural single family with one unit per acre as the minimum standard” (referring to the land outside of the I-71 interchange and along US 36/37). The 2000 Berkshire Township Comprehensive Plan is now being developed and may recommend a minimum lot size of 2 acres. Therefore the proposal would meet the recommendations of the current master plan and also the future 2000 comprehensive plan. The three-acre proposal is in conformance to the plan.

**Advancing the General Welfare of the Township**

Due to the comprehensive plan’s predictions of growth occurring in the southwestern portion of the township and similar sized lots zoned FR-1 located nearby, the split would not be out of character.

**DCRPC Staff Recommendation**

Staff recommends *approval* of the 3 acre rezoning from Agricultural (A-1) to Farm Residential (FR-1) to the RPC, Berkshire Twp. Zoning Commission, and the Berkshire Twp. Trustees.

**Commission / Public Comments**

No one was present to represent the applicant.

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

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**39-00 ZON Clyde Liming – Berkshire Twp. – 7.7 acres from A-1 to FR-1**

**Request**

The applicant wishes to rezone 7.7 acres of a 48-acre tract and a 62-acre tract in order to split out three lots.

**Conditions**

- Location:** West side of Blaney Rd. north-west of SR 61
- Present Zoning:** Agricultural (A-1)

**Proposed Zoning:** Farm Residential (FR-1)  
**Present Use:** Agricultural  
**Proposed Use:** Residential  
**Existing Density:** 1 unit / 5 acres  
**Proposed Density:** 1 unit / acre  
**School District:** Big Walnut  
**Utilities Available:** Del-Co Water, On-site septic  
**Soils:** CaB – Cardington Silt Loam, 2 to 6% slope  
CaC2 – Cardington Silt Loam, 6 to 12% slope  
PwA - Pewamo

**Adjacent Zoning and Land Use**

**West:** Open space zoned agricultural  
**North:** Residential in FR-1 zone  
**South:** Residential in FR-1 zone  
**East:** Residential lots in the Liming subdivision zoned FR-1

**Conformance with Comprehensive Plan**

This area is designated as Agricultural in the 1989 Berkshire Twp Master Plan. The plan states that the area should “maintain a rural setting” but does not state a preferred density for this designation. The only reference to density for the agricultural district is located under the section “Residential Uses”, which states that “The remainder of Berkshire Township may be developed as rural single family with one unit per acre as the minimum standard” (referring to the land outside of the I-71 interchange and along US 36/37). Therefore the three lots in this proposal are in conformance to the plan.

**Advancing the General Welfare of the Township**

The site is surrounded by FR-1 zoning and lots that have been split out in a manner similar to this proposal. There is little agricultural activity along Blaney Road as most of the frontage has been rezoned to FR-1. However much of the back land remains in the agricultural district as well as land further to the north. The proposal conforms with the trend of development growth along Blaney Road beginning in Sunbury. The rezoning request conforms to the current Comprehensive Plan. The 2,599-acre tract should be included in the rezoning in order to reduce future problems with lot splitting.

**DCRPC Staff Recommendation**

Staff recommends *conditional approval* of the 7.7 acre rezoning from Agricultural (A-1) to Farm Residential (FR-1) to the Regional Planning Commission, Berkshire Twp. Zoning Commission, and the Berkshire Twp. Trustees, subject to the 2,599 acres tract being included in the application.

**Commission / Public Comments**

No one was present to represent the applicant.

Mr. Seidle suggested that the development plan should include a CAD rather than the multiple curb cuts. Mr. Laurien stated that would be part of the subdivision review process.

***Mr. Starling made a motion to recommend conditional approval subject to staff comments. Mr. Schmidt seconded the motion. VOTE: 23 For, 2 Opposed (Clyde Seidle and Gary Spanner). Motion carried.***

**40-00 ZON      Richard Medellin Enterprises – Berkshire Twp. – 63.34 acres FR-1/A-1 to PCD**

This rezoning application is submitted by Richard Medellin Enterprises for a Planned Commercial and Office District for an unspecified commercial use on South 3 B’s and K Road in Berkshire Township.

**Conditions**

**Present Zoning:** Agricultural (A-1) and Farm Residential (FR-1)  
**Proposed Zoning:** Planned Commercial and Office District (PCD)  
**Present Use:** Agriculture  
**Proposed Use:** Unspecified commercial  
**Existing Density:** 1 unit / 5 acre (A-1), 1 unit / acre (FR-1)  
**Proposed Density:** N/A  
**School District:** Olentangy  
**Utilities Available:** Del Co Water and on-site septic  
**Soils:** BeA & BeB – Bennington  
CaB – Cardington  
Pw – Pewamo

**Surrounding Zoning and Land Use:**

**To the north:** MTB Tract zoned PCD and the first segment of Fourwinds Drive.  
**To the west:** Single-family residences along 3 B’s and K Road and some commercial (NCD and PCD) and light industrial uses (I) in Berlin Township on the west side. The Backora and Hoover properties (Berkshire Township) were recently rezoned from FR-1 to PCD.  
**To the south:** The Green Tract zoned A-1 (currently agriculture)  
**To the east:** Goodwin Tract containing a large pond and woods zoned A-1. I-71 is directly east of the woods.

**Facts:**

The property is located on the east side of 3B's and K Road approximately 1,500 feet south of U. S. 36/37. There are 2 points of access on 3 B's and K (300' and 60'). The majority of the site is zoned Agricultural (A-1) with the exception of a vacant 2.24-acre lot in the Locust Grove #2 subdivision on 3 B's and K Road, which is zoned FR-1. The application needs to be corrected to reflect the current zoning. The applicant wishes to change the zoning map to Planned Commercial and Office District (PCD) for an unspecified commercial use. A development plan has not been submitted as part of this application.

**Requirements for approval per the Berkshire Township Zoning Resolution**

When applying for a Planned Commercial Development, the applicant must submit either a final or preliminary development plan. The development plan is the expectation of what can, and would be built if the PCD zone were approved. No development plan was submitted.

A set of standards must be addressed by the development plan. If the plan is acceptable in accordance with these standards and the Township approves of the map amendment, then the applicant must submit a subdivision plat that conforms to the development plan prior to commencing the development.

If the applicant applies under the preliminary development plan option, then no use shall be established or changed and no structure shall be constructed or altered until the required final development plan has been filed with and approved by the Zoning Commission.

The intent of the Township ordinance is for the applicant to show the feasibility of the plan from an engineering standpoint, his control over the land and his ability to carry out the development process. The applicant is not expected to completely engineer it at the time of the development plan submission, but to engineer it far enough to assure feasibility.

**Criteria for Approval**

*“In approving an application for a Planned Commercial and Office District without a final development plan, the reviewing authorities shall determine:”*

- 1.) If there are unique circumstances or conditions which prevent the

simultaneous submission of a final development plan with the application and whether the absence of a final development plan is materially detrimental to the public health, safety or welfare;

- 2.) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Resolution;
- 3.) If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply;
- 4.) If the proposed development advances the health, safety and general welfare of the Township in the immediate vicinity.

**Comments on meeting criteria for approval:**

**Compliance with local zoning**

The applicant has not submitted a development plan (final or preliminary); therefore this application is incomplete.

**Compliance with the Comprehensive Plan**

a.) The Delaware County 1993 Regional Land Use Plan for this area shows the land to contain areas suitable for development, unsuitable for development, and resource management areas. The Plan is not site specific enough to recommend land use for this parcel. However, it does discourage new developments that will unnecessarily promote change in access functions of any existing road, or cause any existing road to experience a dual function. ***Without committing to a new north-south internal road, the development plan does not provide enough information to make that determination.***

b.) The 1988 Comprehensive Plan of Berkshire Township designates this area as part of the Office/Light Industry Corridor adjacent to the Highway Commercial along 36/37. It states that areas to the rear of the highway commercial corridor and internally along I-71 be developed as light industrial uses or office facilities. The commercial access is intended to be on a new internal road, which would bisect the large tract of undeveloped land between 3B's and K Road and I-71.

The Township is currently updating its 1989 plan and anticipates completion by the end of the year. While the steering committee has not yet determined specific land uses for this corridor, the committee



existing tree lines will be preserved, which help to create a series of neighborhoods. There are 2 access points proposed for Worthington Road, one of which lines up with the entrance to the Highland Lakes North Subdivision to the west. The cluster development consists of 113 single-family detached condominium units from Big Walnut Road to Worthington Road, with no direct access to either. Access will be from the through street at 3 different locations. Streets within the cluster development will be private. There is one proposed connection to the 21-acre tract to the northwest and it is a private stub street from the condominium site. The clubhouse has also been relocated and is now at the entrance near Worthington Road. The detached condo units are designed so that the garage and access is in the rear. The bike path has not been changed. Approximately 100 acres or 51 percent of the overall development will be open space (40% is required).

The existing land use is agricultural fields separated by several tree and fence lines and a 40-acre wooded area in the southeast corner. There is a north-south flowing creek that divides the property. The eastern portion includes the woods and 4 wetlands totaling 5.624 acres (confirmed by Army Corp of Engineers), and is calculated as part of the open space. The developer does propose a walking path throughout this area. Adjacent lands include residential to the north, west (Highland Lakes North), southeast (Blackhawk Forest Subdivision), and south. A farmstead with several outbuildings adjoins the northwest corner of the property. The land to the east is primarily wooded and natural vegetation. Surrounding zoning is mostly residential, including Planned Residential to the west and the remaining areas Rural Residential and Suburban Residential. There is a small area east of the site zoned Planned Commercial.

Del-co can provide water to the site with a 10" line along Worthington Road. There is also a 16" line along Big Walnut Road for service to the condos. Sanitary sewer is available through a connection with an existing line to the south. The Sanitary Engineer has indicated that there is capacity in the line to serve this project. Columbia Gas can provide additional utility service.

#### **Compliance with Comprehensive Plans**

The 1998 Genoa Township Comprehensive Plan places this property in Planning Area 1. It recommends that this area be developed as single-family residential developments up to 1.8 units per acre or 2.2 units per acre if conservation standards are used. The proposal complies with the plan.

The Delaware County 1993 Regional Land Use Plan for this area shows the

land to contain areas that are suitable for development, unsuitable for development, resource management areas, and a stream. The Plan states that all developments should be planned developments permitting the township to participate with the County Engineer and DCRPC to review, through zoning requirements and development standards, proposed uses, subdivision plans, etc.

#### **Compliance with PD-1 standards**

**The development plan lacks some items to be consistent with the general standards.**

- a.) The condos along Big Walnut Road appear to encroach on the 150 feet setback/buffer zone.
- b.) The clubhouse should be relocated to the pond area at the elbow of the cluster development. This would be a more central location and provides easier access for all the residents of the condominium development.
- c.) Formal calculations/plans for drainage and stormwater management have not been submitted or approved. Is the pond in the cluster development to be used for detention? If so, label it as such on the plan.
- d.) The County Engineers office has not been contacted regarding this project, but in preliminary discussions with the RPC Staff, they do have some geometry issues regarding the interior streets. There needs to be a tangent at the entrances and some of the loop streets may not meet their standards.
- e.) Will there be any active recreation for the single-family development?

#### **Criteria for approval**

"Approval for planned development rezoning will be granted only when the plan for the project is such that public health, safety, comfort, morals and general welfare will be promoted", as it pertains to Section 524.23 of the Township Zoning Resolution.

#### **Staff findings**

Staff finds that amended PD-1 development plan is in general conformance with the Genoa Township 1998 Comprehensive Plan and is compatible with the

surrounding land use. There is adequate utility service available and the development has direct access to 2 major streets so it will not create traffic on minor residential streets outside the district. Nevertheless, a traffic study is required. The development plan is generally an appropriate design in conformance with the zoning standards, but additional work is needed before the overall development plan comports fully with the requirements of the PD-1 concept. If the plan were revised then it would promote the public health, safety, and general welfare of the township.

**DCRPC Staff Recommendation**

Staff recommends *conditional approval* of the amended PD-1 development plan for 192.83 acres on Worthington and Big Walnut Roads to the RPC, Genoa Township Zoning Commission, and Genoa Township Trustees, subject to staff comments.

**Commission / Public Comments**

Mr. Stephen Caplinger of M/I Schottenstein Homes was present to represent the applicant. He stated that this is a simple change to the approved plan. He has met with the Trustees and they are in favor of the change. Regarding the staff comments on setbacks, there was an error (typo). They will have a 150' setback.

Mr. Gary Grey, President of Homestead Communities will be building the condo.'s at the north end of the site. With regards to the staff comment about relocating the community building, there are a couple reasons they would like to leave it where it is at the entrance to the community. He said the pool is used by the grandchildren of the resident's and his experience is that the grandchildren are best kept on the outer area of the property than in the heart of it due to noise and disturbance. The community building is also where the staff provides services to the residents: dry cleaning pick up, video rental, etc.

Mr. Caplinger also stated that there is an on-site detention area. RD Zande will submit the calculations for the storm water management and will meet with the County Engineer on the street layouts. Also, the staff comment on active recreation; it's mostly passive recreation, open spaces are for playing but are not specific to ball diamonds.

***Mr. Gladman made a motion to recommend conditional approval of the rezoning request by M/I Schottenstein Homes, subject to staff comments. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

IV. SUBDIVISION PROJECTS

**Preliminary**  
**25-00**  
**14.577 acres**

**Big Daddy Farms – Berkshire Twp. – 2 lots (CAD),**

**Applicant:** Duke R. Renzenbrink  
**Subdivision Type:** Single-family Residential  
**Location:** North side of Cheshire Road, east of I-71  
**Current Land Use:** Vacant/Open space  
**Zoned:** Agriculture (A-1)  
**Utilities:** Well and on-site septic  
**School District:** Olentangy  
**Engineer:** Hoy Surveying Services, Inc.

**Staff Comments**

This is an application for 2 lots on 14.577 acres, which are to be accessed from a CAD extending north from Cheshire Road. The 7-acre lots will have on-site septic systems and wells. The site is now vacant with two large ponds on the east and west sides as well as woods to the north where the two homes will be located. Drainage from the site and the leach fields will be detained in the ponds. The subdivision is surrounded by agriculture to the north with large lot single family residences along Cheshire Road to the south and open space to the east. I-71 is located to the west and is buffered by the pond and a berm. The site and the surrounding area is zoned A-1 with a minimum lot size of 5 acres.

**The application received a technical review on June 20<sup>th</sup>, 2000 after which the applicant has addressed all of the required changes, except the following:**

- The scale is wrong on pages 1,4 and 5 of the revised preliminary plans.
- Culvert between ponds is not shown.

**Staff Recommendation**

Staff recommends *conditional Preliminary approval* of the Big Daddy Farms Subdivision to the RPC, subject to staff comments.

**Commission / Public Comments**

Mr. Dave McCoy with Hoy Surveying stated that he agreed with the staff

recommendations.

*Mr. Adams made a motion for conditional Preliminary approval of Big Daddy Farms, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**23-00 Tall Oaks III – Liberty Twp. – 10 lots, 27.08 acres**

- Applicant:** Bruce Davidson
- Subdivision Type:** Single Family Residential
- Location:** North side of Bean-Oller Road between Liberty Rd. and South Section Line Rd.
- Current Land Use:** Agriculture/Open space
- Zoned:** FR-1 (Farm Residential)
- Utilities:** Del-Co Water, On-site septic
- School District:** Olentangy
- Engineer:** Stults and Associates, Inc.

**Staff Comments**

This is an application for a 10-lot subdivision on 27.08 acres located on the north side of Bean-Oller Rd. east of South Section Line Rd. The site is zoned FR-1 (Farm Residential) with a minimum lot size of 1 acre. The lots in the proposal average approximately 2 acres in size with one being over 5 acres with a pond. The site is very flat with evident ponding and poorly drained soils. The site will drain to existing tiles in the south-east corner as well as to the west. The subdivision is surrounded by larger lot residential homes in the original Tall Oaks subdivision to the south along Bean-Oller Rd. with agriculture/open space to the north and east. Tall Oaks Phase 2 is a three lot CAD subdivision adjacent to the west with 3-acre lots. The plan includes a low volume low-density road. (Tall Oaks Road) which extends through the site from Bean-Oller Rd. and stubs to the north. The road is 18 feet wide with a 60-foot right-of-way. The Township has not yet approved the 18' pavement width. The wider right-of-way will allow for the possible future upgrade of the road if the lands to the north are to be developed and the road extended.

There has been some discussion within the township regarding the future extension of Sawmill Parkway and the concern that this development may block it. However, the subdivision appears to be considerably west of the proposed location of the Parkway in the Liberty Township Comprehensive Plan, as well as its current alignment east of Tall Oaks III.

*The application received a technical review on July 18<sup>th</sup>, 2000 after which the applicant has addressed all of the required changes, except for the following:*

- A soils scientist report has not yet been submitted
- The Township must approve the 18' width pavement

**Staff Recommendation**

Staff recommends *conditional Preliminary approval* of Tall Oaks III to the RPC, subject to staff comments.

**Commission / Public Comments**

Mr. Chuck Orth of Stults & Associates was present to represent the applicant.

Mr. Brian Dann (2970 Bean Oller Road) stated that the proposed road is 70 feet from his house. He has asked for trees to be planted to screen his house. He has talked to Bruce Davidson who has agreed to do that but it is not shown on the plan. He also expressed his concern about this being an extension of Sawmill Parkway. Why not put a cul-de-sac at the end of the development instead of a stub?

Mr. Spanner asked if the reason for the 18' road was an economic consideration based on the number of lots at this time and you are allowing for additional expansion later with the alternative being multiple CAD's? Mr. Orth stated that this layout was suggested by the Co. Engineer and the RPC Director. Mr. Seidle stated that the Low Volume Low-Density (LVLD) street was adopted to eliminate side by side CAD's and for the potential for a connector road with upgrades.

Chairwoman Foust stated that the Liberty Township Trustees would like to meet with the Del. Co. Engineer and the DCRPC regarding the specific area for the extension of Sawmill Parkway. Mr. Laurien stated that he has discussed this with Mr. Seidle and a meeting will soon be scheduled.

*Mr. Miller made a motion for conditional Preliminary approval of the Tall Oaks II subdivision, subject to staff comments. Mr. Gladman seconded the motion. VOTE: 24 For, 1 Opposed (Liberty Twp.). Motion carried.*

**26-00 Orange Pointe Commerce Park, Ph.'s 2 & 3 – Orange Twp. - 7 lots, 109.9 acres**

**Applicant:** Duke-Weeks Construction Co.  
**Subdivision Type:** Industrial  
**Location:** East of U.S. 23 and north of Orange Road, Orange Township  
**Current Land Use:** Vacant  
**Zoned:** Planned Industrial (PID) & Farm Residential (FR-1)  
**Utilities:** Del-Co Water, Public Sanitary Sewer  
**School District:** Olentangy  
**Engineer:** EMH&T

**Staff Comments**

Orange Pointe Commerce Park was rezoned in November 1990, from FR-1 to PI, (Case # 33-90ZON). Surrounding land use is commercial and light industrial to the south, a vacant field to the north (including overhead transmission lines) and west, and the Norfolk and Southern railroad tracks directly east of the site. The site is flat and drains from east to west. Stormwater will be detained on the AEP site to the east and an existing pond to the south (Phase 1).

The Orange Pointe Commerce Park received overall preliminary approval in November 1995 (RPC # 44-95) for 43 lots on 158.3 acres. Phase 1 was recorded in 1996 and included 3 lots on 52.6 acres and the construction of the first leg of Orangepoint Drive and Graphics Way. Due to the AEP acquisition of 93.2 acres of the site (plus an additional 16.7 acres to the north) for a new substation, the original plan must be modified and a new preliminary plan must be approved. Phase 2 and 3 include 7 lots on 109.9 acres and will extend Orangepoint Drive easterly to ultimately connect with Green Meadows Drive, which will be extended to the north.

The original plan also proposed the northerly extension of Graphics Way. This extension is not included on this plan because it is part of 16 acres retained by Orangepoint LLC & Capitol Square Corp. Orangepoint LLC or its heirs will still be responsible for constructing Graphics Way.

AEP will retain ownership of the large lot east of the proposed Green Meadows extension (Lot T-6) and Duke-Weeks will develop the balance of the site. Phase 2 will include 1 lot and the extension of Orangepoint Drive approximately 1,200 feet. The remaining 6 lots and the connection of the internal roads will be completed in Phase 3.

***The application received a technical review on July 18<sup>th</sup>, 2000 after which the applicant has addressed all of the required changes***

**Staff Recommendation**

Staff recommends *conditional Preliminary approval* of Orange Pointe Commerce Park, Ph. 2 & 3 to the RPC with the notation that the Graphics Way extension must be provided in future phases by Orangepoint LLC or its heirs or assigns.

**Commission / Public Comments**

Mr. Craig Bohning of EMH & T was present to represent the applicant.

***Mr. Gladman made a motion for conditional Preliminary approval of Orange Pointe Commerce Park, Phases 2 and 3, subject to staff comments. Mr. Adams seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**24-00      Warrensburg Estates - Radnor/Scioto Twp. - 03 lots, 42.41 acres**

**Applicant:** Gerald French  
**Subdivision Type:** Residential (CAD)  
**Location:** South side of Warrensburg Road, 2,200 feet west of Section Line Road  
**Current Land Use:** Residential  
**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co Water, On sit septic  
**School District:** Buckeye Valley  
**Engineer:** Stults & Associates, Inc.

**Staff Comments**

Warrensburg Estates is a proposed 42.41-acre CAD subdivision containing 3 lots in Radnor and Scioto Townships. Lots will be 21.76 acres (existing house), 11.548 acres (including CAD), and 10.1 acres. All the lots are within Scioto Township and the CAD is in Radnor Township. The existing 1,400 foot paved drive will be upgraded to meet CAD standards. The CAD has only 25 feet of frontage on Warrensburg Road for which the RPC granted a variance in May 2000 for a reduction in width from 60' to 25' (01-00.V).

A condition of variance approval was that all CAD improvements, including drainage, be encompassed within the CAD easement. A portion of the existing driveway ditch meanders onto the property to the west. According to the Deputy County Engineer, this is protected under Ohio drainage laws and does not require an easement.

The subdivision is surrounded by agriculture to the west, south and east and a cemetery to the northwest. There are several single-family residences along Warrensburg Road to the north.

*The application received a technical review on July 18<sup>th</sup>, 2000 after which the applicant has addressed all of the required changes*

**Staff Recommendation**

Staff recommends *Preliminary approval* of Warrensburg Estates to the RPC.

**Commission / Public Comments**

Mr. Tim Huffman of Stults & Associates was present to represent the applicant.

*Mr. Adams made a motion for Preliminary approval of Warrensburg Estates, seconded by Mr. Waugh. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**Preliminary/Final** (none)

**CONSENT AGENDA**

Chairwoman Foust asked if there were any subdivision the Commission would like to have removed from the consent agenda. There were none.

*Mr. Spanner made a motion for Final approval of Highland Lakes East Section 11, Part 3, Sherbrook, Phase 7, and Sherbrook, Phase 8. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**Final**

**35-97.3 Highland Lakes East, Section 11, Part 3– Genoa Twp.**  
–

**30 lots, 10.935 acres**

**Applicant:** DHMI Lakes, Ltd.  
**Subdivision Type:** Single-family Residential  
**Location:** West side of SR 3 north of Interlachen Avenue  
**Current Land Use:** Vacant  
**Zoned:** Planned Residential District (PD-1)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Westerville  
**Engineer:** EMH&T

**Staff Comments**

The applicant is requesting the platting of 30 single-family lots on 10.935 acres, north of Interlachen Avenue on the west side of State Route 3. The design consists of a loop street called Hermitage Drive with a 60’ right-of-way that connects to Congressional Drive and one reserve lot on the north-west corner of Interlachen Drive and SR 3. The existing zoning is PD-1. Surrounding land use includes Pleasant Corners, Number 2 to the north, Highland Lakes East, Section 11, Part 1 & 2 to the immediate west. The Villas at Highland Lake are located south of Interlachen Avenue with Burk Subdivision to the south-west. To the north-west, on the other side of State Route 3, many unplatted parcels still exist with agricultural use. The applicant received overall Preliminary approval of Section 11 at the February 1999 RPC meeting.

**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, Part 3 Subdivision to the RPC.

**Commission / Public Comments**

*Mr. Spanner made a motion for Final approval of Highland Lakes East Section 11, Part 3. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**02-97.7 Sherbrook, Phase 7 – Genoa Twp. – 83 lots, 36.042 acres**

**Applicant:** Tussic Road Associates  
**Subdivision Type:** Single-family Residential

**Location:** West side of Tussic Road, north of Maxtown Road  
**Current Land Use:** vacant/agriculture  
**Zoned:** Planned Residential District (PD-1)  
**Utilities:** Del-Co water and public sewer  
**School District:** Westerville  
**Engineer:** R.D. Zande and Associates, Inc.

**Staff Comments**

The applicant is requesting the platting of 83 single-family lots on 36.042 acres, about 7400 feet north of Maxtown Road on the west side of Tussic Street. The design consists of two open space lots and two loop streets (Andrews Drive West & Clancy Way). The existing zoning is PD-1. Surrounding land use includes Sherbrook, Phase 6 to the north and Sherbrook, Phase 5 to the west. Open space in the Sherbrook, Phase 4 Subdivision is located on the south-west corner with a large undeveloped tract to the south. Proposed Sherbrook, Phase 8 is adjacent to the north-east, while Eagle Trace, Phase 1 and scattered single-family homes are located to the east, across Tussic Street Road. The applicant received Preliminary approval at the February 1999 RPC meeting.

**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 Sherbrook, Phase 7 to the RPC.

**Commission / Public Comments**

*Mr. Spanner made a motion for Final approval of Sherbrook, Phase 7. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**02-97.8            Sherbrook, Phase 8 – Genoa Twp. – 29 lots, 16.333 acres**

**Applicant:** Tussic Road Associates  
**Subdivision Type:** Single-family Residential  
**Location:** West side of Tussic Road, north of Maxtown Road  
**Current Land Use:** Vacant/agricultural  
**Zoned:** Planned Residential District (PD-1)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Westerville  
**Engineer:** R.D. Zande and Associates, Inc.

**Staff Comments**

The applicant is requesting the platting of 29 single-family lots on 16.333 acres, about 7400 feet north of Maxtown Road on the west side of Tussic Street. The design consists of two open space lots along the frontage of Tussic Street Road, a cul-de-sac called Hemingway place that extends to the north, as well as the extension of Hilmar Drive connecting to Tussic Street Road. The existing zoning is PD-1. Surrounding land use includes Sherbrook, Phase 6 to the west and proposed Sherbrook, Phase 7 to the south-west. Scattered single-family homes are located north and south on Tussic Street Road. Eagle Trace, Phase 1 and scattered single-family homes are located to the east, across Tussic Street Road. The applicant received Preliminary approval at the February 1999 RPC meeting.

**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 Sherbrook, Phase 8 to the RPC.

**Commission / Public Comments**

*Mr. Spanner made a motion for Final approval Sherbrook, Phase 8. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**V.            EXTENSIONS**

**30-99   River Bend, Section 4 – Liberty/Orange Twp.’s – 34 lots, 43.33 acres**

Stults and Associates, Inc. is requesting a six- (6) month extension of the River Bend, Section 4 Subdivision on behalf of their clients Planned Communities, Inc. The plan received conditional preliminary approval on July 22<sup>nd</sup>, 1999. Dan Whited of Stults and Associates, Inc. states that Planned Communities has chosen not to bond the project and therefore must have all construction completed and approved prior to the engineers signature, which is a requirement of final plat approval. The construction is anticipated to be completed in the next month.

**Staff Recommendation**

Staff recommends *approval* of the 6-month extension of the River Bend, Section 4 subdivision final plat to the RPC.

**Commission / Public Comments**

**Mr. Ward made a motion for the 6-month extension of River Bend, Section 4, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**VI. OTHER BUSINESS**

- **Consideration for approval: Travel Reimbursement: Jiyeong Lee (\$1402.61) ESRI Annual conference**

**Mr. Miller made a motion to approve the \$1402.61 Travel expenditure, seconded by Mr. Spanner. VOTE: Unanimously For, 0 Opposed. Motion carried.**

- **Consideration for approval: State Audit: Jim Petro Auditor of State (\$1676.86) Review of FY 1998-1999**

Mr. Laurien stated that the audit for the FY 1998-1999 was completed. There were no deficiencies reported. The audit costs are within the budgeted amount.

**Mr. Ward made a motion to approve the Audit expenditure of \$1676.86, seconded by Mr. Miller. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**VII. POLICY / EDUCATION DISCUSSION**

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

Meeting adjourned at 8:45 p.m.

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 31, 2000, 7:00PM at the Delaware Joint Vocational School North Campus, 1610 St. Rte. 521, Delaware, Ohio 43015.*