



# Delaware County Regional Planning Commission

109 N. Sandusky Street, Delaware, Ohio, 43015  
Phone 740-833-2260 Fax 740-833-2259  
www.dcrpc.org

Scott B. Sanders, AICP, *Interim Executive Director*

## **\*MINUTES\***

**Thursday, July 27, 2006 at 7:00 PM**  
**Delaware Hayes Services Building,**  
**140 N. Sandusky Street, Room G 35, Delaware, Ohio 43015**

### **I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of June 29, 2006 RPC Minutes
- Executive Committee Minutes of July 19, 2006
- Statement of Policy

### **II. POLICY / EDUCATION DISCUSSION**

- Consideration for approval of Resolution #01-06 2006 Subdivision Regulations - withdrawn

### **III. VARIANCES**

- 16-05.2.V Willow Creek, Section 2 – Harlem Twp. – Variance from Section 306
- 14-06.V Heiselt Tract – Concord Twp. – Variance from Section 306

### **IV. PUBLIC CONSTRUCTION PROJECTS (none)**

### **V. ZONING MAP/TEXT AMENDMENTS**

- 36-06 ZON **WD** The Robert Weiler Co. – Kingston Twp. – 605.76 acres from FR-1 to PRD
- 37-06 ZON Berkshire Twp. Zoning Commission – text amendments – sign code
- 38-06 ZON Darrin Collier – Liberty Twp. – 4.631 acres from C-2 to FR-1

### **VI. SUBDIVISION PROJECTS**

#### **Preliminary**

			<b>Township</b>	<b>Lots/Acres</b>
15-06	<b>T</b>	River Run	Liberty	27 lots / 31.14 acres
17-06	<b>T</b>	Woods at Wildcat Run	Liberty	15 lots / 23.02 acres

#### **Preliminary/Final**

16-06		AD Farrow at Northstar	Berkshire	01 lot / 17.39 acres
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#### **Final**

06-04.1		Summerwood Lakes, Section 1	Berkshire	35 lots / 28.41 acres
03-03.3.A		Vinmar Farms, Section 3, Phase A	Genoa	22 lots / 18.45 acres
25-05	<b>T</b>	Sawmill Parkway Extension / Golf Village North	Liberty	05 lots / 219.754 acres

**T=TABLED, W=WITHDRAWN**

### **VII. EXTENSIONS**

05-05		The Estates at Sherman Lakes	Berlin	34 lots / 40.70 acres
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### **VIII. OTHER BUSINESS**

- Consideration for approval: Legal fees to Loveland & Brosius (\$2,150.00)
- Consideration for approval: Da-Wei Liou, \$1,472.00 San Diego ESRI user conference

### **IX. RPC STAFF AND MEMBER NEWS**

- Jason Kaplan – Planner II

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairwoman Foust called the meeting to order at 8:10 p.m.

▪ **Roll Call**

*Representatives:* Paul Snajd, Rick Sedlacek, Robert Hedrick, Jim Ward, Glen Evans, Kris Jordan, Steve Burke, Gary Gunderman, Leslie Warthman, Bob Talbot, Holly Foust, Charles Heimlich, Dick Gladman, Bill Thurston, Lloyd Shoaf, Tom Brown, Scott Love, Robert Jones, Bonnie Newland, and Mike Dattilo.

*Alternates:* Pat Blayney, Roger Van Sickle, Dave Jackson, Eric Fischer, and Doug Price. *Staff:* Scott Sanders, Paul Deel, Jason Kaplan, Da-Wei Liou, and Stephanie Matlack.

▪ **Approval of the June 29, 2006 RPC Minutes**

*Mrs. Warthman made a motion to approve the minutes from the June 29, 2006 meeting. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **July 19, 2006 Executive Committee Minutes**

**1. Call to order**

Chairperson Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Jim Ward, Dick Gladman, and Lloyd Shoaf. Staff present: Scott Sanders and Stephanie Matlack.

**2. Approval of Executive Committee Minutes**

**June 21, 2006 – Mr. Burke made a motion to approve the minutes of the June meeting. Mr. Ward seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Gladman). Motion carried.**

**3. Old Business**

**Consideration for approval: Da-Wei Liou seminar reimbursement: Annual ESRI GIS User Conference (\$1,472) – Mr. Gladman made a motion to recommend approval of the seminar reimbursement for Da-Wei Liou for the annual ESRI GIS User Conference. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**4. New Business**

**a. Financial / Activity Reports for June 2006**

REGIONAL PLANNING RECEIPTS		JUNE	YTD TOTAL
General Fees (Lot Split)	(4201)	\$6,150.00	\$11,830.00
Fees A (Site Review)	(4202)	\$200.00	\$900.00
Insp. Fees (Lot Line Transfer)	(4203)	\$120.00	\$520.00
Membership Fees	(4204)		\$228,545.96
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$2,533.74	\$13,341.99
Assoc. Membership	(4206)		\$3,000.00
General Sales	(4220)	\$163.30	\$1,015.97
Charges for Serv. A (Prel. Appl.)	(4230)	\$23,922.20	\$63,386.20
Charges for Serv. B (Final. Appl.)	(4231)	\$38,096.10	\$105,051.02
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$2,700.00
Charges for Serv. D (Table Fee)	(4233)	\$1,000.00	\$3,600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)	\$13,800.00	\$28,400.00
Soil & Water Fees	(4243)	\$550.00	\$1,887.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		\$15.00
Other Reimbursements A	(4721)		\$3,852.59
Other Misc. Revenue (GIS maps)	(4730)	\$259.00	\$1,955.06
Misc. Non Revenue Receipts	(4733)		
<b>TOTAL RECEIPTS</b>		<b>\$87,094.34</b>	<b>\$470,600.79</b>

<b>Balance after receipts</b>	<b>\$255,999.38</b>
<b>Expenditures</b>	<b>- \$ 29,305.60</b>
<b>End of June balance</b>	<b>\$226,693.78</b>

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

- b. July RPC Preliminary Agenda** – Mr. Sanders explained that the agenda includes the consideration for approval of the Subdivision Regulations, 2 variance requests, 2 rezoning/text amendments, 2 Preliminary, 1 Preliminary/Final, 3 Final and 1 extension.

**6. Other Business**

- a. Loveland & Brosius, \$2,150.00** – *Mr. Gladman made a motion to recommend approval of the legal fees. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**7. Personnel**

- a. Jason Kaplan** – **start date July 17, 2006** – Mr. Sanders introduced Mr. Kaplan. The Committee welcomed him to the Regional Planning Commission.

**8. Adjourn** – *Having no further business, Mr. Gladman made a motion to adjourn the meeting at 9:45 p.m. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next regular Executive Committee meeting will be Wednesday, August 23, 2006 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015*

- **Statement of Policy**

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

## II. POLICY / EDUCATION DISCUSSION

- **Consideration for approval of Resolution #01-06 2006 Subdivision Regulations**

Discussion was held on the process for adopting amendments to the current Delaware County Subdivision Regulations. The Commission took no action on the proposed 2006 Subdivision Regulations.

*Mr. Gladman made a motion to form an Advisory Committee in order to review the amendments to the 2006 Delaware County Subdivision Regulations for the Common Access Driveway standards and the Large Lot No-Plat approval standards. He stated that individuals interested in serving on the Advisory Committee must submit their name, phone number, and email address to Scott Sanders, DCRPC Interim Executive Director by August 18, 2006. From this list, the Executive Committee would recommend names to the full Commission at the August 31, 2006 regular meeting. Mr. Jones seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

## III. VARIANCES

### 16-05.2.V Willow Creek, Section 2 – Harlem Twp. – Variance from Section 306

**Applicant:** Webster Building Co. Inc.

**Location:** 5102 Harlem Rd, Harlem Township.

#### I. Request

The applicant requests a variance from Section 306.01 of the Subdivision Regulations which allows a maximum 3 lots on a CAD (except that 2 additional lots may be allowed if the additional lots have road frontage and are adjacent to the CAD at its access to the road). If the request is approved, the applicant would add four new lots to an existing 4-lot CAD (Willow Creek).

#### II. Facts

1. The Delaware County Subdivision Regulations specify in section 306.01 that a CAD shall access no more than three lots, except as provided in Section 306.07 (two additional lots allowed contiguous to the CAD and with existing road frontage).
2. The RPC staff proposed a pavement cross section for CADs in the proposed amendments to the 1997 Subdivision Regulations (process ongoing since 1998). To off-set additional costs, the staff also proposed that 3 additional lots be allowed on a CAD for a total of 8 lots (6 lots plus 2 frontage lots). As a result of public opposition, and lack of RPC support, these proposed CAD regulations were removed from the amendments.
3. The applicant submitted a sketch plan for a 5 lot CAD subdivision in February 2005. The staff informed the applicant in writing that the fifth lot did not meet the regulations because it did not have road frontage. At a subsequent meeting between the staff and developer to discuss options, the staff indicated that it did not support a variance and that the applicant could either wait for the new regulations or develop a 4 lot CAD and come back later if the new standards were adopted and split off the fifth lot. Staff noted that there was no guarantee that the new regulations would be approved.
4. Willow Creek was platted (recorded) in November 2005 as a 4 lot CAD subdivision. The applicant designed and constructed the CAD to reflect the new CAD cross section specification, except for the pavement cross section.

5. In January 2006, the adjacent 10 acre tract was rezoned from AR-1 to FR-1. During the RPC review (case 60-05 zon), the staff noted that the RPC does not generally support “side by side” CADs, and that the property owner (Geraldine Mann) should submit a sketch plan of the proposed development for comments prior to rezoning. None was submitted. There were no discussions with the staff regarding this site and the ability to access the Willow Creek CAD until May 2006 when the staff informed the applicant that the RPC removed the “new” CAD regulations (additional lots and pavement requirement) from the proposed amendments.

### **III. 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 property.

**Staff finding:** This proposed CAD would have been approved without a variance under the staff’s proposed CAD standards, however there was no consensus among the RPC members supporting those regulations. Without that support, we feel that approval of this variance will lead to more requests for additional lots on a CAD.

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

**Staff finding:** Staff has had discussions with many landowners over the last 2 years regarding the proposed “expanded” CAD’s. The unique circumstance leading to this request is that this landowner risked that the new CAD regulations would be adopted. He designed and constructed the CAD (minus pavement) to meet the new standards, then purchased the adjacent 10 acre tract with hopes of platting 4 additional lots on the CAD.

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.

**Staff finding:** The 10 acre tract proposed to be subdivided is surrounded by flag lots to the north and west and the Willow Creek CAD to the south. Due to the narrowness of the tract, it cannot be subdivided unless a new street or CAD is constructed, or the existing Willow Creek CAD is utilized.

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.

**Staff finding:** The site has been granted a variance for the frontage requirement for the proposed lots. The Township has also submitted a letter of support for the variance.

### **IV. Staff Recommendation**

Staff recommends **Denial** of the variance to allow eight lots on a Common Access Drive for the Willow

Creek subdivision, due to the lack of support from the RPC for the proposed CAD amendments in the Subdivision Regulations. This request, if approved, could open the door for a number of future variance request by property owners who were waiting for the new rules.

However, should the RPC approve this request, staff suggests the following condition:

1. *The CAD should be designed and constructed (including pavement) in accordance with the standards previously proposed for CADs in the Subdivision Regulations.*

### **Commission / Public Comments**

Karen Coffman, Scioto Land Surveying Service was present to represent the applicant. She stated that they hoped in the beginning to add one more lot at the end of the CAD. Since then, Geraldine Mann, who owns the 10 acres to the north, approached Jody Parks and asked if he would be interested in buying it. Mr. Parks met with Mr. Phil Laurien to discuss the possibility of adding the northern lots to the existing CAD. That was when they were told of the proposed CAD standards that allowed for 8 lots. The applicant feels the hardship is how narrow the lot is. She does not feel a street could be used to service the lots due to the road width requirements and the remaining area would not meet the building envelope requirements. She also noted that Mr. Parks received a letter of support from the Harlem Twp. Trustees.

Mr. Jody Parks stated that he owns the CAD and the building company. He stated that because of their economic situation, they would have to apply for another CAD for the northern property if the combined 8 lot CAD were not approved. He feels the improvements that have been made to the two parcels have been a great improvement.

Mr. Ward asked if the applicant is willing to put a private drive and individual address signs as proposed in the new regulations. Mr. Parks stated that he had planned to do that along with paving the drive. He stated he has received a lot of comments on how nice it looks and is holding up. There are open ditches, no drains installed.

Mrs. Warthman asked what the differences are between what was built and what is proposed and if the applicant is willing to make those changes so it complies with the regulations? Mr. Parks stated that the reason it is not paved already is because they didn't know if the regulations would be approved. Mrs. Warthman asked if the new CAD regulations presented today were approved, would this project meet those standards. Mr. Sanders stated that they are asking for more lots than the proposed regulations allow. Mr. Brown asked about the March proposed regulations? Mr. Sanders stated that the pavement and underdrains are the only things missing in the cross-section.

Mr. Jackson stated that the Township trustees did write a letter of support for this in anticipation of the proposed regulations that allowed 8 lots on a CAD. He would agree that the northern lot has been greatly improved with the removal of some unsightly buildings. Mr. Parks stated that he has had conversations with Chief Fling who suggested a wider area in the back be provided and that the larger waterline be installed to accommodate the additional lots. Mr. Parks agreed to those.

Chairwoman stated that she received a packet from Mr. Parks with before and after photos of the site, a letter from Mr. Parks and unsigned letter from Harlem Twp. Trustees stating their support of the 8 lot CAD. She explained that she has never been in favor of increasing the number of lots on a CAD. Mr. Ward stated that he is not necessarily in favor of 8 lots on a CAD but feels it is a better choice than two CADs side by side. He believes it should be paved after the project is built out.

**Mr. Ward made a motion for conditional approval of the variance request by Jody Park, subject to the applicant following the signage regulations in the proposed 2006 Subdivision Regulations and black top on the CAD. Mr. Glen Evans seconded the motion. VOTE: Majority For, 1 Opposed (Chairwoman Foust). Motion carried.**

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**14-06.V Heiselt Tract – Concord Twp. – Variance from Section 306**

**Applicant:** Melisa J. Heiselt

**Location:** 6881 Harriott Road, Concord Township.

**I. Request**

The applicant seeks to develop a 5-acre lot into a 5-lot Common Access Drive subdivision on the south side of Harriott Road in Concord Township. The lots are arranged so that 4 lots have frontage on the CAD with the fifth lot having frontage on Harriott Road and the CAD. A variance is requested from Section 306.01 which allows a maximum 3 lots on a CAD (except that 2 additional lots may be allowed if the additional lots have road frontage and are adjacent to the CAD at its access to the road).

**II. Facts**

1. The Delaware County Subdivision Regulations specify in section 306.01 that a CAD shall access no more than three lots, except as provided in Section 306.07 (two additional lots allowed contiguous to the CAD and with existing road frontage).
2. The RPC staff proposed a pavement cross section for CAD's in the proposed amendments to the 1997 Subdivision Regulations (process ongoing since 1998). To off-set additional costs, the staff also proposed that 3 additional lots be allowed on a CAD for a total of 8 lots (6 lots plus 2 frontage lots). As a result of public opposition, and lack of RPC support, these proposed CAD regulations were removed from the amendments.
3. The property is surrounded by two 5-acre lots to the west and Tartan Fields subdivision to the east and south.
4. The Concord Township Zoning Commission has approved a rezoning from FR-1 to PRD (including this layout) for this site.
5. The original parcel is long and narrow with less than 270' of frontage. The lots could be configured in a way to create frontage for 2 lots adjacent to the CAD, but this would create a long 60' strip parallel to the CAD.
6. The applicant has agreed to design and construct the CAD to the standards previously proposed by the staff in the subdivision regulations amendments (including the pavement cross section).

**III. 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 property.

**Staff finding:** The request would not be a detriment to the public health, safety, and welfare.

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

variance is sought.

**Staff finding:** The property is narrow and deep. The variance would provide a better configuration of the proposed lots.

5. 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.

**Staff finding:** The deep and narrow site is surrounded by development. The proposed lots are comparable to the lot sizes in Tartan Fields. Requiring frontage for the fifth lot would create a 60' strip parallel to the CAD.

6. 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.

**Staff finding:** The variance would not vary any existing zoning regulation or comprehensive plans. However, the development will be required to comply with the county stormwater management requirements, which could affect the lot configuration or even eliminate a lot.

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

Staff recommends **Denial** of the variance to allow five-lots on a Common Access Drive for the Heiselt tract, due to the lack of support from the RPC for the proposed CAD amendments in the Subdivision Regulations. This request if approved could open the door for a number of future variance request by property owners who were waiting for the new rules.

However, should the RPC approve this request, staff suggests the following condition:

1. *The CAD being designed in accordance with the previously proposed CAD requirements in the Subdivision Regulations*
2. *The development complying with the County stormwater management requirements.*

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

Mr. Kevin Kershner of RD Zande was present to represent the applicant. He stated that they have proposed a 16' wide asphalt CAD. They do have support from the fire chief and the Township officials have agreed to the proposal.

Chairwoman Foust asked if this property was acquired after Tartan Fields was rezoned. Mr. Kershner said yes. It will be developed by the same developer. Chairwoman Foust asked if the developer had to get the property rezoned and at what minimum lot size. Mr. Kershner stated that it was rezoned to a PRD. The allowable density is 1.25 d.u./ac. Chairwoman Foust pointed out to the Commission that if there were an inclination to approve this variance subject to the conditions listed in the staff report, the first item should state "the CAD being designed *and constructed* in accordance", she also believes a completion date for the paving should be stated. She wonders why the Commission is considering approving 5 lots in an area where they don't know they can create 5 lots because they haven't done enough review with the storm water regulations. Mr. Kershner stated he is aware that the CAD must be constructed and certified by an Engineer



prior to the Commission signing the plat. He said the paving would be done prior to building the houses. Chairwoman Foust stated that the discussion that the Commission has had recently concerning CADs to be paved, it's been brought to our attention that requiring them to be paved prior to recording the plat just sets the CAD up for damage from construction vehicles. A lot of the Commission members agreed that that is a concern. She questioned whether Mr. Ward intended that the Jody Parks CAD be paved before recording or after the last house is built. The motion did not specify when but he did make the comment earlier that it should not be paved before they are done building. Mr. Ward agreed that paving should be done after the homes are built.

Mr. Snajd commented that as the Commission works on the Subdivision Regulations, there needs to be allowances for variances from the standards but they should each be looked at separately. Chairwoman Foust asked if the Commission sees a hardship. She understands it is a unique situation, but both of the cases we have heard tonight do have an opportunity for future development next door. Mr. Snajd agreed. Chairwoman Foust stated that they didn't own this acreage when they did Tartan Fields and have now acquired it. They can go and acquire the next parcel and request the same thing. Mr. Kershner stated that they don't own the property now. It is under option.

***Mr. Shoaf made a motion to conditionally approve the variance request subject to the applicant paving the CAD after the last house is built and complying with the County storm water management requirements. Mr. Brown seconded the motion. HAND VOTE: 13 For, 7 Opposed. Motion carried.***

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**IV. PUBLIC CONSTRUCTION PROJECTS** (none)

**V. ZONING MAP/TEXT AMENDMENTS**

**36-06 ZON WD The Robert Weiler Co. – Kingston Twp. – 605.76 acres from FR-1 to PRD**

*\*\*This application was withdrawn by the Township by request of the developer.\*\**

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**37-06 ZON Berkshire Twp. Zoning Commission – text amendments – sign code**

In the summer and fall of 2005, the Berkshire Township Zoning Commission worked with RPC staff to make the editorial changes to the township's sign code. Since April, staff has been working through the zoning inspector to finalize the wording. Changes are listed below:

**I. Summary of amendments**

1. Defining the Clear Sight Triangle at intersections, including adding a graphic;
2. Describing the requirement that a zoning permit be required for signs;
3. Defining on-site directional signs in the Permitted Signs section;
4. Defining numerous minor signs, such as business identifications, addresses, architectural details, etc., where no permit is required;
5. Amending the table that defines the sign height based on the amount of right-of-way;

6. Amending the table that defines that maximum square feet of advertising based on the amount of right-of-way;
7. Defining the limit of multi-tenant shopping centers to one free-standing sign;
8. Amending the setback distance measurements of highway “lollipop” signs
9. Defining subdivision sales signs;
10. Amending the tables (to be consistent as in #5 and #6 above) that define sign height and square footage in the Conditionally Permitted Signs section;
11. Adding the following to the list of prohibited signs:
  - a.) Clear or white backgrounds on internally lit cabinet signs.
  - b.) Obscene Nature: No sign shall be erected that displays a sexual act.
  - c.) Signs on or over any public property or public right-of-way except as is specifically permitted in these regulations. Signs may be erected on public property only by an authorized representative of a public agency or a quasi-public agency, provided such sign is approved by the Zoning Inspector prior to its erection. Signs on State Road rights-of-way shall comply fully with ODOT regulations.
  - d.) Advertising signs on benches, trash receptacles, phone booths, bus shelters and similar structures, when visible from the public right-of-way.
  - e.) Off-premise signs, except for legal billboards.
  - f.) Billboards in residential zoning districts.
  - g.) Revolving signs, sandwich board signs, and animated signs (includes mechanical or electronic changeable copy signs, flashing signs, moving signs and any animation of signs). No sign shall contain or consist of banners, pennants, ribbons, streamers or similar moving devices.
  - h.) Arrangements of lights in rows, strings, patterns, or designs that outline or are attached to any portion of a building or structure, including windows, are prohibited. This prohibition does not apply to seasonal light displays, or lights that are an integral part of an approved sign or those required for public safety. Flashing signs, other than time and temperature signs not exceeding twenty-five (25) square feet of total area are prohibited.
12. Defining Exterior Lighting as directed downward rather than upward and shall use fully shielded cut-off fixtures.

## **II. Staff Recommendations**

Staff recommends **Approval** of the Berkshire Township Zoning Commission sign code text changes to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees.

### **Commission / Public Comments**

***Mr. Blayney made a motion to recommend approval of the Berkshire Twp. sign code text. Mr. Van Sickle seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**38-06 ZON      Darrin Collier – Liberty Twp. – 4.631 acres from C-2 to FR-1**

## **I. Request**

The applicant, Darrin Collier, requests a rezoning for 2 lots totaling 4.631 acres from C-2 to FR-1 to allow for current and future residential use.

## **II. Conditions**

**Location:** 3657 & 3703 Olentangy River Road, South of Columbus Pike, North of Bean Oller Rd, Liberty Township

**Present Zoning:** Neighborhood Retail District (C-2)

**Proposed Zoning:** Farm Residence District (FR-1)

**Present Use(s):** Vacant former nursery at 3657 Olentangy River Rd. and a single-family residence at 3703 Olentangy River Rd.

**Proposed Use(s):** Single-family residential

**Existing Density:** N/A

**Proposed Density:** 1 du / 1 acre

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and private on-lot treatment systems

**Critical Resources:** Majority of the lots are in the floodway or 100- and 500-year floodplain

**Surrounding land uses:** Single-family homes on residential lots of varying sizes along Olentangy River Road.

**Soils:** ScA: Scioto Silt Loam (0 to 2% slope)

SdC2: Scioto Silty Clay Loam (6 to 12% slope)

LoA: Lobdell Silt Loam (0 to 2% slope)

## **III. Issues**

The applicant owns a total of 3 contiguous lots, however, the smallest lot at 0.265 acres to the north is already zoned FR-1. This rezoning request from C-2 to FR-1 applies to the remaining 2 lots, at 1.769 and 2.862 acres, respectively.

The applicant states that the 3 lots will eventually be combined into 2 lots. Once the 3 lots are combined into 2, the northern lot will be 3.127 acres and have 249 feet of frontage on Olentangy River Road and the southern lot will be 1.769 acres and have 150 feet of frontage, also on Olentangy River Road. Liberty Township's minimum frontage requirement for FR-1 is 150' for lots less than 2 acres in size and 200' for lots between 3 and 4 acres in size, therefore, both lots would meet these requirements.

The 2006 Liberty Township Comprehensive Plan's Recommended Land Use Map categorizes the subject lots as "*Olentangy and Scioto Watershed Corridors Residential at 1 dwelling unit per net developable acre*" within *Area I – The Olentangy Heritage Corridor*. The Plan recommends maintaining a maximum residential density of one unit per net developable acre below an elevation of 900 feet.

Surrounding land uses include scattered single-family homes along Olentangy River Road to the north and south of the subject lots. Rezoning the lots to FR-1 would be in character with the area.

## **IV. Staff Recommendations**

Staff recommends **Approval** of this rezoning case from C-2 to FR-1 for Darrin Collier to the DCRPC, the Liberty Township Zoning Commission and the Liberty Township Trustees.

**Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Snajd made a motion to recommend approval of the rezoning request by Darrin Collier. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**VI. SUBDIVISION PROJECTS**

**Preliminary**

**15-06 River Run – Liberty Twp. - 27 lots / 31.14 acres**

**Applicant:** River Run of Powell, LLC.

**Subdivision Type:** Single Family Residential

**Location:** 1612 Jewett Rd. and 9678 Olentangy River Rd., Orange Township.

**Current Land Use:** Single family residential

**Zoned:** Farm Residential (FR-1)

**Utilities:** Del-Co water and public sewer

**School District:** Olentangy

**Engineer:** Bauer, Davidson and Merchant, Inc.

**I. Staff Comments**

River Run is a proposed 27 lot subdivision on 31.14 acres (0.87 du/acre). It is located on the north side of Jewett Road and the west side of SR 315. A portion of the property lies between SR 315 and the Olentangy River, but this land will be donated to the ODNR’s Scenic Rivers program prior to platting. This site contains a couple of existing residences. A deep ravine (Bartholomew Run) crosses the southern portion of the site feeding into the Olentangy River to the east across SR 315. Most of the southern portion of the site is wooded while the north side is open, but surrounded by perimeter tree rows. Bartholomew Run is a FEMA mapped stream and includes a defined floodway and 100 year floodplain.

The subdivision includes a long cul-de-sac street (River Run Way) extending north of Jewett Road. This street crosses Bartholomew Run with a proposed bridge. River View Court is an east-west street intersecting River Run Way at a traffic circle. River View Court terminates in a cul-de-sac at the east and west side of the subdivision. Both of these streets will be private. Gates will be installed at the entrance and the terminus of River Run Way. A short 65’ right of way dedication will be provided from the River Run Way cul-de-sac to the north boundary line. This is intended to provide a connection for potential development of the site to the north. No direct vehicular access will be allowed onto Jewett Road (Lots 1, 2, and 27) and SR 315 (Lot 11). These lots will access internal subdivision streets only. Existing driveways will be removed.

**II. Issues/concerns**

1. **Traffic** – The staff would normally require a public street connection to adjacent developments to provide a link between neighborhoods and offer alternative ways to enter/exit the development. However, due to the traffic problems associated with the Powell Rd/SR 315 intersection, the County Engineer and RPC staff agree that a public street connection from Jewett Road to Powell Road through this site would create a major cut through situation. Therefore, both offices have agreed to allow

private streets and the short public connector for the adjacent development. The Fire Chief has requested an emergency access to SR 315. The developer should continue working with the property owner to the north to assure the connection benefits both subdivisions.

2. Grading – It was noted during the Technical Review Committee meeting that several lots appeared to propose excessive cutting or filling, especially lots along the ravine. Code Compliance has stated that these issues must be resolved at final engineering. Staff would like a more detailed grading plan to be prepared and reviewed prior to any site clearing activity.
3. Critical Resources - The developer has been working with ODNR to secure an appropriate conservation easement over Bartholomew Run. A 100’ conservation easement is shown on the plan (50’ from center of creek). The area on the east side of SR 315 will be donated to ODNR. The plan should label the acreage for this parcel, and ensure it is not part of the total subdivision acreage. We encourage the developer to continue working with ODNR and OEPA during the final engineering review process to minimize any impact on the ravine.
4. Zoning – The Zoning Officer provided a long list of zoning compliance comments. Revisions provided on July 24, 2006 have not addressed all of those comments. The developer needs to continue working with the township to address those items, and secure any conditional use permit and/or variances required for final plat approval.
5. Drainage - The plan proposes a retention pond in Lot 4. It appears to restrict access for the proposed house on this lot. Staff also prefers stormwater ponds be located off-ravine completely out of the conservation easement and entirely within a single lot if possible. This needs to be resolved during final engineering.
6. Buffering – Since this is an FR-1 zoning district, there are no requirements for the development to provide buffering from adjacent developments. We do think a perimeter tree preservation easement is a good idea and encourage the developer to continue working with the neighbors to explore feasibility.

**A technical review was held on July 17, 2006, after which the applicant has addressed all of the required changes, except the following:**

- 1) **There are still some township zoning concerns that have not been addressed on the revisions submitted on July 25, 2006.**
- 2) **Finished grade elevations for some lots are still questionable.**
- 3) **Provide an emergency access to SR 315 in accordance with Liberty Township Fire Department request.**
- 4) **Move the retention pond out of the conservation easement.**
- 5) **Provide a written response to all TRC comments.**

### **III. Staff Recommendation**

Staff recommends *Conditional Preliminary Approval* of the **River Run**, to the RPC, *subject to the resolution of all TRC comments and resolving issues noted in this report.*

### **Commission / Public Comments**

Mr. Bruce Miller with River Run of Powell was present. He stated they are willing to work with the local authorities and answer any questions from the Commission and neighbors.

John Keller (1424 Jewett Rd.) stated that he is a former President of the Liberty Twp. Civic Association and served on the township zoning commission. He stated that the neighbors were not advised of the meeting tonight. The applicant has not made any attempts to resolve any questions from the neighbors. He asked the applicant if he would be willing to table this application and meet with the neighbors to resolve some questions and come back to the Commission for approval. Mr. Miller stated that he met with some of the neighbors. The applicant stated they were not required to notify the neighbors since they were not rezoning. They submitted this project under the existing zoning. This project was designed to not only meet but exceed the requirements of the zoning. There are 27 lots on a net developable acreage of 33.1 acres with a total of 39.3 acres. The average lot size is 53,579 square feet. The minimum is 43,560 sq. ft. He stated they are not interested in tabling tonight. They feel through the preliminary approval process before the final platting they can meet with the neighbors and address their concerns. They are willing to discuss putting a 25' buffer easement with a no cut zone. They are interested in preserving the trees. The covenants are some of the most restrictive in the County. "You won't be cutting a tree without the approval of the Design and Review Committee and it would only be for a house or a driveway." He stated that they have worked with Frank Demarco with the Ohio Department of Natural Resources.

Mr. Keller stated that this is a significant proposed development in an old established neighborhood. The north side of Bartholomew Run has a very significant slope. This proposal is not in compliance with the Comprehensive Plan which allows the maximum density of 1 d.u./net developable acre not per acre. They need to take out the acreage from the road and area with slopes greater than 20%. The Comprehensive Plan goal is meant to preserve ravines, woodlands, wildlife corridor, streams and this plan does not do that. He stated an independent traffic study needs to be done. None of the roads in this area can accept more traffic. There are road and utility questions that need to be answered. He noted his concern with preservation of Bartholomew Run and the increased drainage from the homes and roads. This project is not compatible with the surrounding area of old established neighborhoods.

Chairwoman Foust stated that Mr. Keller made some very good points. She requested that the remaining audience members that wish to speak would limit their concerns to new issues or just simply say you agree with the comments already made.

Chuck Zelms (823 Sycamore Ridge Court, current Treasurer for the Deer Run Home Owners Association) agreed with Mr. Keller. He stated that he is glad to see the stub to the north rather than traffic going out on Powell Rd. They are opposed to additional streets on Powell Rd. He stated he is glad to see the lower density than what was proposed for the Olentangy Falls development. He also is worried about the homes on the slopes.

Lou Vitale (1780 Jewett Rd.) stated that he has had no contact with the developer. He does not agree with the bridge crossing over Bartholomew Run. If the State says that 315 is a scenic route and you can not have access to 315 there, they how could you have access over Bartholomew Run which is a protected area?

Chairwoman Foust explained that the action of the Commission may take is to approve, approve with conditions or deny. The request for tabling needs to come from the developer. She asked Mr. Miller, after hearing a lot of opposition, would he like to request a table of the application to go meet with the neighbors.

Mr. Miller stated that the staff has made a recommendation with consideration of other County office requirements. He suggested one additional requirement for the developer to meet with the neighbors and go

through their issues. Chairwoman Foust stated she didn't know if that requirement was enforceable. Mr. Miller stated that some of the issues raised by Mr. Keller have been done. The traffic study would be submitted to the appropriate offices. Chairwoman Foust explained that there is no requirement for adjoining or nearby property owners for any blanket zoning subdivision. She agreed it is a good thing for the developers to do and has heard the comment from those that have spoken but it is not a requirement.

Jim Hoerath (1962 Jewett Rd.) stated he was a previous Zoning Commission member. He stated that you can only allow an FR-1 zoning if you allow roads to go in there. If you don't allow new roads then he could only get a couple of lots because he only has limited road frontage. He would need 300 feet of frontage per lot or 60 feet if he were to do a CAD. Most lots on Jewett Rd. are 5 acre lots. There are some areas of this property that can be developed but there is a larger area that should not be developed but be preserved. He stated there is a 15'-25' setback from the top of the slope on the adjacent subdivision Deer Run.

Joe Parrish (2440 Wind Bend Blvd.) stated that he has lived in the area for 45 years and is in favor of the subdivision. No one wants a subdivision in their backyard. He stated this is a beautiful area. From what he understands, Mr. Miller is going to live there. He's not just going to build the houses and leave. Mr. Miller has shown him the project layout and he hopes to buy a lot.

Bill Leber (1420 Jewett Rd.) stated that this application is much more preliminary than it should be. There was a long list of conditions in the staff report that need to be addressed. There are building locations that appear to be in the location of flooding. If there is a retention basin, where is it going to be located and is it sufficient? Is there going to be access to SR 315? He believes this project is in a preliminary position and more work needs to be done before the Commission gives approval.

Jon Ullman (1428 Jewett Rd.) stated that this project would cause 4-6 neighbors to look into his property. There are issues with this development that need to be addressed before approval. His main concern is the stub street to the property to the north. If you are traveling north on SR 315 it backs up well past Jewett Rd. He questioned what limitation would be put on this stub. He questions the fire chief's support of the proposed bridge when the fire department won't cross his bridge if his house were on fire.

Kelly Ullman (1428 Jewett Rd.) stated she is surrounded by this property so it greatly affects her family. She doesn't care about property values. She stated she bought the property not for the house but for the environment. They see various wild animals that she believes would greatly decrease if this subdivision were to be developed as it is proposed. She stated that there are 3 lots with their building envelope half or less within the 100 year flood plain. She requested the Commission to go and look at this unique property before making any decisions.

Mr. Paul Cugini stated that he is a partner of River Run of Powell and has lived in Liberty Twp. for 21 years. He stated that they have met with a couple of the residents. They are willing to table this request for 30 days in order to meet with the adjoining residents.

***Mr. Ward made a motion to approve the table request for 30 days for River Run Subdivision.***

Mr. Cugini commented that the stub to the north was suggested to them. If the Commission would like that to be removed it would make them a lot happier.

Mr. Fischer questioned the private road as opposed to a public road. Mr. Cugini stated that they wanted to

limit the access to Jewett Rd. and did not want a connection to the north. The Fire Dept. requested that the access to SR 315 just this morning. Mr. Fischer suggested a PRD zoning with the homes being condensed to the north and preserve the ravines.

**Mr. Jones seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

Mr. Miller noted that the northern stub was agreed to be gated.

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**17-06 T Woods at Wildcat Run – Liberty Twp. - 15 lots / 23.02 acres**

**Applicant:** Brian Ross

**Engineer:** Hoy Surveying

**I. Staff Comments**

The engineer has requested a 30-day tabling in order to resolve issues raised at the Technical Review meeting.

**II. Staff Recommendations**

Staff recommends *Approval* of the 30-day tabling of **The Woods at Wildcat Run** to the RPC.

**Commission / Public Comments**

**Mr. Ward made a motion to approve the 30-day tabling for The Woods at Wildcat Run. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**Preliminary/Final**

**16-06 AD Farrow at Northstar – Berkshire Twp. - 01 lot / 17.39 acres**

**Applicant:** A D Farrow Harley Davidson

**Subdivision Type:** Commercial

**Location:** Southeast of I71 and SR 36/37 interchange, south of Pilot Truck Stop, Berkshire Township.

**Current Land Use:** Vacant tract with a 4.48 acre pond

**Zoned:** Planned Commercial (PCD)

**Utilities:** Del-Co water and public sewer



**School District:** Big Walnut  
**Engineer:** RD Zande

**II. Staff Comment**

This single lot plat contains 17.39 acres and will be developed as a Harley Davidson dealership, training areas for new riders, lounge, and coffee shop. Access is proposed to be provided to US 36/SR37 at the main spine driveway that is owned by Pilot Truck stop and shared by Burger King. An access easement has been recorded by a separate deed with the recorded reference noted on the plat. Although this lot has frontage on U.S 36, it is too close to the I-71 interchange to be permitted access, therefore the need for an access easement through Pilot. There is a second proposed "limited" access through the western-most Pilot driveway from Pilot to US 36. According to Greg Channel of ODOT District 6, this is intended to be a right in right out only. The existing pond will be utilized for stormwater management.

*A technical review was held on July 17, 2006, 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.*

**III. DCRPC Staff Recommendation:**

Staff recommends *Preliminary and Final approval* of the **AD Farrow at Northstar** subdivision, to the RPC.

**Commission / Public Comments**

*Mr. Blayney made a motion for Preliminary and Final approval of AD Farrow at Northstar subdivision. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**CONSENT AGENDA**

**Final**

**06-04.1**

**Summerwood Lakes, Section 1 – Berkshire Twp. - 35 lots / 28.41 acres**

**Applicant:** Homewood Corporation

**Subdivision Type:** Single Family Residential

**Location:** East side of South 3 Bs and K Road, 1,220' north of Dustin Road

**Current Land Use:** one single-family house site, vacant/former agricultural

**Zoned:** PRD (Planned Residential District)  
**Utilities:** Del-Co Water, public sewer system  
**School District:** Olentangy  
**Engineer:** Floyd Browne Associates

**I. Staff Comments**

Summerwood Lakes, Section 1 contains 35 lots on 28.41 acres. It includes the extension of Streamside Drive to the east from S. 3 Bs and K Road. Indian Summer Drive extends to the north and stubs to the north property line for future development. Three reserve lots (15.9 acres total) are provided for open space around the perimeter and central area of the subdivision. Lots are generally 80'x130' and all are contiguous to open space. Retention basins and a walking path are located within the open space.

This subdivision is zoned PRD and received preliminary plan approval in March 2004. Surrounding land uses include large acreage tracts to the south, Summerwood to the west, undeveloped land to the north and future sections of this development and Interstate 71 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.**

**II. Staff Recommendation**

Staff recommends *Final Approval* of **Summerwood Lakes Section 1** to the RPC.

**Commission / Public Comments**

***Mr. Gunderman made a motion for Final approval of Summerwood Lakes, Section 1. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**03-03.3.A Vinmar Farms, Section 3, Phase A – Genoa Twp. - 22 lots / 18.45 acres**

**Applicant:** Dominion Homes  
**Subdivision Type:** Single Family Residential  
**Location:** West side of Old 3C Highway, North of Big Walnut Road  
**Current Land Use:** vacant/former agricultural  
**Zoned:** PD-1 (Planned Residential District)  
**Utilities:** Del-Co Water, public sewer system  
**School District:** Big Walnut  
**Engineer:** EMH&T

**I. Staff Comments**

Vinmar Farms is a three-phase subdivision on a relatively flat parcel with an intermittent stream crossing the northeast corner and into the Hoover Reservoir to the east. The overall preliminary was approved on January 30, 2003. Section 1 and 2 have been platted.

Section 3, Phase A consists of 22 lots on 18.45 acres and is situated at the northwest corner of the overall development. It extends Marrissey Loop westerly from Section 1. Mirliton Court is a short cul-de-sac extending to the northeast. There will be 18.44 acres of open space in 2 reserve lots and will include a pedestrian pathway. The lots in Vinmar Farms are typically 10,400 s. f.

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

**II. Staff Recommendation**

Staff recommends *Final approval* of **Vinmar Farms, Section 3, Phase A** to the RPC.

**Commission / Public Comments**

*Mr. Gunderman made a motion for Final approval of Vinmar Farms, Section 3, Phase A. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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25-05      T      Sawmill Parkway Extension / Golf Village North – Liberty Twp. - 05 lots /219.754 acres

**Applicant:** Golf Village North LLC

**Engineer:** Lockwood, Lanier, Mathias & Noland, Inc.

**I. Staff Comments**

The applicant has requested a 30-day tabling in order to obtain engineering approval.

**II. Staff Recommendation**

Staff recommends *approval* of table request for 30 days for the **Sawmill Parkway Extension/Golf Village North** to the RPC.

**Commission / Public Comments**

*Mr. Snajd made a motion to approve the 30-day table request for Sawmill Parkway Extension/Golf Village North. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**VII. EXTENSIONS**

05-05              **The Estates at Sherman Lakes – Berlin Twp. - 34 lots / 40.70 acres**

**Applicant:** Sherman Lakes Estate, LLC.

**Consultant:** Floyd Browne Group

**I. Staff Comments**

The applicant is requesting a second 6-month extension of the Preliminary plan in order to obtain Africa Road improvement approvals from the County Engineer and the Berlin Twp. Zoning Office.

**II. Staff Recommendations**

Staff recommends *approval* of the 6-month extension for **The Estates at Sherman Lakes** to the RPC.

**Commission / Public Comments**

***Mr. Sedlacek made a motion to approve the 6-month extension for The Estates at Sherman Lakes. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**VIII. OTHER BUSINESS**

- Consideration for approval: Legal fees to Loveland & Brosius (\$2,150.00)  
***Mr. Blayney made a motion to approve the legal expense for Loveland & Brosius for \$2,150.00. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***
- Consideration for approval: Da-Wei Liou -San Diego ESRI Users conference  
Chairwoman Foust stated that following the newly adopted seminar reimbursement policy the Commission must approve the reimbursement expense if over \$1,000.00. Mr. Liou requested an estimated \$1,472.00 for the 2006 ESRI user conference in San Diego CA. He was unable to go last year due to short staffing. Chairwoman Foust stated that the \$1,472.00 is an estimate and upon Mr. Liou's return would submit receipts for reimbursement.

***Mr. Ward made a motion to approve the reimbursement for Mr. Liou for the ESRI user conference. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**IX. RPC STAFF AND MEMBER NEWS**

- Jason Kaplan – Planner II – new hire effective July 17, 2006 – Mr. Sanders introduced Mr. Jason Kaplan the new Planner II.

***Mr. Blayney made a motion to accept the hiring of Mr. Kaplan to the DCRPC. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

Having no further business, ***Mr. Ward made a motion to adjourn the meeting at 10:15 p.m. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

***The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 31, 2006, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.***

*Kolly Foust, Chairperson*

*Stephanie Matlack, Executive Administrative Assistant*