



Delaware County Regional Planning Commission

109 North Sandusky Street Delaware, Ohio 43015
740-833-2260 fax 740-833-2259
www.dcrpc.org

Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, August 28, 2008 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 July 31, 2008 RPC Minutes
- Executive Committee Minutes of August 20, 2008
- Statement of Policy

II. VARIANCES *(none)*

III. ZONING MAP/TEXT AMENDMENTS

- 16-08 ZON Dave Brown – Harlem Twp. – 3.988 acres from FR-1 to PCD
- 17-08 ZON Berlin Twp. Zoning Commission – text amendments (Articles 5, 6, 21-30)
- 18-08 ZON Genoa Twp. Zoning Commission – Comprehensive Plan review
- 19-08.A ZON Genoa Twp. Zoning Commission – 1.188 acres from PD-2 to RR
- 19-08.B ZON Genoa Twp. Zoning Commission – 2.662 acres from PD-3 to RR
- 20-08 ZON Jain Center of Central Ohio – Orange Twp. – 5 acres – SFPRD to SFPRD

IV. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
13-08	Sage Creek, Section 5	Berkshire	06 lots / 37.702 acres

Preliminary/Final *(none)*

Final *(none)*

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

05-05	Estates at Sherman Lakes	Berlin	39 lots / 40.709 acres
-------	--------------------------	--------	------------------------

VI. OTHER BUSINESS

- Consideration for approval: SWCD fee transfer \$2,575.00, Health Dept. \$31,610.00

VII. POLICY / EDUCATION DISCUSSION *(none)*

VIII. RPC STAFF AND MEMBER NEWS *(none)*

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Rick Sedlacek, Dale Johnson, Fred Fowler, Jim Ward, Steve Burke, Chad Antle, Sharon Hough, Tom Hopper, Joe Clase, Holly Foust, Dick Gladman, Bill Thurston, Marvin Miller, Lloyd Shoaf, Tom Brown, Yvonne Clippinger, Tom Zalewski, and Doug Price. Alternates: Doug Riedel and Dave Stites. Staff: Scott Sanders, Paul Deel, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the July 31, 2008 RPC Minutes**

Mr. Miller made a motion to approve the minutes from the July 31st meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **August 20, 2008 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes**

a. July 23, 2008 – *Mr. Burke made a motion to approve the minutes of the last meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. **Old Business**

a. 2008 Budget Review – The Executive Committee discussed possible solutions to reduce expenditures for the rest of 2008 and through 2009 including staff salary reductions, position elimination and increase of 2009 membership fees. The Executive Committee gave several suggestions to staff in preparation of the 2009 RPC Budget. The first budget review will be at the next Executive Committee meeting on September 10th.

4. **New Business**

a. Financial / Activity Reports for July 2008

REGIONAL PLANNING RECEIPTS		July	YTD TOTAL
General Fees (Lot Split)	(4201)	\$820.00	\$3,940.00
Fees A (Site Review)	(4202)	\$1,000.00	\$2,310.00
Insp. Fees (Lot Line Transfer)	(4203)	\$80.00	\$480.00
Membership Fees	(4204)		\$235,893.08
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$341.40	\$2,772.86
Assoc. Membership	(4206)		
General Sales	(4220)	\$110.40	\$961.70
Charges for Serv. A (Prel. Appl.)	(4230)	\$13,683.60	\$23,932.20
Charges for Serv. B (Final. Appl.)	(4231)	\$2,417.00	\$17,423.50
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$600.00
Charges for Serv. D (Table Fee)	(4233)		\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$900.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$200.00	\$31,610.00

Soil & Water Fees	(4243)	\$875.00	\$2,575.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)	\$38.91	\$202.21
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$19,716.31	\$324,200.55

Balance after receipts	\$178,814.44
Expenditures	- \$ 27,757.58
End of July balance	\$151,056.86

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

- b. August RPC Preliminary Agenda – includes 6 rezoning/text amendments, 1 preliminary and 1 extension request.
- c. Project updates – Mr. Sanders presented the Committee with an activity update. (see attached)
- d. Consideration for recommendation of approval: Transfer of Fees
 - 1.) Health Dept. - \$31,610.00 (collected to 7/10/08)
 - 2.) SWCD - \$2,575.00 (collected to 7/10/08)

Mr. Shoaf made a motion to recommend approval of the transfer of fees collected on behalf of the SWCD of \$2,575.00 and the Delaware General Health District of \$31,610.00 up to July 10, 2008. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

5. **Other Business** (none)

6. **Personnel** (none)

7. **Adjourn** – At 10:10 am Mr. Burke made a motion to adjourn the meeting. Seconded by Mr. Shoaf. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next Executive Committee meeting will be Wednesday, September 10, 2008 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. **VARIANCES** (none)

III. ZONING MAP/TEXT AMENDMENTS

16-08 ZON Dave Brown – Harlem Twp. – 3.988 acres from FR-1 to PCD

I. Request

The applicant, Dave Brown, is requesting a rezoning from Farm Residential (FR-1) to Planned Commercial (PCD) to allow a landscaping business at 10855 Fancher Road, Harlem Township.

II. Conditions

Applicant: Dave Brown

Location: 10855 Fancher Road, Harlem Twp.

Present Zoning: Farm Residential District (FR-1)

Proposed Zoning: Planned Commercial (PCD)

Present Use(s): Single family residence and barn

Proposed Use(s): Landscaping business

School District: Big Walnut Local School District

Utilities Available: Del-Co Water and Individual on-lot sewage disposal

Critical Resources: n/a

Soils: BeA: Bennington Silt Loam (0 to 2% slopes)

BeB: Bennington Silt Loam (2 to 4% slopes)

CeB: Centerburg Silt Loam (2 to 6% slopes)

III. General Description

The plan proposes to operate a landscaping business on the north side of Fancher Road approximately 800' east of Harlem Road. This business is not a retail use for the general public, but a location housing landscaping equipment and materials for use off site. The 3.988 acre property contains an existing house that will be utilized as office space. An existing 1,800 s. f. pole barn will be used for storage of equipment and material. Additional storage will be housed within a Material Holding Bin and an Equipment/Material Storage Yard, both to the rear of the property. A 30' x 35' lath house (non permanent structure) will be placed in the northeast corner of the lot for storage and shading of plants. A 62' x 99' gravel parking area is proposed in front of the house to accommodate 21 parking spaces. Landscaping is proposed along the west and south of the house, driveway and parking area for screening.

The property is surrounded by agriculture, residential, and commercial uses. Surrounding zoning includes Agricultural Residential (AR-1), Farm Residential (FR-1), Neighborhood Commercial (C-2), and Planned Commercial (PCD)

IV. Issues

1. **Utilities** – Since the use of the property is would be converted from residential to office/commercial, the OEPA needs to evaluate the existing on-lot treatment system to determine if it is adequate or the change in use. Also, the fire department may request a hydrant for fire protection.
2. **Stormwater** – Provide a letter from the County Engineer stating the proposed stormwater management is acceptable.
3. **Architectural design and Landscaping** – Renderings should be provided for the proposed structures,

including the proposed sign. Additional landscaping/screening should be provided around the vehicle/material storage yard in the rear of the property.

4. **Divergences** – The application asks for three divergences from the Zoning Resolution:
 1. Driveway – to convert existing 14' (+/-) paved driveway to 20' wide gravel driveway. Zoning requires 20' paved driveway for non residential uses. Given the truck traffic anticipated, we believe the main driveway should be paved.
 2. Parking – to allow parking areas to be gravel where the Zoning Resolution requires paved parking areas for non residential uses. This is not as critical as the driveway paving since the parking is intended to serve only the employees and for storage of work vehicles.
 3. Drainage – the application is not clear on what the divergence request is. We recommend that all County requirements be adhered to.

V. Criteria for Approval

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

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

Staff Comment: It would if the items noted in Section IV of this report are resolved.

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

Staff Comment: No. The 2007 Comprehensive Plan recommends single family residential.

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

Staff Comment: The proposed use is in character with other uses in the area.

VI. Staff Recommendations

Staff recommends **Conditional Approval** of this rezoning from FR-1 to PCD for Dave Brown to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees, *subject to the resolution of the issues noted in Section IV in this report.*

Commission / Public Comments

No one was present to represent the applicant.

Mr. Miller made a motion to recommend Conditional Approval of the rezoning request by Dave Brown, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

17-08 ZON Berlin Twp. Zoning Commission – text amendments (Articles 5, 6, 21-30)

I. Introduction: The amendments included in this package were previously reviewed by the RPC. During the township approval process, some inconsistencies were discovered. These include the following:

- Reference to the township zoning map being recorded at the County Recorder’s office;
- Traffic directional signs not allowed in the right-of-way;
- No signs permitted in a Limited Home Occupation;
- No separate sign specifications for Expanded Home Occupations – specifications are referenced in the sign code;
- Made Home Occupations signs a consistent height;
- Clarified “business” signs in the Temporary Signs section;
- Other changes are all typographical.

II. DCRPC Staff Recommendation

Staff recommends **Approval** for the proposed text changes in the township’s zoning code to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees.

Commission / Public Comments

Mr. Miller made a motion to recommend Approval of the proposed text changes to the Berlin Twp. Zoning Code. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

18-08 ZON Genoa Twp. Zoning Commission – Comprehensive Plan review

Applicant: Genoa Township Zoning Commission

I. Introduction

The township zoning commission initiated a comprehensive planning process in 2002, utilizing DCRPC staff and later revisiting the process in-house with the Zoning Commission. The Township has now initiated adoption of the plan.

II. Vision statement

“Residents of Genoa Township wish to preserve the Township’s rural character through protection of open spaces and valuable environmental resources. Local infrastructure and community services should be maintained and improved to build on the community’s strong identity as ‘A Nice Place to Live’ while promoting well-maintained, family-oriented neighborhoods, with linkages that connect public spaces, such as parks and trails.”

III. Recommendations (edited for this report – see file for complete text)

1. Planning Area One

This area is bounded by Orange Township on the west, Westerville City Limits on the south, Sunbury Road to the east and Big Walnut Road to the north. Note: Planning Area One is mostly built out.

The Ohio State University owns 45 acres on the north side of Highland Lakes Avenue. This is the site of the WOSU radio communications tower. If portions or the entire property are considered for alternative uses, it would be suitable land for a community park or recreational use that could serve the surrounding population. Any development on this property should be clustered to maximize open space. The 18 acre property on the east side of Worthington Road, just south of the Meadowood Condos, contains a retired landfill and is not suitable for development. It would be appropriate for passive open space or recreational fields. Development on the southeast corner of Big Walnut and Worthington Roads would be most suited as clustered condominiums to mimic the surrounding development to the south and east.

The plan recommends:

All remaining land is recommended for residential development in an approved Planned Residential District (PD 1) not to exceed 1.8 units per net developable acre when served by sanitary sewers. Approval of PD 1 with Conservation Development Standards zoning (PD 1/CS) could increase the density to 2.2 dwelling units per net developable acre with sanitary sewer service.

2. Planning Area Two

This area is bounded by Smothers Road and Franklin County on the south, Harlem Township and Red Bank Road on the east, Red Bank Road on the north and Sunbury Road to the west.

The plan recommends:

Single family residential uses on lots of two acres or greater for land not served by centralized sanitary sewer service, or land served by sanitary sewer but not located within an approved Conservation Subdivision.

Single family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of three quarters of a dwelling unit (0.75 unit) per net developable acre with centralized sanitary sewer service.

Single family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of six tenths of a dwelling unit (0.6 units) per net developable acre with on site sewage disposal systems.

3. Planning Area Three

This area is bounded by Red Bank Road on the south, Sunbury Road to the west, Berkshire Township to the north and Harlem Township to the east.

If a large development is proposed in Planning Area Three, consideration should be given to donating a portion of land to the Township for construction of a new police or fire facility(s). If accepted, the dedicated acreage may be considered in the overall density of the development to provide an incentive for such donation.

The plan recommends:

Single family residential uses on lots of two acres or greater for land not served by centralized sanitary sewer service or land served by sanitary sewer but not located within an approved Conservation Subdivision.

Single family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of three quarters of a dwelling unit (0.75 unit) per net developable acre with centralized sanitary sewer service.

Single family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of six tenths of a dwelling unit (0.6 units) per net developable acre with on site sewage disposal systems.

4. Planning Area Four

This area is bounded by Big Walnut Road and Sunbury Road to the south, Hoover Reservoir to the east, Berkshire Township and Plumb Road to the north, and the Hoover Watershed Boundary to the west.

The plan recommends:

Single family residential uses on lots of two acres or greater for land not served by centralized sanitary sewer service or land served by sanitary sewer but not located within an approved Conservation Subdivision.

Single family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of three quarters of a dwelling unit (0.75 unit) per net developable acre with centralized sanitary sewer service.

Single family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of six tenths of a dwelling unit (0.6 units) per net developable acre with on site sewage disposal systems.

5. Planning Area Five

This area is bounded by Big Walnut Road to the south, Orange Township to the west, the Berkshire Township line and Plumb Road to the north and the Hoover Watershed Boundary to the east.

The plan recommends:

Single family residential uses on lots of two acres or greater for land not served by centralized sanitary sewer service, or land served by sanitary sewer but not located within an approved Conservation Subdivision.

Single family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of three quarters of a dwelling unit (0.75 unit) per net developable acre with centralized sanitary sewer service.

Single family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of six tenths of a dwelling unit (0.6 units) per net developable acre with on site sewage disposal systems.

Residential development in an approved Planned Residential District (PD 1) at a density of 1.1 units per net developable acre, or a maximum of 1.35 units per net developable acre in an approved PD 1 with Conservation Development Standards.

6. Planning Area Six

This area is bounded by the City of Westerville limits to the south, the Northern Lakes/North Pointe Subdivision to the east and the Orchard Lakes and Highland Lakes East Subdivisions to the north and Highland Lakes East Subdivision and City of Westerville limits to the west.

The plan recommends:

Two residential lots along Maxtown Road (6463 Maxtown Road and the adjacent lot to the east) can be considered for Planned Commercial Office use, provided they include significant visual screening and noise barriers for the single family homes to the north..

IV. Implementation

1. Conservation Strategies

A. Inventory and Protect Critical Resources by Utilizing Geographic Information System

Not all of Genoa Township is suitable for development. The Geographic Information System (GIS) provides assistance in identifying those areas that may not be suitable for development regardless of whether the area is inside or outside the present sewer service area.

B. Limit Density within the Hoover Watershed to Lower Densities

The Township established densities of .75 dwelling units per net developable acre in conservation subdivisions as the maximum density in Planning Areas II, III, and IV. This was done as part of the planning phases of the Delaware County 2004 Sewer Master Plan Preliminary Report to make sewers cost effective for the County to construct, and also to preserve the rural character and surface water quality around Hoover Reservoir.

C. Encourage Further Protection of the Watersheds

The Township Board of Trustees should explore future measures with conservation groups, such as the Friends of Alum Creek, the Upper Big Walnut Creek Water Quality Partnership and other similar groups, to develop and implement watershed protection plans and policies.

D. Emphasize More Creative Design through Conservation Development

Encourage the use of the “Conservation Development Standards” in the PD 1 district and the Planned Rural Residential Conservation District (PRRCD).

E. Promote Publicly Owned and Networked Green Space

As developments are planned, consideration should be given to the ownership of active green space. Developers may donate active recreational lands to Genoa Township or grant them to homeowners’ associations or other entities approved by the Board of Trustees that would ensure public use and protection of the lands.

F. Utilize Conservation Easements to Preserve Native Landscape

The Delaware Soil and Water Conservation District has recently established a conservation easement program that allows them to accept such easements that may also need to be maintained for drainage purposes. This program should be utilized when possible.

G. Protect the 100 year Floodplains from Filling and Encroachment

The Delaware County Code Compliance Office acts as the Floodplain Coordinator for Delaware County. They limit certain construction within the floodplain, but the Township should work with their department to strengthen these restrictions.

H. Consider Establishing a Tree Preservation Advisory Board

The Township may explore the establishment of a Tree Preservation Advisory Board to study, investigate, plan, advise, report and recommend to the Township Administrator and the Board of Trustees, any action, program, plan or regulations which the committee finds or determines to be necessary or advisable for the planting, maintenance or replacement of street trees in or on the tree lawn, the Township's road right of ways, and property owned by Genoa Township.

I. Ensure Exterior Property Maintenance

During the Visioning exercises conducted as part of this planning effort, residents identified protecting property values as an important factor. The Township may wish to consider an exterior property maintenance code.

J. Preserve Family Friendly Environment

The Board of Trustees should consider adoption of stricter adult entertainment restrictions.

K. Utilize Farmland Preservation Easements

Landowners who want to protect their land in agricultural use should consider donating an easement over their land to the Ohio Department of Agriculture.

2. Development Strategies

A. Accommodate the Net Developable Acreage Concept of Density Calculation

The use of the Net Developable Acreage Concept has been contemplated in Genoa Township to protect lands from blanket development that contain considerable areas with critical resources that are not suitable for development. Inclusion of this concept will be consistent with other townships within Delaware County. Genoa Township should modify its Planned Residential Development standards to allow an overall development based upon the net developable acreage after environmentally sensitive areas are subtracted.

B. Ensure all Planned Districts Require a Two Step Approval Process

The Genoa Township Zoning Resolution should require all applicants in planned districts to submit a Preliminary Development Plan at the time of rezoning application, including a conceptual drawing of the development. A second, more detailed Final Development Plan review will be required if the rezoning is approved. This separates the details of their development plan from the actual rezoning approval. This recommendation does not apply to the Planned Rural Residential Conservation District (PRRCD) because the rezoning phase is not applicable.

C. Limit Scale of Nonresidential Uses to Neighborhood Level, Professional & Personal Service

Commercial and office uses within Genoa Township should meet the convenience needs of township residents and be neighborhood oriented and pedestrian friendly.

Large scale retailers, particularly those that generate a regional draw, should be strongly discouraged from locating in Genoa Township. Land consumptive building footprints would consume the limited vacant commercial/industrial lands available in the Township. The ownership may consider allowing buildings that exceed the current 35 foot building height in non residential zoning districts provided

that there are sufficiently increased setbacks from residential properties and the increased height is in character with the area. This could allow for more creative development patterns in these districts.

D. Consider a Mixed Use District

Current Township planned district zoning contains separate districts for each land use type. If an applicant wishes to create a mixed use district, it requires separate commercial, office/industrial and residential zoning categories. The original intent of planned unit development ordinances was to allow a mix of uses with certain limitations on the relationship of one use to another and the total amount of land area devoted to each use. Developers could then utilize one district to buffer another (e.g., buffering residential districts from commercial districts with attached housing) and still maintain the image of one development.

E. Involve Police, Fire, School and Other Service Providers in the Planning Process

Even though a township cannot expand territorially (e.g., expansion of township boundaries), future development will increase the amount of roadways traveled, valuation of properties and overall development density. The Township should establish a formal technical review process assuring that all proposed developments are reviewed by police, fire, schools and other general government service providers. Such a review should be as early in the planning process as possible. The review process should include private service providers as well as the various offices of Delaware County and the State, when appropriate.

F. Add, Expand and Improve Park Land

Acquire park land where feasible, with emphasis on acquiring lands adjacent to existing community facilities. This must occur before build out to ensure sufficient park lands are reserved for future use by Township residents. Improve existing park facilities to promote increased usage, accessibility and changing community needs. The Parks Advisory Board should update the 2004 draft Park Plan in the near future to see if it is meeting the community needs and pursue formal adoption.

Township officials should consider the creation of a Township Park District, in accordance with Chapter 5111 of the Ohio Revised Code or designation of a Community Improvement Corporation (CIC) with permanent funding for future operations (recreation programs) and maintenance.

G. Establish Recreational Links between Neighborhoods and Community Facilities

As development continues, appropriate recreational pathways should be planned to provide an interlocking network of neighborhoods and community facilities to those traveling on foot or bike. As stated in this plan, the increased density of the Township and its surrounding area has congested local streets with more traffic. Having alternative methods of transportation will be important to the Township's future and can help meet the growing recreational needs of its residents. Sidewalks should also be required in all planned developments.

H. Create a Community Center and Community Park

The residents of Genoa Township should be asked to clarify the amenities that they would like to have in a community center and park. These may change with time, so it is important that the Township pick a site that is expandable and amendable to such change. It could include an indoor recreational center, fitness center, public buildings for township government and services, small retail businesses, a food court, or any other amenities that the township residents desire.

I. Adopt Access Management Guidelines

Access management standards will help to guide development within the road right of way. In the absence of county wide access management guidelines, the Township should consider creating local standards that emulate the recommendations of the 2001 Delaware County Thoroughfare Plan.

J. Create Interactive, Pedestrian Friendly Neighborhoods

As residential developments are planned, certain communal design concepts, such as but not limited to common open space and walking paths, should be given consideration. These concepts can create a pedestrian friendly environment, promote healthy lifestyles, encourage community interaction and awareness and deter crime.

K. Develop Architectural/Landscaping Standards and Guidelines

Commercial and industrial uses or major pedestrian or vehicular corridors in the Township may be suitable areas to consider the application of architectural or landscaping standards. The Ohio Revised Code Section 519.171 enables the Township to establish a review board to enforce such standards and guidelines. The Township should involve its residents in a series of stakeholder meetings to explore the necessity for enacting such regulations.

L. Uphold Compliance with the Comprehensive Plan

When development occurs, a review for compliance with the recommendations of the Comprehensive Plan should be a precursor to the review of the Genoa Township Zoning Resolution. If a development is in conflict with the Comprehensive Plan, the applicant should address this conflict by stating (1) what has changed since the plan was adopted, or (2) a description of why the recommendations of the plan would generate a legal “taking”. This would allow a property owner the right to deviate from the plan only if the plan is considered outdated or unfairly restrictive to their property rights.

3. Redevelopment Strategies

A. Develop Incentives for Residents and Businesses to Maintain their Property

The Board of Trustees should work with the Delaware County Commissioners to form a Community Revitalization Area (CRA) by application to the Ohio Department of Development that could help older qualified neighborhoods by offering property owners tax abatements for making certain improvements to their property.

B. Expand the Recreational Pathway Network with Vital Connections

The Board of Trustees should coordinate sidewalk projects that connect existing developments or provide sidewalks along major thoroughfares including county and township roads, in conjunction with the Genoa Township Parks Advisory Board.

C. Encourage Revitalization of Historic Buildings and Sites

Before alteration to or destruction of officially designated historic buildings or properties, the feasibility of preservation should be considered.

D. Preserve and Improve Current Infrastructure

Some water lines in the Township are less than the 6 inch diameter required for installation of fire hydrants. The Township may want to consider partnering with Del Co to resolve this issue in an efficient manner.

E. Investigate the Need for an Economic Market Analysis

Given the need for maximizing the use of the Township's limited existing commercial and industrial lands, it may be beneficial to develop a list of desired economic development or redevelopment strategies.

V. Staff Comments

- 1.) Structure – The Township utilized the structure (chapters and sections) of its 1999 plan in preparing this plan, which is their choice. The structure works well and includes various sections that RPC staff and townships might find useful as a guide for preparing other plans. There is a chapter with several policy statements, objectives and principles divided into different types of development, then a chapter with several vision concepts, then the recommendations and implementation sections listed in this report, and finally recommendations from a township enhancement sub-committee and park advisory board. This structure, while very detailed, appears to a first-time reader as somewhat disjointed. Given the numerous sets of policy statements and recommendations, it may be difficult to judge effectively whether a proposed development can meet all the ideals of the plan.
- 2.) The plan recommends no additional non-residential land, while the visioning process stated the need for additional public amenities. The township has taken a positive additional step in creating a Fiscal Impact Analysis stating that the Township millage on developments can be the same in commercial developments as they are in residential developments, given the above-average residential values in Genoa Township. This may not always be the case, however, and the township should take into consideration the other benefits of neighborhood commercial developments.
- 3.) Figure 3.3 could be updated to reflect only the active zoning files. The township may wish to send a notice of any denied or withdrawn zoning applications to RPC staff. RPC can also change the legend to read “Rezoning Applications” instead of “Rezoning Subdivision” since the former is more accurate.
- 4.) Figure 3.4 shows sewer lines which have not been updated in several years but this is not indicated on the map. This data is not managed by RPC. The township may want to list the last update date on the bottom of the map.
- 5.) The township may wish to add existing and proposed bikeways to the Comprehensive Plan map and/or make any changes to Figure 3.8. The existing data on Figure 3.8 is provided by MORPC and may not reflect the correct local data.
- 6.) There is a recommendation that some building heights above 35 feet should be allowed. This has traditionally been based on fire-fighting capabilities. Please check with local service providers before making changes to this limit.
- 7.) Plan recommends the consideration of a Mixed Use District. Staff supports such a district and has some samples the township could look at. Such a district will not be helpful in the Zoning Code if there is not a location noted on the plan where it would be appropriate. Available land is very limited for new commercial development adjacent to existing commercial. Mixed Use may be appropriate at a major intersection along State Route 3, because it would allow buffering to be “built in” to the development.
- 8.) Chapter 5, Item II.E states “even though a township cannot expand territorially” – not sure how this relates to the rest of the paragraph. Maybe unnecessary.
- 9.) Chapter 5, Item II.H recommends a central location for a community center. The map could include a generalized location to show the intent without being specific.

- 10.) Chapter 5, Item II.I recommends emulating the access management recommendations in the Thoroughfare Plan. Better verbiage might be “using the access management recommendations as a reference” or similar.
- 11.) Chapter 5, Item II.L uses the phrase “compliance with the Comprehensive Plan” which has proved problematic. That language should be softened. This paragraph also raises the issue of a “taking”. Since the Comprehensive Plan is made up generally of future land use recommendations, the plan itself shouldn’t take away the reasonable economic return of a property (a taking). Either alter the plan so that it does not take away current value, or avoid raising the issue of takings altogether.

VI. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the Genoa Township Comprehensive Plan of 2008 to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees, *based on the comments in this report.*

Commission / Public Comments

Mr. Miller made a motion to recommend Conditional Approval of the Genoa Township Comprehensive Plan of 2008, subject to staff comments. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Clase). Motion carried.

19-08.A ZON **Genoa Twp. Zoning Commission – 1.188 acres from PD-2 to RR**
19-08.B ZON **Genoa Twp. Zoning Commission – 2.662 acres from PD-3 to RR**

I. Request

The Genoa Township Zoning Commission has initiated a Zoning Map amendment in accordance with Section 1201.01 of the Genoa Township Zoning Resolution. The amendment would change the zoning for two properties located on Maxtown Road, including 1.188 acres owned by James Hassey (19-08.A ZON) from Planned Commercial (PD-2) to Rural Residential (RR) and 2.662 acres owned by Robert Ballinger (19-08.B) from Planned Industrial (PD-3) to Rural Residential (RR).

18-08.A ZON:

I. Conditions

Location: 6391 Maxtown Road, Genoa Twp.

Present Zoning: Planned Commercial - Office (PD-2)

Proposed Zoning: Rural Residential (RR)

Present Use(s): Industrial Staging Facility

Proposed Use(s): Same

School District: Westerville City School District

Utilities Available: Del-Co Water and on-lot sewage treatment system

Critical Resources: Wetland in the northwest corner of the site

Surrounding land uses: Industrial uses to the west & south, single-family to the north & east.

Soils: UdB: Udorthents, clayey-urban land complex, undulating

II. Background

The James Hassey property was rezoned in 2005 from Rural Residential (RR) to Planned Commercial - Office

(PD-2). This 1.188-acre property was to utilize an existing single family residence as an office, storage and staging facility for an off-site industrial use. At the time the property was rezoned, the applicant committed to connecting to County sewer, which has still not occurred.

Staff Comment: The rezoning to Rural Residential is appropriate considering the lack of central sewer to the site, a requirement of the Planned Commercial and Office District.

18-08.B ZON:

I. Conditions

Location: West of 6391 Maxtown Road, Genoa Twp.

Present Zoning: Planned Industrial (PD-3)

Proposed Zoning: Rural Residential (RR)

Present Use(s): Vacant

Proposed Use(s): None

School District: Westerville City School District

Utilities Available: Del-Co Water and public sewer

Critical Resources: Pond in the southeast corner of the site

Surrounding land uses: Industrial/commercial uses to the east, west & south, single-family to the north & east.

Soils: UdB: Udorthents, clayey-urban land complex, undulating

II. Background

The Robert Ballinger property was part of an original 6.1-acre parcel rezoned in 1988 from Rural Residential (RR) to Planned Industrial (PD-3). In 1998, the development plan was amended to allow an industrial building on the west side of the tract. The 2.736 acre developed portion was subsequently “split” from the original tract, leaving this vacant 2.662 acre (according to DALIS) residual.

Staff Comment: Since there is no approved development plan for the 2.662 acres, it is appropriate to be rezoned back to the Rural Residential district.

III. Staff Recommendations

Staff recommends **Approval** of the rezoning from PD-2 to RR for 18-08.A and for rezoning from PD-2 to RR for case 18-08.B to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees.

Commission / Public Comments

Mr. Miller made a motion to recommend Approval of the rezoning from PD-2 to RR for 18-08.A and for rezoning from PD-2 to RR for case 18-08.B. Mr. Gladman seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Brown). Motion carried.

20-08 ZON Jain Center of Central Ohio – Orange Twp. – 5 acres – SFPRD to SFPRD

Location: East side of S. Old State Road (6651 S. Old State Road), directly across from Ashcreek Avenue, Orange Twp.

I. Conditions

Applicant: RLG Builder Inc. c/o Jain Center of Central Ohio

Present Zoning: Single Family Planned Residential District

Proposed Zoning: Single Family Planned Residential District

Present Use: Wooded lot with single-family residence

Proposed Uses: Religious center and parking, maintain existing residence

Existing Density: 1.4 units per acre

School District: Olentangy

Utilities Available- Del Co Water, Delaware County Sanitary Sewer

Soils: BoA Blount Silt Loam (0-2% slopes)

GwB: Glynwood Silt Loam (2-6% slopes)

Surrounding Land Uses: East and North – Del-Co property and treatment/storage facilities otherwise surrounded by Planned Single Family subdivisions and some road frontage lots.

II. General Background

In 2005, the township approved SFPRD zoning for this site. In March of 2006, the RPC approved a Preliminary Subdivision Plan proposing six lots plus the retention of the existing house. Construction of the project has not begun.

Jain Center of Ohio is submitting the proposed SFPRD application for consideration of amending the current zoning. The proposal shows a temple building in the center, with space for future growth, and 53 parking spaces. A retention pond is located in the southeastern corner of the site.

Because the SFPRD zoning includes in its list of permitted uses “non-residential uses of a religious, cultural, educational or recreational nature,” there is no need to rezone this to a specific, institutional use. The existing house will remain and be used for residential or office use.

The development is naturally buffered to the north and east by the Del-Co property and to the southeast by open space property in Olde State Farms. Existing vegetation will be maintained to the southwest and east.

III. Issues

The Religious Land Use and Institutionalized Persons Act of 2000 states that government entities cannot impose a substantial burden on religious exercise.

1. The applicant has submitted a Development Plan with the rezoning.
2. The development proposes a 20 foot wide roadway designed to the standards of the Fire Department and will be located directly across from the Ashcreek intersection.
3. Divergences – Two divergences are requested: one is for the existing house to be maintained despite its non-conforming setback and the second is for a stabilized grass or paver system to provide 20 additional parking spaces for overflow. *Both of these divergences seem to be acceptable.*
4. Letters are included from Suburban Natural Gas, Verizon, AEP, Del-Co, the Sanitary Engineer, and the County Engineer. The Engineer’s office discussed the requirement of the south-bound left turn lane. Because there is sufficient pavement which is currently unused, the applicants propose to re-stripe the pavement to meet this requirement. The Engineer’s office indicates this is acceptable.

IV. Conformance with the Comprehensive Plan

The 2001 Orange Township Comprehensive Plan defines planning sub-areas, recommending densities for each

area, without noting specific locations of community facilities and religious uses. Overall development goals state that any non-residential use is to be designed to serve adjoining neighborhoods or residents if they are located on major thoroughfares. The structure will use natural materials and plans to mitigate lighting and headlight impact on neighboring properties. Because South Old State Road is a heavily-traveled arterial, this use is appropriate.

V. DCRPC Staff Recommendation

DCRPC staff recommends **Approval** to the DCRPC, the Orange Township Zoning Commission and the Orange Township Trustees for the request of the Jain Center rezoning from Single Family Planned Residential District to Single Family Planned Residential District.

Commission / Public Comments

Mr. Jack Reynolds, attorney with Smith & Hale was present to represent the applicant.

Mr. Miller made a motion to recommend Approval of the rezoning request for the Jain Center. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Gladman). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

13-08 Sage Creek, Section 5 – Berkshire Twp. - 06 lots / 37.702 acres

I. Conditions

Applicant: Jimba, Ltd.

Subdivision Type: Single family residential (CAD)

Location: East side of Sunbury Road 1000' north of Sage Creek Drive, Berkshire Township.

Current Land Use: Woods/Vacant

Zoned: Agricultural District (A-1)

Utilities: Del-Co Water and individual on-lot treatment systems

School District: Big Walnut Local School District

Critical Resources: Pond, Ravine, slopes > 20 percent

Engineer: Sands Decker CPS

II. Staff Comments

Sage Creek, Section 5 is a proposed 6-lot CAD subdivision on 37.7 acres. It is on the east side of Sunbury Road approximately 1000' north of Sage Creek Drive. The lots range from 5.2 acres to 7.2 acres in size, all exceeding the minimum lot size in the Agricultural district (A-1). Each lot will utilize an individual on-lot sewage treatment system. A variance was approved by the RPC in May 2008 to allow 6 lots to access the CAD, subject to the driveway being 15' wide.

The subdivision is surrounded by Sage Creek, Section 1-4 to the south and southeast. Large 5+ acre lots are located to the east and west along Trenton Road and Sunbury Road respectively. The land to the north is in the Village of Galena and is owned by Homewood.

A technical review was held on August 19, 2008, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Approval* of **Sage Creek, Section 5** to the RPC.

Commission / Public Comments

Mr. Mark Cameron with Sands Decker CPS was present to represent the applicant. He mentioned that a requirement from the variance application was to provide a driveway at 15' which the applicant has proposed in his CAD plans.

Mr. Hopper stated that the Village of Galena has concerns that they have not been asked by the County Health Department to be involved. The Village believes that this property can be served by central sewer.

Mr. Burke said that the Health Department has received their letter but they have not had a subcommittee meeting yet to review. It has only been reviewed at the staff level. When the subcommittee meeting takes place, Mr. Burke explained that they would be happy to invite the Village of Galena to attend but if sewer is not readily available he stated he wasn't sure what they could do.

Chairwoman Foust asked where the sewer is now. Mr. Hopper explained that right now it is "up the road" but there are ways to get sewer there. He explained that there is someone else there already waiting. The property immediately adjacent has already been approved for a subdivision to be served by central sewer.

Mr. Ward asked if the Village of Galena would serve this area without annexation. Mr. Hopper said he is not certain if they would or would not but that should not be a consideration.

Mr. Cameron stated that the owner has complied with all requirements that were put in place as far back as the site review. They have talked with the Board of Health, County Sanitary Engineer, County Engineer and the Regional Planning office and met all requirements set forth thus far and has proceeded in that manner.

Mr. Ward made a motion for Preliminary approval of Sage Creek, Section 5.

Mr. Johnson asked why Mr. Hopper is opposed to on site sewage treatment. Mr. Hopper stated that this is an extremely environmentally sensitive area. It drains immediately in a ravine right into the City of Columbus's water supply. Hoover Reservoir is right across the road. The Village of Galena has had long discussions with Columbus on the type of service in this area. The Village is building an expansion onto their plant with the highest effluent treatment that you can get just to protect Hoover Reservoir. They have worked with the City of Columbus to assure this entire area receives service to protect their water supply.

Mr. Cameron said that (as required) there would be notes on the plat for when sanitary sewer is available the residents would be tying onto that system.

Mr. Price asked how far away the sewer line is and if the Village is willing to help bring it down to this project. Mr. Hopper explained that they have studied the possibility of bringing it down along with other options that they would like to talk with the Health Department about.

Mr. Johnson suggested a condition to the preliminary approval. Chairwoman Foust asked for a second to Mr. Ward's motion.

Mr. Shoaf seconded the motion for Preliminary approval of Sage Creek, Section 5.

Mr. Johnson made a motion for an proposed amendment to the preliminary approval motion to recommend that the applicant meet with the Village of Galena, General Health District and the Sanitary Engineer prior to the final plat being submitted to Regional Planning.

Mr. Brown asked if this project could be removed from the consent agenda when it came back for final approval if the Village of Galena wanted to discuss it further. Chairperson Foust said yes.

Mr. Burke explained the process of approval from the Health District. He said when subdivision plans are submitted to their office it goes through staff approval first. The subdivision then goes through a subcommittee of the Board of Health. There are three Board of Health members on the subcommittee. They recommend approval to the full Board of Health which gives their approval at the end of each month.

Mr. Price asked if the letter from the Village of Galena would be presented to the subcommittee for review. Mr. Burke said yes.

Mr. Cameron stated that all the data that has been submitted to the Board of Health at this time has met all the requirements that they have set for them as with any development regarding soils use, soils types, linear loading rates and sight distances, clearance and easements.

Mr. Clase asked if the Village would permit the Common Access Driveway subdivision and uphold it if the subdivision were to annex. Mr. Hopper stated that they are not protesting the CAD, just that that area be served by central sewer for the good of the entire area.

Mr. Antle explained if you are looking at this from a standpoint for the protection of health, that if the subdivision (to the north) within the Village is proceeding they have the opportunity to extend laterals from the Village sewer to the applicant's property lines, just as the Sewer District does. At the times that those systems are in-operable, then they have an outlet. If the County is there they have an outlet there. Mr. Hopper agreed but feels that there are other ways this could be done but doesn't feel they are being explored. Mr. Antle asked about how far away the sewer is. Mr. Hopper responded approximately 3,000'. Mr. Cameron asked how long it would be before there would be sanitary sewer to this site. Mr. Hopper said there are multiple options here but he can not supply all those answers. Mr. Cameron asked if it could be years. Mr. Hopper said there are other options available in a much shorter time frame. Mr. Cameron explained that they did look at approximate distances, not knowing exactly where the sewer was, but for a 6 lot subdivision it is not economically feasible to push sanitary sewer even 1,000'. Mr. Hopper stated that he believes there is a way that would cost less than putting mound systems in.

Mr. Brown asked about the ownership of the CAD and the isolation of the land on the other side of the CAD. Mr. Cameron explained that the CAD would be owned by individual lots and maintained by a maintenance agreement. The CAD location was set to minimize the impact of the driveway by preserving the existing trees. The developer also wanted to put some type of a separation (buffer) from the (proposed) denser lots to the north.

Mr. Clase seconded the proposed amendment to the motion by Mr. Johnson. VOTE: Majority Opposed. Amendment is denied.

All in favor of the original motion by Mr. Ward, VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Hopper). Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

VI. EXTENSIONS

05-05 Estates at Sherman Lakes – Berlin Twp. - 39 lots / 40.709 acres

Applicant: T & R Properties

Engineer: Floyd Browne Group

Preliminary approval: 08-31-06

I. Staff Comments

The applicant has requested a 1-year extension in order to obtain final construction approval.

II. Staff Recommendation

Staff recommends *Approval* of the 1-year extension for Estates at Sherman Lakes to the RPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Miller made a motion for a 1 year extension for Estates at Sherman Lakes, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. OTHER BUSINESS

- Consideration for approval: SWCD fee transfer \$2,575.00, Health Dept. \$31,610.00

Mr. Gladman made a motion to approve the transfer of fees collected on behalf of the SWCD \$2,575.00 and Health Dept. \$31,610.00. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Chairwoman Foust thanked the Delaware County Commissioners for approving to pay \$30,000.00 of next years dues this year. This will help with the cash balance of the RPC to the end of 2008. She explained that the Executive Committee will be working on the 2009 budget at their next meeting, September 10th.

VIII. POLICY / EDUCATION DISCUSSION *(none)*

IX. RPC STAFF AND MEMBER NEWS *(none)*

Having no further business, *Mr. Miller made a motion to adjourn the meeting at 8:15 p.m. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next meeting of the Delaware County Regional Planning Commission will be Thursday, September 25, 2008, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant