



**DELAWARE COUNTY
REGIONAL PLANNING COMMISSION**

50 Channing Street, Delaware, Ohio, 43015 Phone 740-833-2260 Fax 740-833-2259

Philip C. Laurien, AICP, Executive Director

MINUTES

**Thursday, August 30, 2001 at 7:00 PM
Delaware Joint Vocational School Auditorium
1610 St. Rt. 521, Delaware, Ohio 43015**

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of July 26, 2001 RPC Minutes
- Executive Committee Minutes of August 24, 2001
- Statement of Policy

II. VARIANCES

10-99.V Sugarwoods Subd. – Concord Twp. – requesting reduced tree removal area

III. ZONING MAP/TEXT AMENDMENTS

- 43-01 ZON Delaware County Thoroughfare Plan text and map review
- 32-01 ZON Harold Webb – Trenton Twp. – 3.01 acres from FR to RR
- 33-01 ZON Tan & Inalee Long – Berkshire Twp. – 6.101 acres from FR-1 and Heavy Industrial to PID
- 34-01 ZON W/D Harlem Twp. Zoning Commission – Text amendments
- 35-01a ZON North Star, LLC – Berkshire Twp. – 318.638 acres from A-1 to PCD
- 35-01b ZON North Star, LLC – Berkshire Twp. – 521.6 acres from A-1 to PRD
- 36-01 ZON North Star, LLC – Kingston Twp. – 866.47 acres from FR-1 to PRD
- 37-01 ZON Alum Creek, Inc. – Orange Twp. – 64.01 acres from FR-1 to SFPRD
- 38-01 ZON Frank Barnes – Orange Twp. – 41.82 acres from FR-1 to SFPRD
- 39-01 ZON D & S Investments – Orange Twp. – 2.04 acres from FR-1 to PC
- 40-01 ZON Berlin Twp. Zoning Commission – PRD text amendments
- 41-01 ZON Genoa Square, L.P. – Genoa Twp. – 1.37 acres – development plan approval
- 42-01 ZON Orange Hill Devlpmnt LLC – Orange Twp. – 13.96 acres from FR-1 to SFPRD

IV. SUBDIVISION PROJECTS

	Township	Lots/Acres
<u>Preliminary</u>		
16-01	Treemonisha	Harlem 15 lots / 32.17 acres
17-01	T Chapman Ravine	Liberty 3 lots / 08.45 acres
43-00.12	W/D Golf Village, Sec. 12	Liberty 1 lots / 16.06 acres
<u>Preliminary/Final</u>		
43-00.13	Stonebridge at Golf Village, Sec. 13	Liberty 01 lot / 36.30 acres
15-01	Green Meadows Commerce Center	Orange 01 lot / 30.52 acres
<u>Final</u>		
28-00	Winding Creek Estates, Phase 3	Berlin 15 lots / 34.12 acres
43-99.2.A	Harbor Point, Section 2, Phase A	Berlin 24 lots / 16.38 acres

acres		
43-99.2.B	Harbor Point, Section 2, Phase B	Berlin 15 lots / 07.14 acres
04-01	Summerwood, Section 2	Berlin 12 lots / 17.00 acres
40-99	T The Park at Greif	Ber/Lib 14 lots / 147.10 acres
29-00.9	Sherbrook, Phase 9	Genoa 53 lots / 23.40 acres
29-00.10	Sherbrook, Phase 10	Genoa 46 lots / 16.93 acres
44-00.1	The Oaks at Highland Lakes, Phase 1	Genoa 30 lots / 20.27 acres
44-00.2	The Oaks at Highland Lakes, Phase 2	Genoa 42 lots / 12.46 acres
44-00.3	The Oaks at Highland Lakes, Phase 3	Genoa 29 lots / 12.61 acres
23-97.2.A	Eagle Trace, Section 2, Phase A	Genoa 28 lots / 12.16 acres
23-97.2.B	Eagle Trace, Section 2, Phase B	Genoa 32 lots / 11.06 acres
05-00.3	Highland Hills at the Lakes, Section 3	Gen/Ora 64 lots / 27.35 acres
13-01.1	T Abbey Knoll, Phase 3	Walnut Woods, Section 1
27-98.3		Orange 38 lots / 31.62 acres
27-00	Rattlesnake Ridge	Trenton 04 lots / 21.19 acres

T=TABLED

V. EXTENSIONS

36-00 Coleman Subdivision – Liberty Twp. – 4 lots / 29.06 acres

VI. OTHER BUSINESS

- Natural Resources Advisory Council
- Mike Bissett proclamation

VII. POLICY / EDUCATION DISCUSSION

I. ADMINISTRATIVE BUSINESS

• **Call to Order**

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

• **Roll Call**

Representatives present: Don Poland, John Schmidt, Fred Fowler, Jim Ward, Debbie Martin, Don Wuertz, Steve Burke, Chad Antle, Chris Bauserman, Tom Hopper, Wilbur Van Houten, Holly Foust, Charles Heimlich, Dick Gladman, Yvonne Ball, Marvin Miller, Bev Alltop, and Jeannette Curren. *Alternates present:* Richard Fleming, Roger VanSickle, Denny Gobert, Shawn Leininger, Steve Smith and Ken Baker. *Arrived after roll call:* Gary Spanner (R). *Staff present:* Philip Laurien, Mike Bissett, Paul Deel, Da-Wei Liou, Jeremy Krotz and Stephanie Matlack.

• **Approval of the July 26, 2001 RPC Minutes**

Mr. Miller made a motion to approve the minutes from the previous meeting, seconded by Mr. Gladman. VOTE: 24 For, 0 Opposed, 1 Abstained (Genoa Twp.). VOTE: Unanimously For, 0 Opposed. Motion carried.

• **August 24, 2001 Executive Committee Minutes**

1. **Call to order**

Vice-Chairman Gladman called the meeting to order at 8:45 a.m. *Present:* Dick Gladman, Leslie Warthman, and Commissioner Jim Ward. *Staff present:* Phil Laurien and Stephanie Matlack. *Absent:* Holly Foust and Steve Burke.

2. **Approval of Executive Committee Minutes**

- a. **July 12, 2001 – Mrs. Warthman made a motion to approve the minutes from the July Executive Committee meeting, seconded by Commissioner Ward. VOTE: Unanimously For, 0 Opposed. Motion carried.**

3. **Old Business**

- a. **Office Space** – Mr. Laurien stated that he met with a Delaware City Zoning representative to discuss possible office space requirements. Due to the amount of variances that would need to be obtained and the architect’s estimates of a 2 story building with elevator on the small site, Mr. Laurien stated that he would continue researching other sites for possible office space.

4. **New Business**

- a. **Financial / Activity Reports for July 2001**
The Financial report for July was presented:

Ending balance as of 06/30/01 \$609,509.62

Receipts

	<u>July</u>	<u>YTD</u>
General Fees (NPA)	\$ 330.00	\$ 8,580.00
Inspec. Fees (Transfer)	\$ 140.00	\$ 1,340.00
Fees A (Site Review)	\$ 100.00	\$ 1,800.00
Membership Fees	\$	\$122,017.00
Planning Surcharge (Twp. Assist.)	\$ 6,964.42	\$ 35,632.97
Charges for Services A (Prel. Appl.)	\$ 10,644.38	\$ 76,703.13
Charges for Services B (Final Appl.)	\$22,876.25	\$ 99,836.20
Charges for Services C (Ext. Fees)	\$	\$ 3,450.00
Charges for Services D (Table Fees)	\$ 800.00	\$ 4,600.00
Charges for Services E (Appeal/Var)	\$	\$ 1,800.00
General Sales	\$ 398.20	\$ 3,584.00
Health Dept. Fees	\$ 2,650.00	\$ 7,670.00
Soil & Water Fees	\$ 350.00	\$ 2,775.00
Other Reimbursements	\$	\$
Other Reimbursements A	\$ 33.00	\$ 33.00
Other Reimbursements B	\$	\$
Canceled Warrants	\$	\$
Inter-fund Revenues	\$	\$
TOTAL	\$45,286.25	\$ 369,821.30

Balance after receipts \$654,795.87

Expenditures \$29,876.89

End of July balance \$624,918.98

Mrs. Warthman made a motion to approve the Financial report for July, seconded by Commissioner Ward. VOTE: Unanimously For, 0 Opposed. Motion carried.

- b. **August RPC Preliminary Agenda** – Mr. Laurien stated that there will be a full agenda this month. He explained that there is 1 variance case requesting reduced tree removal. After visiting the site along with a County Engineer representative, he concluded that a guardrail would be needed also. After much discussion, the applicant and their engineer decided to realign the road as to not need the guardrail. Mr. Laurien asked the applicant to show which trees they would like to preserve.

There are 13 zoning cases, 3 Preliminary applications, of which 1 was withdrawn, 2 Preliminary / Final applications and 16 Final applications (1 has been tabled to date).

- c. **Thoroughfare Plan** – Mr. Laurien explained that he was prepared to recommend approval of the Thoroughfare Plan. He noted a few writing errors in the text document. A copy of his draft report was emailed to Chris Bauserman (County Engineer) and Scott Pike (Deputy Engineer).

5. Other Business

a. Contract Updates

- (1.) **Troy Twp.** – final draft has been given to the subcommittee for review
- (2.) **Brown Twp.** – publishing has begun
- (3.) **Shawnee Hills** – completing the final draft with comments
- (4.) **Concord Twp.** - will be starting at the end of the month
- (5.) **Trenton Twp. and Kingston Twp.** – will be starting in September

- 6. **Personnel** – The Planner I position has been filled. Scott Sanders will begin working on 9/10/01. He has a bachelor's degree in Communication's and a Masters Degree in Planning from the University of Tennessee, Knoxville. An offer has been made for the Planner II/GIS Specialist position and are awaiting acceptance.

- 7. **Adjourn** – Having no further business, *Mrs. Warthman made a motion to adjourn, seconded by Commissioner Ward. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next Executive Committee meeting will be Wednesday, September 19, 2001 at 8:30 a.m. in the 2nd Floor conference room at 50 Channing Street, Delaware, Ohio, 43015

- **Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted 10 minutes to make their formal presentation. The audience will then be granted up to 10 minutes to speak, at which time the chair will allow questions from

the members of the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration.

Mr. Gladman made a motion to amend the Statement of Policy for this meeting for audience discussion from 10 minutes to 3 minutes each, due to the length of the agenda. Commissioner Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

II. VARIANCES

10-99.V Sugarwoods Subd. – Concord Twp. – requesting reduced tree removal area

Request

Sugarwoods is a CAD subdivision, which received final approval in May 2000. During construction, the developer encountered numerous trees that were within 16' of the CAD centerline (10' from edge of CAD). A variance from 16' to 10' would preserve all of the existing trees. During a recent site visit with other County agencies and the Concord Township Fire Chief, it was determined that a few trees would still need to be removed. Those trees have been tagged and shown on a plan submitted by the developer's engineer. The developer has agreed to remove the trees identified but still requests a variance for the remaining trees within the 16' clear zone.

Facts

1. The Delaware County Subdivision Regulations specify in section 306.05 that there shall be "tree and shrub removal within 16 feet of CAD centerline". There are numerous trees within this 16-foot swath.
2. The requirement for 10 feet of clear area along roads is an ASHTO (American Society of Highway Officials) requirement, according to the County Engineer. There are numerous county and township roads where this 10' standard is not met, thereby making it seem excessive on private low speed roads, especially CADS.
3. CADs are subdivisions, which confers responsibility and may confer limited liability on the county for the actual road standards. Although private, CADs are open to the residents, fire and police, visitors and delivery people. They must be built to a reasonable standard of safety.

4. Trees that are too close to the CAD are a danger to the traveling public, especially in wet or icy conditions. It would be inappropriate to reduce this clear area setback to zero, but 10 feet seems excessive on such a low-speed semi-private road. After considerable discussion, the County Engineer and staff agreed that reduction of tree and shrub removal from 10' to 4' in most cases would be reasonable and safe.
5. A four-foot setback from the edge of the paved CAD will permit many trees adjacent to this CAD to remain, although some of the overhanging branches will have to be trimmed. However, there are a few trees that will still have to be cleared prior to CAD approval.

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

Recommendation

DCRPC staff recommends that a variance for tree and shrub clearance be *granted* from ten feet (10') to four feet (4') feet from the edge of the common access driveway for the Sugarwoods Subdivision, except that trees identified in the field and noted on the plan shall be removed. Low hanging overhead branches shall be trimmed within this 20-foot swath prior to RPC Director's signature on the plat.

Commission / Public Comments

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

Mr. Laurien stated that Chief Varner from the Concord Township Fire Department and a representative from the County Engineer walked the site and are all in agreement with this request.

Commissioner Wuertz asked if anyone from the County EMS has looked at this

request and given approval. Mr. Laurien stated that they have not. He asked Chief Varner if that was necessary and Mr. Varner stated that the County does not make emergency service runs to this particular location because Concord Twp. does. Mr. Varner looked at it from the standpoint of damage to his own equipment. He feels there wouldn't be an issue after the removal of these identified trees.

Mr. Gobert asked about future maintenance problems with limbs. Mr. Huffman stated that the maintenance agreement could contain requirements for the canopy of the trees along with the road maintenance. Commissioner Wuertz asked who would enforce this trimming regulation. Mr. Deel said that Chief Varner stated that once a year they look at all the CAD's in the Township for compliance.

Mr. Gladman made a motion to approve the variance request for Sugarwoods, subject to staff comments and the canopy maintenance being added to the CAD maintenance agreement. Mr. Gobert seconded the motion. VOTE: 24 For, 1 Opposed (Commissioner Wuertz). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

43-01 ZON Delaware County Thoroughfare Plan text and map review

I. Conditions

1. Delaware County is the fastest growing county in Ohio. Its 2000 population of 109,989 is a 64.34% increase in the last ten years. Growth continues unabated because the state of Ohio does not legislatively enable its townships to use moratoriums, urban growth boundaries, or concurrent infrastructure requirements. 2020 population is projected to be 208,000.
2. The 40,000 housing units in Delaware County generate approximately 10 auto trips per unit per day, or 400,000 trips on our local roads. This will double in the next 20 years.
3. Delaware County thoroughfares are a series of narrow, two-lane farm-to-market county and township roads laid out in the 1800's. These are typically 20 feet wide roads within a 60 feet right of way.

4. Suburban development has sprawled across the southern tier of the county, accessed only by these narrow farm-to-market roads. Subdivision streets typically end in cul-de-sacs, with little or no connectivity.
5. A 100-home subdivision generates 1000 trips per day. If its access is a 20' wide two-lane road, left turns in and out back up traffic on the artery. Ten such subdivisions drop the level of service to undesirable. 20 such subdivisions result in road failure.
6. Residents have begun to seek refuge in their own subdivisions by asking for barriers to new subdivision street connections, citing the desire to prevent "cut-through" traffic.
7. It is the new traffic generated by our own growth that is choking our antiquated road network, not "cut through" traffic. When motoring on the county roads there is no refuge from the need for road improvements.
8. The problem will be twice as bad in 20 years unless we plan ahead to protect, improve and expand our road network.
9. The rural character expressed in part by our open spaces, low density, and skinny roads are the main reasons people move to Delaware County. The improved road network should improve the quality of life for the majority of residents, not destroy it.
10. The only tools Ohio planners have is local zoning, (based upon a comprehensive plan), and subdivision regulations. The thoroughfare plan (TFP) is enabled by Ohio Revised Code section 711.10, subdivision regulations:

"Whenever a regional planning commission adopts a plan for the major streets or highways of the county or region, no plat of a subdivision of land within the county or region...shall be recorded until it is approved by the regional planning commission."

II. Purpose of the Thoroughfare Plan

1. Reassess transportation needs to provide a functional network of streets to handle existing and future traffic with safety and efficiency.
2. Protect and aid in right of way acquisition for future road corridors

3. Serve as a guideline for public agencies and developers when establishing future access points and roadways in the county and the city.
4. Coordinate county and township transportation plans with transportation plans for the city of Delaware and adjoining municipalities and with the state and federal highway system.
5. Allow better integration between transportation and land use planning.

III. Issues

1. The Plan is a joint effort by Delaware County and the city of Delaware. MS Consultants and the Mid Ohio Regional Planning Commission prepared the plan in coordination with the Delaware City Engineer and Planning Director, the Delaware County Engineer and Deputy Engineer and the Director of DCRPC.
2. The plan is comprised of a written text, a large volume of Appendices and, ultimately, five critical maps:
 - a.) Figure 30, Alternative 1 Recommended Study Corridor
 - b.) Figure 31, Delaware Thoroughfare Plan
 - c.) Figure 32, Delaware Thoroughfare Plan, City of Delaware Region
 - d.) Figure 33, Delaware Thoroughfare Plan, Functional Classifications
 - e.) Figure 34, Delaware Thoroughfare Plan, Functional Classifications, City of Delaware Region
3. Scrivener's error's in the book that need correction:
 - a.) Page VIII-8, second paragraph, and first sentence: Insert the word "but" between "trips" and "it".
 - b.) Section XI, Table 12: Delete the line for "Cheshire Road CR 72 Africa RD to the proposed I-71 Interchange".
 - c.) Section XI, Table 13: Change title to "City of Delaware Roadway 2020 Potentially Required Lane Additions to Existing Roads if New Alternatives or Improvements are not Added".
 - d.) Table 13- Change the Subtitle of the third column from "Suggested Lanes" to "Potentially Required" Lanes
4. Section XI Table 14- The recommendation to "Improve 5 Corners intersection geometry" in Berkshire Township may be damaging the

quality of life or uniqueness of 5 corners in the name of efficiency.

5. Section XII Costs- The cost of certain alternatives raises questions about cost effectiveness. They should be closely scrutinized in subsequent corridor studies.
 - a.) Alternative G- Extension of South Section Line Road-
\$7,560,000
 - b.) Alternative N- Extension of Cheshire road east to SR 3 and 37-
\$15,855,000
 - c.) Alternative Q-Alignment of SR 605 and Porter Central-
\$1,780,000
 - d.) Alternative Y- Extension of Mink St to County Home Road-
\$33,960,000
 - e.) Alternative 5- Extension of Glenn Rd north to County Home
\$25,240,000

VI. DCRPC Staff Recommendation

Staff recommends adoption of the 2001 Delaware City and County Thoroughfare Plan, subject to the corrections and comments noted in III 1-5 above to the DCRPC, the City of Delaware, and the Delaware County Commissioners.

Commission / Public Comments

Mr. John Schmidt of Berlin Twp. expressed his concerns of how two connectors through an area designated as low density by the new Berlin Twp. Comprehensive Plan are justified. He agreed that the entire Thoroughfare Plan is logical in what it was trying to achieve, but feels these two connectors (#3. Glenn Road extension, #16 the US 42 extension) is encouraging growth in an are where the new Comp. Plan has designated as the lowest density in the Township. He stated he was ready to vote yes on the Thoroughfare Plan, but wanted to make sure the Township was not locked into these road connectors. Mr. Laurien stated that the Thoroughfare Plan does not necessarily override the Comprehensive Plan. They are two separate documents. The consultants did study all of the adopted comprehensive plans in the County and looked at new roads that were proposed (example: Sawmill Parkway). He stated that local comprehensive plans could not individually create a county network of roads.

Mr. Tom Hopper, Village of Galena Representative, stated that he is concerned with option “N”. This option would have negative impacts on the Village. The Village officials believe this does not solve the traffic issues in the area and feel there are other options that may be less intrusive.

Mr. Mark Cameron (1944 Ford Road) is concerned that the projected traffic numbers is

questionable due to the fact that they are based on future growth of 1 home to 1 acre. He feels this may be true for growth patterns south of Home Road but if you look at the County parcel map it shows the growth being in the 5 acre to 10 acre parcels for this area. He also stated that farmland is not being preserved in the Thoroughfare Plan. Mr. Cameron feels that the Rte. 42 to 36/37 costs will be too high and should be eliminated from the plan.

Mr. John Gartland (920 Bean Oller Road) said that the alternative 1 has not been studied for a year but “slipped” in a few weeks ago. He is opposed to the bridge over the Olentangy River.

Mr. Kevin Hennessey (716 Curve Road) feels that alternatives 16, 1 and 3 should be removed because they are too expensive.

Mr. David Brown (1557 Bean Oller Road) said that alt. 1 was the last item put on the map and feels it should have been discussed at the 30 meetings prior.

Mr. John Sabo (783 Cheshire Road) suggested an under pass or an overpass instead of alternative 1 to keep the traffic flowing.

Tim Peterkoski, Ohio Department of Natural Resources Scenic Rivers Program, explained that the Olentangy River harbors over 60 species of fish, 20 species of mussels and over 100 species of birds. It’s one of the most diverse streams in central Ohio. Currently it’s one of the streams directly in line of urbanization but it is starting to degrade rather rapidly. The 1999 EPA study shows that most of the tributaries that lead to the Olentangy River are non-attainment status (not as healthy as they should be). Developments should stay away from the ravines and keep the trees and flood plains open.

Mrs. Rita Brumley (1316 Bean Oller Road) Chairperson of the Citizens for Responsible Road Development. Supports the road development as new development happens, therefore putting the burden of road construction on those responsible for development. The group agrees with the need for residential collectors to satisfy the growth of their area but feels that this does not include the traffic from Route 42. The network concept that Liberty Twp. has (the 3 entrances to a subdivision) is not taken into consideration in the Thoroughfare Plan. On page 8-12, paragraph 1, last sentence needs to be changed to include “subject to further approval”.

Ms. Gabriel Burton (4361 Liberty Road) believes an environmental study should be done prior to the adoption of the Thoroughfare plan.

Mr. Roger Steele (4191 S. Section Line Road) believes there is no alternative except go to the legislature and change Ohio laws to give the Townships the ability to protect the citizens. The citizens are not happy with this plan as presented and would rather see some alternatives.

Mr. Van Houten made a motion at 8:10 p.m. to extend the discussion for another 20 minutes. Mr. Gobert seconded the motion. HAND VOTE: 14 For, 6 Opposed. Motion carried.

Mr. Lelan Arehart (4901 S. Section Line Road) whose family has lived on their farm for 5 generations, opposes the bridge by-pass over the Olentangy River.

Mr. Eric Jungers (1144 Bunty Station Road) suggests limiting the access to some of the major roads. Believes the US 23/42 plan was a poor decision. He suggested widening some of the major thoroughfare that already exist and potentially offer lanes that are for through traffic only. Mr. Jungers suggested use of “roundabouts” (as in England) to reduce traffic back up and congestion. He also noted an error on the map; Slack Road does not connect to Owen Fraley Road.

Mr. Mike Sells (South East Columbus resident) stated that he recently purchased a lot in the Riverby Estates subdivision. He believes that alternative 16 would be a negative impact. He agreed with Mr. Jungers of researching the “round about”. He also stated that alternative 5 seems too expensive and unlikely to happen. He believes without alt. 5, alt. 16 and 3 are not a benefit.

Ms. Barbara Williamson (755 Cheshire Road) opposes the alternative 1.

Mr. Chris Miller (616 Glenn Road) stated that all the lines should be shown as a wide swath and not dashed lines.

Mrs. Marlene Tope (4433 Olentangy River Road) does not want to see a crossing of Olentangy River, felt that this was destroying the beauty of the region. She wanted to know when the consultant was going to answer questions.

Mr. Laurien stated that alternative 1 has been on the plan from the outset but has been moved. There are a series of maps and alternatives that have always been there for an east/west connection. Where the Thoroughfare Plan originally intended to see an east/west connection was north of Bunty Station Road in the area of the Stratford Ecological center. That area is prime farmland with an international reputation. It was the first case to give the property development rights to the State Department of Agriculture for about 300 acres of land. He stated that he has had a conversation with

the former chairman of the Olentangy Scenic River Commission who said 20 years ago there was discussion and approval for extension of Cheshire Road to the west to connect with Ford Road crossing at US 23, then Ford Rd. connecting over to US 42. Mr. Laurien stated that another meeting to answer questions is a good idea.

Mr. VanHouten made a motion to table the vote to a future meeting for further discussion. Mr. Gobert seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried. A date will be determined and new public notice made.

Commissioner Wuertz made a motion to have the Thoroughfare Plan meeting on a different night than the regular RPC meeting. Commissioner Martin seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

32-01 ZON Harold Webb – Trenton Twp. – 3.01 acres from FR to RR

The applicant is requesting to rezone a 3.01-acre portion of a 94-acre tract from Farm Residential (FR) to Rural Residential (RR) in order to split out a lot with an existing home.

Conditions

- Location:** North side of Boston Road west of North County Line Road.
- Present Zoning:** Farm Residential (FR)
- Proposed Zoning:** Rural Residential (RR)
- Present Use:** Agricultural/Residential
- Proposed Use:** Residential
- Existing Density:** 1 unit / 5 acres
- Proposed Density:** 1 unit / 3 acres
- School District:** Big Walnut
- Utilities Available:** Private well and private septic
- Soils:** Sloan Silt Loam, 0 – 2 percent slopes
Bennington Silt Loam, (0-2 percent slopes) – BeA
Bennington Silt Loam, (2-4 percent slopes) – BeB

Staff Comments

There is an existing farmhouse and barn as well as many other outbuildings on a 94-acre tract on the north side of Boston Road near the Licking County border. The applicant wishes to split out 3 acres with the farmhouse and leave the rest of the buildings including the barn with the remaining acreage. The site is surrounded by agriculture with the exception of the RR zoned residential lots directly to the west in the Webb subdivision along the north side of Boston Road.

The site is shown as residential on the 1993 Delaware County Master Plan. Trenton Township does not have a Comprehensive Plan. With the close proximity of similar sized lots in this portion of the township, the development of single family residences on 3-acre lots will not be in conflict with the character of the area. Due to the absence of a local plan or policy for the area, the Rural Residence District would seem to enhance the general welfare of the township and immediate vicinity.

Staff Recommendation

Staff recommends *approval* of the 3.01-acre rezoning from Farm Residential (FR) to Rural Residential (RR) to the RPC, Trenton Twp. Zoning Commission, and the Trenton Twp. Trustees.

Commission / Public Comments

No one was present to represent the applicant.

Commissioner Ward made a motion to recommend conditional approval of the rezoning request by Harold Webb, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

33-01 ZON Tan & Inalee Long – Berkshire Twp. – 6.101 acres from FR-1 (4.748 ac.) and Heavy Industrial (1.353 ac.) to PID

The applicant is requesting to rezone 6.101 acres from Heavy Industrial and Farm Residential to Planned Industrial in order to permit an illegal (cited by township) existing topsoil and mulch operation.

I. Conditions

- Location:** Southwest corner of SR 3 and South Galena Road
- Present Zoning:** Heavy Industrial (1.353 ac) and Farm Residential (4.748 ac)
- Proposed Zoning:** (PID) Planned Industrial District
- Present Use:** Residential/Industrial
- Proposed Use:** Planned Industrial
- Existing Density:** N/A
- Proposed Density:** N/A
- School District:** Big Walnut
- Utilities Available:** Private on-site sewer and Del-Co water
- Soils:** SnA – Sloan Silt Loam (0 – 2 percent slopes)
CaC2 – Cardington Silt Loam (6 – 12 percent slopes)
CaB – Cardington Silt Loam (2 – 6 percent slopes)

II. Surrounding Land Use

West: City of Columbus land (Little Walnut Creek) / Residential along South Galena Road

South: City of Columbus land (Hoover Reservoir)

East: Village of Galena - Arrowhead Lakes Golf Course and residential lots

North: Residential lots

III. General Comments

The site is currently split-zoned with 1.35 acres in the southern portion zoned Heavy Industrial and the remaining 4.75 acres in the northern portion being FR-1. The 1.35-acre Heavy Industrial portion of the property was spot-zoned for a contractor who resided and stored equipment at the site, but did not work at the site. The topsoil operation is attempting to expand the industrial zoning to legitimize an illegal operation.

The 6-acre site has severe topography and is located directly east of the Little Walnut Creek Floodplain area. There are three existing buildings, two of which are proposed to be expanded for the topsoil and mulch operation and the other is the existing home.

The proposal includes a new gravel drive extending from the existing driveway access at South Galena Road and a parking area with 22 spaces (another small parking area with 4 spaces will be located to the south). The existing driveway accessing the small building to the south is partially on City of Columbus property and will be removed.

There will be covered soil storage, and open gravel mounds and equipment storage under the AEP electric transmission lines within a 200' easement. Future parking and equipment/product storage is to be located on the northern portion of the site near the property line of the residential neighbor to the northwest on S. Galena Road.

Product display is planned along the eastern boundary along SR 3. The display will include mounds of gravel, topsoil and other products sold on site. Landscaping is planned along SR 3 as well as rip-rap for slope stabilization.

IV. Criteria for Approval

“In approving an application for a Planned Industrial District the reviewing authorities shall determine:”

- 1.) If the proposed development is consistent in all respects with the purpose,

intent and general standards of the Zoning Resolution;

- 2.) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply;
- 3.) If the proposed development advances the general welfare of the township and the immediate vicinity.

V. Staff Comments on meeting criteria for approval:

Compliance with local zoning

The development plan is in general compliance with the Berkshire Township Zoning Code except for the following:

- There were no architectural design criteria submitted for the new buildings or the mobile soil plant. Also there is no explanation of what the buildings will be used for.
- There is no explanation of where surface drainage will be routed. Drainage from the site will likely be high in sediment due to the nature of the business. This surface drainage should be dealt with on-site prior to it entering the Hoover Reservoir directly to the west.
- There are no details provided for the proposed new lights.
- Divergences requested
 - The existing building located at the center of the site encroaches on the proposed setback by approximately 13.5 feet. *This is an existing building. This divergence is reasonable.*
 - The proposed freestanding sign is 64 square feet, which exceeds the maximum of 45 square feet. *There is no reason provided that a sign larger than 45 square feet is needed. This request does not comport with the Comprehensive Plan's vision of rural character for the area.*
- Development Standards
 - The development plan shows a gravel driveway and parking area. Trucks using a gravel drive will likely produce a large amount of dust in the area. This is suggested in the code to be minimized by landscaping or paving.
 - Landscaping should be provided on the plan on the front, rear and sides of the lot.

Compliance with the Comprehensive Plan

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

land as residential. The development plan is not consistent with the 1993 County Plan.

- The site lies within planning area 8 of the recently adopted Berkshire Township Comprehensive Plan, which recommends single family residential at 1 unit per 2 acres for the site. The request for Planned Industrial zoning does not conform to this plan and the rural vision the community wishes to preserve in the area. The HI spot zone was not deemed the appropriate land use during the update of the Comprehensive Plan.

Advancing the general welfare of the Township

The development plan does not conform to the comprehensive plan and is in very close proximity to local residential dwellings. An expansion of the existing industrial use would not advance the townships general welfare.

Additional Considerations

- Fill for the new driveway may encroach on City of Columbus lands to the west.
- The area of the site within the easement can not be used as proposed by the applicant's development plan. A letter from AEP dates 8/28/01 states: "no grading or excavation" shall be conducted within 50' of an AEP tower, and "ground clearance can not be changed by mounding or filling." AEP also states that individuals may experience "nuisance shocks" in the area of the easement.
- Although an industrial use has existed on the site, the existing use is further from the residences on S. Galena Road and down slope from the surrounding area, making it less visually intrusive than the proposed expansion. The use as a storage & maintenance facility for contracting equipment can remain. The topsoil operation is an undesirable expansion of that use.
- The proposed expansion will affect the local residential area in terms of noise, dust and visual nuisances.

Staff Recommendation

Staff recommends *denial* of the 6.101 acre rezoning from Heavy Industrial and Farm Residential to Planned Industrial to the RPC, Berkshire Township Zoning Commission, and the Berkshire Township Trustees, due to staff comments.

Commission / Public Comments

Mr. Ted Miller of Stults & Associates was present on behalf of the applicants. He stated that they are working with AEP to determine if topsoil piles will be permitted under the power lines. The applicants agree to reduce the size of the sign in order to be in compliance with the regulations. The road construction is currently underway so the applicants don't have to use the Columbus property.

Mr. VanHouten asked if any measures have been taken to control the dust. Mr. Miller stated that the applicants have contracted with a company that uses an EPA approved material to reduce the dust. Mr. Hopper stated that his office has received many complaints about the dust from the roads and the unsightly piles. He also stated that there is totally inadequate erosion control and dust control. Traffic in this area is also a problem. Lynn Kelley, Columbus Division of Water, indicated concern about encroachment on reservoir land, chemicals applied for dust control and sediment run off.

Mr. Gladman made a motion to recommend denial of the rezoning request by Tan & Inalee Long, seconded by Mr. Gary Spanner. VOTE: Unanimously For, 0 Opposed. Motion carried.

34-01 ZON Harlem Twp. Zoning Commission – Text amendments

****This application was withdrawn from the agenda by Harlem Township.****

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- 35-01a ZON North Star Land LLC - Berkshire Township - 318.638 acres from A-1 to PCD**
 - 35-01b ZON North Star Land LLC - Berkshire Township - 521.6 acres from A-1 to PRD**
 - 36-01 ZON North Star Land LLC - Kingston Township - 866.47 acres from FR-1 to PRD**

Introduction

North Star is a planned, 1700-acre, mixed-use golf course community that spans two townships, Berkshire and Kingston. The land lies east of I-71 and north of US 36/SR37. The plan requires rezoning in both townships. The Berkshire Township portion of North Star includes both commercial, golf course and residential so it seeks Planned Commercial and Office District (PCD) and Planned Residential (PRD) zoning. The Kingston Township portion has a golf course and residential, so it seeks Planned Residential Zoning. Berkshire Township has its own zoning. Kingston Township currently operates under Delaware County Zoning, but will have a ballot issue on the November election to adopt its own zoning.

At 1700 acres, North Star is 500 acres larger than the original Polaris development 10 miles to the south in Orange Township and Columbus. Although North Star’s proposed residential gross densities are approximately 1/3 those of Polaris, the 318 acres of proposed commercial is the size of two regional shopping malls. Potential impacts on traffic alone from the 1,516 proposed housing units will be 15,000 new vehicle trips per day, equal to the flow on West Powell Road (SR 750) between U.S. 23 and S.R. 315. The roads in the area are two-lane farm-to- market roads laid out in the 1800’s, incapable of handling such traffic without significant upgrades.

In addition to traffic impacts, there will be significant impacts on drainage, schools, fire protection, policing, water service, surface and groundwater. Without county sewer, the applicant proposes an on site sewage treatment plant with land (spray) application of treated effluents in the water shed of Butler Run and Little Walnut Creek, both of which flow directly to the Hoover Reservoir four miles to the south.

All three cases are inter-related, but will be presented sequentially.

35-01a-ZON Berkshire Township

This request seeks to permit retail and office uses on 318.638 acres of land that lie east of I-71 and north of US 36/SR 37. The land abuts I-71 to the west, the Flying J Truck stop to the southwest, agricultural lands to the south, and residential to the east along N. Galena Road.

I. Existing Conditions

Present Use: Agriculture and woods

Proposed Use: Entrance road (Westerly extension of Wilson Road) and 318 acres of unspecified commercial.

Existing Density: 1-unit/ 5 acres

Existing Zoning: Agricultural

Proposed Zoning: Planned Commercial and Office

School District: Big Walnut

Utilities Available- Del Co Water, Delaware County Sewer to approximately 16.16 acres of land optioned from Richard Igo, east of the Flying J Truck Stop, otherwise, no county sewer.

II. Issues

1. Preliminary versus Final Development Plan-

The PCD offers two options for a developer-initiated rezoning.

- a.) The applicant submits a development plan (final development plan) that specifically answers all the questions related to the development's footprint, looks, character, land use mix, utilities provision, and impacts (Section 15.06 and 15.07). There are development standards and criteria to be used in making a decision as to the appropriateness of the application. This is a legislative act, and if approved by the Zoning Commission and Trustees, subject to a referendum appeal by the voters.
- b.) The applicant does not submit a final development plan (section 15.08), but rather submits a preliminary development plan, which gives general information about development character, size and location of the PCD, Architectural design criteria for structures and signs, proposed provisions for utilities to the extent known, and so forth. *The Trustees and Zoning Commission decide if there are unique circumstances "which prevent the simultaneous submission of a final development plan with the application and whether the absence of a final development plan is materially detrimental to the public health, safety or welfare.*

The applicant has apparently chosen to file without a final development plan under Section 15.08. Although there is nothing in the application that states he has selected section 15.08, his submission does not address the many criteria in Sections 15.06 and 15.07. Therefore, the first consideration of the Berkshire Township Zoning Commission and Trustees must be whether this option for preliminary development plan is appropriate.

2. Requirements of Section 15.08, b.) Preliminary Development Plan

1.) The proposed size and location of the PCD

DCRPC Staff Comment: Adequately shown, 318 acres, as mapped and described northeast quadrant of I-71 and US 36.

- 2.) **The General Development character** of the tract including, to the extent known, any limitations or controls to be placed on all uses and descriptions of other development features including landscaping.

DCRPC Staff Comment- Very little information. No site plan of commercial uses, no indication of mix of office with retail, warehousing, etc. No landscaping information or examples.

- 3.) **Architectural Design Criteria** for all structures and criteria for proposed signs with proposed control procedures.

DCRPC Staff Comment- No architectural design criteria submitted.

- 4.) **The Proposed provisions for water, fire hydrants, sanitary sewer and surface drainage, to the extent known.**

DCRPC Staff Comments

Water- no service letter from Del-co. Will new sources of supply be needed for this development? Additional storage tanks? Adequate pressure for fire hydrants?

Fire Hydrants- No service letter from BSTG Fire Chief. No hydrant plan, or discussion of whom will provide hydrants. Three acres is proposed to be dedicated (?) for a fire station. How much new equipment will this development, especially the commercial development with tall buildings, require? What is the ability of the local fire department to serve? Will this require full time personnel, or volunteer?

Sanitary Sewer- since all of the 318 acres (except the 16.16-acre Igo tract, Parcel 18526) lie outside the Delaware County Sanitary Sewer service area, the applicant proposes to construct a central sewer system with an on-site sewage treatment plant. Treated effluent would be sprayed on grassed and wooded open space and a golf course on adjacent lands on the east side of N. Galena Road in both Berkshire and Kingston Townships.

Well-drained soils are critical to the success of land application. Land application systems must comply with OSU Extension Bulletin 860, be approved by the Delaware County Sanitary Engineer for feasibility, and be granted a Permit to install by OEPA.

Soils for spray irrigation are on other sections of North Star, not in the proposed commercial 318 acres. Soils are Cardington, Bennington,

Amanda clay loam 12-18% slope, Sloan Silt Loam, Pewamo, Gallman, and Jimtown. Some of these soils are wet. Some are hydric or may have hydric inclusions. There is a large area of floodplain along the creeks that run through the site. Great care must be taken to prevent pollution of Butler Run and Little Walnut Creek.

A letter from John Sadzewicz, P.E., R.D. Zande and Associates, states that he has “submitted a plot showing the spray application areas for the proposed zero discharge wastewater treatment system and a set of calculations indicating that based on Bulletin 860, these spray areas can accept treated effluent from 2,985 dwelling units.”

The County Sanitary Engineer has responded noting that the calculations include wet soils and modifications to the proposal must be made before it will meet bulletin 860 and be acceptable. The County Sanitary Engineer has not issued a letter indicating that the zero discharge system is feasible.

Storm water Drainage- No drainage plan is submitted. 300 acres of commercial would have a significant amount of paved area with need for detention and surface treatment for removal of heavy metals, grease & fuel, before entering the Little Walnut Creek. There is no letter from the OEPA Division of Surface Water or the Columbus Division of Water regarding potential storm water concerns to the Hoover Reservoir.

- 5.) **The relationship of the proposed development to existing and probable uses of surrounding areas** - The preliminary development plan does not show any surrounding land uses, or structures, or even roads. There is a 100’ “open space buffer” along the residential boundary on the north of the 318 acres, but no detail description or cross section of what that buffer would be.

- 6.) **A description of the common Open Space and proposed use thereof.**

DCRPC Staff Comment-No description of the common open space or the uses thereof. The plan shows golf course areas, spray areas in woods, spray areas in “farm preservation areas”, and spray areas in “parks”. There is no explanation of who will own, who will improve, who will maintain the open space, the nature of the golf course to the lot owners and the developer, the nature of the golf course as common open

space or as private open space as a commercial entity, etc.

- 7.) **Specific Statements of divergence from the development standards in this Article or in Articles XXI, XXII, and or XXIII or existing county regulations or standards and the justifications therefor.**

DCRPC Staff Comment- No divergences requested.

III. Criteria for approval, Section 15.08 c.

In approving an application for a Planned Commercial and Office District under this section, the reviewing authorities (i.e. Trustees and Zoning Commission) shall determine:

- 1.) *If there are unique circumstances or considerations present which prevent the simultaneous submission of a final development plan with the application and whether the absence of a final development plan is materially detrimental to the public health, safety, or welfare.*

DCRPC Staff Comment: The absence of a final development plan is materially detrimental to the public health safety and welfare for the following reasons:

- a.) The deficiencies noted above in 15.08 b 2,3,4,5,6.
- b.) **Sewer-**The development cannot be built if the zero discharge system is not feasible. Even though sewer feasibility is not required for a preliminary plan, this is too large an issue to be left to the final development plan. This application should have been submitted with a letter from the county sanitary engineer or OEPA stating that the system is feasible for the density it proposes to serve.
- c.) **Gas-** Columbia Gas, no service letter.
- d.) **Electric-** American Electric Power, no service letter.
- e.) **Police-** No service letter from the Delaware County Sheriff. The development would add approximately 4,500 new residents. The Sheriff has recently indicated that he is short-

staffed by 3 patrolmen on each shift. This development alone could require the addition of several new deputies plus cruiser and equipment. The PCD requested could represent two shopping malls, which are sources of in-store and parking lot crime.

- f.) Traffic Impacts- A preliminary traffic study was submitted to the County Engineer prior to the zoning application that understated the true impacts of the development. No traffic study has been submitted with the zoning application.

The 318 acres of commercial would generate significant new traffic. Compare to the traffic problems at Polaris, one exit south on I-71. There is no offer to upgrade adjacent roads, no language about how improvements would be funded. The Galena and US 36 intersection is already dangerous and needs a traffic signal. There is no mention in the application about the developer's fair share to mitigate his impacts on any of the road networks.

The applicant's Community Impact Assessment states that "All vehicular circulation ways will be private... and privately maintained." This is not appropriate. The new road from US 36 to Wilson Road must be a public road.

DCRPC Staff Comment: Rezoning to PCD without a final development plan for 318 acres of North Star is inappropriate due to the unmitigated project impacts as well as the lack of judging criteria in Section 15.08 of the Berkshire Township PCD.

There is nothing "unique" that prevents the applicant from submitting a final development plan simultaneous with his application.

North Star PCD zoning is being requested based on very sketchy information. The community is being asked to hope for an adequate resolution of the many impacts and their details at the administrative, final development plan stage, without the right of referendum. This requires a leap of faith, with no leverage.

Berkshire Township has recently adopted its updated 2001 comprehensive plan, which paints a clear picture of how the township wants to look when it is all built out.

The citizens, having just envisioned their future, have the right to know the impacts, and the costs of North Star, before they lose their right of referendum. This preliminary plan presents a very limited and unacceptable level of information on which to base such a momentous zoning decision that will forever change the character of the township.

- 2.) *If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this zoning resolution.*
DCRPC Staff Comment: No it is not. See deficiencies listed above from 15.08 b.
- 3.) *If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.*
DCRPC Staff Comment: It does not conform to the comprehensive plan in the following ways:
- a.) The 318 acres proposed for PCD zoning lies within Sub Area II of the 2001 adopted Comprehensive Plan. The plan recommends commercial for approximately 130 acres north of the sewer service area and west of new road "B" (north of Flying J and abutting I-71). The remainder of this area is recommended for single family residential use at up to 1.25 units per acre if provided with central sewer maintained by the county. This proposal has over twice the land area for commercial as recommended in the plan.
- b.) Since apartments are a permitted use in PCD, the proposed zoning would allow up to 300 acres of apartments, which was not approved on the comprehensive plan.
- c.) A new road "B" is recommended in the Comprehensive Plan as a development-driven access to the interior of large "super blocks" of land. This road would initially head due north from US 36, then turn east and cross Galena Road, connecting to a relocated southerly alignment of Wilson Road (new road "C" in

Sub Area III).

The location of the Wilson road easterly extension on the North Star plan emulates new road “B” but it takes its access to US 36 too close to the I-71 interchange. It is located only 1200 feet east of the on-ramp to I-71, which could relieve some current but is still too close to the interchange for all the existing and new traffic. Another new road still needs to be constructed to enter US 36 approximately ½ mile east of the interchange.

- d.) There is no provision for parallel rear access roads stubbed to the east off the Wilson Road extension into Igo lands.
 - e.) There is no extension of new road “B” to the north for future extension to the Brown lands to Berkshire Road, as planned.
 - f.) The comprehensive plan recommends a “Traditional Neighborhood Development” (TND) as part of a large mixed use commercial and residential development “node” on the US 36 corridor. Without a site plan for the commercial, it is unknown if the TND concept is being considered.
- 4.) *If the proposed development advances the health, safety and general welfare of the township in the immediate vicinity.*

DCRPC Staff Comment: The proposed North Star preliminary development plan and the Community Impact Assessment attached to the application are inadequate to protect the health, safety, and general welfare of the township in the immediate vicinity.

North Star is a work in progress, a premature vision that needs much refinement before the Berkshire Township Zoning Commission and Trustees use their one legislative opportunity to achieve the vision of the comprehensive plan. The residents of Berkshire Township deserve to see exactly what will be built and who will pay for it before they give up their right of referendum on so momentous a project.

IV. DCRPC Staff Recommendation

The DCRPC staff recommends to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees that the preliminary development plan and the requested rezoning from AR-1 to PCD for 318.638 acres by North Star Land LLC be *denied*.

Commission / Public Comments

Mr. Bob Weiler, North Star developer, stated that he has been working on this plan for over 2 years. It is designed to be an upscale golf resort community. Originally it was only 975 acres (Wise property) that straddled the two townships. When the concept plan was first presented to the RPC staff, he was told there were two major concerns; density and traffic. The density then was much higher than being proposed tonight. Traffic was the other concern. The intersection of 36 and N. Galena Road is already over loaded and would just be worse with this development. The RPC staff urged the applicant to follow the master plan. The additional parcel to the north was acquired for larger spray fields as requested by the Sanitary Department and to reduce the density (1 unit per acre). He would prefer to bring Wilson Road down to the middle (half way between I-71 and N. Galena Road). ODOT has said there will be a need for more than 1 road (possibly 2-3) extending northward from Route 36. The road will be a public road (but built with private funds). Mr. Weiler stated that he will pay his proportionate share for road improvements. The 3 acres for the firehouse is the amount of area and the location requested by B.S.T. & G. Fire Department.

Mr. Lynn Kelley, Columbus Division of Water, 910 Dublin Rd, Columbus, Ohio 43215, stated that wide open commercial options with land application of effluents is very disturbing and that the City is opposed to this proposal of land application sewage treatment system upstream of their reservoir.

Mr. VanHouten made a motion to recommend denial of the 318.638 acre rezoning for North Star from AR-1 to PCD. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

35-01b ZON North Star Land LLC requests rezoning of 521.6 acres from A-1 to Planned Residential Development (PRD) in Berkshire Township

I. Existing Conditions

Present Use: Agriculture and woods, two single-family homes.

Proposed Uses:

- Relocation of Wilson Road
- Spray areas for on-site sanitary sewer system (47 acres woods; 243 acres golf course, 12 acres open space, 35 acres multi purpose park)
- 218 single family homes on 10,400 square foot lots (80' x 130')
- 200 condominiums
- 236 cluster homes

Existing Zoning: Agricultural
Existing Density: 1-unit/ 5 acres

Proposed Zoning: Planned Residential
School District: Big Walnut

Utilities Available- Del Co Water, no county sewer.

II. Issues

1. Preliminary versus Final Development Plan-

The PRD offers two options for a developer initiated rezoning.

- a.) The applicant submits a development plan (final development plan) that specifically answers all the questions related to the development's footprint, looks, character, land use mix, utilities provision, and impacts (Section 11.06 and 11.07). There are development standards and criteria to be used in making a decision as to the appropriateness of the application. This is a legislative act, and if approved by the Zoning Commission and Trustees, subject to a referendum appeal by the voters.
- b.) The applicant does not submit a final development plan (section 11.08), but rather submits a preliminary development plan, which gives general information about development character, size and location of the PRD, architectural design criteria for structures and signs, proposed provisions for utilities to the extent known, and so forth. The Trustees and Zoning Commission decide if there are unique circumstances "which prevent the simultaneous submission of a final development plan with the application and whether the absence of a final development plan is materially detrimental to the public health, safety or welfare.

The applicant has apparently chosen to file without a final development plan under Section 11.08. The application does not state the preference for Section 11.08, but staff infers it since the submissions do not address the criteria in 11.06 and 11.07. Therefore, the first consideration of the

Berkshire Township Zoning Commission must be whether this option for a preliminary development plan is appropriate.

III. Requirements of Section 11.08, b.) Preliminary Development Plan

1.) The proposed size and location of the PRD

DCRPC Staff Comment: Adequately shown.

- 2.) **The General Development character** of the tract including, to the extent known, any limitations or controls to be placed on all uses and descriptions of other development features including landscaping.

DCRPC Staff Comment- Limited information. No site plan or street layout for "tennis and swim club" condominiums. No site plan or street layout for the cluster homes. No information about access points to the public roads for the cluster homes or condos, no information about how the design relates to the land on the west side of Galena Road in Case 35-01a. No landscaping information or examples submitted.

- 3.) **Architectural Design Criteria** for all structures and criteria for proposed signs with proposed control procedures.

DCRPC Staff Comment- No architectural design criteria submitted.

- 4.) **The Proposed provisions for water, fire hydrants, sanitary sewer and surface drainage, to the extent known.**

DCRPC Staff Comments

Water- no service letter from Del-co. Will new sources of supply be needed for this development? Additional storage tanks? Adequate pressure for fire hydrants?

Fire Hydrants- No service letter from BSTG Fire Chief. No hydrant plan or discussion of whom will provide hydrants. How much new equipment will this development require? What is the ability of the local fire department to serve?

Sanitary Sewer- Since all of the 521 acres proposed for PRD lie outside the Delaware County Sanitary Sewer service area, the applicant proposes to construct a central sewer system with an on-site sewage treatment

plant. Treated effluent would be sprayed on grassed and wooded open space and a golf course.

Well-drained soils are critical to the success of land application. Land application systems must comply with OSU Extension Bulletin 860, be approved by the Delaware County Sanitary Engineer for feasibility, and be granted a Permit to install by OEPA.

Soils are CaB (Cardington, 2-6 % slope), BeA and BeB (Bennington 0-2% slope and 2-6% slope), AmD2 (Amanda clay loam 12-18% slope), and SnA (Sloan Silt Loam- 0-2% slope), Pw (Pewamo), Gallman, Jimtown. Some of these soils are wet, and some of them are hydric or may have hydric inclusions. There is a large area of floodplain along the creeks that run through the site. Great care will have to be taken to prevent pollution of Butler Run and Little Walnut Creek.

A letter from John Sadzewicz, P.E., R.D. Zande and Associates, states that he has “submitted a plot showing the spray application areas for the proposed zero discharge wastewater treatment system and a set of calculations indicating that based on Bulletin 860, these spray areas can accept treated effluent from 2,985 dwelling units.”

The County Sanitary Engineer has responded noting that the calculations include wet soils that are unacceptable and modifications to the proposal must be made before it will meet bulletin 860 and be acceptable. The County Sanitary Engineer has not issued a letter indicating that the zero discharge system is feasible.

Storm water Drainage-No drainage plan is submitted. 654 homes, plus streets, plus golf parking, plus a golf course will need detention and surface treatment for removal of heavy metals, grease, fuel, and fertilizer before entering Butler Run and Little Walnut Creek. There is no letter from the OEPA regarding potential storm water concerns. There is no letter from the Columbus Division of Water about potential runoff concerns to Hoover Reservoir.

- 5.) **The relationship of the proposed development to existing and probable uses of surrounding areas** - The preliminary development plan does not show any surrounding land uses, or structures, or even roads.

- 6.) **A description of the common Open Space and proposed use thereof.**

DCRPC Staff Comment-No description of the common open space or the uses thereof. The plan shows some golf course areas, some spray areas in woods, some blank open space, and a 35-acre multi purpose park. There is no explanation of who will own, who will improve, who will maintain the open space, the nature of the golf course to the lot owners and the developer, the nature of the golf course as common open space or as private open space as a commercial entity, etc.

- 7.) **Specific Statements of divergence from the development standards in this Article or in Articles XXI, XXII, and or XXIII or existing county regulations or standards and the justifications thereof.**

DCRPC Staff Comment- Nothing Submitted.

IV. Criteria for approval, Section 11.08 c.

In approving an application for a Planned Residential Development under this section 11.08, the reviewing authorities (i.e. Trustees and Zoning Commission) shall determine:

- 1.) *If there are unique circumstances or considerations present which prevent the simultaneous submission of a final development plan with the application and whether the absence of a final development plan is materially detrimental to the public health, safety, or welfare.*

DCRPC Staff Comment: There is nothing unique that prevents the applicant from submitting a final development plan simultaneous with his application. The absence of a final development plan is materially detrimental to the public health safety and welfare for the following reasons:

- a.) The plan deficiencies noted above in 11.08 b 2,3,4,5,6.
- b.) Sewer-The development cannot be built if the zero discharge system is not feasible. Even though sewer feasibility is not required for a preliminary plan, this is too large an issue to be left to the final development plan. This application should have been submitted with a letter from the county sanitary engineer or OEPA stating that the system is feasible for the density it proposes to serve.

- c.) Gas- Columbia Gas, no service letter.
- d.) Electric- American Electric Power, no service letter.
- e.) Police- No service letter from the Delaware County Sheriff. This development would add approximately 4,500 new residents. The Sheriff has recently indicated that he is short-staffed by 3 patrol officers on each shift. This development alone could require the addition of several new deputies plus cruiser and equipment.
- f.) Schools- No letter from Big Walnut schools on impact. Using the most recent Olentangy school district multipliers (from the Berkshire Comprehensive plan, and presuming they would be similar for Big Walnut) the total school impact of all 1500 new homes might be 592 new elementary students, 157 middle school students, and 227 new high school students.
- g.) Parks/ recreation- there is significant open space; how much is useable? Only 12 acres is actually listed as open space. Is this the only common open space? Most open space is labeled as effluent spray area. There is no public road to designated park areas, as all roads are stated to be private. Section 11.03 b.) requires recreational uses in PRD to be served by a major thoroughfare “without burdening residential streets” if the recreational use serves more than just the neighborhood. Who owns the golf course? Is it proposed to be open space forever even if it is no longer a golf course at some time in the future? Is the county or the township expected to maintain or improve some of the open space?
- h.) Traffic Impacts- A preliminary traffic study was submitted to the County Engineer prior to the zoning application that understated the true impacts of the development. No traffic study has been submitted with the zoning application. The 1,516 homes in North Star (654 in Berkshire Township) can be expected to generate 10 trips per day or 15,160 new trips, equivalent to the daily traffic flow on Powell Road between SR 315 and US 23. This level of traffic on two lane Wilson and Galena Roads would cause dangerous congestion and unacceptable levels of service to the point of failure.

There is no offer to upgrade adjacent roads, no language about how

improvements would be funded. The Galena and US 36 intersection is already dangerous and needs a traffic signal. There is no mention in the application about the developer’s fair share to mitigate his impacts on any of the road networks.

The applicant’s Community Impact Assessment states that “ All vehicular circulation ways will be private... and privately maintained.” This is not appropriate. The new road from Wilson Road to the school site and 122 acre park must be a public road.

House lots abut perimeter property lines. There should be a significant open space buffer to adjacent lands not owned by North Star.

The Multi Purpose Park should have access to both the internal new road and Galena Road if it is a township park.

DCRPC Staff Comment: Rezoning to PRD without a final development plan for the 521 acres of North Star is inappropriate due to the huge unmitigated project impacts as well as the lack of judging criteria in Section 11.08 of the Berkshire Township PRD.

North Star PRD zoning for 521 acres is being requested based on very sketchy information. The community is being asked to hope the developer will adequately resolve the many impacts and their details at the administrative, final development plan stage, without the right of referendum. This requires a leap of faith with no leverage.

Berkshire Township has recently adopted its updated 2001 comprehensive plan, which paints a clear picture of how the township wants to look like when it is all built out.

This preliminary plan presents a very limited and unacceptable level of information on which to base such a momentous zoning decision that will forever change the character of the township.

- 2.) *If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this zoning resolution.*

DCRPC Staff Comment: No it is not. See deficiencies listed above from 11.08 b, 2,3,4,5,6.

3.) *If the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.*

DCRPC Staff Comment:

It does conform as to land use and density for 1.25 units per acre of residential use if served with sewer maintained by the county, and with relocated Wilson Road.

It does not conform to the plan in the following ways:

- a.) The 521 acres proposed for PRD zoning lies within Sub Area III of the 2001 adopted Comprehensive Plan. The plan recommends that “if an on-site county dedicated sewage treatment plant is proposed... assure that all land application areas are on well drained soils outside of the 100-year flood plain of Little Walnut Creek.” The preliminary development plan does not identify the 100 year flood plain, which is extensive, and it does not identify if areas within the floodplain are being used for spray irrigation.
- b.) The comprehensive plan recommends a “Traditional Neighborhood Development” (TND) as part of a large mixed use commercial and residential development “node” on the US 36 corridor. Without a site plan for the cluster and condos housing, it is unknown if the TND concept is being considered.

4.) *If the proposed development advances the health, safety and general welfare of the township in the immediate vicinity.*

DCRPC Staff Comment: The proposed North Star preliminary development plan and the Community Impact Assessment attached to the application are inadequate to protect the health, safety, and general welfare of the township in the immediate vicinity.

The plan for the 521 acres of residential lands in Berkshire Township is more advanced than the 318 acres of commercial, but it is still inadequate to assure the appropriate outcome anticipated in the comprehensive plan.

North Star this is a work in progress, a premature vision that needs much more refinement before the Berkshire Township Zoning Commission

and Trustees use their one legislative opportunity to achieve the vision of the comprehensive plan. The residents of Berkshire Township deserve to see exactly what will be built and who will pay for it before they give up their right of referendum on so momentous a project.

IV. DCRPC Staff Recommendation

The DCRPC staff recommends to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees that the preliminary development plan and the requested rezoning from A-1 to PRD for 521.6 acres by North Star Land LLC be *denied*.

Commission / Public Comments

Mr. Bob Albright, attorney for the applicant was present. He stated that the application was filed as a preliminary development plan.

Mr. Ronald Jackson a farmer who has farmed this land, said it was the most beautiful land in the County, and that this type of development was uncalled for. He stated that the streams and flood plains have not been addressed in the application.

Mr. Tim Picard (3575 N. 3 B’s & K Road) stated that the schools are overflowing now and a small levy recently failed. He asked who would pay for the school to be built on the site the developer is gifting to the school board. North Galena Road is busy now and it will only get worse with this development.

Mr. Gobert made a motion to recommend denial of the 521.6 acre rezoning request by North Star LLC, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.

**#36-01 ZON North Star Land LLC, requests rezoning of 866.47 acres
from FR-1 to PRD in Kingston Township**

I. Existing Conditions

Present Use: Agriculture and woods,

Proposed Uses:

- 33 acres for sanitary sewage treatment plant; spray areas for on-site sanitary sewer system (224 acres in “Farm Preservation area”, 122.2 acres in Passive

- Recreational Park, 97.8 acres in golf course)
- 862 single family homes on approximately 10,400 square foot lots (80' x 130')

Existing Zoning: Agricultural

Existing Density: 1-unit/ acre (minimum lot size one acre)

Proposed Gross Density- .99 units per acre (minimum lot size .25 acre)

Proposed Zoning: Planned Residential

School District: Big Walnut

Utilities Available- Del Co Water, no county sewer.

II. Issues

1. Preliminary versus Final Development Plan-

The PRD offers two options for a developer initiated rezoning.

- a.) The applicant submits a development plan (final development plan) that specifically answers all the questions related to the development's footprint, looks, character, land use mix, utilities provision, and impacts (Section 10.06 and 10.07). There are development standards and criteria to be used in making a decision as to the appropriateness of the application. This is a legislative act, and if approved by the Zoning Commission and County Commissioners, subject to a referendum appeal by the voters.
- b.) The applicant submits a preliminary development plan, which gives general information about development character, size and location of the PRD, in accordance with Section 10.6 b.) 1,2,5 &8. If approved, the zoning map is amended. This is a legislative act and subject to referendum. The applicant submits a final development plan after the referendum period is completed.

The applicant has apparently chosen to file a preliminary development plan. The application does not state the preference for preliminary plan submission, but since the submissions do not address all the criteria in 10.06 and 10.07 staff infer it.

III. Requirements of Section 10.06, b.) 1,2,5 & 8 for Preliminary Development Plan

1.) The proposed size and location of the PRD

DCRPC Staff Comment: Adequately shown.

2.) The General Development character

of the tract including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.

DCRPC Staff Comment: Limited information was submitted. No information about limitations or controls on residential uses. No lot sizes listed. Many of the lots appear to be slightly smaller than the required 10,890 square feet required by Section 10.07 a.) No landscaping information or examples submitted. No development features such as renderings, architectural design criteria, sign controls. What does "Farm Preservation area" mean? Many small house lots abut adjacent lands not owned by North Star. Cluster design should provide a significant buffer against these lands.

3.) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

DCRPC Staff Comments: According to the Community Impact Assessment "all vehicular circulation ways will be private". Private streets are inappropriate for the loop road that services the school and the 122-acre park site. The long northern-most street exceeds county standards for a length of Dead End Street, has too many lots on a dead end street, and should allow for connection to Carter's Corner Road and to adjacent land to the east and west. The internal street pattern does not create a network that effectively distributes traffic and ties into the county road network

4.) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

DCRPC Staff Comments- The applicant's "Community Impact Assessment" Exhibit D gives three vague statements:

- a.) *“The project will be developed over several phases”*. No phases are identified on the plan or in the text.
- b.) *“It is expected to take approximately 15-20 years to completely finish the entire development.”* No schedule is offered of what will be built by when.
- c.) *“It is anticipated that construction of the first nine holes of the golf course, the redesign of Wilson Road and phase one of the single family sub-area will begin immediately upon approval of the development plan.”* Where is phase one of the housing sub area? Berkshire Township? Kingston Township? This is too vague. The treatment plant and golf course spray areas must be built first. There must be adequate spray areas for irrigation. The development plan indicates hundreds of acres for spray. Are nine holes of the golf course adequate for the unspecified phase one of the unspecified housing sub area? This development is premature if it has not been planned adequately to predict the timing of the initial phases.

IV. Criteria for approval, Section 10.06 c.

In approving an application for a Planned Residential Development under this section, the reviewing authorities (i.e. County Zoning Commission and County Commissioners) shall determine:

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

DCRPC Staff Comment- The preliminary development plan and application for PRD is not consistent with the purpose, intent and general standards in the following ways:

- a.) Section 10.01, Purpose requires that the PRD preserve and enhance the health, safety and general welfare of the inhabitants of the county. Due to the sketchy nature of the information provided, there are many health, safety and general welfare issues from the North Star development that have not been determined, nor mitigated by the developer, such as:

- 1.) **Water**- no service letter from Del-co. Will new sources of supply be needed for this development? Additional storage tanks? Adequate pressure for fire hydrants?
- 2.) **Fire Hydrants**- No service letter from Porter-Kingston Fire Chief. No hydrant plan or discussion of whom will provide hydrants. How much new equipment will this development require? Who will provide it? What is the ability of the local fire department to serve?
- 3.) **Sanitary Sewer**- Section 10.01 states that PRDs are “limited to areas served by public sanitary sewer.” Public sanitary sewer is defined in Section 4.01 as “a sewer that connects into a treatment system that is owned and operated by a county or municipality, a system where waste is treated at a county or city owned facility.”
Delaware County does not service this 866.47 acres in Kingston Township with sanitary sewer. The applicant proposes to construct a central sewer system with an on-site sewage treatment plant. Treated effluent would be sprayed on grassed and wooded open space and a golf course.

Well-drained soils are critical to the success of land application. Land application systems must comply with OSU Extension Bulletin 860, be approved by the Delaware County Sanitary Engineer for feasibility, and be granted a Permit to install by OEPA.

Soils are CaB (Cardington, 2-6 % slope), BeA and BeB (Bennington 0- 2% slope and 2-6% slope), AmD2 (Amanda clay loam 12-18% slope), and SnA (Sloan Silt Loam- 0-2% slope), Pw (Pewamo), Gallman, Jimtown. Some of these soils are wet, and some of them are hydric or may have hydric inclusions. There is a large area of floodplain along the creeks that run through the site. Great care will have to be taken to prevent pollution of Butler Run and Little Walnut Creek.

A letter from John Sadzewicz, P.E., R.D. Zande and Associates, states that he has “submitted a plot showing the spray application areas for the proposed zero discharge wastewater treatment system and a set of calculations indicating

that based on Bulletin 860, these spray areas can accept treated effluent from 2,985 dwelling units.”

The County Sanitary Engineer has responded noting that the calculations include wet soils that are unacceptable and modifications to the proposal must be made before it will meet bulletin 860 and be acceptable. The County Sanitary Engineer has not issued a letter indicating that the zero discharge system is feasible.

If the treatment plant is constructed to OEPA and county standards, inspected, dedicated to and accepted by the county for permanent care, then the sewer system plan could qualify as public sanitary sewers. However, nothing in the application, the development plan or the community impact assessment indicates that this is the intent of the developer.

Furthermore, there needs to be official correspondence from Delaware County that indicates the county will take over the plant for permanent care.

- 4.) **Storm water Drainage**- No drainage plan is submitted. 862 homes, plus streets, plus golf parking, plus golf course will need detention and surface treatment for removal of heavy metals, grease, fuel, and fertilizers before entering Butler Run and Little Walnut Creek. There is no letter from the OEPA regarding potential storm water concerns. There is no letter from the Columbus Division of Water about potential runoff concerns to Hoover Reservoir.
- 5.) **Open Space** -No description of the common open space or the uses thereof. The plan shows some golf course areas, some spray areas in “Farm Preservations area”, some blank open space, and a 122-acre “passive” park. There is no explanation of who will own, who will improve, who will maintain the open space, the nature of the golf course to the lot owners and the developer, the nature of the golf course as common open space or as private open space as a commercial entity, etc.
- 6.) **Police**- No service letter from the Delaware County Sheriff. This total North Star development would add approximately

4,500 new residents. The Sheriff has recently indicated that he is short-staffed by 3 patrol on each shift. The 862 homes in Kingston Township alone could require the addition of new deputies plus cruiser and equipment.

- 7.) **Schools**- No letter from Big Walnut schools on impact. A 45-acre school site is proposed, but there is no information if it is to be dedicated or sold. Using the most recent Olentangy school district multipliers (from the Berkshire Comprehensive plan, and presuming they would be similar for Big Walnut) the total school impact of 1500 new homes might be 592 new elementary students, 157 middle school students, and 227 new high school students.
- 8.) **Traffic Impacts**- A preliminary traffic study was submitted to the county Engineer prior to the zoning application that understated the true impacts of the development. No traffic study has been submitted with the zoning application. The 1,516 homes in North Star (862 in Kingston Township) can be expected to generate 10 trips per day or new 15,160 new trips, equivalent to the daily traffic flow on Powell Road between SRT 315 and US 23. This level of traffic on two lane Wilson and Galena Roads would cause dangerous congestion and unacceptable levels of service to the point of failure.

There is no offer to upgrade adjacent roads, no language about how improvements would be funded. The Galena and US 36 intersection is already dangerous and needs a traffic signal. There is no mention in the application about the developer’s fair share to mitigate his impacts on any of the road networks.

The applicant’s Community Impact Assessment states that “ All vehicular circulation ways will be private... and privately maintained.” This is not appropriate. The new road from Wilson Road to the school site and 122 acre park must be a public road.

- b.) The deficiencies noted above in 10.06 b 2, 5, & 8.
- c.) **Gas**- Columbia Gas, no service letter.

d.) Electric- American Electric Power, no service letter.

2.) *If the proposed development is conformance with the comprehensive plan or portion thereof as it may apply.*

DCRPC Staff Comment: Kingston Township does not have an adopted comprehensive plan. The Delaware County Comprehensive Plan shows much of this area as generally unsuited for development, due to prime agricultural soils and drainage/floodplain.

3.) *If the proposed development advances the general welfare of the county and the immediate vicinity.*

DCRPC Staff Comment: If North Star PRD zoning is granted based on the meager level of information given in this application, the township residents must hope the developer will adequately resolve the many development issues and impacts at the administrative, final development plan stage, without their right of referendum. This requires a leap of faith, and no leverage.

There are aspects about the North Star plan for Kingston Township that are admirable; farm preservation area, passive park, clustering homes around a golf course at one unit per acre with at least 50% open space.

For now, however North Star is a work in progress, a premature vision that needs much refinement before the Delaware County Zoning Commission and County Commissioners use their one legislative opportunity to get it right.

The citizens have the right to know the impacts, and the costs of North Star, before they lose their right of referendum. This preliminary plan presents a very limited and unacceptable level of information on which to base such a momentous zoning decision that will forever change the character of Kingston Township.

IV. DCRPC Staff Recommendation

The DCRPC staff recommends to the DCRPC, the Delaware County Zoning

Commission and the Delaware County Commissioners that the preliminary development plan and the requested rezoning from FR-1 to PRD for 866.47 acres by North Star Land LLC be *denied*.

Commission / Public Comments

Mr. Bob Weiler, the developer of North Star was present. He stated that they are eager to work with the RPC and the Township. He stated that the land is not going to stay vacant, "if the land turns out to be a bunch of houses on large lots with septic systems and wells, I don't think there is anyone that can stop us from doing that". The alternative is a 220-acre golf course owned by Mr. Cook (owner of Cook's Creek).

Mr. Jerry Goodson (7956 Steitz Road) stated that he is interested in preserving the rural character of the County.

Mr. Dan Basham (Kingston Twp. resident) asked how the sewer, roads and police protection is going to be handled. He feels the residents should be able to see what is going to happen before the development begins.

Mr. Larry Caudy (Porter Kingston Fire Department) stated that they are a volunteer fire organization that provides fire and EMS that provides service to a 50 square mile area. This project would probably double their runs. He stated that he would like to see more information on the road layout and school access. Wilson Road needs to be four lanes for today's traffic. The proposed fire station is not advantageous to the Porter- Kingston Fire Department.

Commissioner Ward stated that he is not for or against this development but is against not knowing (in writing) what it will look like.

Mr. Bauserman stated that the traffic study is not for just the impact on the roads in the area but also the impact on the interchange at 36 and I-71.

Mr. Van Houten asked what is exactly meant by farmland preservation and what is going to be done with the 400 acres that goes over to Carters Corner. Mr. Albright stated that the farmland preservation means that it will always be farmland forever.

Mr. Baker questioned why the Commission spent an hour and a half on a project that was so incomplete. Chairwoman Foust stated that since the Township accepted the application, the RPC is required to make a recommendation.

Mr. Roger VanSickle make a motion to recommend denial of the 866.47-acre rezone case by North Star, seconded by Mrs. Curren. VOTE: 16 For, 0 Opposed, 4 Abstained (Commissioners Wuertz and Martin, Chad Antle and Fred Fowler). Motion carried.

37-01 ZON Alum Creek, Inc., Centex Homes – Orange Twp. – 64.01 acres from FR-1 to SFPRD

The applicant is requesting to rezone 64.01 acres from FR-1 to SFPRD for 87 single-family residential lots averaging 13,050 square feet as well as 5 reserve areas.

Conditions

- Location:** North side of East Orange Road west of Alum Creek.
- Present Zoning:** (FR-1) Farm Residential
- Proposed Zoning:** (SFPRD) Single Family Planned Residential District
- Present Use:** Residential/Open space
- Proposed Use:** Single Family Residential
- Existing Density:** 1 unit/acre in FR-1
- Proposed Density:** 1.36 du/ac gross & 1.56 du/ac net
- School District:** Olentangy
- Utilities Available:** Public sewer and Del-Co water
- Soils:** CaB – Cardington Silt Loam (2 – 6 percent slopes)
CaC2 – Cardington Silt Loam (6 – 12 percent slopes)
SnA – Sloan Silt Loam (0 – 2 percent slopes)
AmF – Amanda Silt Loam (25 – 50 percent slopes)
LoA – Lobdell Silt Loam (0 – 2 percent slopes)
AmD2 – Amanda Silt Loam (12 – 18 percent slopes)
BeA – Bennington Silt Loam (0 – 2 percent slopes)
BoA – Blount Silt Loam (0 – 2 percent slopes)
GwB – Glynwood Silt Loam (2 – 6 percent slopes)

Surrounding Land Use

- West:** Large Lot residential as well as Cross Creek and Abbey Knoll Subdivisions
- South:** Agriculture
- East:** Large lot residential/agricultural land and Alum Creek River
- North:** Agriculture/Open space and Alum Creek Lake

General Comments

The site is rolling agricultural/open space with a large ravine and an existing home.

The development plan proposes 87 new homes to be laid out on roads with 60' rights-of-way with one loop street having a 50' right-of-way. The ravine will be left as open space and will be protected by a 40' no-build zone that will be located along the rear of the lots. The existing home and pond will remain. The pond may be utilized for drainage retention.

There is one access to this site from East Orange Road with stubs to the north and east. A connection is proposed to the west into the Abbey Knoll subdivision. For the connection to Abbey Knoll to occur, a portion of the Noble property to the north must be developed.

Criteria for Approval

“In approving an application for a Planned Recreational District the reviewing authorities shall determine:”

- 1.) If the proposed development is consistent in all respects with the purpose, intent and general standards of the Zoning Resolution;
- 2.) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply;
- 3.) If the proposed development advances the general welfare of the township and the immediate vicinity.

Staff Comments on meeting criteria for approval:

Compliance with local zoning

The development plan is in general compliance with the Orange Township Zoning Code except for the following:

- There are sanitary and Del-Co water lines on the site and letters have been sent to the appropriate providers for confirmation of service availability. However, the applicant has not provided letters from the Delaware County Sanitary Engineer or Del-Co water to show engineering feasibility.
- The minimum rear setback required by zoning is 35' from the rear lot line. The plan shows a minimum of 30'. This would require a divergence. Staff would not recommend such a divergence.

Compliance with the Comprehensive Plan

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

as suitable for development. The development plan is consistent with the 1993 County Plan.

- The site lies within planning area 11 of the recently adopted Orange Township Comprehensive Plan, which recommends single family residential at 2 dwelling units per acre with centralized sanitary sewer and water service. The request conforms to the plan for use and density at a gross overall 1.36 units per acre, if sanitary sewer and central water service can be provided. 10% open space is required. The development plan shows 25% (16.2 ac) open space in 5 reserve areas.

Advancing the general welfare of the Township

The development plan fits with the densities of this growing area of the township and is consistent with the comprehensive plan. The single-family residential use would advance the general welfare of the township in the proposed location. The design of the plan may need to be amended to provide safer access to Orange Road (see comments).

Additional Considerations

- There should be at least 2 access points to Orange Road.
- A traffic impact study is necessary to determine the possible improvements that may need to be made at the East Orange Road access. The point of access seems to be in a low area. A better location may be further to the west at the existing driveway. This would align better with Road “G” proposed in the 2001 Comprehensive Plan on the south side of East Orange Road intended to connect to Powell Road. This alignment must be made now. A sight distance study would help in this determination.
- The road crossing of the ravine with a sidewalk on one side is the only public access to the large open space area. There should be more pedestrian access points available to the lot owners and sidewalks should be provided on both sides.
- Storm water will be detained on-site within two detention ponds and one existing retention pond. The existing pond should be included in the ravine open space lot to ensure proper maintenance. If this is not feasible, an easement should be provided over the pond and access must be provided, if used for retention.
- The applicant should take a close look at the feasibility of many of the lots in terms of their steep slopes, especially lots 86 and 87.

- A redesign of the layout appears necessary to meet all the above comments.

Staff Recommendation

Staff recommends *conditional approval* of the 64 acre rezoning from FR-1 to SFPRD to the RPC, Orange Township Zoning Commission, and the Orange Township Trustees, subject to the applicant providing letters from appropriate utilities, sanitary sewer, and water providers showing engineering feasibility as well as revising the development plan to address all other comments of the RPC staff.

Commission / Public Comments

Mr. Jeff Strung of EMH & T was present to represent the applicant. He stated that he had response letters from Del-Co Water, sanitary engineer, Verizon and American Electric Power and Orange Township Fire Department after the application submission was made. The access was chosen at its location due to being centrally located. They do not agree with having two access points due to the profile of the road. The dip in the road is about 900’ away from their proposed access. He stated that they would work with the County Engineer to resolve the access issues. During discussions with Planned Communities, an agreement was made to move the northwest access further south to connect with Abbey Knoll over to Orange Road.

Mr. Spanner made a motion to recommend conditional approval of the rezoning request by Alum Creek Inc., subject to staff comments. Mr. Bauserman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

38-01 ZON Frank Barnes – Orange Twp. – 41.82 acres from FR-1 to SFPRD

I. Conditions

Location: East side of CSX railroad, south of Orange Road in Orange Township

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: SFPRD

Present Use: 2 residences, agriculture and woods and power lines.

Proposed Uses: PRD subdivision called Glen Oak

- 83 single family lots, minimum 75’ x 125’
- 12.5 acres of open space (30% of site), including a 1.21 acre pond.

Existing Density: 1 unit/acre in FR-1

Proposed Density: 1.99 units per acre (gross density overall)

School District: Olentangy

Utilities Available- Del Co Water, Delaware County sanitary sewer.

Soils: Blount silt loam 0-2 % slope
Blount Silt Loam 2-6 % slope
Glynwood Silt Loam 2-6% slope
Pewamo 0-2 % slope

II. Background

This development, to be called Northpoint Meadows, is a proposed PRD to include 83 single-family lots on 41.82 acres on the south side of Orange Road adjacent to the east side of the CSX Railroad tracks. There is a single access proposed to Orange Road and a large interior loop street with a large 5.08-acre central open space reserve, which includes a proposed pond for stormwater retention. In addition, 6.81 acres is set aside along the railroad tracks in an open space reserve as a buffer zone. A 60' conservation easement is proposed along the south property line for preservation of the existing woods that is shared with the Village of Oak Creek to the south. All existing buildings will be removed

The surrounding land use is residential to the east and south (Village of Oak Creek), west (Dooley's Orchard) and proposed residential to the north (Glen Oak). Del-co has a water tower to the northwest. With the exception of the pending zoning case to the north, this development is surrounded by PRD zoning, except for a few large lot single family residences along Orange Road zoned FR-1.

III. Conformance with Development Standards

1. **Utilities:** All major utility providers have acknowledged that service can be provided, *except for sanitary sewer service*.
2. **Traffic:** *A traffic study has not been provided.* A westbound left turn lane and an eastbound right-in lane are proposed. The entrance appears to align with the access to the Glen Oak proposal to the north, but the developer will need to coordinate with that development to assure proper alignment. Also, the development will need to contribute its fair share cost for improvements at the intersections of South Old State Road and Orange Road, and US 23 and Orange Road. This development will contribute 8300 new trips per day and will, in combination with existing and proposed developments along Orange Road, contribute to congestion at these intersections.

A connection to the Village of Oak Creek to the south and east is not possible. However, there are a couple of 5-acre lots (each with a house) adjacent to the development to the northeast that could be developed in the future once completely surrounded by higher density developments with small lots. A 60' right of way strip stubbing to the property line should be provided for a future

secondary access to Orange Road. The Orange Township Fire Department also requests this.

3. **Drainage:** Stormwater will be detained within a 1.8-acre pond in the central open space reserve.
4. **Architectural standards:** Architectural standards are described in the text, but no renderings have been provided.
5. **Landscaping:** A landscaping plan has been provided. In addition, a 60' Conservation easement is proposed along the southern border to preserve the existing woods shared with the Village of Oak Creek.

IV. Conformance with Local Comprehensive Plans

The recently adopted Orange Township 2001 Comprehensive Plan recommends single family residential at 2 dwelling units per acre. The request conforms to the plan for use and density.

Required Findings for SFPRD

1. That the proposed development is consistent in all respects with the purpose, intent, and general standards of this zoning resolution. **DCRPC Staff Finding:** Yes.
2. That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply. **DCRPC Staff Finding:** Yes.
3. That the proposed development advances the general welfare of the township and the immediate vicinity. **DCRPC Staff Finding:** Yes, provided that the access to Orange Road is coordinated with the proposed Glen Oak development to the north, the fair share of off site traffic improvements are done at the developer's expense, and that a right of way stub is provided to the northeast.

DCRPC Staff Recommendation

Staff recommends *conditional approval* of the 41.82 acre SFPRD rezoning to the RPC, Orange Township Zoning Commission, and Orange Township Trustees, subject to staff comments.

Commission / Public Comments

No one was present on behalf of the applicant.

Mr. Bauserman asked if the fire department was asking for secondary access for emergency use only or a public road access. Mr. Deel stated that they would prefer two ways in and two ways out. Mr. Bauserman asked if the area where the Del-Co

tower sits could be an emergency drive connecting to Del-Co's drive and used in emergency situations. Mr. Gladman stated that in the past they have requested a boulevard type entrance with an island so there would be two ways in, in case of an accident.

Mr. John Schmidt made a motion to recommend conditional approval of the rezoning request by Frank Barnes, subject to staff comments and Mr. Gladman's comments regarding a boulevard entry. Mr. Gobert seconded the motion.

VOTE: Unanimously For, 0 Opposed. Motion carried.

39-01 ZOND & S Investments – Orange Twp. – 2.04 acres from FR-1 to PC

I. Conditions

Location: West side of US 23 north of West Orange Road
Present Zoning: Farm Residential (FR-1)
Proposed Zoning: (PC) Planned Commercial and Office District
Present Use: Vacant
Proposed Use: Planned Commercial and Office
Existing Density: N/A
Proposed Density: N/A
School District: Olentangy
Utilities Available: Public sanitary sewer and Del-Co water
Soils: GwB – Glynwood Silt Loam (2 – 6 percent slopes)

II. Surrounding Land Use

West: North Orange Subdivision (Open Space)
South: North Orange Subdivision (Planned Commercial and Office)
East: Orangepoint Commerce Center
North: North Orange Subdivision (Open Space)

III. Conformance with Local Comprehensive Plan

The 2000 Orange Township Comprehensive Plan recommends this site for Planned Commercial and Office use. New road "A" will be continued north-south at the west side of the proposed site. However a devil's strip must be crossed to access Road A, requiring an easement. The Comprehensive Plan also stipulates that a development plan shall have certain architectural and signage details. Although these are explained in the Development Plan text, there is no graphic plan provided to indicate what the building may look like or what the use will be. Though the Comprehensive Plan supports a planned commercial zoning, more detail on the development plan is necessary to truly conform.

IV. Conformance with Development Standards

- The Development Plan only shows setbacks. Since the actual use is unknown, building, parking areas, access points etc. have not been shown.
- No renderings, no proposed sign details. The architectural design criteria are incomplete.
- The landscaping plan was a generic plan, not specific to the site.

Divergences

The applicant is asking for a divergence from the required 100' setback from a residence district to 25'. The land to the north is an open space area under a 200' electric transmission easement within a residence district. This would be a reasonable divergence due to the lack of impact on this open space area to the north.

V. Required Findings for PC

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

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

DCRPC Staff Finding: The overall development plan is consistent with the purpose and intent, but not all of the general standards of the resolution.

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

DCRPC Staff Finding:

The development conforms to the 2001 Comprehensive Plan, which recommends Planned Office/Planned Commercial use. New Road "A" (Gooding Blvd) on the plan is already a part of the North Orange preliminary plan, from which this lot must take access. The applicant must arrange to take access across the small portion of land between the site and Gooding Blvd owned by Planned Communities.

- 3.) That the proposed development advances the general welfare

of the township and the immediate vicinity.

DCRPC Staff Finding: The development advances the general welfare of the township if access to Gooding Blvd can be achieved and a more complete plan is submitted.

V. DCRPC Staff Recommendation

Staff recommends *conditional approval* of the proposed zoning changes from FR-1 to PC to the RPC, Orange Twp. Zoning Commission, and Orange Twp. Trustees subject to achieving access to Gooding Blvd and submission of a completed development plan at the township level showing a building footprint, parking, signage, lighting and so forth.

Commission / Public Comments

Mr. Chuck Orth of Stults & Associates stated that he generally concurs with the staff comments. The landscape plan is in the text (the same as the North Orange Complex). In the application, there is a letter from Planned Communities stating that when they plat their section there will be a strip deeded to D&S Investments.

Mr. Spanner made a motion for conditional approval of the zoning request by D & S Investments, subject to staff comments. Mr. John Schmidt seconded the motion. VOTE: 19 For, 0 Opposed, 1 Abstained. Motion carried.

40-01 ZON Berlin Twp. Zoning Commission – PRD text amendments

Applicant: Berlin Township Zoning Commission
Request: Text Amendments to the Planned Residential District (PRD), Article XI

I. Procedure

Due to the township’s procedural error, the Court of Commons Pleas invalidated the 1999 PRD amendment. The County Prosecutor has advised the township to re-initiate the process.

II. Facts

1. Berlin Township is still rural in character. 90% of all land is zoned Farm Residential, one unit per acre.
2. The Berlin Township Trustees and Zoning Commission wished to encourage

appropriate growth and a variety of densities in accordance with a comprehensive plan. They contracted with the DCRPC to revise their comprehensive plan and zoning.

3. On December 8, 1998 the Berlin Township Zoning Commission, assisted by a large group of interested citizens, established an overall goal for the comprehensive plan update. ***“To preserve the rural character of Berlin Township as expressed or appreciated in its openness, green areas, farms, natural resources and low density.”***
4. The current PRD permits densities of 2-4 units per acre and requires no qualitative open space, nor does it protect sensitive natural resources. These densities were determined by citizens and Zoning Commission to be inappropriate to the township’s rural character.
5. The new PRD will help attain the goal of openness, green areas, farms, preservation of natural resources and low density.
 - a.) As an overlay district, the PRD can be used in the rural FR-1 zone (maximum density of approximately .8 units per acre with 40% open space).
 - b.) The PRD can also be used in the suburban R-2 zone (maximum density of approximately 1.8 units per acre and 20% open space).

III. Comparison of current Berlin Township PRD with Proposed Berlin Township PRD

Criteria	Current PRD	Proposed PRD
Permitted uses	SF, attached, detached, MF, mobile home manf. housing	SF detached in R-1, SF detached/ attached in R-2
Zones where permitted	PRD	FR-1; R-2 (overlays)
Gross Density	2 units/ac; (incentives to 4/ac)	Approx. 1.8/ac in PR-1 Approx. 1.8/ac in PR-2 * Formula for net acreage
Natural Resources preserved	No	Yes
Minimum tract area	None	20 ac. 10ac conditional
Minimum lot size	None, per plan	None, by ordinance
Required Open Space	None	40% in PR-1 & 20% in PR-2
Open space may be owned by adjacent landowner	No	Yes
Open Space Easement	No	Yes
Commercial uses	No	Yes, neighborhood stores, less density in a PRD than what you would get in a standard subdivision.
Architectural Standards	None	Suggested guidelines
Professional Stamps required	Surveyor	Surveyor
Minimum House Size	1000 Sq. Ft.	1000 Sq. Ft.
Application by:	Owner petition	Owner petition
Process	One step-all or nothing Zoning with final development plan (referendable) Applicant spends time, \$ on detail of plan for zoning approval	Two step- 1. Zoning with preliminary dev. Plan (referendable) 2. Final Dev. Plan by town council (administrative)
Plat required	Yes, within 3 years	Only if required by ORC
Zoning Reversion	Yes, in 3 years if not platted	No, zoning permanent
Central water / sewer reqd.	Yes	Yes

or adoption of the amendment to Article XI which it purported to approve on May 3, 1999, provided that the township complies with the statutory requirement for notice of a Board of Trustees hearing on that proposal.”

Staff Recommendation

Staff recommends to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Board of Trustees that the “current” PRD ordinance be deleted in its entirety and replaced with the proposed PRD Resolution version PRD.5, as initiated by the Berlin Zoning Commission August 15, 2001.

Commission / Public Comments

Mr. Dan Hart, planning consultant present on behalf of T&R Properties whom asked him to evaluate the proposed PRD. He submitted a letter to the Zoning Commission (see attached) with his comments. His major concern was that the intent of the resolution be density neutral. He believes the resolution entitles you to less density in a PRD than what you would get in a standard subdivision.

Mr. Eric Binderhardt (881 Africa Road, Galena) stated that he concurs with the DCRPC comments. He stated that area residents have worked on this ordinance for 12 years. In November of 1999, Township voters approved this ordinance 3 to 1. Mr. Tim Dalton (639 Sheisson Road, Galena) stated that since 1998 a group of citizens anywhere from 75 to 300 at a time have worked on this ordinance. This is what they want. He stated that those opposed are profit driven.

Mr. Jim Billings (attorney and representative of several land developers) stated that there was a procedural problem with respect to due process for certain landowners. The document was not ruled on in court, only the procedure for adoption was ruled on. His clients have submitted over 100 comments that have gone unanswered. Mr. Billings submitted a copy of these concerns (see attached).

Mr. Laurien stated the he and the County Prosecutor have read these comments, but they are unconstructive comments submitted in a fashion that is impossible to respond to. This is a model ordinance that the RPC would like to see used elsewhere in the County. M/I Homes used this ordinance in the development of Harbor Point. He reiterated that Judge Marcus stated that his decision remanding the proposed PRD was procedural and his decision (99CVH06-196) “is not intended to impair the Township’s later adoption of Article XI”.

Commissioner Ward made a motion to recommend approval of the PRD text for Berlin Township, Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. Staff Comments

- 1.) The Berlin Township Zoning Commission decided to re-adopt the PRD resolution exactly as approved by the voters (3 to 1 ratio) in November 1999.
- 2.) The County Prosecutor’s office has reviewed and recommended the new PRD.
- 3.) M/I homes designed its newest Berlin Township PRD (Harbor Pointe) following the new PRD guidelines.
- 4.) The Court of Common Pleas has reviewed this PRD. Despite invalidating the original adoption due to procedural error, Judge Marcus stated:

“This judgement is not intended to impair the township’s later consideration

41-01 ZON Genoa Square, L.P. – Genoa Twp. – 1.37 acres – development plan approval

This application is submitted by Genoa Square L. P. to amend an approved Planned Commercial District Development Plan for 1.37 acres in the Maxtown Subdivision on the northeast corner of S. R. 3 and Maxtown Road in Genoa Township.

Conditions

- Present Zoning:** Planned Commercial District (PD-2)
- Proposed Zoning:** Planned Commercial District (PD-2)
- Present Use:** Vacant land
- Proposed Use:** Convenience store with restaurant and gas sales, and car wash.
- Existing Density:** N/A
- Proposed Density:** N/A
- School District:** Westerville
- Utilities Available:** Del Co Water, Delaware County sanitary sewer.
- Soils:** Udorthents (UdB)

Background

The original development plan approved in 1997 (RPC 23-97 ZON) was for 5.94 acres of the Northgate Plaza. That request was platted as the Maxtown subdivision and included 5 lots. The 1.37 acres in this request includes all of lot 4556 and 4557. The original plan was for 2 commercial/retail buildings on this portion of the subdivision (1 one each lot), but now the plan is to develop a convenience store with a restaurant (3,820 sq. ft.) and gas sales (18.5' canopy), and a car wash (3,062 sq. ft.). The proposed gas pump island is the only deviation from the original plan.

Access to the site will be via an existing right-in only entrance at the southwest corner (shared with the Arby's restaurant to the south), 2 entrances to the east and 1 to the north off internal private streets. Stormwater will be routed to the southwest into the existing drainage system. Sanitary sewer and Del-co water are available along the east side of the property.

Compliance with Comprehensive Plans

The 1998 Genoa Township Comprehensive Plan places this property in Planning Area 1. It recommends that community and regional scale nonresidential, commercial and office, uses should be located along the Maxtown Road corridor and the Polaris interchange. The proposal complies with the plan.

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

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

Compliance with PD-2 standards

The following items should be addressed prior to the Township Zoning Commission meeting:

- a.) Staff's opinion is that the proposed plan may be too much for this site. The design does not provide for a smooth flow of internal traffic. The access to the north should be ingress only or at most right in/right out. There is not enough stacking distance for outgoing traffic at this location, which is only 60' from SR 3. The 2 parking spaces along the east lot line should be eliminated. The car wash traffic should stack north to south along the west side of the lot, with the 8 parking spaces in the center shifting slightly south and east. This will allow incoming traffic from the southwest to navigate around car wash customers to the convenience store and gas pumps. Finally, the gas island should probably be rotated 90 degrees. This would most likely result in a reduction of the number of gas pumps.
- b.) A divergence has been requested for the number of parking spaces. The original development plan called for 8 spaces for every 1000 sq. ft. of retail space. According to the development plan 29 spaces are required and 31 spaces are provided. The text does not provide any details or explanation of why a divergence is being requested. Furthermore, there are inconsistencies in the floor area proposed for the uses. This must be resolved at the township. Staff sees no need to increase the number of parking spaces, but defers to the Township Zoning Commission to judge whether a lower ratio for parking spaces would be appropriate. 5 spaces per 1000 sq. ft of retail is a reasonable standard.
- c.) PD-2 development standards require a 50' separation between buildings. The plan does not show the surrounding buildings, so it cannot be determined if this requirement can be met. Also, does the setback apply to the canopy? It is closer than 50' to the car wash.
- d.) What type of restaurant is proposed? This will affect the parking requirements.
- e.) No sign details or renderings were provided.

- f.) Label the features along the west side between parking spaces. Are these vacuum pumps?
- g.) The gas island straddles the lot line between the 2 original lots. Township zoning may require that the original plat be amended.

Criteria for approval

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

Staff Findings

Staff finds that the amended PD-2 development plan is in general conformance with the Genoa Township 1998 Comprehensive Plan and is compatible with the surrounding land use. It will not create traffic on minor residential streets outside the district. However, the plan may be too much for this site. If the plan were revised to address staff comments then it could promote the public health, safety, and general welfare of the township.

DCRPC Staff Recommendation

Staff recommends *conditional approval* of the amended PD-2 development plan for 1.37 acres in the Maxtown Subdivision to the RPC, Genoa Township Zoning Commission, and Genoa Township Trustees, subject to staff comments.

Commission / Public Comments

Mr. Jeff Brown, attorney for the applicant stated that they would work with the Township to resolve the issues that the RPC has pointed out. The original zoning had a gas station, car wash and a McDonald’s at the south end of Maxtown and SR 3. Then the applicant went to the 5-lot development and now they are dealing with the remaining 2 acres. The access points are already established. They disagree with the internal circulation comment from the RPC. The curb cut to the north is a Right-in/ Right-out due to the median.

Mr. Gobert stated that the flow would be an issue at the Township (as it was initially).

Mr. Gladman made a motion to recommend conditional approval of the Genoa Square rezoning request, subject to staff comments. Mr. John Schmidt seconded the motion. VOTE: 19 For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

42-01 ZON Orange Hill Development LLC – Orange Twp. – 13.96 acres from FR-1 to SFPRD

Location: East side of Old State Road, north of Candlelite Lane, in Orange Township, by Orange Hill Development LLC.

I. Conditions

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: SFPRD

Present Use: Single family house, barn, woods and open land

Proposed Uses:

- 58 single family detached condominiums on limited common lots
- 4.92 acres of open space

Existing Density: 1 unit/acre in FR-1

Proposed Density: 4.15 units per acre (gross density overall)

School District: Olentangy

Utilities Available- Del Co Water, Delaware County sanitary sewer.

Soils: BoA- Blount 0-2 % slope
BoB Blount 2-6% slope
GwB Glynwood, 2-6 % slope
Pw-Pewamo 0-2 % slope

II. Issues

- 1.) This is a redevelopment proposal for an older single family home site that is now surrounded by suburban development.
 - ❖ To the south are single family homes on Candlelite Lane, which is transitioning to commercial on its south side (see DCRPC case # 23-00 ZON).
 - ❖ To the east is single family development, approximately 4 units/acre in the city of Columbus.
 - ❖ To the west is single family development in Oak Creek, 2 units per acre.
 - ❖ To the north are three tracts that total 12 acres for potential development sites.

- 2.) As this Polaris area has transitioned, the township has attempted to be competitive with Columbus in zoning matters to keep lands in the township.
- 3.) The applicant has already filed an annexation petition with the city of Columbus.
- 4.) The 2001 Orange Township Comprehensive Plan recommends single-family at 2 units per acre with sewer service for this site.
- 5.) If this land annexes into Columbus it will be served by Delaware County sewer, which has a design capacity of 12 persons/acre, or approximately 4 dwelling units/acre. The township would rather see the density increased in the township to keep the land and not lose it to annexation. The end result will be the same-residential development at 4 units per acre.
- 6.) There are three seasonal streams that run northwest to southeast across the site. An on site wetlands evaluation by HzW Environmental Consultants. The 4 sites total .15 acres. Two of the sites, A and B are incorporated into open space with off stream detention. The other two, C and D would be destroyed by development. This would appear to be legal under a nationwide permit to fill after notification of the corps of Engineers.
- 7.) The site is proposed to have one access to S. Old State Road. It would be preferable to stub an access to the north to create alternative access points. Single loaded developments have overburdened S. Old State Road. Internal traffic needs to be able to move from neighborhood to neighborhood without exiting onto the adjacent collector or arterial road. Since these 58 condominiums will generate from 7-10 trips per day, their impact is 406- 580 new trips per day.

III. Conformance with Local Comprehensive Plans

The Orange Township 2001 Comprehensive Plan recommends residential at 2 dwelling units per acre. Since this area will likely annex to obtain the 4 units per acre of sewer capacity that is available, the township may as well compete with Columbus at this site and amend its Comprehensive plan to 4 units per acre for this 13 acres.

IV. Conformance with Development Standards

- 1.) A very basic development and landscaping plan is submitted. Basic entrance and sign details are included. The township may wish to see more detail.
- 2.) General development character- no renderings of proposed structures or

architectural design criteria are included.

- 3.) Provisions for water, sanitary sewer and surface drainage. Letters have been included that indicate county sanitary sewer and Del-Co Water can service the site at the density proposed. There should be good drainage with on site swales. Off stream detention is shown on the plan.
- 4.) No sidewalks are shown. Sidewalks are normally required in Orange Township for PRD lots.
- 5.) Open space-10% is required, 35% provided.

V. Required Findings for SFPRD

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

DCRPC Staff Finding: The development plan is a work in progress and needs amendment: see IV, 1,2,4 above.

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

DCRPC Staff Finding: Yes, as to use, but density of the Comprehensive Plan needs to be amended to 4 units per acre if the township wishes to maintain conformance between the plan and the zoning. This is a reasonable amendment given Columbus would permit the same density, and the applicant has field for annexation if he cannot get competitive zoning in the township. Furthermore, sewer service is Delaware County whether this is in Columbus or the township and the Polaris contract allows up to 12 persons per acre or 4 units per acre.

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

DCRPC Staff Finding: If the development plan were amended as noted in IV, 1,2, 4 it would advance the general

welfare of the township.

VI. DCRPC Staff Recommendation

Staff recommends conditional approval of the zoning change from FR-1 to SFPRD, for 58 units of condominiums on 13.961 acres on S. Old State Road, subject to the amendment of the 2001 Orange Township Comprehensive Plan to show single family residential at 4 units per acre for this site, and correction of items 1,2, & 4 on the development plan.

Commission / Public Comments

Mr. Jeff Brown, attorney for the applicant, stated that this is a transitional piece of development. This parcel would be an empty nester type single family detached-condo housing concept. The entry would be a boulevard type with private streets, which might prevent road connection to the north, since it would be private maintenance.

Commissioner Ward asked if the applicant would pull their annexation application if the Township grants the rezoning? Mr. Brown stated that the quickest way to develop this piece of property would be to get Township approval and go forward. He explained that annexation takes about 6 months and then you have to add the zoning time on top of it. The applicant is requesting a fair and rational density. Mr. Laurien stated that they couldn't get any more density from the City.

Mr. Gobert asked the process of amending the Comprehensive Plan. Mr. Laurien stated that the Zoning Commission should adopt the site-specific Comprehensive Plan amendment and then the zoning case. There should be two votes. There should be two public notices also.

Mr. Bauserman asked if the applicant was proposing any improvements to S. Old State Road. Mr. Brown stated that he would do whatever the County Engineer and Township requires. Mr. Bauserman stated that because this site would not come back to the RPC because it is a condominium complex, he recommended the issues related to a traffic study and those commitments be established in the zoning process. Mr. Gladman asked if Mr. Bauserman would send the Township a letter of recommendation. Mr. Bauserman stated that he would need a traffic study. Mr. Brown stated that he doesn't need a traffic study but a conversation with the County Engineer. Part of the road has already been widened. He feels the question is whether they need a turn lane or a deceleration lane. Mr. Bauserman asked if they would commit to that. Mr. Brown would not commit to any specifics but would prefer to work with the County Engineer.

Mr. Bauserman suggested a stub to the south instead of the north as suggested by the RPC, going through to Candlelite Lane to a neighborhood commercial area, and bypassing Old State Road. Mr. Laurien stated that he would amend his recommendation to suggest a stub to the south. Mr. Brown suggested a walk way connection.

Commissioner Ward made a motion to recommend approval to amend the Comprehensive Plan for this site and conditional approval of the rezoning by the Orange Hill Development LLC, subject to staff and the County Engineer's comments. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

16-01 Treemonisha – Harlem Twp. - 15 lots / 32.175 acres

Applicant: Vista Land Company
Subdivision Type: Single-family residential
Location: On the north side of Gorsuch Rd, east of Miller-Paul Rd., Harlem Township
Current Land Use: Open Space
Zoned: Farm Residential District (FR-1)
Utilities: Del. Co. Water and private septic
School District: Big Walnut
Engineer: Scioto Land Surveying Services Inc.

Surrounding Land Use

North: Agriculture
South: Residential (Watts Subdivision)
East: Residential
West: Residential (Neitzer Subdivision)

Staff Comments

The site is open agricultural land with Duncan Run running east to west along the south east side of the development. The design includes a cul-de-sac street called Ivy Ridge Place accessing 15 lots from Gorsuch Road west of the bridge across Duncan Run. Each of the lots will be served by on-site sanitary systems (leach fields and

mound systems) and Del-co water. The floodplain for Duncan Run enters the property along the rear of the southeastern lots. There will be a drainage/no build easement placed over this floodplain to ensure it is not filled or otherwise inappropriately disturbed by lot owners.

A Technical review was held on August 21st, 2001 after which the applicant has addressed all of the required changes except for the following:

- The soil boring symbols are not in the legend.
- Add a note to the final plat that states no-fill to the no-build/Drainage easement for the Duncan Run Floodplain.

Staff Recommendation

Staff recommends conditional Preliminary approval of Treemonisha, to the RPC, subject to staff comments.

Commission / Public Comments

Mr. Celio of Scioto Land Surveying Service was present to represent the applicant. He stated that he would add the easement note to the plat.

Mr. Gladman made a motion for conditional Preliminary approval, subject to staff comments. Mr. Bauserman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

17-01 Chapman Ravine – Liberty Twp. - 03 lots / 08.45 acres

Applicant: Mike Linde

Consultant: Patridge Surveying

Staff Comments

The applicant has requested a 90-day tabling of Chapman Ravine.

Staff Recommendation

Staff recommends approval of the 90-day table request for Chapman Ravine to the RPC.

Commission / Public Comments

Commissioner Ward made a motion to table Chapman Ravine for 90 days. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

43-00.12 Golf Village, Sec. 12 – Liberty Twp. - 01 lots / 16.06 acres

This application was withdrawn by the applicant.

Preliminary/Final

43-00.13 Stonebridge at Golf Village, Section 13 – Liberty Twp. - 1 lots, 36.30 acres

Applicant: EPCON Stone Bridge LLC

Subdivision Type: Condominiums

Location: On the north side of Seldom Seen Rd., west of Sawmill Pkwy. Rd., Liberty Township

Current Land Use: Agricultural

Zoned: Planned Residential District (PR)

Utilities: Del Co. water and public sewer

School District: Olentangy

Engineer: EMH&T Inc.

Staff Comments

This is a condominium development with access from the new Sawmill Parkway and Seldom Seen Road. This lot is required to be platted in order to meet the requirements of Liberty Townships zoning code. No review is applicable from the RPC concerning the design of the site. A condominium development plan has been submitted to the Delaware County Engineer.

A technical review was held on July 17, 2001, after which the applicant has addressed all of the required changes.

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

Staff Recommendation

Staff recommends Preliminary and Final approvals of the Stonebridge at Golf Village, Section 13, to the RPC.

Commission / Public Comments

Mr. Shawn Lanning of EMH & T was present to represent the applicant.

Mr. Gladman made a motion for Preliminary and Final approval of the Stonebridge at Golf Village, Section 13, seconded by Mr. John Schmidt. VOTE: Unanimously For, 0 Opposed. Motion carried.

15-01 Green Meadows Commerce Center - 1 lots, 30.525 acres

Applicant: Kenny-Wilcox LLC
Subdivision Type: Industrial
Location: On the east side of Green Meadows Drive North, north of Powell Rd.
Current Land Use: Vacant
Zoned: Planned Industrial District, (PI)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: Bauer, Davidson, and Merchant, Inc.

Surrounding Land Use:

West: Green Meadows Industrial Park, Emory Worldwide (Zoned PID).
East: Norfolk & Southern/Conrail RR and Oak Creek multi-family residential (Zoned MFPRD).
North: Green Meadows Industrial Park (Zoned PID).
South: Green Meadows Commerce Park (Zoned PID).

Staff Comments

Green Meadows Commerce Center is a single lot industrial subdivision on 30.525 acres. The development will include 7 office warehouse buildings on the north side of Powell Road adjacent to the west side of the Norfolk and Southern and Conrail railroad tracks. Access will be to Powell Road at the west end of the property and Green Meadows Drive to the north (via easement) with no restrictive turning movements to either road. Eventually, an easement will be provided over the Emory Worldwide parcel to the west for access to Powell Road aligning with Green Meadows Drive South and will include a future signal. When this occurs, the current access will be limited. Also, an easement will be obtained from ODOT along Powell Road for future landscaping, mounding and bank stabilization. Per the PID zoning development plan, the total office/warehouse space will be 471,866-sq. ft. with 1009 parking spaces provided. The project will be developed in 3 phases.

Del-Co will provide water with existing 12” lines along Powell Road and Green Meadows Drive. Sanitary sewer is available via a 15” line along Green Meadows Drive. Stormwater will be detained within 2 detention/retention basins on the west side of the development as well as within parking areas. The Orange Township Fire Chief has approved the plans for interior streets and fire hydrant locations.

A technical review was held on July 17, 2001, after which the applicant has addressed all of the required changes.

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

Staff Recommendation

Staff recommends Preliminary and Final approval of the **Green Meadows Commerce Center**, to the RPC.

Commission / Public Comments

Mr. Don Kenny Jr. was present to answer any questions from the Commission.

Mr. Gladman made a motion for Preliminary and Final approval of the Green Meadows Commerce Center, seconded by Mr. John Schmidt. VOTE: Unanimously For, 0 Opposed. Motion carried.

CONSENT AGENDA

Chairwoman Foust asked the Commission if there were any subdivisions that they would like removed from the Consent agenda. Mr. Deel stated that he would like Abbey Knoll, Section 3 removed for discussion.

Chairwoman Foust asked for a motion for the remaining applications.

Commissioner Ward made a motion for Final approval of Winding Creek Estates, Phase 3, Harbor Pointe, Section 2, Phase A, Harbor Pointe, Section 2, Phase B, Summerwood, Section 2, Sherbrook, Phase 9, Sherbrook, Phase 10, The Oaks at Highland Lakes, Phase 1, The Oaks at Highland Lakes, Phase 2, The Oaks at Highland Lakes, Phase 3, Eagle Trace, Section 2, Phase A, Eagle Trace, Section 2, Phase B, Highland Hills at the Lakes, Section 3, and Rattlesnake Ridge. Mr. Baker seconded the motion. VOTE: Unanimously For,

0 Opposed. Motion carried.

Final
28-00
acres

Winding Creek Estates, Phase 3 – Berlin Twp. - 15 lots / 34.12

Applicant: G & G Land Corporation
Subdivision Type: Single-family residential
Location: On the east side of Daleford Rd., south of Curve Rd., Berlin Township
Current Land Use: Agricultural
Zoned: Farm Residential District (FR-1)
Utilities: Del-Co Water and private septic
School District: Olentangy
Engineer: Stults and Associates

Staff Comments

The applicant is proposing 15 lots on 34.12 acres accessed by a LVL D cul-de-sac street on the east side of Dale Ford Road, south of Curve Road. Winding Creek Estates Phase 1 and 2 are located to the north with vacant land to the east and west and large residential lots to the south. The lots in this subdivision range from 1.4 to 3.6 acres and will all have septic systems. The site and the surrounding area is zoned FR-1 with a one-acre minimum lot size.

There are two power line easements on the site, one 150' easement along the eastern boundary and another 100' easement that runs along the northern portion of the site, through the back yards of lots 1414 through 1421.

In regards to the Electric Power line on the site, the following note has been placed on the final plat:

“NOTE: Potential health and environmental impacts associated with high-voltage power line electromagnetic fields are not completely understood at this time.”

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

Staff Recommendation

Staff recommends *Final approval* of the **Winding Creek Estates 3** to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Winding Creek Estates, Phase 3. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

43-99.2.A Harbor Point, Section 2, Phase A – Berlin Twp. - 24 lots / 16.38
acres

Applicant: M/I Schottenstein Homes, Inc.
Subdivision Type: Single-family residential
Location: On the east side Africa Road, south of Cheshire Rd., Berlin Township
Current Land Use: Open Space
Zoned: Planned Residential District (PRD)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: EMH&T

Staff Comments

This is a 24-lot phase in the northwest portion of the overall Harbor Pointe subdivision along Africa Road. Meadows at Cheshire is to the north with Harbor Pointe to the south and east and Alum Creek State Park to the west. This phase includes the extension of Port Haven Drive north then east from Harbor Pointe Drive and a cul-de-sac named Port Haven Court that extends to the west. A 4.5-acre reserve lot is located along the east side of Africa Road used for drainage purposes and passive open space. The site is served by Delaware County sanitary sewer and Del-Co water. Preliminary approval was granted for the overall development in October of 1999.

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

Staff Recommendation

Staff recommends Final approval of the Harbor Point, Section 2, Phase A, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Harbor Pointe, Section 2, Phase A. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

43-99.2.B Harbor Point, Section 2, Phase B – Berlin Twp. - 15 lots / 07.14 acres

Applicant: M/I Schottenstein Homes Inc.
Subdivision Type: Single-family residential
Location: On the east side Africa Road, south of Cheshire Rd., Berlin Township
Current Land Use: Open Space
Zoned: Planned Residential District (PRD)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: EMH&T

Staff Comments

This is a 15-lot phase in the northwest portion of the overall Harbor Pointe subdivision along Africa Road. Meadows at Cheshire is to the north with Harbor Pointe to the south and east and Alum Creek State Park to the west. This phase includes the extension of Port Haven Drive east from Phase A to connect with a portion of Bayside Ridge Drive. A small 25’ no-build zone is located on the rear of the lots on the east side of Bayside Ridge Drive. The site is served by Delaware County sanitary sewer and Del-Co water. Preliminary approval was granted for the overall development in October of 1999.

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

Staff Recommendation

Staff recommends Final approval of the Harbor Point, Section 2, Phase B, to the

RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Harbor Pointe, Section 2, Phase B. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

04-01 Summerwood, Section 2 – Berlin Twp. - 12 lots / 17.00 acres

Applicant: Don Kenny, Triangle Properties
Subdivision Type: Single-family residential
Location: On the east side of Africa Rd., northeast of Summerwood Crossing, Berlin Township
Current Land Use: Agricultural
Zoned: Farm Residential District (FR-1)
Utilities: Del Co. water and public sewer
School District: Olentangy
Engineer: M-E Companies. Inc.

Staff Comments

The site is surrounded by large agriculture tracts to the north with the existing Summerwood, Section 1 to the south. The zoning of the site and surrounding area is Farm Residential with a one-acre minimum lot size (the 12 lots are all over 1 acre). The design includes a street called Summerview Place extending northeast from Summerwood Crossing stubbing to the open tracts to the north to allow for future connection. Summerwood Place is to be 20’ wide with a 60’ right-of-way. There are 2 CADs and a cul-de-sac planned to access from Summerview Place. There is a ravine along the southern boundary with a preservation area, walking path and drainage easement. There is also an existing pond that will remain on the back of lots 1347 and 1348. Each of the lots will be served by public sewer and Del-Co water. Conditional preliminary approval was granted in February of 2001 and the applicant has met all conditions.

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

Staff Recommendation

Staff recommends Final approval of the Summerwood, Section 2, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Summerwood, Section 2. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

40-99 The Park at Greif - Berlin / Liberty Twp.'s - 14 lots / 147.10 acres

Applicant: Greif Brothers Corporation of Ohio
Consultant: Stults & Associates

Staff Comments

The applicant has requested a 90-day tabling.

Staff Recommendation

Staff recommends approval of the 90-day tabling of the Park at Greif to the RPC.

Commission / Public Comments

Mr. Spanner made a motion for a 90-day tabling of the Park at Greif Brothers, seconded by Commissioner Ward. VOTE: Unanimously For, 0 Opposed. Motion carried.

29-00.9 Sherbrook, Phase 9 – Genoa Twp. - 53 lots / 23.40 acres

Applicant: Tussic Road Association
Subdivision Type: Single-family residential
Location: On the west side of Tussic Street Rd., north of Maxtown Rd., Genoa Township
Current Land Use: Open Space

Zoned: Planned Residential District (PD-1)
Utilities: Del-Co water and public sewer
School District: Westerville
Engineer: R.D. Zande and Associates

Staff Comments

Sherbrook Phase 9 will connect the Shellbark Ridge Subdivision to the north to Sherbrook to the south. This subdivision consists of 51 lots on 23.395 acres. Lots are typically 12,500-sq. ft. in size. There will be 3.5 acres of open space provided in 2 reserve lots, which will include detention/retention ponds (Reserve A and B). The spine of the development is the extension of Nightshade Drive from Shellbark Ridge Phase 2 (north of the site). Grisham Street will be extended from Sherbrook Phase 6 (south of the site) to connect to Nightshade Drive. The design also includes 2 cul-de-sacs and an "eyebrow" on Nightshade Drive as well as a tree preservation zone and landscape buffer along the north and eastern boundaries. This phase received preliminary approval with phase 10 in August of 2000.

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

Staff Recommendation

Staff recommends Final approval of the Sherbrook, Section 9, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Sherbrook, Phase 9. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

29-00.10 Sherbrook, Phase 10 – Genoa Twp. - 46 lots / 16.93 acres

Applicant: Tussic Road Association
Subdivision Type: Single-family residential
Location: On the west side of Tussic Street Rd., north of Maxtown Rd., Genoa Township
Current Land Use: Open Space
Zoned: Planned Residential District (PD-1)
Utilities: Del-Co water and public sewer
School District: Westerville

Engineer: R.D. Zande and Associates

Staff Comments

Sherbrook Phase 10 will connect to Shellbark Ridge Subdivision to the north. This subdivision consists of 46 lots on 16.392 acres. Lots are typically 12,500-sq. ft. in size. There will be 0.536 acres of open space provided in 2 reserve lots at the intersection of Hawksbeard and Nightshade Drive. The spine of the development is the extension of Nightshade Drive from Hawksbeard in Shellbark Ridge Phase 4 (west of the site). This will connect to Phase 9 to the east through Nightshade Dr. and also include a cul-de-sac called Greenery Court and the connection to Saddlewood Drive. A tree preservation zone and landscape buffer will be provided along the perimeter of the subdivision. This phase received preliminary approval with phase 9 in August of 2000.

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

Staff Recommendation

Staff recommends Final approval of the Sherbrook, Section 10, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Sherbrook, Phase 10. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

**44-00.1 The Oaks at Highland Lakes, Phase 1 – Genoa Twp. - 30
lots / 20.27 acres**

Applicant: M/I Homes
Subdivision Type: Single-family residential
Location: On the south side of Big Walnut Rd., east of Worthington Rd., Genoa Township
Current Land Use: Agriculture
Zoned: Planned Residential District (PD-1)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: R.D. Zande and Associates

Staff Comments

This phase of The Oaks at Highland Lakes includes an access from Worthington Road called Alpine Drive. The subdivision includes 30 build lots and 2 reserve lots along the eastern side of Worthington Road that include a 150' landscape buffer. A 30' no-build zone is located on the rear of the lots along the south side of Alston Grove Drive. DEL-Co can provide water to the site with a 10" line along Worthington Road and a 16" line along Big Walnut Road. The plat also shows the offsite easements for sanitary sewer as well as drainage. The site is surrounded by other phases of The Oaks at Highland Lakes to the south, east and north with the Osage Ridge and Highland Lakes Subdivisions to the west. Preliminary approval was granted for the overall development in November of 2000.

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

Staff Recommendation

Staff recommends Final approval of the Oaks at Highland Lakes, Phase 1, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of The Oaks at Highland Lakes, Phase 1. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

**44-00.2 The Oaks at Highland Lakes, Phase 2 – Genoa Twp. -
42 lots / 12.46 acres**

Applicant: M/I Homes
Subdivision Type: Single-family residential
Location: On the south side of Big Walnut Rd., east of Worthington Rd., Genoa Township
Current Land Use: Agriculture
Zoned: Planned Residential District (PD-1)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: R.D. Zande and Associates

Staff Comments

This phase of The Oaks at Highland Lakes takes access from Alston Grove Drive in Phase 1 both from the east and from the west. This phase includes 42 build lots

and a 30' no-build zone is located on the rear of the lots on the north side of Thornwood Drive and the south side of the lots along Sierra Drive. DEL-Co can provide water to the site with a 10" line along Worthington Road and a 16" line along Big Walnut Road. The site is surrounded by Phase 1 to the north, east and west with future phases of The Oaks at Highland Lakes to the south. Preliminary approval was granted for the overall development in November of 2000.

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

Staff Recommendation

Staff recommends Final approval of **The Oaks at Highland Lakes, Phase 2**, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of **The Oaks at Highland Lakes, Phase 3**. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

**44-00.3 The Oaks at Highland Lakes, Phase 3 – Genoa Twp. -
 29 lots / 12.61 acres**

Applicant: M/I Homes
Subdivision Type: Single-family residential
Location: On the south side of Big Walnut Rd., east of Worthington Rd., Genoa Township
Current Land Use: Agriculture
Zoned: Planned Residential District (PD-1)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: R.D. Zande and Associates

Staff Comments

This phase of The Oaks at Highland Lakes takes access from Cali Glen Lane in Phase 1 to the north, which enters this phase and loops around to connect with Clearview Avenue that stubs to the west. This phase includes 29 build lots and a 30' no-build zone is located on the rear of the lots on the north side of Clearview Avenue and on the lots within the Cali Glen Lane loop. DEL-Co can provide water to the site with a 10" line along Worthington Road and a 16" line along Big Walnut Road.

The site is surrounded by Phase 1 and 2 to the north, with future phases of The Oaks at Highland Lakes to the west and east and the Blackhawk Subdivision to the south. The plat also shows the offsite easements for sanitary sewer as well as a landscape buffer of 125' from the Blackhawk Creek Subdivision. Preliminary approval was granted for the overall development in November of 2000.

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

Staff Recommendation

Staff recommends Final approval of **The Oaks at Highland Lakes, Phase 3**, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of **The Oaks at Highland Lakes, Phase 3**. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

**23-97.2.A Eagle Trace, Section 2, Phase A – Genoa Twp. –
 28 lots / 12.16 acres**

Applicant: Centex Homes.
Subdivision Type: Single-family residential
Location: On the east side of Tussic Street Rd., north of Eagle Trace Dr., Genoa Township
Current Land Use: Open Space/fields
Zoned: Planned Residential District (PD-1)
Utilities: Del Co. water and public sewer
School District: Westerville
Engineer: EMH&T, Inc.

Staff Comments

This Phase of Eagle Trace includes 28 lots in the northern portion of the subdivision with access to Tussic Street Road through Phase 1 to the west. Danbridge Way extends to the east from Eagle Trace Drive with Falcon Chase Drive stubbing to the south from Danbridge way. An "eyebrow" approved by the township is located on Falcon Chase Drive. The site is surrounded by existing and future sections of Eagle Trace with larger lot residential to the north. Preliminary approval was granted for the overall development in March of 1998.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by

the various County agencies, a requirement for Final approval.

Staff Recommendation

Staff recommends Final approval of the **Eagle Trace, Section 2, Phase A**, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Eagle Trace, Section 2, Phase A. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

23-97.2.B Eagle Trace, Section 2, Phase B – Genoa Twp. - 32 lots / 11.06 acres

Applicant: Centex Homes.
Subdivision Type: Single-family residential
Location: On the east side of Tussic Street Rd., north of Eagle Trace Dr., Genoa Township
Current Land Use: Open Space/fields
Zoned: Planned Residential District (PD-1)
Utilities: Del Co. water and public sewer
School District: Westerville
Engineer: EMH&T, Inc

Staff Comments

This Phase of Eagle Trace includes 32 lots in the eastern portion of the subdivision. The design includes the extension of Eagle Trace Drive to the east from Section 2, Phase A to connect with Beringer Drive that connects to Phase 1 to the south. Danbridge Way extends to the north from Beringer Drive. The site is surrounded by existing and future sections of Eagle Trace with Harvest Wind to the south. Preliminary approval was granted for the overall development in March of 1998.

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

Staff Recommendation

Staff recommends Final approval of the **Eagle Trace, Section 2, Phase B**, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Eagle Trace, Section 2, Phase B. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

05-00.3 Highland Hills at the Lakes, Section 3 - Genoa / Orange Twp.'s - 64 lots / 27.35 acres

Applicant: Planned Communities, Inc.
Subdivision Type: Single-family residential
Location: One Highland Hills Dr., south of Big Walnut Rd., Genoa and Orange Townships
Current Land Use: Agriculture
Zoned: Planned Residential District (PD-1), Genoa Twp.; Single Family Planned Residence District (SF-PRD), Orange Twp.
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: EMH&T

Staff Comments

Highland Hills at the Lakes Section 3 consists of 60 build lots and 4 no-build lots on 27.35 acres. The site is half in Orange Township and half in Genoa Township and has a combined density of 2.2 du/acre. This section is split into two separate areas divided by the recorded Section 2, which consisted of the Highland Hills Drive through connection to Highland Lakes to the south. The northern portion of Section

3 has 10 build lots accessed from the extension of Royal County Down Road into the future Willow Bend subdivision to the east. The southern portion of Section 3 includes the extension of Royal County Down Tralee Lane, and Lahinch Court to the south.

There are two CADs included in the design as well. One will be at the end of the cul-de-sac (Killarney Court) that connects to Royal County down in the western portion of the site. The other CAD is located off of Tralee Lane where it stubs to the property to the south. The majority of the site is wooded. A deep ravine that is tributary to Alum Creek runs along the western boundary of the site. Two other ravines run east west. A large open space lot will buffer the homes from the large ravine and floodplain area along the western boundary of the site. There is access to the ravine open space area from Killarney Court.

Two no-build lots 5465 and 6031 are intended to be combined with building sites to the south if that property were to be developed.

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

Staff Recommendation

Staff recommends Final approval of the **Highland Hills at the Lakes, Section 3**, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Highland Hills at the Lakes, Section 3. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-01.1 Walnut Woods, Section 1 – Orange Twp. - 09 lots / 05.38 acres

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

Staff Comments

The applicant has requested a tabling of Walnut Woods Section 1 for a period of 90 days.

Staff Recommendation

Staff recommends *the 90-day* tabling of **Walnut Woods, Section 1**, to the RPC.

Commission / Public Comments

Mr. Spanner made a motion to approve the 90-day table request of Walnut Woods, Section 1. Commissioner Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

27-98.3 Abbey Knoll, Phase 3 – Orange Twp. - 38 lots / 31.62 acres

Applicant: Rockford Homes, Inc.
Subdivision Type: Single-family residential
Location: On the east side of South Old State Rd., south of Lewis Center Rd., Orange Township
Current Land Use: Open Space
Zoned: Single Family Planned Residential (SFPRD), Farm Residential (FR-1)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: EMH&T

Staff Comments

Section 3 of the Abbey Knoll subdivision includes 38 lots on 31.6 acres and consists of the extension of a portion of Abbey Knoll Drive, Allison's Court and a large open space area along the northern boundary of the site. Within this Open Space area will be a bike trail linking the subdivision from east to west. There is a 200' electric easement running east-west through the open space lot. The proposed subdivision will gain access from the recorded Section 1 to the west, which has access to S. Old State Road. Preliminary approval was granted in July of 1999.

No letter has been provided from AEP or Columbia Gas permitting the bike path through their easements.

The following note regarding the electric easement has not been placed on the plat:

“NOTE: Potential health and environmental impacts associated with high-voltage power line electromagnetic fields are not completely understood at this time.”

Staff Recommendation

Staff recommends Denial of the **Abbey Knoll, Phase 3**, to the RPC, due to the applicant not placing required notes on the plat.

Commission / Public Comments

Mr. Don Wick of Rockford Homes was present. He requested an amended note to read “ *NOTE: This electric easement contains overhead high voltage power lines.* ” Mr. Laurien agreed to this language and recommended that the plat be approved.

Mr. Baker made a motion for Final approval with the Note to read, “NOTE: This electric easement contains overhead high voltage power lines.” for Abbey Knoll, Phase 3. Commissioner Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

27-00 Rattlesnake Ridge – Trenton Twp. - 04 lots / 21.19 acres

Applicant: Rattlesnake Ridge Golf Club, Ltd.
Subdivision Type: Single-family residential
Location: On the east side of S.R. 605, north of S.R. 37, Trenton Township
Current Land Use: Agricultural
Zoned: Farm Residential District (FR-1)
Utilities: Del-Co water and private septic
School District: Big Walnut
Engineer: Bauer, Davidson & Merchant, Inc.

Staff Comments

Rattlesnake Ridge was previously granted Preliminary approval for 5 lots on 27.396 acres, including a 1,000-foot public street and CAD. The plan has been changed to a 4 lot CAD with the public access road shortened to the CAD. There is a 100-year floodplain to the south within a ravine as well as a 200-foot power line easement. The site is surrounded by the Rattlesnake Ridge golf course and is zoned

FR. The lots will include mounding in the backyards that will be maintained by the golf course. An easement for these mounds is included on the plat and indicates what the golf course will use the easement for. The lots are all over 5 acres and will have leach fields or mound systems and Del-Co water.

In regards to the Electric Power line on the site, the following note has been placed on the final plat:

“NOTE: Potential health and environmental impacts associated with high-voltage power line electromagnetic fields are not completely understood at this time.”

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

Staff Recommendation

Staff recommends Final approval of **Rattlesnake Ridge**, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion for Final approval of Rattlesnake Ridge. Mr. Baker seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

V. EXTENSIONS

36-00 Coleman Subdivision – Liberty Twp. – 4 lots / 29.06 acres

Applicant: Dr. Carl Coleman
Consultant: Stults & Associates

Staff Comments

The applicant has requested an extension of the preliminary approval of the Coleman Subdivision for 6 months. The applicant requests the extension in order to obtain final plan approval from the County Engineer.

Staff Recommendation

Staff recommends approval of the 6-month extension of the Coleman Subdivision, to expire March 28, 2002, to the RPC.

Commission / Public Comments

Commissioner Ward made a motion to approve the extension for 6 months for the Coleman subdivision. Mr. Van Sickle seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

- **Natural Resources Advisory Council** – Mr. Bauserman suggested that the DCRPC have a representative on the Natural Resources Advisory Council which recommends the spending of money for open space and farmland preservation. Mr. Laurien stated that he might not be selected by the Council but needs to be nominated by the RPC in order to be considered.

Chairwoman Foust made a motion to nominate Phil Laurien to the National Resources Advisory Council, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Mike Bissett proclamation** (see attached)

VII. POLICY / EDUCATION DISCUSSION (none)

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

Meeting adjourned at 11:50 p.m.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, September 27, 2001, 7:00PM at the Delaware Joint Vocational School North Campus, 1610 St. Rte. 521, Delaware, Ohio 43015.