



Delaware County Regional Planning Commission

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 www.dcrpc.org

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

MINUTES

Thursday, August 31, 2006 at 7:00 PM
Delaware Hayes Services Building,
140 N. Sandusky Street, Room G 35, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of July 27, 2006 RPC Minutes
- Executive Committee Minutes of August 23, 2006
- Statement of Policy

II. VARIANCES

- 18-06.V **W** Glen O'Donnell – Genoa Twp. – variance from Section 306.05 (c)
 27-05.V Timberline Estates – Concord Twp. – variance from Section 306.05 (c)

III. PUBLIC CONSTRUCTION PROJECTS

IV. ZONING MAP/TEXT AMENDMENTS

- 39-06 ZON Michael Martin – Trenton Twp. – 7.963 acres from FR to RR
 40-06 ZON John Krauss – Delaware Twp. - .59 acres from FR-1 to C-1
 41-06 ZON Ronald & Dorothy Jackson – Delaware Twp. – 45.61 acres from FR-1 to I
 32-06 ZON Jon Fenstermaker – Troy Twp. – 13.95 acres FR-1 to PC
 42-06 ZON Tony Meacham – Berkshire Twp. – 4.995 acres from A-1 to FR-1
 43-06 ZON **W** The Zeppernick Co., LLC – Genoa Twp. – 117 acres – RR – development plan approval
 44-06 ZON Animal Hospital of Polaris – Orange Twp. – 1.963 acres from FR-1 to PC
 45-06 ZON Geld Properties – Liberty Twp. – 2.74 acres from FR-1 to PR
 46-06 ZON John Nocar, Emundo & Kimberly Perez – Orange Twp. – 0.282 acres from FR-1 to SFPRD

V. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
05-05	The Estates at Sherman Lakes	Berlin	39 lots / 40.71 acres
27-05	Timberline Estates	Concord	02 lots / 07.10 acres
14-06	Heiselt Tract	Concord	05 lots / 05.00 acres
17-06	The Woods at Wildcat Run	Liberty	15 lots / 23.02 acres
15-06	River Run	Liberty	26 lots / 39.30 acres

Preliminary/Final

19-06	T Golf Village North Commercial	Liberty	17 lots / 35.82 acres
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Final

13-06	Villas at Walnut Grove	Genoa	01 lot / 19.37 acres
25-05	Sawmill Parkway Extension/Golf Village North	Liberty	04 lots / 132.98 acres

T=TABLED, W=WITHDRAWN

VI. EXTENSIONS

29-98.4.13	Scioto Reserve, Sec. 4, Ph. 13	Concord	29 lots / 08.28 acres
09-05	Tartan connector	Concord	01 lot / 02.75 acres

VII. OTHER BUSINESS

- Consideration for approval: Advisory Committee appointment for review of proposed CAD and Large lot regulations
- Consideration for approval: Public hearing date for Subdivision Regulations
- Consideration for approval: Da-Wei Liou seminar reimbursement \$1,512.51

VIII. POLICY / EDUCATION DISCUSSION

IX. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Paul Snajd, Rick Sedlacek, Fred Fowler, Jim Ward, Gary Gunderman, Tom Hopper, Leslie Warthman, Bob Talbott, Holly Foust, Charles Heimlich, Dick Gladman, Larry Crile, Bill Thurston, Marvin Miller, Lloyd Shoaf, Tom Brown, Bonnie Newland, Mike Dattilo, and Larry Starling. *Alternates:* Dusty Gurney, Jack Smelker, Roger VanSickle, Eric Fischer and Bev Altop. *Arrived after roll call:* Gary Spanner (R) and Pat Blayney (R). *Staff:* Scott Sanders, Paul Deel, Jason Kaplan, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the July 27, 2006 RPC Minutes**

Mrs. Warthman made a motion to approve the minutes from the July meeting. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **August 23, 2006 Executive Committee Minutes**

1) Call to order

Chairwoman Foust called the meeting to order at 8:35 a.m. Present: Holly Foust, Dick Gladman, Steve Burke and Lloyd Shoaf. Jim Ward was absent. Staff present: Scott Sanders and Stephanie Matlack.

2) Approval of Executive Committee Minutes

July 19, 2006 – *Mr. Gladman made a motion to approve the minutes of the July meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3) Old Business

a. Contract updates –

- 1.) **Etna Twp., Licking Co.** – requesting zoning regulation text for big box limitations
- 2.) **Brown Twp.** – Paul Deel is continuing to work on zoning code amendments
- 3.) **Harlem Twp.** – Scott Sanders is continuing work on the Comprehensive Plan
- 4.) **Berlin Twp.** – Scott Sanders is working on zoning text amendments

b. 2003-2004 State Audit Report – Mr. Sanders explained that the 2003-2004 state audit has been completed. The Audit found no substantial accounting errors. They did find that there was a transposition error in the dues paid by the County Commissioners. A memo transfer was completed by Mrs. Matlack and the additional funds were collected on July 19, 2006. The Audit team suggested that policies be written regarding credit card use (Home Depot) and use of the DCRPC vehicle.

4) New Business

a. Financial / Activity Reports for July 2006

REGIONAL PLANNING RECEIPTS		JULY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,435.00	\$13,265.00
Fees A (Site Review)	(4202)		\$900.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$620.00
Membership Fees	(4204)	\$2,700.00	\$231,245.96
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,384.65	\$14,726.64
Assoc. Membership	(4206)		\$3,000.00

General Sales	(4220)	\$174.90	\$1,190.87
Charges for Serv. A (Prel. Appl.)	(4230)	\$6,545.19	\$69,931.39
Charges for Serv. B (Final. Appl.)	(4231)	\$2,200.00	\$107,251.02
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$3,000.00
Charges for Serv. D (Table Fee)	(4233)		\$3,600.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$1,200.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$3,000.00	\$31,400.00
Soil & Water Fees	(4243)	\$225.00	\$2,112.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$15.00
Other Reimbursements A	(4721)		\$3,852.59
Other Misc. Revenue (GIS maps)	(4730)	\$84.50	\$2,039.56
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS			

Balance after receipts **\$245,443.02**
Expenditures **- \$ 30,485.35**
End of July balance **\$214,957.67**

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

- b. **August RPC Preliminary Agenda** – Mr. Sanders presented the preliminary agenda. The agenda includes 2 variance requests, 9 rezoning/text amendments (including 1 that was withdrawn), 5 preliminary, 1 preliminary / final (final has requested a tabling), 2 final and 2 extension requests.
- c. **Consideration for recommendation of appointment: Subdivision Regulation Advisory Committee** – Mr. Sanders stated that there have been 12 individuals that have requested to be a part of the Subdivision Regulation Advisory Committee. Those individuals are: James Andres, Tom Brown, Larry Cline, Karen Coffman, Gary Cox, Tom Dubanowich, John Fabor, Martin Forman, Scott Miller, E.J. Miller, Jody Parks and Jay Sparks. The County agencies that would be included are: County Engineer, Soil & Water Conservation District, Health Dept., Building Regulations, and the RPC staff.

The Committee discussed the goal of the Advisory Committee which included review of the CAD standards and the large lot review process.

Mr. Burke made a motion to recommend appointment of all the names and agencies presented. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Sanders suggested that the public hearing for the Subdivision Regulations (minus the large lot standards and with the CAD standards to remain as they are in the current 1997 Subdivision Regulations) be set at the August 31, 2006 RPC meeting. The public hearing could be set for October 26, 2006. The Executive Committee was in favor of discussing the date for the public hearing at the August 31, 2006 RPC meeting. The Executive Committee agreed that the CAD standards should be the first issue to be discussed by the Advisory Committee. They also agreed that a representative from the Advisory Committee be appointed to present their suggestions to the Executive Committee.

- d. **Consideration for recommendation of approval: Da-Wei Liou travel reimbursement. ESRI conference \$1,512.51.**

Mr. Burke made a motion to recommend approval of the reimbursement of \$1,512.51 to Da-Wei Liou for travel to the ESRI conference. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

5.) Other Business

6.) Personnel

- a. Loren Kenda, GIS intern** - Loren's last day will be September 9, 2006 as he has accepted a full time position in Cleveland, Ohio.

7.) Adjourn

Having no further business, Mr. Shoaf made a motion to adjourn the meeting at 10:25 a.m. Mr. Burke seconded the motion. ***VOTE: Unanimously For, 0 Opposed. Motion carried.***

The next regular Executive Committee meeting will be Wednesday, September 20, 2006 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015

- **Statement of Policy**

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

II. VARIANCES

18-06.V W Glen O'Donnell – Genoa Twp. – variance from Section 306.05 (c)

*****This application was withdrawn by the applicant.*****

27-05.V Timberline Estates – Concord Twp. – variance from Section 306.05 (c)

Applicant: Kathleen Quick

Location: North Side of N. Lake Hill Road, east of S. Section Line Road, Concord Township

I. Request

The applicant requests a variance from Section 306.05(c) of the Subdivision Regulations, which require a minimum width of 60 feet for the CAD ingress/egress and utility easement.

II. Facts

The Delaware County Subdivision Regulations specify in section 306.05 (c) that a CAD shall be a minimum width of 60 feet for ingress/egress and utility easement. The proposed CAD from N. Lake Hill Road to the property will be constructed on a 50' wide strip adjacent to two single-family residential parcels on the east and west sides of N. Lake Hill Road in order to access two lots. Concurrently, the applicant is applying to the RPC for preliminary plan approval for one 6.911 acre parcel to become two parcels, one at 5.430 acres and the other at 1.571 acres, with access by this variance-requested CAD.

1. The parcels are zoned FR-1 Farm Residential District under Concord Township's zoning and align with Concord Township's Comprehensive Plan designating the parcel as Farm Residential. As these lots will be less than 5 acres, the required minimum frontage along the CAD is 60', of which both proposed lots meet this criteria.

III. Criteria for a Variance

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

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

Staff finding: The request would not be a detriment to the public health, safety and welfare of the Township or those within the vicinity of this parcel.

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

Staff finding: The 50-foot wide strip was created in the early 1960s for access to the 6.911 acre site.

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

Staff finding: This property is surrounded by Scioto Reserve on the east and north, with a ravine to the north and west and green space to the east with Lake Hill Estates No.2 to the south, therefore, access from other areas surrounding the parcel is not possible or would be detrimental to natural resources.

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

Staff finding: The granting of this variance will not vary any zoning regulations; all current setbacks will be met and will align with the Concord Township Comprehensive Plan.

IV. Staff Recommendations

Staff recommends **Approval** of this CAD width variance for Kathleen Quick to the RPC.

Commission / Public Comments

Mr. Bob Patridge of Patridge Professional Surveyors was present to represent the applicant.

Mr. Shoaf made a motion for approval of the CAD width variance from 60’ wide to 50’ wide. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

III. PUBLIC CONSTRUCTION PROJECTS (none)

IV. ZONING MAP/TEXT AMENDMENTS

39-06 ZON Michael Martin – Trenton Twp. – 7.963 acres from FR to RR

I. Request

Michael Martin is requesting a rezoning from FR to RR in order to split a 7.963 acre parcel into 2 lots at 13705 Centerburg Road, Trenton Township.

II. Conditions

Location: 13705 Centerburg Drive, Trenton Township

Present Zoning: Farm Residential (FR)

Proposed Zoning: Rural Residential (RR)

Present Use(s): Single family residence

Proposed Use(s): Single-family residential

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 3 acres

School District: Big Walnut Local School District

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

Critical Resources: Culver Creek along south property

Surrounding land uses: Single-family homes on 1-2 acre lots which predate the current minimum lot size.

Soils: CeB: Centerburg Silt Loam (2 to 6% slope)

GbB: Gallman Silt Loam, Loamy Substratum (2 to 6% slope)

III. Staff Comments

This request would allow the applicant to split an existing 7.963 acre parcel. A survey has been provided with the application showing a potential 3.001 acre and 4.962 acre lot. An existing house would remain on the 3 acre lot. If the rezoning is approved the applicant would then proceed with a NPA lot split application. The Health Department should be consulted to assure that there is adequate area for the existing and proposed system.

Surrounding land use is mostly large 5+ acre lots along Centerburg Road, Creek Road, and Perfect Road, as well as agriculture. There are a few 2 acre lots zoned RR north and south of the site which predate the 3 acre zoning requirement. The site drains from north to south into Culver Creek which runs along the southern border of the property.

IV. Staff Recommendations

Staff recommends **Approval** of the rezoning from FR to RR for Michael Martin to the RPC, the Trenton Township Zoning Commission and the Trenton Township Trustees.

Commission / Public Comments

Mr. Michael Martin was present to answer any questions from the Commission.

Mr. Blayney made a motion to recommend conditional approval of the rezoning by Mr. Martin, subject to staff comments and Health Department approval of the on-lot sewage treatment. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

40-06 ZON John Krauss – Delaware Twp. – 0.59 acres from FR-1 to C-1 (Neighborhood Office District)

I. Request

John Krauss is requesting a zoning change on behalf of its intended occupant, Krauss Enterprises, LLC. Krauss Enterprises is an intra- and inter-state trucking company currently located at 619 Sunbury, Delaware. The Delaware facility serves as the operations center for the truck fleet and is not a parking location. The company currently has three full-time employees in the office. It is the intent of the applicant to make minor interior changes to facilitate the office functions needed for the company. The occupant would establish the parking area, as needed.

II. Conditions

Location: 1201 Bowtown Road, Delaware Township – Triangular-shaped parcel at Bowtown and S.R. 521.

Present Zoning: Farm Residential District (FR-1)

Proposed Zoning: Neighborhood Office District (C-1)

Present Use(s): Single-family residence

Proposed Use(s): Trucking company office

Existing Density: 1 DU/0.59 acre

Proposed Density: N/A (converting to non-residential use)

School District: Delaware

Utilities Available: Delaware City water and private on-lot treatment systems

Critical Resources: None

Surrounding Land Uses: North across S.R. 521 is the single-family residential Kensington Place subdivision, which is zoned R-3 residential by the City of Delaware. South of Bowtown is vacant property zoned A-1 Agricultural District by the City of Delaware. Immediately to the east is single-family residential in Delaware Township and the City.

Soils: BoA Blount Silt Loam, 0 to 2 percent slope

III. Issues

The subject parcel contains an existing single-family use with residential uses to the north and immediately adjacent to the east. The City of Delaware Comprehensive Plan designates this Delaware Township site as low-density residential, with residential to the north and east and multi-family residential to the south.

Rezoning to a commercial use would not be in character with the parcels to the north, east and south. The existing home to be converted to an office is located along the eastern property line of the site, in close proximity to the neighboring single-family residence to the east.

Side and rear yard setbacks and off-street parking requirements would not be met with the existing structure due to close proximity to the adjacent residential property. Side yard setbacks require a minimum of 25 feet and rear yard setbacks require a minimum of 30 feet when adjacent to residential areas.

IV. Staff Recommendations

Staff recommends ***Denial*** of this rezoning case from FR-1 to C-1 for John Krauss to the RPC, the Delaware Township Zoning Commission and the Delaware Township Trustees, due to not being in character with adjacent and surrounding land uses.

Commission / Public Comments

No one was present to represent the applicant.

Mrs. Warthman made a motion to recommend denial of the rezoning request by John Kraus, based on staff comments. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

41-06 ZON Ronald & Dorothy Jackson – Delaware Twp. – 45.61 acres from FR-1 to I

I. Request

The applicants, Ronald and Dorothy Jackson, are requesting rezoning of this 45.61 acre property from FR-1 to I (Industrial) to develop the future corporate headquarters for the Trucco Companies. The Trucco Companies, of 3046 Home Road in Liberty Township, is a general construction company looking to relocate their corporate headquarters from their current location to this Delaware Township site. It is estimated that Trucco Companies will staff 25 - 30 employees and will operate during typical construction hours of +/- 7 a.m. to 7 p.m. Wastes and uses will be those typically associated with a business office and service garage.

II. Conditions

Location: Southeast corner of Section Line Road and Airport Road, south of Delaware City Airport, Delaware Township.

Present Zoning: Farm Residential District (FR-1)

Proposed Zoning: Industrial (I)

Present Use(s): Vacant land

Proposed Use(s): Construction company headquarters

Existing Density: 1 DU/1 acre

Proposed Density: N/A (converting to non-residential use)

School District: Delaware

Utilities Available: City of Delaware water and private on-lot treatment system

Critical Resources: None

Surrounding Land Uses: Delaware City Airport to the north, mining operations to the west (Scioto Twp.), and farm uses to the south and east.

Soils: PwA Pewamo Silty Clay Loam, 0 to 1 percent slope

BoA Blount Silt Loam, 0 to 2 percent slope

GwB Glywood Silt Loam, 2 to 6 percent slope

III. Issues

This is a straight district rezoning, so no development plan is required. The existing vacant parcel's zoning is requested to be converted from Farm Residential to Industrial to facilitate the development of the construction company's headquarters. The new designation is in line with the City of Delaware's Comprehensive Plan designating this area of Delaware Township as Light Manufacturing. The Industrial zoning classification also aligns with the industrial uses to the west and the airport use to the north, serving as a buffer to the remaining transitional agricultural land to the south and east, and the mining operations to the west. Rezoning to an industrial use would be in character with the area.

The subject parcel is adjacent to a single-family residence to the west, owned by the neighboring National Lime and Stone mining operation, and the Lions Club of Delaware facility to the east.

Electric power lines run north to south along the western edge of the subject parcel, but do not appear to be an obstruction for future development of the parcel. A maximum building height is not prescribed under the Industrial zoning classification; however, the building height should not conflict with the neighboring airport runway use.

RPC staff recommends the applicant consult with the Ohio EPA regarding the ability of the soils to handle an on-site sewer system since this is outside of Delaware City and a proposed industrial use.

The Delaware County Thoroughfare Plan (Adopted 9/2001) and Sawmill Parkway final alignment depict the future location of the Parkway as following the south boundary line of this parcel and terminating at South Section Line Road.

IV. Staff Recommendation

Staff recommends **Approval** of this rezoning case from FR-1 to I for Ronald and Dorothy Jackson to the RPC, the Delaware Township Zoning Commission and the Delaware Township Trustees.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Blayney made a motion to recommend approval of the rezoning request by Ronald and Dorothy Jackson. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

This rezoning application is submitted by Jon Fenstermaker for the purposes of developing a commercial park on Troutman Road along U.S. 23.

I. Conditions

Present Zoning: Farm Residential (FR-1)
Proposed Zoning: Planned Commercial and Office (PCD)
Present Use: Agriculture/vacant
Proposed Use: Commercial and Office
Existing Density: 1 unit per 2 acres
Proposed Density: N/A
School District: Delaware
Utilities Available: Del-Co Water, on-lot waste treatment
Soils: BoA Blount Silt Loam, 0-2% slope
GwB Glynwood Silt Loam, 2-6% slope
PwA Pewamo Silty Clay Loam, 0-1% slope

Surrounding Land Use: To the west is the KCB Trucking commercial use with the railroad beyond. To the north is undeveloped agricultural land. To the east is U.S. 23 and to the south is a farmhouse built in 1938 and listed as a Historic Site in the OHS database.

II. General Comments

The proposal is for a commercial business park with access from Troutman road and a right-in only from U.S. 23. This project will have approx. 855' of frontage on U.S. 23 and approximately 620' on Troutman Road. A single road will extend through the site and serve 5 lots. Lot sizes range from 1.04 acres to 2.94 acres, with additional space for septic areas.

III. Planned Commercial and Office Zoning

The Troy Township PC zoning is a Planned Unit Development district adopted pursuant to Ohio Revised Code 519.021(A). It is a two-step process that requires a final development plan within one year after the initial rezoning. The first step is intended to show the general layout and commit to the Permitted uses as defined by NAICS numbers in the Troy PCD Code. There is a process for major or minor deviation from the development plan after the initial rezoning. In this case the development leaves out some design and textual information.

IV. Comprehensive Plan:

The 2003 adopted Troy Township Comprehensive Plan map shows an area of Planned Commercial and Office along U.S. 23 to a depth of approximately 300 feet. This plan doubles that depth by proposing commercial use on the entire parcel. Because the adjacent land is an existing commercial use, this divergence from the Comprehensive Plan recommendations is logical.

V. Development Plan: Although this is a Preliminary Development Plan, there are several detailed items that are required for review:

1. The proposed size and location of the proposed PCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.

Staff Comment: Scale is larger and shows greater detail, which is appropriate.

2. Conceptual architectural elevations for all structures and signs.
Staff Comment: *None provided. The applicant states that the specific design for each structure will be submitted with each site's Final Development Plan. Some standards could be adopted at this time, but if the zoning commission chooses to wait for Final Development Plans, they can.*

3. The intended general provisions for water, fire hydrants, sanitary sewer and adequate storm water drainage outlet. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented by the utility provider or a registered civil engineer.
Staff Comment: *Conceptual detention ponds are provided. Del-Co's GIS data shows an 8" waterline and a service letter is submitted.*

A Preliminary Report is included from Soil and Environmental Consulting Services, Inc., showing that a soil study has been performed on the site and there is adequate space for drip systems. The township should require a letter from the OEPA showing feasibility of the proposed systems.

4. The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
Staff Comment: *The road is stubbed to the north for future connection to commercial development.*
5. A design of the open space and proposed description of its use, ownership and maintenance.
Staff Comment: *No common open space is proposed, but on-lot septic fields will provide approximately 3.7 acres of open space, which is 25% of the site. The code requires 20% and states that retention and detention may be counted as part of the required open space. It does not specifically state whether on-site waste disposal areas can count as open space. The township should determine whether this is appropriate.*
6. Specific statements of divergence, if any, from the development standards in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage and so forth.
Staff Comment: *See Development Standards in Item VI below.*

7. Proposed location of all structures and uses.
Staff Comment: *Because end users are not known at this time, only conceptual structure outlines are shown.*
8. Preliminary Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer's standards.
Staff Comment: *The right-in only to the north has been approved in concept by Greg Channel at ODOT.*

At build-out, this development has the potential to create a large number of trips at an intersection with no signal. There is a signal at the entrance to Delaware State Park which is approx. 550' south of Troutman Road. The applicant should continue working with ODOT to determine future signalization and/or coordination plans between these two intersections.

9. All required design standards in Section 15.05 features.
Staff Comment: *See Development Standards in Item VI below.*

10. Fire fighting plan; letter from Fire department regarding access and water needs for fire fighting.
Staff Comment: *Hydrants are shown and a letter from the Fire Chief is included.*
11. Phasing plans, if any.
Staff Comment: *Project will be developed in two phases – the first will be for Lot 1 and the road improvements. The other lots will develop in a second phase.*
12. Calculation of net developable acreage and proposed lot coverage for commercial uses and project density for proposed multi family uses.
Staff Comment: *Not applicable.*
13. Proposed permitted and accessory uses listed numerically and selected from the NAICS list in Section 15.02.
Staff Comment: *No proposed uses are provided. It is assumed that every use listed in the Troy PCD code would be permitted.*

VI. Conformance with Development Standards

Of the 23 items listed in Section 15.05, “Design Standards” the application complies with access, minimum tract size and lot widths. Residential standards and limits on Environmentally Sensitive Areas are not applicable.

However, the application states that 16 Development Standards will be met in the Final Development Plan process for each lot. Staff has worked with the applicant to address any items that are appropriate for inclusion in the Preliminary Development Plan. Most of these issues have been resolved.

Divergences are requested for side and rear-yard setbacks along the northern edge of the site since the intent is to continue the road to additional commercial development to the north.

Staff comment: *This divergence is appropriate, but may be unnecessary given the location of the septic areas.*

VII. Criteria for Approval

“1.) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.”

Staff finding: The submitted plan meets the general zoning standards of the township and additional detail can be provided with the Final Development Plan as the final uses are known.

“2.) That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.”

Staff finding: Generally, yes. The 2003 adopted Troy Township Comprehensive Plan map recommends commercial along U.S. 23.

“3.) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.”

Staff finding: A commercial node could advance the public health, safety and welfare of the township and vicinity.

“4.) That the proposed plan meets all of the design features required in this Resolution.”

Staff finding: It does.

“5.) That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.”

Staff finding: Commercial use between the highway and railroad can be an appropriate use. There is little surrounding development, so this proposal will set the tone of the area.

“6.) That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.”

Staff finding: This requirement may be fulfilled, if the Final Development Plans are properly designed. Central sewer or combined on-site treatment would promote a more efficient use of land, if feasible.

VIII. Staff Recommendation

Staff recommends **Conditional Approval** of the change in zoning of 13.95 acres from FR-1 to PCD to the RPC, the Troy Township Zoning Commission and the Troy Township Trustees, subject to the following:

1. *The applicant submitting a feasibility letter from the OEPA or Health Department;*
2. *The township should determine whether on-site waste disposal areas should be included in the open space calculation;*
3. *The applicant should continue working with ODOT to determine what improvements will be needed at Troutman and U.S. 23 and any future signalization needs at this intersection;*
4. *The township should also make a change to the Comprehensive Plan to indicate commercial from U.S. 23 extending west through the site, for which RPC staff recommends approval.*

Commission / Public Comments

Mr. Bryan Lundgren was present to represent the applicant.

Mr. Starling stated that the Troy Township Zoning Commission is in favor of this proposal.

Mr. Snajd made a motion to recommend conditional approval of the rezoning request by Jon Fenstermaker, subject to staff comments. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Starling). Motion carried.

42-06 ZON Tony Meacham – Berkshire Twp. – 4.995 acres from A-1 to FR-1

I. Request

Tony Meacham, on behalf of property owner Richard Cochran, requests a split of the 4.995 acre parcel into two lots. The first parcel would be 2.911 acres and contain an existing residence. The second parcel would be 2.084 acres and would become a new building lot. To achieve the split of this parcel, it is necessary to rezone the property to FR-1.

II. Conditions

- Location:** 259 Domigan Road, east side of Domigan Road south of S.R. 36/37 and north of Cheshire Road, Berkshire Township.
- Present Zoning:** Agricultural District (A-1)
- Proposed Zoning:** Farm Residential District (FR-1)
- Present Use(s):** Residential
- Proposed Use(s):** Residential
- Existing Density:** 1 DU/5 acres
- Proposed Density:** 1 DU/1.95 acres
- School District:** Big Walnut
- Utilities Available:** Private well and on-site private septic.
- Critical Resources:** Steep slopes > 20% are located on the property.
- Surrounding Land Uses:** Agricultural and Residential uses surround the property with commercial land uses to the northeast and east along S.R. 36/37.
- Soils:** CaB Cardington Silt Loam, 2 to 6 percent slopes
CaC2 Cardington Silt Loam, 6 to 12 percent slopes
SnA Sloan Silt Loam, Till Substratum, 0 to 2 percent slopes

III. Issues

This is a straight district rezoning, so no development plan is required. The existing original parcel contains a single-family residence on 4.995 acres. The applicant is requesting to split the parcel into two parcels, the one with the existing house at 2.911 acres and the new parcel at 2.084 acres. According to Berkshire Township Zoning, the parcels must be zoned as FR-1 to create a residential lot smaller than 5 acres.

The two lots would meet Berkshire Township’s zoning requirements for minimum lot area, lot frontage, and building setbacks.

The proposed FR-1 designation does not align with Berkshire Township’s Comprehensive Plan, which designates the property as Planned Office. However, the subject parcel does not front along S.R. 37/U.S. 36 and serves as a buffer between the commercial uses along S.R. 37/U.S. 36 to the north and the residential and agricultural uses to the south, west and east.

IV. Staff Recommendations

Staff recommends **Approval** of this rezoning case from A-1 to FR-1 Tony Meacham to the RPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees.

Commission / Public Comments

Mr. Tony Meacham was present representing Mr. and Mrs. Cochran.

Mr. Miller made a motion for approval of the rezoning request by Tony Meacham. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Snajd). Motion carried.

This application was withdrawn by the Township.

44-06 ZON Animal Hospital of Polaris – Orange Twp. – 1.963 acres from FR-1 to PC

I. Request

The owner of the Animal Hospital of Polaris, Dr. Nikki Eaton, DVM, is requesting a zoning amendment for their future property to be located at 8924 South Old State Road. The site encompasses 1.963 acres and the zoning amendment is from FR-1 to Planned Commercial and Office District (PC).

II. Conditions

Location: 8924 South Old State Road, west side of South Old State Road, south of East Powell Road, north of Polaris Parkway, Orange Township.

Present Zoning: Farm Residence District (FR-1)

Proposed Zoning: Planned Commercial and Office District (PC)

Present Use(s): Residential

Proposed Use(s): Commercial

Existing Density: 1 DU/1.98 acres

Proposed Density: N/A

School District: Olentangy

Utilities Available: Public sewer and Del-Co water

Critical Resources: None

Surrounding Land Uses: Single-family residential to the north, Planned Commercial and Office to the west, and commercial to the south and east.

Soils: GwB Glynwood Silt Loam, 2 to 6 percent slopes

BoB Blount Silt Loam, 2 to 4 percent slopes

III. Procedure (Section 14.06)

The submitted application for amendments to the zoning map to rezone property to Planned Commercial and Office District shall include:

1. The size and location of the property proposed to be rezoned to this Planned Commercial and Office District.

RPC Staff Comment: The 1.963 acre site proposed to be rezoned is at 8924 South Old State Road, Orange Township. The proposed development is bounded by South Old State Road to the east, three single-family residences to the north, and Planned Commercial and Office District to the west. The property to the south is commercial and located within the City of Columbus. The applicant's submitted plans contain a survey with boundary lines marked as "*Proposed Corporation Line.*" It appears that the applicant may apply to the City of Columbus for annexation if the rezoning is not approved by Orange Township.

2. The general development character of the property proposed to be rezoned to this Planned Commercial and Office District, including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements and other development features including landscaping.

RPC Staff Comment: The proposed site will be the future location for the Animal Hospital of Polaris. The proposed building will be one-story at approximately 9,000 square feet with storage and offices located in the attic. The proposed development conforms to the limitations or controls placed on this use including set back requirements.

3. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

RPC Staff Comment: The proposed sign will conform to the Orange Township code. The exterior building shall utilize natural finish materials such as brick, wood, stone, cultured stone, stucco, EIFS, or cementitious siding.

4. The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.

RPC Staff Comment: Del-Co Water Company has provided a letter demonstrating their ability to provide water service to this site. Delaware County Sanitary Engineer has been notified by the architect and the design will conform to the Sanitary Engineer's requests, however a service letter stating their ability to provide sanitary sewer to this site was not provided. RPC staff recommend that the applicant obtain a provision of service letter from the Delaware County Sanitary Engineer. Detention/retention requirements for the proposed development shall be in compliance with Delaware County regulations. Temporary sediment basins will be utilized during the construction period per Delaware County and EPA standards.

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

RPC Staff Comment: The proposed plan has been sent to Delaware County Engineer's Office for review. The development plan proposes one access point entering from South Old State Road.

6. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

RPC Staff Comment: Recommend buffering along north property line to screen from neighboring single-family residences. Keep existing tree line and fill in with additional buffering materials along adjacent residential parcels.

7. Location of parks and other public facility sites, if any.

RPC Staff Comment: N/A

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

RPC Staff Comment: Pending zoning approval, the project will go into design during the final quarter of 2006 and enter construction during 2007. Final development is expected by second half of 2008.

9. If the proposed timetable for development includes construction phasing.

RPC Staff Comment: N/A

10. The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to this Planned Commercial and Office District and the engineering feasibility of the development plan.

RPC Staff Comment: The applicant, Animal Hospital of Polaris, does not hold title to the property. The real estate contract has a contingency to purchase, pending rezoning approval.

11. Specific statements of divergence from the development standards in Articles XXI, XXII and/or this Article.

RPC Staff Comment: No divergences are being requested by the applicant.

12. Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

RPC Staff Comment: At time of final approval, Animal Hospital of Polaris will submit a letter of credit to Delaware County for the areas to be developed.

IV. Criteria for Approval

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

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

RPC Staff Comment: The proposed development is consistent with the purpose, intent and general standards of this Zoning Resolution.

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

RPC Staff Comment: The Orange Township Comprehensive Plan designates this parcel as single-family residential, however, due to its location along South Old State Road and proximity to commercial on the south, west and east sides, it is in character for this site to be Planned Commercial and Office.

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

RPC Staff Comment: The proposed development conforms to the Planned Commercial and Office district designation and does seek to promote the general welfare of the township and immediate vicinity if the parcel stays under Orange Township's jurisdiction. The applicant's submitted plans contain a survey with boundary lines marked as "*Proposed Corporation Line.*" It appears that the applicant may apply to the City of Columbus for annexation if the rezoning is not approved by Orange Township.

V. Staff Recommendations

Staff recommends **Conditional Approval** of this rezoning case from FR-1 to PC for the Animal Hospital of Polaris – Dr. Nikki Eaton, DVM, to the RPC, the Orange Township Zoning Commission and the Orange Township Trustees *with the following conditions:*

1. *Obtain a letter from Delaware County Sanitary Engineering stating their ability to provide sanitary sewer service to this site;*
2. *Provide additional buffering along the north boundary of the property, as defined in the Orange Township Zoning Resolution.*

Commission / Public Comments

Mr. Charlie Jahnigen, architect with Steed, Hammond, and Paul was present to represent the applicant.

Mr. Snajd made a motion to recommend conditional approval of the rezoning request for the Animal Hospital of Polaris, subject to staff comments. Mr. Miller seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Gladman). Motion carried.

45-06 ZON Geld Properties – Liberty Twp. – 2.74 acres from FR-1 to PR

This rezoning application is submitted by M-E Companies on behalf of Geld Properties, LLC for a 2.74-acre Planned Residential development, located on the east side of Sawmill Road and south of Attucks Road. The plan shows 13 condominium units in seven buildings.

I. Conditions

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Planned Residential (PR)

Present Use: Two platted lots with a single-family home and accessory structures

Proposed Use: 13 housing units (condominiums)

Existing Density: 1 unit per acre

Proposed Density: 4.74 units per acre

School District: Olentangy

Utilities Available: Del-Co Water, County sewer

Soils: UdA Udorthents Clayey-Urban Complex

BoA Blount Silt Loam, 0-2% slope

Surrounding Land Use: To the west is future commercial; to the north is a single-family home with condos beyond; to the east is Grandshire Subdivision in Powell and to the south is a single-family home with Grandshire beyond.

II. General Comments

The unique layout of these condos shows a single street with units arranged in courtyards. The structures include two units per building with a single unit occupying the easternmost building. The courtyards alternate between motor courts with side-load garages and landscaped courts with front-load garages. The schematic plan and architectural drawings show two-story buildings with a high level of architectural detail.

III. Planned Residential Zoning

The Liberty Township PR zoning is a Planned Unit Development district adopted pursuant to Ohio Revised Code 519.021(A). It is a one-step process that demands a final development plan at the time of the application for rezoning. There is a process for major or minor deviation from the development plan after rezoning.

IV. Comprehensive Plan

The 2006 adopted Liberty Township Comprehensive Plan map shows the remaining single-family lots on the east side of Sawmill Road as recommended for Planned Office or Residential at 1.25 units per net developable acre. Although this application proposes less than the 6 units per acre allowed in the Zoning Code, it exceeds the densities recommended in the Comprehensive Plan.

V. Issues

Density – The Liberty Township PR zoning allows a maximum of 2 du/ac for single-family units and up to 6 du/acre for multi-family. Using a gross acreage of 2.74 acres, the 13 units in the proposal represents a density of 4.74 units per acre – less than what is allowed in the zoning code but more than allowed in the Comprehensive Plan. It should be noted, however, that the site is adjacent future commercial across Sawmill Road and by apartments and condominiums to the southwest (The Village at Wedgewood).

While the density of The Village at Wedgewood is spread throughout the entire Wedgewood development, the effective density on the condo/apartment site is about 10 units per acre (168 units on 16.6 acres). While the proposal may be a more acceptable development than the previous proposal for offices which was reviewed in June of 2005 and met with resistance from the neighbors, the township will need to determine if this density increase is a reasonable tradeoff.

VI. Development Plan: The following are areas of concern or comment from the Development Plan requirements of the zoning text:

1. **Entry features.** The plan and schematic shows some entry features and other hardscape details (low walls, pylons, pillars) around the units. More detail needs to be provided as to what these structures are and whether they impede emergency access.
2. **Architectural Design and Exterior Construction Material.** The textual portion of the plan references stone veneer and stucco exteriors and provides a one-page exterior schematic drawing. While the units appear to be unique and attractive, the schematic does not provide the type of detail needed for approval of the Development Plan.
3. **Provisions for water, sanitary sewer and surface drainage.** No utility letters are provided for this application. Although sanitary service is available through Grandshire, a capacity letter needs to be included from the Sanitary Engineer. Also, a letter from the County Engineer should be included addressing stormwater management and whether any surface drainage will be detained beyond the yard swales that are indicated.

VII. Conformance with Development Standards

The application addresses the General Development Standards for the Planned Residential District. The specific items staff notes are limited to:

- Lighting detail is included, but indicates lights that are not fully shielded cut-off fixtures, as required in the code. The lighting detail needs to be revised.

VIII. Criteria for Approval

The township must find that the development is:

“1) Consistent in all respects with the purpose, intent and general standards of the Zoning Resolution.”

Staff finding: The submitted plan appears to meet the general zoning standards of the township code and is within the allowable density.

“2) In conformity with the comprehensive plan or portion thereof as it may apply.”

Staff finding: The proposal does conform with regard to residential land use, but not to density. Although the application states that the proposal is in conformity with the Comp Plan, the 2006 adopted Liberty Township Comprehensive Plan map calls for 1.25 units per net developable acre, or 3-4 units.

“3) Advances the general welfare of the township and the immediate vicinity.”

Staff finding: The site is well-designed and is an appropriate infill development.

IX. Staff Recommendation

Staff recommends **Denial** of the change in zoning of 2.74 acres from FR-1 to PR to the RPC, the Liberty Township Zoning Commission and the Liberty Township Trustees, based on the density exceeding the recommendation of the Comprehensive Plan.

Staff would consider recommending **Conditional Approval** if the deficiencies noted in VI and VII above are resolved and the township resolves the density issue. This is based on the fact that the residential use is appropriate and the design represents a creative alternative to the typical condominium development and that a higher density is appropriate for infill at this location.

Commission / Public Comments

Mr. David Walker with M-E Companies was present to represent the applicant. He stated that a letter from Del-Co Water was included in the application stating water service was available. They will continue working with the other government agencies to obtain the required approvals. Mr. Walker explained that they met with Liberty Township Trustees and they feel this is an appropriate use for this site.

Ms. Michela (225 Winter Hill Place, Powell) was present to represent the Murphy Park and Grandshire residents who are in support of this project as presented for condos. They are concerned that the application request is from FR to PR not PUD. They would like some assurance that it will remain condos. Mr. Sanders stated that all the planned districts in the Township are considered to be PUDs. Since this project does not need access, the RPC is not likely to see the plat for approval. Chairwoman Foust stated that she believes the code states the project has to be platted prior to development.

Mr. Fischer stated that he liked the unique concept. The density seems high and suggested a slight reduction. He agreed that it fits in with the character of the area.

Mrs. Warthman asked if the Comprehensive Plan would need to be amended to reflect the higher densities. Chairwoman Foust stated that the zoning commission may require it if the applicant doesn't ask for it. Mrs. Warthman asked why it wasn't a condition recommended by staff. Mr. Sanders stated that staff typically recommends the concurrent comp. plan amendment but feels it depends whether what you are doing is a major project and affects a lot of the land around it. The comp. plan is a guide and feels the Township has some flexibility to judge it at the time.

Mr. Miller made a motion to recommend conditional approval of the rezoning request by Geld Properties, subject to staff comments noted in items VI and VII and the Township solving the density issue. Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Eric Fischer). Motion carried.

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46-06 ZON John Nocar and Emundo & Kimberly Perez – Orange Twp. – 0.282 acres from FR-1 to SFPRD

I. Request

John Nocar, and Emundo & Kimberly Perez request a rezoning from FR-1 to SFPRD to allow a new home to be constructed on a 0.282 acre parcel with access to Sedona Court in the Oak Creek subdivision in

Orange Township.

II. Conditions

Location: West of 8814 S. Old State Road, Orange Township

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Single Family Planned Residential (SFPRD)

Present Use(s): Vacant

Proposed Use(s): Single-family residential

Existing Density: 1 du / acres

Proposed Density: 1 du / 0.282 acres

School District: Olentangy Local School District

Utilities Available: Del-Co Water and public sewer

Critical Resources: None

Surrounding land uses: Single-family residential in Oak Creek subdivision to the north, west and south. Single family residence on 1.1 acre to the east.

Soils: BoB: Blount Silt Loam (2 to 4% slope)

III. Staff Comments

Oak Creek 1, Phase 6 was platted in 1997 with the 0.282 acres residue being transferred to the adjacent 1.1 acre parcel on South Old State Road. The applicant now seeks a rezoning to SFPRD to allow a house on the 0.282 acres. All utilities are available through the subdivision including Del-co water and county sewer.

IV. General Development Standards for SFPRD

The application includes a development plan and text. Most of the requirements have been met except the following:

- 1) Lot Dimensions and Setbacks – The SFPRD requires a minimum lot depth of 135'. The 0.282 acres has 136' along the north side but only 97' along the south side. The applicant will need to add additional land from their adjoining parcel or request a divergence. The zoning code also requires side yard setbacks of 12.5' per side / 25' total. The development plan shows proper setbacks but the text indicates a 6' side yard setback on both sides. If the development plan is correct, then the text needs to be corrected. Otherwise a divergence is needed.
- 2) Architectural design and landscaping criteria. The plan provides a rendering of the proposed house. No landscaping plan is provided. Since this lot will be part of the Oak Creek development, the house and landscaping should follow the same restrictions/standards as the rest of the subdivision.

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.
 - a) **RPC Staff Finding:** Yes, if the development plan and text are modified to address comments noted in Section IV of the staff report.
- 2) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
 - a) **RPC Staff Finding:** Yes. The Plan recommends residential for this parcel.

- 3) That the proposed development advances the general welfare of the township and the immediate vicinity.
 - a) **RPC Staff Finding:** Yes, if the lot is platted as part of the Oak Creek development, is part of the Homeowner’s Association, and follows the same development standards for architecture and landscaping.

VI. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning from FR-1 to SFPRD for John Nocar, Emundo & Kimberly Perez to the RPC, the Orange Township Zoning Commission and the Orange Township Trustees, *subject to the resolution of staff comments noted in Section IV and V of this report.*

Commission / Public Comments

No one was present to represent the applicant.

Mr. Gladman stated that the applicant will have to ask for a divergence for the 97’ lot depth to the south because the remaining FR-1 lot can not allow any more reduction in square footage or it will not meet the Township’s FR-1 requirement.

Mrs. Warthman made a motion to recommend conditional approval of the rezoning request by John Nocar, Emundo & Kimberly Perez, subject to staff comments. Mr. Miller seconded the motion. VOTE: Majority For, 0 Opposed. Motion carried.

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V. SUBDIVISION PROJECTS

Preliminary

05-05 The Estates at Sherman Lakes – Berlin Twp. - 39 lots / 40.71 acres

Applicant: T&R Properties, Inc.
Subdivision Type: Single-family residential
Location: East side of Africa Road, almost one mile south of S.R. 37/U.S. 36, Berlin Township
Current Land Use: Forest & Shrub/Former Agriculture
Zoned: Planned Residential District (PRD)
Utilities: Del-Co water and public sanitary sewer
School District: Olentangy
Engineer: Floyd Browne Group (Randy VanTilburg)

I. Staff Comments

Estates at Sherman Lakes is a proposed 39 lot single-family residential subdivision on 40.71 acres in Berlin Township. The applicant originally proposed 34 lots with a boat storage area and received Preliminary Approval in January 2005. This revision removes the boat storage and in its place adds five single-family lots. This change is in accordance with an approved Development Plan from Township zoning.

There are two passive-use open space reserve areas totaling 16.285 acres, or 40% of the site. The surrounding single-family subdivisions include Sherman Lakes, Section 1, to the south and Sherman Lakes, Section 2, to the west. Estates at Sherman Lakes access will align with Sherman Lakes, Section 2, across Africa Road to reduce staggered intersections. Other surrounding uses include large-lot single-family residential and agriculture. The Berlin Township Comprehensive Plan designates this site as Single-Family at 1 DU/1 – 2 acres. The density for this development is 0.96 DU/acre, which does not meet the Comprehensive Plan requirement, however, there are two open space reserve areas comprising 40% of the site and it is in character with the surrounding residential land uses.

A technical review was held on August 22, 2006, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of the **Estates at Sherman Lakes** to the RPC.

Commission / Public Comments

Mr. Randy VanTilburg with Floyd Browne Group was present to represent the applicant.

Mrs. Warthman made a motion for Preliminary approval of Estates at Sherman Lakes. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

-
27-05 Timberline Estates - Concord Twp. - 02 lots / 07.10 acres

Applicant: Kathleen Quick
Subdivision Type: Single-family residential
Location: North side of N. Lake Hill Road, east of S. Section Line Road, Concord Township
Current Land Use: Single-family residence/Forest & Shrub
Zoned: Farm Residential (FR-1)
Utilities: Del-Co water and private sanitary sewer
School District: Buckeye Valley
Engineer: Patridge Surveyors and Engineers

I. Staff Comments

Timberline Estates is a 7.128 parcel proposed to be split into two lots, one at 5.557 acres and the remaining

parcel at 1.571 acres in Concord Township. Concurrently, there is also a request for a variance to the RPC Subdivision Regulations for a CAD width variance to access those two lots. Access to the lots is limited due to surrounding residential properties and natural features. Available access to the lots is by a 50' strip from N. Lake Hill Road. The applicants had previously tabled this application until the 50' access strip was vacated by the previous owner. The current applicant now has ownership of this 50' access strip. The Subdivision Regulations require a 60' width for a CAD, however, due to neighboring properties and restricted access to the site, staff concurrently recommends approval for the CAD variance to the RPC.

Surrounding land uses include single-family residences. Lake Hill Estates is to the south, Scioto Reserve is farther to the south and southeast. The proposed use is in line with Concord Township's Comprehensive Plan and meets Concord Township's zoning requirements.

A technical review was held on August 22, 2006, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **Timberline Estates** to the RPC.

Commission / Public Comments

Mr. Bob Patridge of Patridge Professional Surveyors was present to represent the applicant.

Mr. Shoaf made a motion for Preliminary approval of Timberline Estates. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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14-06 Heiselt Tract – Concord Twp. - 05 lots / 05.00 acres

I. Conditions

- Applicant:** Dave Haid
- Subdivision Type:** Single-family Residential (CAD)
- Proposed Density:** 1 du / acres
- Location:** 6881 Harriott Road, Concord Township
- Existing Land Use(s):** Single family residence
- Zoned:** Farm Residential (FR-1)
- School District:** Dublin Local School District
- Utilities Available:** Del-Co Water and Tartan Fields central sewer
- Critical Resources:** Ravine running west to east
- Engineer:** RD Zande

II. Staff Comments

The Heiselt Tract is a proposed 5 lot Common Access Drive subdivision on the south side of Harriott Road. The existing house toward the rear will remain on 2.46 acres. The CAD will also be part of this lot. The other lots are smaller (between 0.5 and 0.9 acres) and will all take access from the CAD. A ravine crosses the subdivision just north of the existing house but will not be crossed by the CAD.

The property is surrounded by two 5-acre lots (FR-1) to the west and Tartan Fields subdivision (PRD) to the east and south. This site was recently zoned PRD by the township and also received a variance from the RPC to allow an additional lot to the CAD.

A technical review was held on August 22, 2006, after which the applicant has addressed all of the required changes.

III. Staff Recommendations

Staff recommends *Preliminary Approval* of **The Heiselt Tract** to the RPC.

Commission / Public Comments

Mr. Kevin Kershner of RD Zande was present to represent the applicant.

Mr. Miller made a motion for Preliminary approval of The Heiselt Tract. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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

I. Conditions

- Applicant:** Brian Ross
- Subdivision Type:** Single-family Residential (LVLD)
- Proposed Density:** 1 du / 1.53 acres
- Location:** 7463 Liberty Road, Liberty Township
- Existing Land Use(s):** Horse farm and two single-family residences
- Zoned:** Farm Residential (FR-1)
- School District:** Olentangy Local School District
- Utilities Available:** Del-Co Water and proposed private on-lot drip systems
- Critical Resources:** Ravine along northern boundary (100-year floodplain)
- Engineer:** Hoy Surveying

II. Staff Comments

This project was previously approved in June 2005 for 11 lots and a large reserve for future development. The option held by the former applicant has since expired and a different developer has taken over the development. The property owner has notified the RPC that all previous subdivision and engineering plans are void, and that the current applicant is authorized to proceed with subdivision reviews.

The applicant is proposing 15 single-family residential lots on 23.02 acres on the east side of Liberty Road approximately 400' south of Home Road. The plan includes a low-volume, low-density (LVLD) cul-de-sac road (Wildcat Run Court) that extends east from Liberty Road into the site. An additional LVLD dead-end road (Martelli Way) extends north off of Wildcat Run Court to provide access to Lots 1 through 4. All other lots take access directly off River Run Court.

The lots range from 1 acre to 1.8 acres in size. All existing structures will be razed. Private drip irrigation systems are being proposed for on-lot sewage treatment since there is currently no county sanitary sewer

service available to this property. This property is tributary to the Perry Taggart sewer, which is under construction and will be completed in 2006. The extension of laterals to serve this property is dependant on other developments, but the sanitary engineer doesn't expect service to this site in the next 5 years.

The applicant is proposing to remove the existing driveway, which is shared (by recorded easement) with a vacant lot owned by Joseph and Lisa Nichols on Liberty Road. Wildcat Run Court will be constructed directly north of the Nichols' property and provide over 300 feet of additional road frontage for the lot. The applicant will be responsible for working with the Nichols to dissolve the recorded easement and provide appropriate access to this adjacent property. The Nichols have agreed to work with the developer to resolve this issue.

Surrounding land uses include Hawbaker Subdivision to the north, Bridlespur Lane to the east, Stillwater Subdivision to the south, and the Liberty Township Park to the west across Liberty Road.

A technical review was held on July 17, 2006, after which the applicant has addressed most of the required changes. The applicant will continue to work with the Board of Health for approval of all proposed on lot treatment systems.

III. Staff Recommendations

Staff recommends *Conditional Preliminary Approval* of **The Woods at Wildcat Run** to the RPC, *subject to the resolution of all TRC comments.*

Commission / Public Comments

Mr. Brian Lundgren was present to represent the applicant.

Chairwoman Foust stated that the plan presented tonight is not the last plan that she reviewed but it's pretty close and that the changes that needed to be made to comply with zoning have been made.

Amy Huffman (7537 Liberty Rd.) stated that she is the adjacent property owner to the south of this project. She thanked the applicant for the storm water design and for turning the wet basins into dry basins. She stated that the applicant has agreed to provide mounding along the new Wildcat Run Court along her northern property line. Chairwoman Foust stated that she is glad to hear the developer working with the neighbors but the Regional Planning Commission can not enforce a private agreement.

Mr. Blayney made a motion for conditional Preliminary approval of The Woods at Wildcat Run, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Miller). Motion carried.

15-06 River Run – Liberty Twp. - 26 lots / 39.30 acres

Applicant: River Run of Powell, LLC.

Subdivision Type: Single Family Residential

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

Current Land Use: Single family residential

Zoned: Farm Residential (FR-1)
Utilities: Del-Co water and public sewer
School District: Olentangy
Engineer: Bauer, Davidson and Merchant, Inc.

I. Staff Comments

River Run is a proposed 26 lot subdivision on 39.3 acres (0.66 du/acre). It is located on the north side of Jewett Road and the west side of SR 315. A portion of the property lies between SR 315 and the Olentangy River, but this land will be donated to the ODNR's Scenic Rivers program prior to platting. This site contains a couple of existing residences. A deep ravine (Bartholomew Run) crosses the southern portion of the site feeding into the Olentangy River to the east across SR 315. Most of the southern portion of the site is wooded while the north side is open, but surrounded by perimeter tree rows. Bartholomew Run is a FEMA mapped stream and includes a defined floodway and 100 year floodplain.

The subdivision includes a long cul-de-sac street (Riverway Run) extending north of Jewett Road. This street crosses Bartholomew Run with a proposed bridge. Riverwood Lane Court is an east-west street intersecting Riverway at a traffic circle. Riverwood Lane Court terminates in a cul-de-sac at the east side of the subdivision. Both of these streets will be private. Gates will be installed at the entrance and the terminus of Riverway Run. A short 65' right of way dedication will be provided from the Riverway Run cul-de-sac to the north boundary line. This is intended to provide a connection for potential development of the site to the north. No direct vehicular access will be allowed onto Jewett Road (Lots 1, 2, and 26) and SR 315 (Lots 10 and 11). These lots will access internal subdivision streets only. Existing driveways will be removed.

II. Issues/concerns

1. **Traffic** – The staff would normally require a public street connection to adjacent developments to provide a link between neighborhoods and offer alternative ways to enter/exit the development. However, due to the traffic problems associated with the Powell Rd/SR 315 intersection, the County Engineer and RPC staff agree that a public street connection from Jewett Road to Powell Road through this site would create a cut-through situation. Therefore, both offices have agreed to allow private streets and the short public connector for the adjacent development. The Fire Chief has requested an emergency access to SR 315. The developer should continue working with the property owner to the north to assure the connection benefits both subdivisions while preventing cut-through traffic.
2. **Grading** – It was noted during the Technical Review Committee meeting that several lots appear to propose excessive cutting or filling, especially lots along the ravine. Code Compliance has stated that these issues must be resolved at final engineering. Staff would like a more detailed grading plan to be prepared and reviewed prior to any site clearing activity.
3. **Critical Resources** - The developer has been working with ODNR to secure an appropriate conservation easement over Bartholomew Run. A 100' (and greater) conservation easement is shown on the plan (50' from center of creek). The area on the east side of SR 315 will be donated to ODNR. The plan should label the acreage for this parcel, and ensure it is not part of the total subdivision acreage on the final plat. We encourage the developer to continue working with ODNR and OEPA during the final engineering review process to minimize impact on the ravine.

4. Zoning – The Zoning Officer provided a list of zoning compliance comments. The developer needs to continue working with the township to address those items, and secure any conditional use permit and/or variances required for final plat approval.
5. Drainage - The plan proposes a detention basin in Lot 4. The basin and all drainage structures will be required to comply with the Delaware County Stormwater runoff regulations.
6. Buffering – Since this is an FR-1 zoning district, there are no requirements for the development to provide buffering from adjacent developments. However, the developer is providing a 25’ tree preservation easement around the perimeter.

This application was tabled at the July RPC meeting to allow the developer time to resolve some of the issues discussed at the meeting. Modifications to the July plan include the elimination of a cul-de-sac, elimination of a lot, addition of a 25’ perimeter tree preservation easement, addition of an emergency access easement as required by the Fire Department, adjustment of some finished grade elevations for proposed houses, and additional conservation easements within Bartholomew Run.

A second technical review was held on August 22, 2006 (in addition to the July 17, 2006 TRC), after which the applicant has addressed most of the required changes. Several comments made at the TRC meeting are issues that can be resolved at the final engineering level. Some of these have been noted in the Staff report in Section II.

III. Staff Recommendation

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

Commission / Public Comments

Mr. Bruce Miller, General Manager for River Run of Powell, LLC., was present to answer questions from the Commission. He explained that they met with over 30 neighbors, had 3 community meetings and met with 15 neighbors one-on-one. The plan presented is a result of those meetings along with various county officials. The ODNR easement as shown by the slide (RPC staff graphic) is over 350’ wide in some areas. The bridge construction would be done in a way that would lessen the impact on the river. In a poll of the 14 adjoining neighbors, 11 were for or not opposed, 1 opposed and 2 abstained.

John Keller (1424 Jewett Rd.) stated that he attended the first developer meeting on August 5th. At that meeting, they (developers) asked for questions to be submitted. On August 10th he submitted questions from various neighbors. Mr. Keller stated that he did not receive answers back until August 30th. In many cases, the answers were either non-existent or not very helpful. The neighbors requested a copy of the traffic study and were told that it had been submitted to the County Engineer where it could be reviewed. The neighbors asked to see the wetlands study that was referred to at the meeting. The developer explained that a wetlands assessment had been conducted not a wetlands study. When asked for a copy, a summary was presented. The bottom line is that the plan does not comply with the Comprehensive Plan. This area of the comp. plan calls for 1 d.u. / developable acre not gross acre. This developer should be held to a higher standard so that if this development goes in there, it would be a benefit to the community instead of drawing away from it. (A letter of key concerns were distributed to the Commission. See attached.)

1. Protection of Bartholomew Run ravine and adjoining sensitive areas.

2. Protection of additional environmental areas
3. Protection of downstream landowners and Olentangy River
4. Address traffic impact on Jewett Road; eliminate “stub” at the north and require independent traffic study

He asked that if the Commission were to move forward with approval that they consider adding the four itemized concerns listed by the adjoining neighbors as conditions of approval. Several individuals stood in agreement with Mr. Keller’s comments.

John Werner (2040 Highland View Dr.) agreed with the elimination of the northern stub. He expressed his concern with the bridge over Bartholomew Run. Mr. Warner suggested the eastern leg be extended down to SR 315 to the existing driveway at the Coleman property. The area this could go through is a non-treed area. The road from the center to the south could be a cul-de-sac at the ravine and that portion of the property could take access from SR 315. The portion of the property on the south side of the ravine could be a cul-de-sac and take access off of Jewett Rd. Mr. Werner stated that if the connection to Jewett Rd. is required, then the County Engineer should consider the connection between Churchill Drive and Manning Parkway a priority to help relieve traffic.

Jon Ullman (1428 Jewett Rd.) stated that he is not in favor of this development. He sees the bridge as a giant culvert with 12’-26’ of fill. There are 3 lots and a storm water detention pond proposed on the plateau which is approximately 1.6 usable acres. Mr. Ullman stated that the developer shows a 25’ tree buffer along all the other properties except his property. He would like that buffer to include his property and be shown on the plan. Mr. Ullman asked Mr. Sanders about the “devil strip” that was previously on the plan. Mr. Sanders stated that there is additional right-of-way shown on the plan in front of Mr. Ullman’s property on SR 315. That is handled at the final platting process. The County Engineer would not allow something to be platted that is not owned by that developer and that somehow cuts Mr. Ullman off.

Kelly Ullman (1428 Jewett Rd.) stated that she has seen the creek flood twice in the 2 years she has lived on her property. The weather forecasters estimated 6 inches of rain. They got 3 inches. The creek rose to just under their bridge. She questioned what would have happened had they received another 3 inches of rain. She stated that the area of lots 4, 8, and 9 were completely under water. Bartholomew Run is one of four main feeder creeks to the scenic Olentangy Valley and the main concern is the preservation of this area.

Dave Searfoss (2609 Jewett Rd.) stated that he is not an adjoining property owner. He explained that he believes Mr. Miller will build nice homes but would encourage the Commission to plan for traffic.

David Resch (9826 Olentangy River Rd.) stated that he lives in the eastern-most house on Bartholomew Run. They have lived there for about 20 years. He has met with the developers on three occasions. He explained that he is not opposed to the development but is sensitive to all of the neighbors’ concerns and would rely on the County to make sure the building regulations are enforced.

Judy Brozek with Friends of the Olentangy River explained that the “plateau” that lots 4, 8, and 9 are on, is there for a reason. Over time, Bartholomew Run has flooded so much it has created a secondary plateau. If there is to be fill anywhere from 20-26 feet the water is bound to back up. She stated she is completely against filling any part of the ravine for buildings. She suggested keeping the detention basin at the top of

the slopes because if the area floods the detention basin could be in jeopardy of breaking. The engineering on this project is crucial. She explained that Friends of the Lower Olentangy want to be on record that in spite of the latest FEMA floodplain mapping, Bartholomew Run continues to experience flash floods that cause damage to adjacent properties that are now outside of the flood plain.

Art Krumsee (1952 Jewett Rd.) stated that this development would have a substantial change in the character of this area.

Andy Beal (1662 Jewett Rd.) agreed that the reality is that this property would be developed. He stated that Mr. Miller built his house so he has dealt with him for about 3 years. He is very conscious of what is going on. Mr. Beal explained that he assumes that the various offices won't let this project happen if there is a problem with the flood plain or anything else.

Christopher Denk (3478 Brockton Court) stated he is in favor of the development along with Mr. Miller and his partners.

Having no further public comments, Chairwoman Foust asked for comment from the Commission.

Mr. Fischer questioned the sanitary sewer easement to Deer Run. Mr. Miller explained that it was a sewer easement that was requested by the Delaware County Sanitary Engineer to eliminate the Deer Run pump station.

Mr. Fischer questioned the delineation of the 100 year flood plain. Mr. Miller pointed out the RPC graphic with the 100 year flood plain. The elevation is from 820 to 790 feet. There is almost 30 feet of fall across the site. Mr. Fischer was concerned that no mechanicals could be put in the basements if the basements were dug into the floodplain. He agrees in general that lot 4 is a bad location for a house lot. Mr. Miller stated that the house could be a plantation style or with a crawl space. Mr. Miller explained that the house is 12 feet above the floodplain. The Army Corps of Engineers only requires a balance of 2-3 feet of freeboard between the flood elevation and any livable space (basement is not considered livable space).

Mr. Fischer questioned the emergency access easement off of SR 315. Mr. Miller explained it would be a gravel road for emergency access only. Mr. Fischer explained that a connection between this property and the Vince Margello property to the north could be accomplished with a design feature. The Commission should strongly consider the connection and require a reinforced bike path that could be used for emergency access. There is a similar design for Rutherford Estates in the City of Powell. Requiring a private road would saddle the 26 or so residents with the maintenance of the culvert. Mr. Fischer asked Mr. Margello if he wanted to comment. Mr. Miller stated that he would like to finish commenting. Mr. Fischer said he would have his turn. Chairwoman Foust explained that it was Commission discussion. Mr. Fischer should limit his comments to questions about Mr. Margello's adjoining project. Mr. Margello (1900 W. Powell Rd.) stated that he owns the property to the north and agrees with a need for a connection for safety purposes.

Mr. Sanders stated that the stub gives us the opportunity to have the discussion later. Road connections are a combination of Regional Planning, County Engineer and Township Trustees. Staff supports the connection. The Commission can attach conditions to the approval.

As people in the audience were again raising their hands and attempting to speak out of turn, Chairwoman

Foust reminded the public that it was Commission discussion time.

Mr. Spanner questioned why the road cul-de-sacs and there isn't a connection onto SR 315 when there is already a driveway there and keep it public. Leave Jewett Road rural in nature. He also asked if ODNR has been contacted regarding this project. Mr. Sanders stated that he believes ODOT would not give a full access here. Mr. Frank DeMarco is the representative that has been involved from ODNR.

Mr. Ward agreed that lot #4 should be eliminated. He also stated he believes in connectivity for safety reasons. He said that he believes in property rights as long as it doesn't affect the neighbors. The adjoining property owners had the right to buy that property as well as anybody else. Mr. Ward said this plan is much better than what was presented before. He agreed that the County Engineer would make sure regulations are followed.

Mrs. Warthman stated she had a lot of questions regarding the environmental impacts of this project. Even though there are back-up engineering reviews that occur after the Commission makes their decision, the project moves forward and she would like to see some technical data presented to her so she would feel more comfortable. She stated that she is dealing with areas in Genoa Township that have been given approval by the engineers but are still experiencing problems. She would like to see the geotechnical reports of the area, the stability of the slopes now but also after the slopes have been cut. She stated the plan is premature due to the fact that there are no driveways sited on the plan. She feels a conservation subdivision could be explored. She asked Mr. Fowler about the recent FEMA flood mapping meetings. Mr. Fowler stated that there were no changes to the FEMA maps but modernization of those maps to digital format. Mrs. Warthman asked if a review could be requested for this area. Mr. Fowler stated that a detailed study was conducted in 1996 and that is what is shown on the 1999 study that we have today. Mr. Hopper stated that it is difficult to get FEMA to do undated studies in areas that have already been studied.

Mr. Sedlacek asked how many of the homes are being proposed on slopes greater than 20%. Mr. Sanders stated that while it might not be a good idea to build on 20% slopes and while our maps show their house locations are not in 20% slopes (which will be reviewed at final DESC permit and final building) it is not against Township Zoning. There is a reference in the Comprehensive Plan. It's a vision, a goal. There is a definition in the zoning code that defines what net developable acreage is but that doesn't automatically apply net developable acreage to the entire Township. That is down zoning and he said he doesn't believe a judge would say it means you automatically can't build on 20% slope.

Mr. Blayney stated that the stub connection to the north was requested by the County Engineer so that future development has the opportunity for connection and they aren't put in the position of having to grant access to Powell Road. There is a two-step process. Step one would be reviewing a hydrologic study on Bartholomew Run. Review this study with ODNR. Review the soils reports. They go through a very thorough process in construction where modifications are made. The second part of the process, fortunately now they have the Phase 2 Federal Stormwater Program where the County Engineer has the authority to review, approve and be sure that they have erosion control protections and necessary measures for individual building sites. Since there may have been individuals that could not hear Mr. Blayney, Mr. Sanders summarized his comments. The County Engineer and the RPC staff are in agreement of the stub. Mr. Sanders said that staff would agree with the gate if it prevents the connection all the way through. He reiterated that there is a second step after this process that looks at storm water and hydrology and makes sure that the building sites are appropriate. There are new tools that the County Engineer can use that even as the buildings are built, that the grading is appropriate.

Mr. Spanner stated that he is not against the connectivity but doesn't understand why they aren't proposing a public street to SR 315. Mr. Cugini (co-developer) explained its because SR 315 is a scenic byway. Mrs. Warthman said it had to be a limited access. Chairwoman Foust asked if the developer has spoken with ODOT regarding an access. Mr. Cugini said yes, they would not allow a full access there. Mr. B. Miller asked if he could address the issue of drainage. Chairwoman Foust said no, that it was Commission discussion.

Mrs. Warthman asked Mr. Blayney if their authority covers private roads, driveways, building envelope. Mr. Blayney stated that before the DESC permit is released, erosion control has to be in place on the site (ex. vegetation). Mrs. Warthman said that she thought private roads were exempt from a lot of the regulations. Mr. Blayney said not in subdivisions like this. Where they have trouble is the larger lots (5-20 ac. Splits).

Chairwoman Foust presented the Commission with a list of 9 issues that were raised by the Liberty Township Trustees.

1. Cul-de sac the north end of the main street, and do not extend it to the northern property boundary. (She feels if there was a different way in and out, that would serve both River Run and the Margello project to the north, the Trustees may not take the same position.)
2. Reduce the width of the emergency access driveway from 20' to 12'.
3. The developer has agreed to provide a 25' no-cut zone adjacent to the Uhlman property in addition to the no-cut zones shown on the preliminary plan. All the no-cut zones should be identified as such on the final plat
4. Areas to accommodate all building footprints are to be located and delineated outside the areas of 20% or greater slopes and need to be identified on the final plat.
5. Storm water flow must comply with all County and State requirements. We request that storm water requirements be based upon recent and current conditions rather than historic data in order to more accurately address engineering requirements based on real conditions.
6. No buildings should be permitted on slopes of 20% or greater and the final plat should include this restriction.
7. We request that particular attention be given to review of proposed Lot #4 in terms of the proposed storm water detention basin size, depth, location and functionality.
8. We request that special consideration be given when reviewing and approving all plans for this development, so as to minimize and preferably eliminate any negative environmental impacts to Bartholomew Run, to the Olentangy River, and to surrounding properties.
9. We request that all review authorities review Lot #4, 8, and 9 for accessibility, and viability of it being a buildable lot.

Chairwoman Foust made a motion for Conditional Preliminary approval of the River Run Subdivision, subject to the nine items listed as Liberty Twp. Trustee comments and staff comments. Mr. Ward seconded the motion.

There was some discussion regarding Liberty Trustee position #1 and staff concern #1 being conflicting comments. Chairwoman Foust stated that she believes the stand the Trustees took on that was because of their fear of there not being another way in and out of this project along with the additional lots to the north of this project. And maybe if there is another way in and out they may not wish to pursue the cul-de-sac to

the north.

Mr. Gunderman made an amendment to the motion to eliminate Liberty Trustee comment number 1. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Gunderman/Shoaf amendment carried.

Chairwoman Foust asked for a vote on the original motion with the amendments as approved (Liberty Trustee comments #2-9 and staff comments.)

Mrs. Warthman made a second amendment to the motion to require the developers provide a geotechnical engineers report on the structural integrity of all the lots to the Building Department. Mr. Snajd seconded the amended motion.

Mr. Fowler stated that there are building standards that the County must follow regarding footings. Chairwoman Foust asked if it were Mrs. Warthman's goal for the reports to be submitted to Mr. Fowler prior to any final plat consideration. Mrs. Warthman agreed. Mr. Fowler stated that he could do that, although it is not a requirement by the Building Code. Mr. Gunderman stated that if you are going to get that report and make some use out of it, and if it would give you information that changes your view about building size, it should be done prior to preliminary approval.

Mr. Blayney stated that as far as the County Engineer's office is concerned, they are not involved in the building sense. The developer takes the risk. Later on after all the plans are approved and the plat is approved, the builder on each individual lot still has to pass regulations that are enforced by Code Compliance. Mr. Gunderman asked if the limitations of this site; soil conditions, slopes, are such that the Commission really doesn't think the layout of this plat is suitable. If the studies are going to be of any value they need to be available now. He's questioned how much value the Commission will get out of the study. He agrees that the low lying areas should not be developed. The bridge and the roadways are going to decimate the site. He also questioned the detention pond location. Mr. Blayney stated that this is the way the process works. A Technical Review is held prior to recommendations to the Commission which gives those involved a level of comfort that the site can be developed the way it is presented. Concerns from the Committee have to be addressed from the review. Once the subdivision gets through preliminary engineering, there is a tremendous amount of detail work that goes into what happens on the final plans. There have been times that the changes have been so severe that a revised preliminary plan is required to be submitted. Mr. Gunderman stated that with this site that type of work is maybe useful at an earlier stage. Mr. Gunderman asked if there is a potential for a conservation type of design. Mr. Sanders asked Chairwoman Foust if the Township has tried to come up with some sort of conservation subdivision and then apply it to areas like this so the choice isn't "do the easier and uglier FR-1 or do the difficult and bloody battle to do a PR". Chairwoman Foust stated it was under discussion. There is nothing in the zoning code right now so that a developer could come in and apply for a conservation subdivision without rezoning.

VOTE: Majority Opposed. Warthman/Snajd amendment failed.

Someone asked for clarification again, of what the motion was. Chairwoman Foust explained to the Commission the motion was for conditional preliminary approval of River Run, subject to the nine items listed as Liberty Twp. Trustee comments and staff comments with the amendment to eliminate item number 1.

HAND VOTE: 9 For, 12 Opposed. Motion for conditional approval failed.

Mr. Fischer made a motion to deny the Preliminary plan for River Run based on the concerns and the lack of technical data presented regarding the constructability of lots 4, 8 and 9, the impact of the fill, the buildings on 20% slopes, and lack of driveway placement on the plan. Mr. Spanner seconded the motion. VOTE: Majority For denial. Motion carried.

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Preliminary/Final

19-06 T Golf Village North Commercial – Liberty Twp. - 17 lots / 35.82 acres

Applicant: Golf Village North LLC

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

I. Staff Comments

The applicant has requested a 30-day tabling in order to resolve Technical Review comments.

II. Staff Recommendation

Staff recommends *approval* of table request for 30 days for **Golf Village North Commercial** to the RPC.

Commission / Public Comments

Mr. Shoaf made a motion to approve the 30 day table request for the Preliminary and Final plans for Golf Village North Commercial. Mr. Fowler seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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CONSENT AGENDA

Final

13-06 Villas at Walnut Grove – Genoa Twp. - 01 lot / 19.37 acres

Applicant: Romanelli and Hughes Building Company

Subdivision Type: Future condominiums

Location: On the south side of Big Walnut Rd., approximately 1,500' east of Worthington Rd.,
Genoa Township

Current Land Use: Wooded/former agriculture

Zoned: Planned Residential District (PD-1)

Utilities: Del-Co water and public sewer

School District: Olentangy

Engineer: Advanced Civil Design

I. Staff Comments

The Villas at Walnut Grove is a single lot plat to be developed into condominiums. It contains 19.37 acres. The Oaks at Highland Lakes subdivision is to the east and south of this site with vacant land located to the west. Walnut Grove is to the north across Big Walnut Road. Access will be from Ketterington Lane which runs along the east property line. This plat will also dedicate additional right-of-way for Big Walnut Road. The PD-1 development plan was approved earlier this year by the township (RPC # 59-05 zon). Preliminary subdivision approval was granted in July 2006.

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

II. Staff Recommendation

Staff recommends *Final approval* of the **Villas at Walnut Grove**, to the RPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of the Villas at Walnut Grove. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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25-05 Sawmill Parkway Extension/Golf Village North – Liberty Twp. - 04 lots / 132.98 acres

Applicant: Golf Village North LLC
Subdivision Type: Commercial/Condominium
Location: East of Olentangy Liberty High School, north of Home Road, Liberty Twp.
Current Land Use: Vacant
Zoned: Planned Commercial (PC) and Planned Residential (PRD)
Utilities: Del-Co water and public sanitary sewer
School District: Olentangy
Engineer: Lockwood, Lanier, Mathias & Noland, Inc.

I. Staff Comments

The proposed development includes the extension of Sawmill Parkway through the property just east of the Olentangy Liberty High School. It will include three full-access intersections and two right-in/right-out intersections. The first full access north of Home Road will be signalized and will accommodate a new main entrance for high school traffic.

The subdivision includes four lots. Two of the lots are permanent open space, one to be owned by the Township and the other by the Golf Village North Association. A 34-acre lot on the east side of the

parkway will be developed as 120 condominium units. North of the condos is a 77-acre L-shaped tract that is owned by the Olentangy Local School Board of Education. The District will build two schools on this site.

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

II. Staff Recommendation

Staff recommends *Final Approval* of **Sawmill Parkway Extension/Golf Village North** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion for Final approval of Sawmill Parkway Extension / Golf Village North. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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VI. EXTENSIONS

29-98.4.13 Scioto Reserve, Sec. 4, Ph. 13 – Concord Twp. - 29 lots / 08.28 acres

Applicant: Home Road Ltd.
Consultant: RD Zande & Associates

I. Staff Comments

The applicant is requesting a fourth 6-month extension of the Preliminary plan. The applicant noted that construction has been delayed due to marketing factors. Mr. Sanders noted that this was the fourth extension request.

II. Staff Recommendations

Staff recommends *approval* of the 6-month extension for **Scioto Reserve, Section 4, Phase 13** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion to approve the 6-month extension for Scioto Reserve, Section 4, Phase 13. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-05 Tartan connector – Concord Twp. - 01 lot / 02.75 acres

Applicant: Tartan Development Co. (West)

Consultant: Ed Miller, EMH & T

I. Staff Comments

The applicant is requesting a 6-month extension of the Preliminary approval of the Tartan Connector. This would be the second extension request.

II. Staff Recommendation

Staff recommends *Approval* of the 6-month extension for the **Tartan Connector** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion to approve the 6-month extension for the Tartan Connector. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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VII. OTHER BUSINESS

- **Consideration for approval: Advisory Committee appointment for review of proposed CAD and Large lot regulations**

Chairwoman Foust announced that list of names that have been submitted and recommended for approval by the Executive Committee: James Andres, Tom Brown, Larry Cline, Karen Coffman, Gary Cox, Tom Dubanowich, John Fabor, Martin Forman, Scott Miller, E.J. Miller, Jody Parks and Jay Sparks. The County agencies that would be included are: County Engineer, Soil & Water Conservation District, Health Dept., Building Regulations, and the RPC staff.

Mr. VanSickle made a motion to accept the names as presented. Mrs. Warthman seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Blayney). Motion carried.

Mr. Sanders asked for clarification from the Commission as what they see as problematic in the CAD text as last proposed since it was added for discussion by the Advisory Committee. Mr. Sanders explained that the proposed CAD regulations are the same as the 1997 standards that we are currently using with the addition of the sign regulation, length limitation, underdrains and the placement of a geo-grid material. Mr. Blayney said that it was to re-open discussion for additional lots. Mr. Brown said that (in Scioto Twp.) the CADs represent a development tool that might be more pleasurable than what is presently allowed in the flag lots and multiple flag lots. He also

questioned the 1500' length limitation.

- **Consideration for approval: Public hearing date for Subdivision Regulations**

Mr. Sanders explained that since the large lots and the CADs are the two areas of conflict with the Commission, would the Commission be open to: 1.) temporarily remove the large lot section from the regulations until the Advisory Committee has had a chance to make a recommendation, and 2.) take CADs back to the 1997 standard and set a public hearing to move forward with the adoption of the platting-type changes. Mr. Starling agreed it would be a great idea. Mr. Sanders stated that he would suggest that the purpose of the Advisory Committee will be to come up with minimal standards and let the Commission decide whether to have them or not.

Mrs. Warthman made a motion to initiate the consideration of amendments of the Delaware County Subdivision Regulations (Version 16) and set a public hearing for October 26, 2006. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for approval: Da-Wei Liou seminar reimbursement \$1,512.51**

Chairwoman Foust stated that the original recommendation of approval for Mr. Liou's reimbursement was for an estimated \$1,472.00. The amount actually spent was \$1,512.51.

Mrs. Warthman made a motion to approve the reimbursement of \$1,512.51. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VIII. POLICY / EDUCATION DISCUSSION *(none)*

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

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

Meeting adjourned at 10:15 p.m.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, September 28, 2006, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Kolby Foust, Chairperson

Stephanie Mallack, Executive Administrative Assistant