



# Delaware County Regional Planning Commission

109 North Sandusky Street  
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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## **\*MINUTES\***

**Thursday, September 27, 2012 at 7:00 PM**  
**Frank B. Willis Building, 2079 US 23 North, Conference Room,**  
**Delaware, Ohio 43015**

### **I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of August 30, 2012 RPC Minutes
- Executive Committee Minutes of September 12, 2012
- Statement of Policy

### **II. VARIANCES**

07-12.V    **W**    Spanner CAD – Concord Twp. – 4 lots / 9.78 acres - from Section 306

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

09-12 ZON    Denis King Inv. LLC – Liberty Twp. – 15.056 acres – PR- development plan amendment  
 10-12 ZON    Jason Hatfield Automotive LLC – Berlin Twp. – 2.42 acres from PCD to PID

### **IV. SUBDIVISION PROJECTS**

**Township**

**Lots/Acres**

Preliminary    (*none*)

Preliminary/Final    (*none*)

#### **Final**

05-12	Div. 1 of Lot 5122 of Big Bear Farms, Sec. 10, Lot 4615, Div. 1	Liberty	02 lots / 02.139 acres
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**T=TABLED, W=WITHDRAWN**

### **V. EXTENSIONS** (*none*)

### **VI. OTHER BUSINESS** (*none*)

### **VII. POLICY / EDUCATION DISCUSSION** (*none*)

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

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairman Burke called the meeting to order at 7:00 p.m.

▪ **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Ric Irvine, Fred Fowler, Ken O’Brien, Steve Burke, Tiffany Jenkins, Sharon Hough, Gary Gunderman, Tom Hopper, Joe Clase, Dave Stites, Holly Foust, Hal Clase, Tom Farahay, Bill Thurston, Charlie Callender, Bill Metzler, Mike Dattilo, and Doug Price. Alternates: Doug Riedel. Arrived after roll call: David Andrian (R). Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the August 30, 2012 RPC Minutes**

*Mr. Gunderman made a motion to approve the minutes as presented from the last meeting. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **September 12, 2012 Executive Committee Minutes**

**1. Call to order**

Present: Tiffany Jenkins, Dave Stites and Steve Burke. Absent: Susan Kuba and Ken O’Brien. Staff present: Scott Sanders and Stephanie Matlack.

**2. Approval of Executive Committee Minutes from August 22, 2012**

*Mr. Stites made a motion to Approve the minutes from the August 22<sup>nd</sup> Executive Committee meeting. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**3. New Business**

a. Financial / Activity Reports for August 2012

REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$4,305.00
Fees A (Site Review)	(4202)	\$300.00	\$1,500.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$2,100.00
Membership Fees	(4204)		\$292,309.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$657.25
Assoc. Membership	(4206)		
General Sales	(4220)		\$16.20
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,100.00	\$25,457.00
Charges for Serv. B (Final. Appl.)	(4231)	\$5,700.00	\$18,700.00
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$600.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$2,100.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$2,100.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$365.00
Soil & Water Fees	(4243)	\$200.00	\$1,700.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			\$100.00
Other Misc. Revenue (GIS maps)	(4730)		\$355.00
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$9,265.00</b>	<b>\$353,165.45</b>

<b>Balance after receipts</b>		<b>\$362,794.79</b>
<b>Expenditures</b>	<b>-</b>	<b>\$ 21,416.86</b>
<b>End of August balance (carry forward)</b>		<b>\$341,377.93</b>

*After discussion of the financial reports, Mr. Stites made a motion to approve the financial reports as presented. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- b. August RPC Preliminary Agenda
  - 1.) Site Review: None
  - 2.) Rezoning: None as of 9/6/12
  - 3.) Variance:
    - Spanner CAD
  - 4.) Preliminary: None
  - 5.) Preliminary/Final: None
  - 6.) Final:
    - Div. #1 of Lot 5122 of Big Bear Farms, Sec. 10, Lot 4615, Div. #1
  - 7.) Extension: None
- c. Director’s Report
  - 1.) Liberty Twp. – continuing work on Zoning Code update
  - 2.) Sunbury – Preliminary meetings for Comp. Plan update
  - 3.) Rural Zoning Commission – waiting on comments from the County Prosecutor
  - 4.) Berlin Twp. – assisting adding Adult Use section to code
  - 5.) Convention and Visitors Bureau – created maps for web and public distribution
  - 6.) DATA Bus – created route maps
- d. Discussion of By-Laws – the Committee discusses some wording changes to the member section and would continue discussions at the October Ex. Comm. meeting.
- e. 2013 Budget Discussion – The Committee discussed several scenarios they would like to review including changes to wages, benefits structure and membership dues. A draft will be prepared and sent to the Committee for review prior to the October EC meeting. Including a salary review from comparable agencies.

4. **Old Business** (none)

5. **Other Business** (none)

6. **Personnel** (none)

## 7. Adjourn

*Having no further business, Mr. Stites made a motion to adjourn the meeting at 10:45 a.m., seconded by Mrs. Jenkins. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next regular Executive Committee meeting will be Wednesday, October 17, 2012 at 8:45 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

**07-12.V            Spanner CAD – Concord Twp. – 4 lots / 9.78 acres - from Section 306**

*\*\* This application was withdrawn by the applicant prior to the RPC meeting. \*\**

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## III. ZONING MAP/TEXT AMENDMENTS

**09-12 ZON            Denis King Investments LLC – Liberty Twp. – 15.056 acres – development plan amendment**

**Request:** Denis King Investments LLC is requesting a development plan amendment of a previously reviewed plan at the west end of Manning Parkway for the purpose of developing 27 condominiums within Loch Lomond Farms in Liberty Township. The plan proposed in 2005 included 36 condominiums in two-unit buildings on a slightly different acreage. The Zoning Commission recommended approval of that plan with some additional conditions (which was submitted by a different entity that owned the property at the time, but was proposed to be developed by these same developers) to the Board of Trustees. The Trustees, after being provided information at the final hearing that the County Engineer had not seen the plan nor approved it – in terms of the future roadway connection – tabled the application and gave the applicants direction to return to the County Engineer to work out the road connection. Now the property is under different ownership, so this current application is being treated as a new application.

**Applicant:** Denis King Investments LLC

**Location:** West of SR 315 between Manning Parkway and Loch Lomond Drive, Liberty Township.

### I. Conditions

**Present Zoning:** Planned Residence District (PR)

**Proposed Zoning:** Planned Residence District (PR)

**Present Use:** Vacant

**Proposed Use:** Residential - 27 single-family condominiums

**Allowed Density:** 1.35 units per acre on 239.086 acres per approved 1979 Loch Lomond development plan as amended in 1994, according to the Liberty Township Zoning office

**Proposed Density:** 1.84 dwelling units per gross acre for 15.056 acres

**School District:** Olentangy

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

**Soils:** GwB – Glynwood 2-6 % slope

GwC2 – Glynwood 6-12 % slope

LyE2 – Lybrand 18-25 % slope

## **II. Project Description**

The Loch Lomond Farms development, approximately 257 acres overall, was originally rezoned in 1979 to Planned Residence District (PR) and included single-family and multi-family uses. Additional changes in the mid-1980s added non-residential office uses that are located along Manning Parkway. The subject site is located on the west side of SR 315 and extends from the Franklin County Line to just south of Jewett Road.

The 15.056 acres under consideration is at the south end of the development along the county line between Manning Parkway and Loch Lomond Drive. Surrounding land use includes residential to the north (Strathshire, Loch Lomond) and west (Calumet Farms and Woodlands at Loch Lomond), commercial/office to the east (Loch Lomond Park), and vacant land to the south in Franklin County. A deep (40'+) ravine crosses the site along the north side and is a major tributary to the Olentangy River to the east. A pond is located at the northeast corner of the site.

## **III. Issues**

1. **Development Design** - The design has been altered from previous cases on this property which was driven by the change in building type. The units are all accessed with a single road (“Villa Way”) that continues through the site with an intersection at both the eastern and western ends of the development site.
2. **Building Design** – Individual buildings are detached, cottage-style units with a minimum size of 1800 square feet. Each has a front projecting garage, with some being front-loaded and some designed as side-loading with the garage doors facing the front patio. Minimum building spacing is measured at 11’, where the zoning code requires 25’. The previously-proposed plan allowed for this, but in fewer locations with fewer buildings.
3. **Roads** – The application drawings show a full connection at the traffic circle on Manning Parkway and a stub to the west just beyond the second access point. A parcel owned by the original developer is located between the applicant’s parcel and the existing section of Loch Lomond Drive.

The internal road is intended to be private and built to the Delaware County standards for public roads. However, the cross section for Villa Way shows center drainage. This cross section has caused issues in other condominium developments throughout the county and the staff recommends that streets utilize crowned pavement with side drains. There is no reference other than the drawing and cross-section, to the extension or timing of the public street.

A road connection between Jewett Road and State Route 315 was part of the 1979 zoning approval and subsequent subdivisions have been approved based on those connections being made. This proposal shows a portion of Loch Lomond Drive extending from the end of Manning Parkway, but does not show it extending to the western parcel line of this property. This connector has been controversial and did not receive support as a Major Collector in the public input section of the 2006 Comprehensive Plan. As a compromise, specific language regarding the connection in the 2006 Liberty Township Plan states:

*Churchill-Loch Lomond Drive to Manning Parkway connection.*

*[The comprehensive plan] support[s] local street connections from Churchill Drive to Loch Lomond Drive to Manning Parkway. The Manning Parkway traffic circle should be retained to slow traffic. In accordance with the general policy [pedestrian/bicycle separation] above, a minimum of one bike path should be installed along Churchill Drive, Loch Lomond Drive and Manning Parkway. This may require the enclosure of open drainage ditches and the placement of a curb and gutter section on the streets. Street trees should be established in the tree lawn between the bike path and the curb. In accordance with general policy [traffic calming] above, traffic calming devices should be installed to maintain the 25 mph speed limit. The bike path and traffic calming devices should be in place prior to the opening of the Loch Lomond Drive to Manning Parkway connection. The opening of the connection to SR 315 should also be based on improvements made to the intersection of SR 315 and Powell Road that result in an appropriate level of service (LOS) on SR 315 such that afternoon peak-hour northbound traffic does not back up south of the Manning Parkway.*

A letter has been submitted from the County Engineer's office which notes that Loch Lomond Drive and Manning Parkway each have an overall length that exceeds the maximum length of 1500 feet for a road without a second access point as outlined in the Engineer's Standards. Over the years, subdivisions within this area have been approved with road designs and cul-de-sac lengths that "stubbed" to undeveloped property based on this connection eventually being made for fire safety and emergency service purposes. The letter further states "The public road connection will need to be built as part of the final engineering plan approval for the Villas at Loch Lomond development."

A recorded future roadway easement currently exists across the southern edge of the site, as recorded in February of 1997. The Engineer's letter notes that the portion of the road which crosses the Loch Lomond Farm Company parcel to the west will need to be constructed at the same time as the remainder of the road, "at a minimum to comply with the Liberty Township Fire Department Standards as an emergency access. The Township may determine if this portion of the road is opened or maintained for emergency access only."

The Calumet Farms Homeowners Association submitted a previous traffic study with cover letter that was forwarded to the Commission earlier in the week which reviewed other history of this issue at the township level and stated the negative impacts of a full connection. On September 17, 2012, the Liberty Township Trustees passed a resolution in which they re-affirmed their previous 2006 resolution in opposition to the road connection and strongly urged the Delaware County Engineer to vacate the roadway easement.

4. Density - The proposed density of 1.84 units per gross acre (3.63 units per net developable acre) exceeds the recommendation of the 2006 Comprehensive Plan but the 1979 Loch Lomond PRD zoning is vested. For the purpose of this review staff presumes the applicant has the right to the number of dwelling units proposed, but notes that this draws off the residual units remaining.
5. Utilities -
  - a. Sanitary sewer – A 10" sanitary sewer line crosses the western portion of the site. A letter of service availability has been provided.
  - b. Water – There is a 12" Del-Co water line at the west side of the development. A service letter has been provided.
  - c. Gas - A service letter has been provided.
6. Open Space – Based on the existing ravine and pond, the plan preserves an ample amount of open space where none is specifically required in the current zoning code. No-build/natural green space areas are in accordance with the 1979 rezoning development plan. Of the 15.056 acres, 6.173 or 41% is open space which breaks down as follows:
  - Public Right-of-Way – 1.591 acres

Reserve A, Natural Green Space – 1.148 acres  
Reserve B, 20% Slope - .558 acres  
Reserve C, No Build Zone – 2.090 acres  
Reserve D, Natural Green Space – 2.377 acres

7. Storm water – A new water quality/retention pond is proposed on off-site acreage to the southeast of the Manning Parkway traffic circle. A storm water management plan must be submitted to and approved by the County Engineer and this “offsite” land use change will need to be approved by the township.
8. Sidewalks, bike paths – No pedestrian facilities are shown. Based on the comments regarding the Comprehensive Plan under (3.) above and based on the current Subdivision Regulations, a sidewalk should be added on at least one side of Loch Lomond Drive and is strongly recommended on at least one side of Villa Way.
9. Divergences are requested for:
  - a. Model Home – The plan proposes to construct one building to be used as a model and sales office during the development of the site. ***Staff’s comment:*** *No objection.*
  - b. Setbacks – Reduction in front and side yard setbacks and building separation are requested in an attempt to provide green space and tree preservation. ***Staff’s comment:*** *This divergence is driven by the deep wooded ravine and perhaps too many units proposed for this site. The proposed setback reductions are not uncommon in condominium developments, so the Staff has no objection. Staff has typically recommended against this, although it was approved to a limited extent with the previous submission. We note however that the buildings that are closer than 25’ must have a masonry wall, which is proposed in the text. The township should consider the roof overhang of the units and not the foundation when calculating building separation.*
10. A subdivision Plat will be required for this project.

#### **IV. Required Findings for PR**

That the proposed development is consistent in all respects with the purpose, intent, and general standards of this zoning resolution, that the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply, and that the proposed development advances the general welfare of the township and the immediate vicinity.

***DCRPC Staff Finding:*** *The plan is generally in compliance with the previously-submitted plan in 2003, if consideration is made to increasing the building spacing and the road connection is made as an emergency-only connection in consideration of the other conditions within the Comprehensive Plan.*

#### **V. DCRPC Staff Recommendation**

Staff recommends **Conditional approval** of the application by the Denis King Investments LLC for a Development Plan Amendment to construct 27 condominiums units on 15.056 acres in Loch Lomond to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to the following:*

- 1) *As part of this development plan approval, Loch Lomond Drive should be platted and constructed as shown on the development plan, built to the western parcel line. The portion of the future connection that is located on the parcel to the west should be constructed (by parties as determined in the easement language) as an emergency-only connection to the standards of the Township Fire Department. No full connection should be made until the conditions noted in the Township Comprehensive Plan are met.*
- 2) *Pedestrian linkages should be made along both the private and public road.*

- 3) *Review building spacing and utilize the roof overhang in determining building spacing – explore changes in setback and building configuration to increase spacing between buildings.*
- 4) *Revise Villa Way cross-section to a County standard which includes side drainage.*
- 5) *A storm water management plan being submitted and approved by the County Engineer.*

### **Commission / Public Comments**

Mr. Paul Cugini was present. He stated that the revised drawings show the road going to the western property line along with a reduction to 26 units.

Mr. Jim Cirigliano (10363 Churchill Dr., Powell) was present to represent the Calumet Farms Home Owners Association. He explained that this road connection (Loch Lomond piece) has been very controversial for the last 18 years. The 2004 traffic study clearly indicated that the amount of cut through traffic from this connection would create significant negative impacts to the safety, wellbeing and property values and the general quality of life for the residents in its path. The study also states the connection would not improve the overall traffic flow in Liberty Twp. It would only shift traffic from an existing arterial road through a neighborhood with roads not built to sustain the amount of traffic it would generate. In addition to the attendees at this meeting, Mr. Cirigliano stated that a petition has been signed by over 200 people in Calumet Farms and surrounding neighborhoods to vacate this road connection. On August 16, 2012, the County Engineer sent a letter to Liberty Twp. Zoning that shows his intent to move forward with completing this road connection seemingly in spite of the 2006 Township resolution. On September 17, 2012 the Liberty Twp. Trustees passed another resolution reaffirming Resolution #06-203 no longer requiring a Manning Parkway/Loch Lomond Dr. connection due to safety concerns and strongly discourages the Delaware County Engineer's office to release the road easement to prevent this connection in the future. Mr. Cirigliano urged the Commission to deny the road connection.

Mrs. Becca Mount (10482 Woodburn Dr., Powell) presented the Commission with photos of some of the children potentially affected by this connection along with photos of Churchill Dr., Loch Lomond Dr. and Jewett Rd. She expressed her concern over the safety of the children in these developments having no sidewalks. If this road connection is made, these children would ultimately share the road with one car every 12 seconds during peak travel times. She acknowledged that the RPC vote is not binding but it would send a clear message to those that come after.

Mr. Gunderman stated that it is clear from the traffic study that there would be more traffic than what we would like to have on a road like we have here. He agrees with the County Engineer concern that we have had essentially a series of subdivisions developed over a fair amount of time that were all dependent on the road going through. This is an awfully late date to try to do something else because nobody is proposing something else. He believes given all of that, what Mr. Sanders is recommending is the best that you could do. A fire connection is the least of what should be done in terms of what was originally intended for all the dead end subdivisions that were being created.

Mr. Cirigliano stated that this is not a last hour effort on their part. They have come up with several alternatives. One of which, Manning Parkway was to traverse the area along the Franklin County border all the way to the railroad tracks and then north along the railroad tracks to Liberty Road. This suggestion was shot down by the City of Powell. Churchill Drive in Calumet Farms was another alternative but was not built wide enough to sustain traffic from a collector road. In addition to that, Woodlands Place which is a gated community was to be connected to the larger portion of Loch Lomond Drive down to SR 315. But residents in Loch Lomond blocked that. Then the suggestion was to connect Briarcliff to Highland View but was also blocked due to the Trustees allowing a house to be built where the road connection would have been. Time and again alternatives were suggested but shot down leaving what is here today.



Mr. Price asked what the Fire Departments position is with regards to safety. Mr. Cirigliano stated that he spoke with the Fire Chief yesterday and at this point he is not willing to commit that the fire access road through this portion would be a viable option for them. He would like to perform an engineer base study for response time. His general option with just looking at the topography of Loch Lomond Dr. would probably not be conducive for fire trucks. Mr. O'Brien agrees it is important to do the fire study, not only for fire safety purposes, but also for EMS and Sheriff purposes.

Mrs. Mount explained that she is also on the Board of Zoning Appeals for Liberty Twp. On December 1, 2009, they heard variances for Estates of River Run. She suggested that the RPC might not be aware of the subdivision, but it is a development that is a long cul-de-sac community. She quoted Mr. Margello from this meeting regarding road connections. River Way Run is approximately 2,584 feet long, which according to Mr. Bauserman's August 16<sup>th</sup> letter, would be longer than the 1,500 maximum that would require a public roadway. The residents in her neighborhood are concerned and confused about how a subdivision just down the road is a cul-de-sac and only has one entrance in and out now gets a bike path that is protected from cut through traffic. [Staff note: These two subdivisions are on privately owned and maintained roads that were required to include an emergency access, which doubles as a bike path, to Powell Road.]

Mr. Andrian asked where in the County an emergency connection has been made in lieu of a road. Mr. Riedel stated he could not think of any emergency connection that was made in lieu of a road. There are emergency accesses throughout the County that are there for secondary way in and out based on the Township's Fire Department review of that plan and county standards for access.

Mr. David Hart (10536 Woodburn Dr., Powell) expressed his concern for security and safety if this connection was made, preferring limited access as opposed to multiple escape routes.

Mr. Farahay asked who would maintain this connection. Mr. Riedel stated it has not been addressed but if it's within the easement that is currently on the property that would need to be resolved through the zoning process.

Mr. Price questioned how the Commission could force an adjoining property owner, not a part of this application, to build this road through their property. Mr. Sanders stated that when the easement was put in place the agreement was with Loch Lomond Farms, LLC. The staff report states that the easement language would need to be further reviewed. Mrs. Foust stated that the County Engineer's letter stated that it can be required to make the connection because it is a public right-of-way easement. Mr. Price was not sure the conditions could impact land that was not in front of the board. Mrs. Foust said that the County Engineer ultimately would make the call regardless of the vote tonight.

***Mr. Ken O'Brien made a motion for Conditional Approval to Denis King Investments LLC, subject to the following amended staff comments:***

- 1) As part of this development plan approval, Loch Lomond Drive should be platted and constructed as shown on the development plan, built to the western parcel line.***
- 2) Pedestrian linkages should be made along both the private and public road.***
- 3) Review building spacing and utilize the roof overhang in determining building spacing – explore changes in setback and building configuration to increase spacing between buildings.***
- 4) Revise Villa Way cross-section to a County standard which includes side drainage.***
- 5) A storm water management plan being submitted and approved by the County Engineer.***

***Mrs. Foust seconded the motion.***

Mrs. Foust stated that because of the position that Liberty Twp. Trustees took, she would prefer to see the sentence in staff comment #1 eliminated as stated in the motion rather than have it amended and put back in and cause her to vote no. She did not want to have the entire project denied just because of the issue of the road connection.

There was some crosstalk about not having language in the motion that impacts a developer/owner (Manning) that is not in the room.

Mr. Peter Mohler (1832 Loch Lomond Dr., Powell) described, using the graphics on the wall, how far his children walk to catch the school bus. He expressed his concern over safety for the children if this connection is made. His children (4, 6, and 8) walk to Woodburn Drive (approximately 3,000 feet) without sidewalks, which isn't being addressed here.

Unidentified voice stated that they're already doing 65 miles per hour through the neighborhood.

Mr. O'Brien pointed out that no one is advocating a through road but no one wants to vacate an emergency access. Mr. O'Brien called the question. Mr. Burke allowed additional comments.

Mr. Price asked if this is a Township road and the County Engineer requires it but the Township does not want it, doesn't the Township have to accept it. Mr. Riedel said the County Engineer standards require that any situation like this road be built to the property line and the road is then built and constructed by their office and then accepted on to the public system by the County Commissioners. The Township would then take over maintenance of that road and be compensated for that maintenance through the ORC as far as costs to maintain that road.

Unidentified voice and crosstalk regarding amending the existing easement.

Mr. Clase questioned why a connection to the south hasn't been brought up. Mr. Cirigliano stated that the stub further to the west is Belmont Court. It was originally slated to connect to Fairway Drive in Worthington Hills but Perry Township blocked it by Perry Twp. Trustees and a resident petition. Mr. Cirigliano reminded the Commission that the County Engineer has a public access easement across this property. The surrounding residents are not opposed to an emergency access easement but to a public access easement.

Chairman Burke reminded the Commission there is a motion and a second. He called for a vote.

***HAND VOTE: 13 For Conditional Approval, 7 Opposed. Motion carried.***

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**10-12 ZON Jason Hatfield Automotive LLC – Berlin Twp. – 2.42 acres from PCD to PID**

**I. Request**

The applicant, Jason Hatfield, is requesting a 2.42-acre rezoning from PCD/NCD to PID to allow a used auto, boat and RV dealership and repair facility.

**II. Conditions**

**Location:** 6925 State Route 37 East, Sunbury

**Present Zoning:** Planned Commercial and Office (PCD) and Neighborhood Commercial (NCD)

**Proposed Zoning:** Planned Industrial (PID)

**Present Use(s):** One single-family house formerly used for retail, with outbuildings

**Proposed Use(s):** used auto, boat and RV sales and repair facility

**School District:** Olentangy Local School District

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

**Critical Resources:** none

**Surrounding land uses:** Commercial lots to the east and west with residential lots north along 3 Bs and K Road

**Soils:** BeA Bennington Silt Loam 0-2% slope

**III. Process**

This is a rezoning of Planned Commercial and Office on the southern parcel and Neighborhood Commercial on the northern parcel. The cover of the text references that this is a rezoning from PCD to PID but the internal portion of the application does not respond in textual format to any of the Preliminary Development Plan language (18.06(A)). It also states on the first page of tab 3 that the existing zoning is PID. These details should be corrected before a final vote of the Zoning Commission.

**IV. Issues**

The applicant is rezoning from the current zoning districts to the Planned Industrial District because under PCD (the front parcel), the only motor vehicle dealers that would be permitted are Recreational Vehicles (441210), Motorcycles (441221), Boats (441222), and other non-auto vehicles (441229). The PID provides for New Car Dealers (44111), Used Car Dealers (44112) and RV Dealers (44121), as well as Repair and Maintenance (811).

The development plan shows that the existing brick building, which the Auditor's data indicates was built in 1901 will be retained and renovated as office space. Newer additions have been removed from the building and a new bathroom will be added to the northwest corner of the building. The large N/S building to the east will be retained as an automotive shop with three bays. A new RV shop will be connected to the automotive shop and extend to the west. Ample land is left undeveloped to the north as a buffer to residential uses and to preserve a drainage easement that allows a stream to carry water toward the Alum Creek Reservoir.

1. Use – The current site has been cleaned up from the previous use and the intended use has the potential to create a positive impact on the area, both visually and from a standpoint of tax base. How the frontage is handled and what items are displayed there is critical. The 36/37 corridor should include high-quality commercial and office uses, not necessarily those found in an Industrial zoning district. However, with increased landscaping and proper signage, the proposed plan could be a positive benefit to the corridor and the township.
2. Comprehensive Plan – The Comprehensive Plan acknowledges the current use and doesn't specifically recommend against a light industrial use. The corridor should reflect high-quality uses as a gateway into the county from Interstate 71. Based on the limitations put on the external storage and display of this site, the proposal could potentially achieve this since it pushes the more industrial/service uses to the rear and

“masks” it with the preserved building in front.

3. Setback – The code states that the setback is per plan, but other non-residential uses are at 130 feet from centerline. The current structure appears to measure at 140 feet from the actual perceived centerline (although recorded centerlines can vary). However, the code states that no more than 40% of the front setback area may be used for parking. Such parking areas must be a minimum of 20 feet from the nearest right-of-way. The five spaces in front of the building appear to be extra-long spaces designed to display items for sale. These spaces appear to be 12 feet from the parcel line and may take up more than 40% of the front setback, at least in width. The Zoning Commission should resolve this issue and ask for more detail on what will be displayed here.
4. Paving – Based on the zoning code, all common areas shall be paved. The construction drawings indicate crushed aggregate over a 304 aggregate. All areas should be paved. At minimum, the driveway entrance from 3 B's and K Road and all vehicular areas from there to the south should be paved.
5. Drainage – Staff notes that a variance for on-site stormwater detention is indicated on the engineering plans as having been granted from the County Engineer. This may be impacted with additional paving. It is also unclear from the drawings where the pavement (or gravel) ends along the eastern property line just south of the new building where a drainage easement and some storm structures are located. This should be clarified with the township before approval.
6. Landscaping – Landscaping is minimal, particularly given the impact of display vehicles along the frontage. Additional foundation planting should be provided along the frontage and in other places where possible.
7. Signage – A signage plan is provided. Two signs are proposed with each being internally lit. Each sign requires a divergence. The sign on 3 B's and K requests a setback divergence of 12 feet from the right-of way where 17 feet is required. This divergence is reasonable as there appears to be existing on-site tiles in the location where the setback would require sign placement. The sign along US 36/SR 37 requests a setback divergence of 19 feet where 23 feet is required. This may be a reasonable request, but seems to be driven by the location of the display vehicles along the frontage. The wide area of lawn beyond the edge of pavement also seems to support this request. However, if the display vehicles are moved away from the parcel line, the signage should be adjusted accordingly. Staff typically recommends against white backgrounds on internally-sit signs based on their contribution to sign clutter and driver distraction.
8. Service letters are provided, including from the EPA and Health District indicating preliminary permission to utilize the existing on-site system for a limited number of employees. The access from 3 B's and K Road appear to cross portions of the fields. The Zoning Commission should confirm that the EPA and DGHD letters are based on that configuration.
9. Access – ODOT's US 36/37 Access Management Plan shows the conceptual location of a backage road crossing the site just north of the existing service building. This backage road anticipates the future conversion of 3 B's and K Road into a right-in/right-out only configuration at its intersection with 36/37, as well as the eventual closure of existing curb-cuts onto 36/37. These backage roads should be taken into consideration when approving plans and should be provided for as development occurs. The conceptual location of this road does not impact the proposed or existing buildings and since the development of the site will not require re-platting, this issue cannot be resolved with this rezoning proposal.

## **V. Criteria for Approval**

That the proposed development is consistent in all respects with the intent, and general standards of this zoning

resolution, that the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply, that the proposed development advances the health, safety, and morals of the township and vicinity, that the proposed development is in keeping with the existing land use character and physical development potential of the area, that it will be compatible in appearance with the remainder of the district, and that the minimum open space as required has been provided.

***DCRPC Staff Finding:** If the variances are granted or otherwise adjusted and the conditions below are also considered, this proposal is generally consistent with the zoning and Comprehensive Plan. With some alteration, it will be consistent with the character of the surrounding area. Based on approval letters from service providers, the health, safety and morals are advanced.*

**VI. Staff Recommendations**

Staff recommends **Conditional Approval** of rezoning application of 2.42 acres for Jason Hatfield Automotive LLC, to the DCRPC, Berlin Township Zoning Commission and Berlin Township Trustees, subject to:

1. Corrections need to be made regarding the current zoning designations and requirement;
2. The applicant detailing in the Development Plan what material will be displayed in front of the building;
3. Determine whether the front setback is being encroached upon and the 40% is being exceeded by the parking area and making adjustments as needed;
4. Paving all common areas;
5. Increasing the amount of landscaping along the frontage;
6. Approval of sign location divergences but recommend reversing the colors of the sign to avoid internally-lit white backgrounds.

**Commission / Public Comments**

Mr. Mike Shade attorney for the applicant was present. He explained that there have been extensive meetings with the Township. The original landscape plan has been revised since submittal. Mr. Shade stated that while the sign has a white background it will not permeate since only the blue letters will be illuminated. The areas left unpaved were done so at the approval of the County Engineer for drainage reasons. The applicant will continue to work with the township regarding setbacks.

**Mr. Andrian made a motion to recommend Conditional Approval of the rezoning by Jason Hatfield, subject to staff comments. Mr. Hal Clase seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.**

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**IV. SUBDIVISION PROJECTS**

**Preliminary** (none)

**Preliminary/Final** (none)

**CONSENT AGENDA**

**Final**

05-12                    **Div. 1 of Lot 5122 of Big Bear Farms, Sec. 10, Lot 4615, Div. 1 – Liberty Twp. –  
02 lots / 02.139 acres**

**I.            Conditions**

**Applicant:** Liberty F LLC, c/o Elford Development  
**Subdivision Type:** Commercial  
**Location:** south side of West Powell Road, west of Sawmill Road  
**Current Land Use:** vacant  
**Zoned:** Planned Commercial (PC)  
**Utilities:** Del-Co Water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** Geo-Graphics Inc.

**II.           Staff Comments**

This subdivision is the division of a commercial lot into two lots. The immediate use will be the development of a Tim Horton’s on the eastern lot. The lot to the west has also been reviewed for a future tenant. A private access drive will cross the western lot to provide circulation around the site.

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

**III.          Staff Recommendation**

Staff recommends *Final Approval* of **Division #1 of Lot 5122 of Big Bear Farms, Section 10, Lot #4615, Division #1** to the DCRPC.

**Commission / Public Comments**

***Mr. Price made a motion for Final Approval of Division #1 of Lot 5122 of Big Bear Farms, Section 10, Lot #4615, Division #1. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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V.            **EXTENSIONS**    *(none)*

VI.          **OTHER BUSINESS**    *(none)*

VII.         **POLICY / EDUCATION DISCUSSION**    *(none)*

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

***Having no further business, Mr. Sedlacek made a motion to adjourn the meeting at 8:25 p.m. Seconded by Mr. Price. VOTE: Unanimously For, 0 Opposed. Motion carried.***

***The next meeting of the Delaware County Regional Planning Commission will be Thursday, October 25, 2012, 7:00 PM at the Delaware County Commissioners Office, 101 N. Sandusky, conference room, Delaware, Ohio 43015.***

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*Steve Burke, Chairman*

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*Stephanie Matlack, Executive Administrative Assistant*