



Delaware County Regional Planning Commission

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 www.dcrpc.org

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

MINUTES

Thursday, September 28, 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 August 31, 2006 DCRPC Minutes
- Executive Committee Minutes of September 20, 2006
- Statement of Policy

II. VARIANCES

20-06.V Hodges Road – Radnor Twp. – requesting a 4-lot CAD

III. PUBLIC CONSTRUCTION PROJECTS *(none)*

IV. ZONING MAP/TEXT AMENDMENTS

- 47-06 ZON Oxford Twp. Zoning Commission – Comprehensive Plan review
- 48-06 ZON Delaware Twp. Zoning Commission – text amendments
- 49-06 ZON T & R Properties – Troy Twp. – Comprehensive Plan amendment
- 50-06 ZON Troy Twp. Zoning Commission – Comp. Plan amendment,
- 51-06 ZON Troy Twp. Zoning Commission – text amendments, PID and Adult Entertainment District
- 52-06.A ZON T Village Communities – Liberty Twp. – 88.102 acres from FR-1 to PR
- 52-06.B ZON T Village Communities – Liberty Twp. – 4.01 acres from FR-1 to PC
- 53-06 ZON Berlin Twp. Zoning Commission – text amendments

V. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
22-06.1-4	Hidden Creek, Sections 1-4	Berkshire	106 lots / 86.00 acres
16-05.2	Willow Creek, Section 2	Harlem	04 lots / 10.00 acres
15-06	River Run	Liberty	25 lots / 39.15 acres
21-06.2.A/B T	Woodland Hall, Section 2, Phases A & B	Liberty	31 lots / 53.44 acres
12-06	Phinney Place (revised)	Orange	11 lots / 06.04 acres

Preliminary/Final

19-06	Golf Village North Commercial	Liberty	17 lots / 35.82 acres
23-06	Division #2 of River Bend, Section 2, lot# 4266	Orange	01 lot / 02.85 acres

Final

27-03.1.A T	North Star, Section 1, Phase A	Berkshire	03 lots / 336.29 acres
29-98.E.2.A T	Scioto Reserve Expansion, Sec. 2, Ph. A	Concord	15 lots / 04.92 acres
29-98.E.2.B T	Scioto Reserve Expansion, Sec. 2, Ph. B	Concord	42 lots / 18.31 acres
24-05.1.A	Little Bear Village, Sec. 1, Ph. A	Orange	02 lots / 07.95 acres
07-04.2	Olentangy Crossings, Section 2	Orange	03 lots / 59.26 acres
07-04.4	Olentangy Crossings, Section 4	Orange	07 lots / 23.38 acres
07-04.5	Olentangy Crossings, Section 5	Orange	75 lots / 41.07 acres

T=TABLED, W=WITHDRAWN

VI. EXTENSIONS

VII. OTHER BUSINESS

- Consideration for Approval: Auditor of State \$1,955.21

VIII. POLICY / EDUCATION DISCUSSION

IX. DCRPC 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, Robert Hedrick, Fred Fowler, Jim Ward, Kris Jordan, Steve Jefferis, Gary Gunderman, Bob Talbott, Holly Foust, Dick Gladman, Larry Crile, Bill Thurston, Marvin Miller, Lloyd Shoaf, Tom Brown, and Mike Datillo. *Alternates:* Ray Armstrong, Dusty Gurney, Doug Riedel, and Eric Fischer. *Staff:* Scott Sanders, Paul Deel, Jason Kaplan, Da-Wei Liou, and Stephanie Matlack.

▪ **Approval of the August 31, 2006 DCRPC Minutes**

Mr. Shoaf made a motion to approve the minutes from the August 31, 2006 meeting. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Ward). Motion carried.

▪ **September 20, 2006 Executive Committee Minutes**

1. Call to order

Chairwoman Foust called the meeting to order at 9:00 a.m. Present: Holly Foust, Dick Gladman and Lloyd Shoaf. Absent: Jim Ward and Steve Burke. Staff present: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes

August 23, 2006 – Mr. Gladman made a motion to approve the minutes of the August meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. Old Business

a. Contract updates – Mr. Sanders reviewed the on going/upcoming contracts:

- 1.) **Genoa Twp.** – called with population questions and possible completion of their Comprehensive Plan
- 2.) **Etna Twp., Licking County** – discussing possible assistance with zoning text updates

4. New Business

a. Financial / Activity Reports for August 2006

REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,665.00	\$15,930.00
Fees A (Site Review)	(4202)	\$200.00	\$1,100.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$720.00
Membership Fees	(4204)		\$231,245.96
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$860.87	\$15,587.51
Assoc. Membership	(4206)		\$3,000.00
General Sales	(4220)	\$113.40	\$1,304.27
Charges for Serv. A (Prel. Appl.)	(4230)	\$5,903.80	\$75,835.19
Charges for Serv. B (Final. Appl.)	(4231)	\$5,767.10	\$113,018.12
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$3,300.00
Charges for Serv. D (Table Fee)	(4233)	\$1,000.00	\$4,600.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$1,800.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$50.00	\$31,450.00

Soil & Water Fees	(4243)	\$375.00	\$2,487.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$15.00
Other Reimbursements A	(4721)		\$3,852.59
Other Misc. Revenue (GIS maps)	(4730)	\$303.20	\$2,342.76
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$18,238.37	\$507,588.40

Balance after receipts	\$233,196.04
Expenditures	- \$ 34,741.80
End of August balance	\$198,454.24

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

- b. **September DCRPC Preliminary Agenda** – Mr. Sanders stated that the September agenda included 1 variance, 4 rezoning/text amendments, 5 preliminary, 2 combined preliminary/final, and 7 final applications.
- c. **Consideration for recommendation of approval: Auditor of State, \$1,955.21** – *Mr. Gladman made a motion to recommend approval of the State Auditor invoice for \$1,955.21. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*
- d. **2007 Proposed Budget** – Mrs. Matlack presented the Committee with the first draft 2007 Budget. She explained that the Committee would need to make a recommendation to the full Commission at the November DCRPC meeting. The Commission would receive a copy of the proposed budget prior to the November vote. There were no major anticipated expenditures proposed in the draft. The Committee briefly discussed and agreed that since performance evaluations come due the beginning of January, they should give consideration to promoting Mr. Sanders from Interim Director to Director, and that any associated pay increase should then be considered in 2007 budget approval process.

6. **Other Business** (none)

7. **Personnel** (none)

8. **Adjourn** – Having nothing further, *Mr. Gladman made a motion to adjourn the meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

Meeting adjourned at 10:30 a.m.

The next regular Executive Committee meeting will be Wednesday, October 18, 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

20-06.V Hodges Road – Radnor Twp. – requesting 4 lot CAD

Applicant: Donald Reninger c/o Ted Robinson

Location: North and east of 153 Hodges Road, Radnor Township.

I. Request

The applicant seeks to develop a 26.75-acre lot into a 4-lot Common Access Drive subdivision on the east side of Hodges Road in Radnor Township. The proposed subdivision is designed so that a large 9.5 acre lot contains the entire frontage on Hodges Road and owns the CAD. The remaining 3 lots (5-7 acres) would gain access from the CAD. A variance is requested from Section 306.01 which allows a maximum 3 lots on a CAD (except that 2 additional lots may be allowed if the additional lots have road frontage and are adjacent to the CAD at its access to the road).

II. Facts

1. The Delaware County Subdivision Regulations specify in section 306.01 that a CAD shall access no more than three lots, except as provided in Section 306.07 (two additional lots allowed contiguous to the CAD and with existing road frontage).
2. The property is 26.75 acres but contains only 150' of road frontage. An initial design did provide frontage for the fourth lot, but the County Zoning Resolution prohibits side by side flag lots. There is no possibility of acquiring additional frontage from adjacent property to allow the fourth lot to have the required frontage.
3. The property is surrounded by low density residential (5+ acre lots), agriculture, and a church.

III. Criteria for a Variance

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

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

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

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

Staff finding: This is a large (26.75 acre) parcel with limited (150') frontage.

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

Staff finding: The proposed density of the subdivision is in keeping with the surrounding character.

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 variance would not vary any existing zoning regulation or comprehensive plans. The proposal achieves the goal of reducing multiple curb cuts in close proximity, which is the reason for the county regulation prohibiting side by side flag lots.

IV. Staff Recommendation

Staff recommends **Approval** of the variance to allow a fourth lot to access a CAD for the Robinson tract.

Commission / Public Comments

Mr. Don Reninger was present to answer questions from the Commission.

Mr. Shoaf made a motion to approve the variance request. Mr. Miller seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Ward). Motion carried.

III. PUBLIC CONSTRUCTION PROJECTS

IV. ZONING MAP/TEXT AMENDMENTS

47-06 ZON Oxford Twp. Zoning Commission – Comprehensive Plan review

Applicant: Oxford Township Zoning Commission

I. Introduction

The township zoning commission initiated a comprehensive planning process in 2005. The initial comprehensive planning meeting was held August 15, 2005 at the township hall. Those in attendance participated in a nominal group process that identified the perceived land development strengths, weaknesses, opportunities and threats within the township. The citizens noted such positives as safe roads, rural atmosphere, green space, good drainage, community park and low density. Perceived negatives included annexation threats, conflicts between property rights versus township vision, high-density urban sprawl, high-speed traffic, and new eminent domain laws.

A steering committee was formed and continued to work through 2005-2006 on the plan, resulting in a land use map and accompanying text that sets the tone for future development within the township. This is a summary of the comprehensive plan findings and recommendations.

II. Vision statement

As Oxford Township experiences growth pressures, we would like to retain our rural character, with conservation of agriculture and recommendations for lower density residential communities. Economic development should be planned along major arterial roadways. Residential development should be focused on lands surrounding the Village of Ashley with homes built on large lots with expanded infrastructure and a network of roads to support ultimate build-out. Major efforts should be made to retain green space with developments and encourage continuation of agricultural uses in the township.

III. Objectives of the Comprehensive Plan (summary)

Design and Rural Character

1. Require the linkage of developments through vehicular and pathway connections.
2. Amend the zoning resolution to reflect the net developable acreage rather than gross density in calculating the number of dwelling units in planned residential developments.
3. Amend the zoning resolution to identify and protect floodplains, jurisdictional wetlands, and steep slopes.
4. Avoid sprawling single-use residential subdivisions with large curve radii designed for cars more than pedestrians.
5. Prevent snout houses by appropriate setback regulation for front-loaded garages.
6. Apply for state and federal funding for the purchase of agricultural easements.

Residential Development

1. Retain single-family residential densities of less than 1 dwelling unit per 2 acres as currently required in the FR-1 district.
2. Use the width of roads, water and sewer systems to establish densities and land uses on the comprehensive plan.
3. Avoid development of uses or densities that cannot be serviced by currently available or imminently planned infrastructure, unless such development mitigates its unplanned infrastructure impacts.
4. Use net developable acreage as the basis for density calculations. Net developable acreage equals the gross tract minus: 15% for roads; area of 100-year floodplains; area of existing bodies of water; area of slopes greater than 20% area of jurisdictional wetlands; area of above ground utilities and utility easements).

Commercial and Industrial Development

1. Create architectural, signage, streetscape, lighting and landscape guidelines for new commercial development.
2. Create development guidelines for planned commercial development (including buffering of adjacent uses).
3. Use parallel frontage or backage roads on US 42 to control access on these arterial roads where non-residential uses exist.

Natural Resources

1. Encourage the dedication of useable open space in planned residential developments. Identify / increase the amount of active versus passive open space that is acceptable.
2. Identify floodplains, jurisdictional wetlands, and slopes over 20% in planned developments and protect them as permanent open space.
3. Stipulate the kinds of centralized green spaces envisioned for planned developments.
4. Require storm-water detention/retention with all new developments.
5. Require the linkage of planned residential developments by bike paths or walking paths in green ways so those new neighborhoods are pedestrian oriented.
6. Establish landscape standards and landscape detail for pedestrian/bike greenways along tributary streams/rivers.
7. Retain natural ravines and their vegetation in open space as filter strips to protect surface water.
8. Establish a 120-foot structural setback from designated waterways, including subsurface wastewater treatment systems.
9. Prohibit development in the 100-year floodplain.
10. Retain rural views from roadways with new developments.

Recreation

1. Use NRPA suggested guidelines for parkland to population ratios. These suggested ratios are 6.25-10.5 acres of core (total) parkland for every 1,000 population.
2. Create a series of mini parks (less than 1 acre) with ¼ mile spacing within planned developments or TNDs. Parkland to population ratio is .25-. 5 acres per 1,000.
3. Create 15-acre neighborhood parks with active recreation at ½ mile spacing in planned neighborhoods. Parkland to population ratio is 1-2 acres per 1,000 population.
4. Expand the existing township park into a large community park of 25 or more acres, at a ratio of 5-8 acres per 1,000 population.
5. Establish greenway corridors with paths and trails along creeks. Use greenways to connect neighborhoods.

Township Services

1. Acquire by donation, lease, or purchase, lands for new township facilities. This includes Del-Co Water and various county services that are offered in Oxford Township.
2. Services should be limited to those currently needed.
3. The Comprehensive Plan should be used as a guide for zoning and for services and capital improvement planning.

Transportation

1. Cooperate with ODOT on removing / preventing unnecessary commercial curb cuts on US 42 and SR 229.
2. Consider smaller transportation routes in relation to larger regional transportation issues.
3. Establish a pedestrian/bike path network that links all neighborhoods with churches, schools and parks.
4. Require commercial parallel access roads and connections between planned commercial developments.
5. Adopt the portion of the 2002 Delaware County Thoroughfare Plan as it relates to Oxford Township (see Chapter 9).
6. Adopt the appropriate ODOT Access Management recommendations; work with ODOT to prevent the deterioration of US 42 & SR 229.
7. Encourage vehicular connectivity as part of new developments.

Planning and Zoning

1. Revise the zoning text and map in accordance with the Comprehensive plan.
2. Develop policies for service provision that relate to the Comprehensive Plan.
3. Provide for 10 year updates and revisions to the plan.
4. Use the Comprehensive Plan as the guideline in zoning.

Citizen Participation

1. Use the steering committee as the primary citizen input to the Zoning Commission in amending the Comprehensive Plan.
2. Advertise open informational meetings to discuss and review the recommendations of the plan prior to public hearings.
3. Publish and mail a synopsis of the plan to every household.
4. Use an evaluation survey with an open viewing at the township hall to introduce the plan and to determine how the public feels about the future vision for the township.

IV. Recommendations

Three Sub-Areas were created for plan recommendations and the recommendations summarized below.

Sub-Area I – Ashley area *Approximately 1000 acres around the Village of Ashley.*

Sub-Area 2A – Indian Run *Approximately 8,980 acres in the western 2/3 of the township.*

Sub-Area 2B – Alum Creek *Approximately 2,861 acres in the Alum Creek watershed.*

1. A Joint Economic Development District should be established for unincorporated lands recommended for future commercial or industrial development in the 2004 Village of Ashley Comprehensive Plan. An agreement should be established for these lands prior to having private development interest, so as to ensure a win-win situation for the Village of Ashley and Oxford Township.
2. A cooperative agreement should be pursued with the Village of Ashley to provide centralized sewer service to lands adjacent to the village boundaries. The Delaware General Health District will likely ask for lands adjacent to sewer to utilize public sewer instead of permitted private on-lot treatment systems. If a service agreement is not reached and adjacent lands to the village choose to develop, this could yield un-planned, leap-frog annexations that would not promote smart growth.
3. Developments surrounding Ashley should connect to existing and/or planned streets and emulate the historic grid-street pattern to provide for effective distribution of traffic and promote traditional neighborhood design. A network of public roads should be expanded as development occurs to distribute vehicular traffic flows. Public roads should be extended, where possible, to allow for more direct routes through the township.
4. In order to promote rural character and retain agricultural open space, it is suggested that PRD zoning be amended to allow for conservation subdivisions without requiring public sewer and permitting agricultural farmland and passive natural resources as permanent open space within residential developments at a maximum density of one (1) dwelling unit per two (2) net developable acres.
5. Improvements should be made to the intersection of State Route 229 and Horseshoe Road and the intersection of Maloney and Ashley Roads to create better sight-distance from these intersections.
6. Lands adjacent to the Township Hall and Park should be considered for expanded park space by open space dedication or purchase by Township Trustees.
7. Landowners should be educated about revenue possibilities with agricultural easement purchase programs in an effort to preserve agricultural farmland. This will allow a financial relief valve for large property owners who are tempted to split off acreage for the purpose of sustaining financial stability in periods of economic uncertainty. Splits that occur as a result of financial instability are not typically an effective use of land and tend to use up substantial road frontage for residential lots and limit access to backland acreage.
8. Allow for appropriately planned growth of Recreation Unlimited on their current campus either with variance requests with the FR-1 district or by adoption of a development plan in a planned district.
9. Greenways should be promoted along existing township roadways and the banks of the western branch of the Alum Creek to provide for pedestrian and bicycle traffic to travel throughout the township as development occurs and rural roadways become more congested with vehicular traffic.

V. DCRPC Staff Recommendation

Staff recommends **Approval** of the Oxford Township Comprehensive Plan of 2006 to the DCRPC, the Oxford Township Zoning Commission and the Oxford Township Trustees.

Commission / Public Comments

Mr. Ward made a motion to recommend approval of the Oxford Township Comprehensive Plan. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

48-06 ZON Delaware Twp. Zoning Commission – text amendments

Applicant: Delaware Township Zoning Commission

I. Introduction

The township zoning commission initiated a comprehensive review of its zoning code in 2003. DCRPC staff assisted the township during 2003 and 2004 on numerous updates to make the code consistent with RPC’s “model” codes that were developed for other townships. The code has been reviewed by the staff of the County Prosecutor and recommended changes have been made.

II. Summary

Because of the comprehensive nature of the changes, this is only a brief summary of some of the major updates:

1. At least thirty-five definitions were either added or amended;
2. “Nature of the Districts” section;
3. Agriculture definition;
4. Telecommunications towers;
5. Limited Home Occupations as permitted uses;
6. Expanded Home Occupations as conditional uses;
7. Pre-2006 Adult Use language in the Industrial District;
8. New Landscaping section;
9. Brought into compliance with the ORC the sections on Zoning Inspector, Zoning Commissions, Zoning Amendments, and Board of Zoning Appeals;
10. Added a Floodplain Overlay District;
11. Deleted the Planned Office District and combined the standards with the Planned Commercial District to create a new Planned Commercial and Office District (PCD);
12. Deleted the Neighborhood Office District (C-2) and combined the standards with the Neighborhood Commercial District (C-1) to create a new Neighborhood Commercial and Office District (C-1).

A significant amount of research and discussion took place regarding architectural standards and the township’s desire to establish a Historic District. It was determined that while recent state legislation allows townships to establish general architectural standards, such legislation was not intended to be applied to historic districts or areas where buildings are either on the National Register or qualifying for the National Register or state historical inventories. A draft of architectural standards was prepared. However, because the intention was not to apply them uniformly across the entire township, staff and the Prosecutor’s office determined it not be included.

III. DCRPC Staff Recommendation

Staff recommends **Approval** of the Delaware Township Zoning Amendments to the DCRPC, the Delaware Township Zoning Commission and the Delaware Township Trustees.

Commission / Public Comments

Mr. Miller made a motion to recommend approval of the Delaware Township Zoning amendments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

49-06 ZON T & R Properties – Troy Twp. – Comprehensive Plan amendment

Applicant: T & R Properties

Request: Map amendments to the Troy Township Comprehensive Plan

I. General

Troy Township adopted a Comprehensive Plan in 2002. At the time, no county sanitary sewer service was anticipated along the US-23 corridor north of the city of Delaware. In 2004, the County prepared a Sewer Master Plan Preliminary Report that identified this corridor as a proposed future sewer service area, with service being development driven. The township agreed to increase density along the US-23 corridor (see 2004 Delaware County Sewer Master Plan Preliminary Report Map 6C) to make sewer cost feasible. These proposed sewer densities were 0.75 units per acre north of Coover Road and south of Penry Road, and 1.25 units per acre south of Coover Road and north of Hills Miller Road.

The applicant, T&R Properties, is asking Troy Township to amend its Comprehensive Plan for 207.038 acres located on the east and west sides of US-23, south of Coover Road. The Comprehensive Plan amendment is requested so the applicant may request a rezoning from FR-1 to Planned Commercial District (PCD) and Planned Residential District (PRD) for residential and commercial uses.

The applicant proposes to construct a new sewage treatment plant on its land on the east side of US-23, south of Coover Road, with an easement allowed for discharge into the Olentangy River south of the City of Delaware's water intake. The plant will be given over to the Delaware County Commissioners for permanent ownership and maintenance.

This is the second Comprehensive Plan amendment request from the applicant for this land. In June 2004, the applicant requested comprehensive plan changes for the extension of commercial along the frontage on both sides of US-23, 1,100 feet west of US-23 from 700 feet, and to the Olentangy River on the east side of US-23. In addition, the applicant requested increased residential densities from one unit per two acres to 4.5 units per acre for multi-family residential and 2.5 units per acre for single-family residential in the western edge of the development area. RPC gave conditional approval for the extension of commercial on the west side of US-23 and on the east side with a park/preservation buffer along the Olentangy River. For the residential densities, the RPC approved the maximum of 1.25 units per acre south of Coover Road and 0.75 units per acre north of Coover Road, following the 2004 Delaware County Sewer Master Plan Preliminary Report.

Troy Township's Trustees denied all of the above requests from the applicant on October 14, 2004, subsequent to the RPC conditional approvals.

II. Request

The applicant has reduced the development area and subsequently the request covers those properties south of Coover Road, east and west of US-23. The applicant is requesting comprehensive plan changes for those properties.

1. On the east side of US-23, extend Planned Commercial and Office from 300 feet parallel and east of US-23 to the Olentangy River. The existing comprehensive plan designation is Potential Township Park/Preservation Area along the Olentangy River and Single-Family Residential at one dwelling unit per two acres.

DCRPC Staff Recommendation: Extend the commercial designation; however, retain the future park or conservation area along the river for a buffer from the proposed commercial use. This provides a focal area and protection for the river from more intense uses.

2. On the west side of US-23, extend Planned Commercial and Office from 700 feet parallel to and west of US-23 to approximately 2,500 feet parallel and west of US-23. This designation would include commercial uses as well as multi-family residential with density of five dwelling units per acre. The existing comprehensive plan designation west of the PCD designation is Single-Family Residential at one dwelling unit per two acres.

DCRPC Recommendation: Extend the commercial and office use to 2,500 feet west of US-23, however, in keeping in line with the 2004 Delaware County Sewer Master Plan Preliminary Report, residential density is recommended at a maximum of 1.25 units per acre.

3. West of the requested PCD area is for Planned Residential District at two dwelling units per acre. This area is currently designated as Single-Family Residential at one dwelling unit per two acres.

DCRPC Recommendation: Again, consistent with the 2004 Delaware County Sewer Master Plan Preliminary Report, this area calls for a maximum of 1.25 dwelling units per acre when serviced by sewer.

4. The 2004 Delaware County Sewer Master Plan Preliminary Report recommends extension of sewer in Troy Township from south of Penry Road to the City of Delaware border, west to Radnor Township and east to the Olentangy River. Also designated for sewer service is the southeast corner of the Township. With the extension of sewer service, recommended residential densities are 1.1 to 1.25 dwelling units per acre for the area east of US-23 and in the southeast corner of the Township and 1.26 to 2 dwellings units per acre recommended for those areas bordering the city of Delaware.

DCRPC Recommendation: RPC staff recommends that Troy Township update their Comprehensive Plan to include the suggested densities for these areas of their Township to be serviced by sewer.

Commission / Public Comments

Mr. Ron Sabatino was present. He stated that a year and a half ago, the Regional Planning Commission and the Troy Twp. Zoning Commission unanimously recommended approval. Then Township Trustees asked him to be patient while they figure out whether the City or the County was going to have the sewer rights. The EPA has issued a new 208 plan which includes Appendix 9.1 item 7 states “County Commissioners under ordinance 61.17 have authority for all central sewers and sewage treatment in all unincorporated areas”. He explained that there is a minimum capacity in order to build the facility that will be expandable. They feel that 1.25 du/ac. for the multi-family is not sufficient as suggested by RPC staff but would like to move forward and work with the Township Trustees.

Mr. Miller questioned whether the Commission had the authority to approve a Comprehensive Plan change. Mr. Sanders stated that this has been the tradition followed for the past few years. When the RPC gets a zoning request to go above a density on an existing Comprehensive Plan, the Township has requested the Commission’s recommendation. Mr. Sanders stated that there will be further discussion of

this issue in the future.

Mr. Miller made a motion to recommend conditional approval of the Comprehensive Plan amendment, subject to staff comments if the Township so elects to adopt them. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

50-06 ZON Troy Twp. Zoning Commission – Comprehensive Plan amendment (PID)

Applicant: Troy Township Zoning Commission

Request: Review proposed Troy Township Comprehensive Plan amendment for designation of land for future Planned Industrial District (PID).

I. Staff Comments

The Troy Township Zoning Commission recognizes a need to provide for an area within the township for future industrial land uses. The current 2002 Comprehensive Plan does not provide for such uses. The area proposed is bounded by the township line to the north, Radnor Road to the south, Norfolk and Southern railroad tracks to the west and the western boundary of the proposed Planned Commercial land along the US 23 corridor to the east.

II. Staff Recommendation

DCRPC staff recommends to the DCRPC, Troy Twp. Zoning Commission and Troy Twp. Trustees that the Troy Comprehensive Plan **be amended** to show planned industrial use for lands delineated by the Zoning Commission.

Commission / Public Comments

Mr. Miller made a motion to recommend approval of the Troy Township Comprehensive Plan amendment. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

51-06 ZON Troy Twp. Zoning Commission – Zoning text amendment, PID and Adult Ent. district

Applicant: Troy Township Zoning Commission

Request: Review proposed Troy Township Zoning Text amendments to Article IV (Definitions), Article XVII (Adult Entertainment), and Article XVIII (Planned Industrial).

I. Staff Comments

The Troy Township Zoning Commission has been working with the DCRPC Staff for the last 18 months on revisions to the Zoning Resolution. The Township has already adopted new regulations for the PRD and PCD districts. The zoning commission is now ready to move forward with new PID and Adult Entertainment regulations.

Article IV Definitions – Several new definitions are proposed to compliment the proposed Adult Entertainment District.

Article XVII Adult Entertainment –

A new Article XVII is added that describes where adult entertainment is permitted including restrictions placed upon it. DCRPC staff and Orange Township wrote these model regulations, which have been reviewed by Orange Township's attorney, DCRPC legal counsel, and the County Prosecutor. It should be noted that landscape of regulating adult businesses continues to evolve as more legal challenges work their way through the courts.

Troy Township is relying on studies of “adverse secondary effects” of similar adult entertainment uses in other communities to establish that certain precautions need to be taken to prevent adverse secondary effects on residences in residential areas, K-12 schools, churches, parks, libraries and day care centers.

In this amendment, a distinction is made between “mainstream media” shops (which may sell up to 10% of their inventory as “hard core” material) and “adult book stores” or entertainment establishments that derive a “significant proportion” of their income from sale of “sexually explicit materials”.

1. Mainstream media shops are defined as follows:

“Media shop or store, mainstream, means a general term, identifying a category of business that sells and displays publicly various forms of media, at least 90% of which is not hard core material. A maximum of 10 % of the products sold may constitute hard core material, provided that any hard core materials are placed within an enclosed space, where entrance is limited to adult patrons only and where the hard core material is not displayed publicly.”

2. Mainstream media shops would be permitted in Planned Commercial, Highway Service or Planned Industrial Districts provided that no more than 10 percent of their gross floor area may be devoted to hard core material and they separate the hard core material.

3. Adult entertainment establishments are defined in Article VI (Definitions).

4. Adult Entertainment Establishments, with the exception of "touching businesses", would be permitted in the Planned Industrial district, but they shall not be permitted within 900 feet (measured from the closest property line of each use) of:

- (a) A religious institution;
- (b) A kindergarten -12th grade school;
- (c) A park or playground;
- (d) A residence within a residential zoning district;
- (e) A library;
- (f) A day care center; or
- (g) Another adult entertainment establishment.

5. Only one adult entertainment establishment (i.e. adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment) is permitted in a single building. No co-location of adult entertainment establishments is permitted within one building. It is not permissible to co-locate an adult bookstore with an adult theater, for example.
6. Hard core material is not permitted to be displayed publicly, as defined.
7. No adult entertainment establishment shall be permitted to open for business prior to 10:00 a.m. or later than 11:00 p.m.
8. Viewing booths shall not be used in conjunction with any "touching business" that results in the touching of clients by employees or employees by clients.
9. Adult entertainment stores that sell both mainstream media and hard core material shall physically and visually separate hard core material from main stream media using the standards in Section 18.02 a) 1) through 8).
10. Prohibited Adult Entertainment Establishments- "Touching businesses" such as non-therapeutic massage, lap dancing, and nude modeling that involves employee-client touching would not be permitted in Troy Township, since these are not protected by the first amendment to the U.S. Constitution.

Article XVIII Planned Industrial District (PID) – deletes the current article and replaces it with a new article for Planned Industrial District. The highlights of the changes are:

- Modernizes the list of permitted uses by converting it to the NAICS code numbers for very specific uses, and adopts the NAICS system by reference.
- Increases the detail of the rezoning and development plan review process by adding more specific evaluation and application criteria.
- Changes the process from a one-step to a two-step process in accordance with Ohio's 1997 HB 280. If, however, the applicant wants a one-step Preliminary and Final development plan approval at the time of zoning, that option is available.
 1. The rezoning application is accompanied by a preliminary development plan. The Township makes its decision to rezone or not to rezone based upon the preliminary development plan. This is the legislative event, and is referendable. If the applicant modifies the preliminary development plan, he must return to the Trustees, who determine if the amendment is a major or minor modification. If major, he must submit a new preliminary development plan, which is referendable. If minor, the change is submitted to the Zoning Commission for their review. Requires both Zoning Commission approval and the Trustees upholding to be rezoned.
 2. The final development plan requires very specific detail on a variety of criteria. The final development plan is an administrative review by the Zoning Commission only and is not referendable.

- Requires a Conditional Use in accordance with Article XVII for adults-only entertainment.
- Sets a standard for side and rear yards that is 1/3 the sum of the height plus the width of the structure, but in no case less than 100 feet from a residential property line.

Staff notes two areas of concern:

1. **Section 18.001 contains a reference to Section 5.085. There is no such section in the current Resolution.**
2. **Section 18.03 contains restrictions for Adult Entertainment businesses that are not consistent with the standards in Article XVII. We suggest the standards in 1803 should be eliminated with only a reference to Article XVII needed.**

II. Staff Recommendation

Staff recommends **Conditional Approval** of the Troy Township Zoning text amendments to the DCRPC, the Troy Township Zoning Commission, and the Troy Township Trustees, *subject to the 2 corrections noted for Article XVIII.*

Commission / Public Comments

Mr. Miller made a motion for Conditional Approval of the Troy Township text amendments, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

52-06.A ZON Village Communities – Liberty Twp. – 88.102 acres from FR-1 to PR

52-06.B ZON Village Communities – Liberty Twp. – 4.01 acres from FR-1 to PC

**** Both have been tabled by Liberty Twp. by request of the applicant. ****

53-06 ZON Berlin Twp. Zoning Commission – text amendments - Addition of certain NAICS Codes

Applicant: Berlin Township Zoning Commission

I. Introduction

Berlin Township recently updated its Zoning Text to include NAICS Codes into its Planned Commercial and Office District. After adopting the changes, it was realized that the change had caused some existing businesses to become non-conforming uses. The current amendment seeks to add Codes that will allow these existing businesses to retain their status as Permitted Uses.

II. Codes to be added:

- 53113** Lessors of Mini warehouses and Self-Storage Units
- 44121** Recreational Vehicle Dealers
- 44122** Motorcycle, Boat, and Other Motor Vehicle Dealers

III. DCRPC Staff Recommendation

Staff recommends **Approval** of the Berlin Township Zoning Amendments to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees.

Commission / Public Comments

Mr. Ward made a motion to recommend approval of the Berlin Township Zoning amendments. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. SUBDIVISION PROJECTS

Preliminary

22-06.1-4 Hidden Creek, Sections 1-4 – Berkshire Twp. - 106 lots / 86.00 acres

Applicant: Trinity Homes

Subdivision Type: Single-family residential

Location: East side of S. 3 B's & K Road, adjacent to I-71, south of Falling Meadows Drive, north of Dustin Road, Berkshire Township

Current Land Use: Single-family residential and Agriculture

Zoned: Planned Residential District (PRD)

Utilities: Del-Co water and public sanitary sewer

School District: Olentangy

Engineer: Hockaden & Associates, Inc.

I. Staff Comments

Hidden Creek, Sections 1 – 4, is a proposed 106 lot single-family residential subdivision on 85.115 acres in Berkshire Township. The applicant received Berkshire Township zoning approval for Planned Residential District in July 2003, with an extension approved in April 2006.

There are five open space areas totaling 36.45 acres, or 42.8% of the site. Three of the open space areas have retention ponds. All of the open space areas have walking paths. The easternmost open space area "E" contains two recreation fields with buffering along I-71. Surrounding land uses include the single-family subdivisions of Killdeer Meadows to the north, Harbor Pointe (Berlin Twp.) to the west, and an 89 acre parcel to the south owned by Olentangy Local Schools. The Berkshire Township Comprehensive Plan designates this site as Single-Family at 1.25 dwelling units per acre with centralized sewer. The density for this development is 1.25 DU/acre, which meets the Comprehensive Plan requirement, and is in character with surrounding residential land uses.

A technical review was held on September 19, 2006, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval* of **Hidden Creek, Sections 1 – 4** to the DCRPC.

Commission / Public Comments

Mr. Kurt Ziessler of Hockaden & Associates was present to represent the applicant.

Mr. Ward made a motion for Preliminary approval of Hidden Creek, Sections 1-4. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Snajd). Motion carried.

16-05.2 Willow Creek, Section 2 – Harlem Twp. - 04 lots / 10.00 acres

I. Conditions

- Applicant:** Webster Building Company Inc.
- Subdivision Type:** Single-family Residential (CAD)
- Location:** 5192 Harlem Road, Harlem Twp.
- Current Land Use:** Vacant
- Zoned:** Farm Residential District (FR-1)
- Utilities:** Del-Co water and individual on-lot sewage systems
- School District:** Big Walnut
- Engineer:** Mike Williamson, P.E., Cornerstone Engineering

II. Staff Comments

Willow Creek Section 2 includes 4 lots on 10 acres. These lots will access the common access driveway in Willow Creek (Section 1) to the south. The DCRPC approved a variance in July to allow the additional lots to access the existing 4-lot CAD for a total of 8 lots served by a CAD. The lots in Section 2 range from 2 to 3.5 acres and will utilize Del-co water on individual on-lot treatment systems. This site was rezoned to FR-1 by the township earlier this year (DCRPC #60-95 zon).

A technical review was held on September 19, 2006, after which the applicant has addressed all of the required changes, except:

- A revised CAD plan needs to be submitted reflecting the conditions of the CAD variance including pavement cross section and entry sign detail.
- Provide a new CAD maintenance agreement.

III. Staff Recommendation

Staff recommends *Conditional Preliminary Approval* of **Willow Creek Section 2**, to the DCRPC, *subject to the submission of a revised CAD plan and maintenance agreement.*

Commission / Public Comments

Mr. Jody Park was present to answer questions from the Commission.

Mr. Ward asked if the applicant was willing to place an address sign for all lots at Harlem Road and individual address signs at each drive entrance. Mr. Parks agreed.

Mr. Shoaf made a motion for conditional Preliminary approval of Willow Creek, Section 2, subject to

staff and Commission comments. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

15-06 River Run – Liberty Twp. - 25 lots / 39.15 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. History

The preliminary plan application for River Run was denied by the DCRPC in August after the developers tabled in July to work with neighbors on some concerns raised at that meeting. The developers are resubmitting this application with additional changes based on comments from last month. The current proposal has eliminated a lot (Lot 4 on the previous plan), shows driveway locations for all lots with proposed grades, reconfigured and expanded the retention pond, provided perimeter tree preservation easements around the entire subdivision, and expanded the ODNR easement to preserve more of the site's steep slopes and woods.

II. Staff Comments

River Run is a proposed 25 lot subdivision on 39.3 acres (0.64 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.

III. Issues/concerns

1. Circulation – 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 DCRPC 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. ***9/28/06 update – ODOT (Greg Channel, Access Management Coordinator) has provided a letter that supports the proposed access to Jewett Road. Their position is that if an alternate access is provided for the development then they would not allow access to SR 315. If the subdivision's only access is via SR 315, then ODOT would limit it to right-in/right-out only.***

2. **Grading** – It was noted during the previous applications' Technical Review Committee meetings that several lots appeared to propose excessive cutting or filling, especially lots along the ravine. Code Compliance has stated that these issues must be resolved at final engineering. Staff would like a more detailed grading plan to be prepared and reviewed prior to any site clearing activity. ***9/28/06 update – driveways for all lots have been shown. None of the proposed grades exceed 10%, which is the maximum permitted by Liberty Township zoning.***
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. ***9/28/06 update – the preliminary plan shows additional areas protected by the proposed ODNR easement, including areas off-stream along the steep wooded slopes of 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. ***9/28/06 update – driveways for all lots have been shown. None of the proposed grades exceed 10%, which is the maximum permitted by Liberty Township zoning.***
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. ***9/28/06 update – The detention pond has been reconfigured and enlarged.***
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 project has had multiple technical review meetings. The applicant has addressed all of the required changes for Preliminary plan approval. 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 III. Should final engineering cause changes to the approved preliminary, a new preliminary plan application may be required.

IV. Staff Recommendation

Staff recommends *Preliminary Approval* of **River Run** to the DCRPC.

Commission / Public Comments

Mr. Jack Butler, attorney for the applicant was present to answer questions from the Commission. He stated that Mr. Bruce Miller, Mr. Paul Cugini, and Mr. Dennis King were present from River Run of Powell. Mr. Anthony Golden and Mr. Curt Dommer, independent engineers were also present. Mr. Butler explained that the RPC staff recommended conditional approval at the last meeting subject to several items that would normally have been addressed at the final engineering stage. The Commission voted for denial and the developers got the message and made some adjustments to the plan. The new plan has 25 lots 2 less than originally proposed, although zoning allows for up to 39 lots. All streets include drainage ditches. All lots are larger than 1 acre. Lot 4 was eliminated as a building site. They have allowed for a larger retention basin than may be required by the County. No home sites will be built on a treed slope that is greater than 20%, even though there is no legal requirement prohibiting that. They are sensitive to the concerns of the neighbors. The developers have conducted a field study to site the homes and none are in the 20% treed slope area except for one (lot #10). Lot #10 is an open, grassy lot. The road was cut in and changed that area to the 20% slope. All streets will be private streets and are marked as such on the plans. The grant for the ODNR conservation easement has been expanded to include other areas. They intend to prohibit buildings in the designated areas of treed 20% slopes by deed restrictions. The developers have opted for a bridge that spans the run and protects the embankment areas. This is at a cost of three times what a culvert would cost. The plan calls for a 25'-50' no disturb zone around the perimeter of the property to the benefit of the neighboring property. Landscaping will be provided at the entrance. The developers also plan to grant land along SR 315 to the ODNR so that this area will not be disturbed. Mr. Butler explained that the elevation of the base of the detention basin is 790' and 795' at the top. The flood plain is listed at 782.5' in this area. That would be 7.5' below the base of the basin and 12.5' below the top of the basin. This project is 1.75% total land area that feeds into Bartholomew Run. The underside of the bottom of the bridge has an elevation of 804', which is 34' of water above the elevation of SR 315 and Jewett Rd. He stated that the developers have gone above and beyond in their planning for this community. He agrees there will be some remaining issues to be finalized but those would be resolved during final plan approval.

Mr. John Keller (1424 Jewett Rd.) was present to speak on behalf of many of the neighbors around this area. The residents think it is an important precedent with regards to the division of land into smaller lots. He explained that it is an important precedent and while staff is there to do their jobs, the Commission is who has to make policy decisions. They are asking the Commission to support the neighbors' efforts to assure that this project exceeds minimum standards if it goes forward. Mr. Keller discussed a list of conditions that the neighbors would like the Commission to enforce if preliminary approval is given:

1. The conservation easement to State of Ohio as shown on current version of plat shall be granted before construction begins, and shall allow no disturbance except the minimum needed for construction of road. All wooded slopes equal to or greater than 20% will be protected from disturbance by deed restrictions worded so as to be enforceable by Liberty Township. Lot 4 will be designated Natural Green Space, with the sole exception of a detention pond.
2. The bridge must be designed so as to not restrict the natural flow of water during 500 year flood, and shall not be constructed until a determination is made to the satisfaction of Liberty Township that construction will not impact any wetlands.
3. Eliminate lots 8 and 9 or combine together into one building lot.

4. Eliminate the driveway across lot 4; access the detention pond via lots 8 and 9. If lot 8 is a building site, access lot 8 via lot 9.
5. Engineer storm water control to release at least 25% less water in Run than exists before development.
6. Special request to the builders. The neighbors would like the subdivision to be called River Run Preserve. This will help promote the sensitivity of the environment to future homeowners.

Mr. Jon Ullman (1428 Jewett Road) presented the Commission with a graphic for lot #9 showing the area available for a home after the steep slopes of 20% or greater and side, rear and front yard set backs were taken out. He explained that the definition of the rear yard set back line should be defined on the plat. He agreed with Mr. Keller's list of conditions for approval.

Mr. Bill Leber (1420 Jewett Rd.) questioned the staff's circulation comment and asked if ODOT would allow a right in / right out if there were no bridge. Mr. Sanders stated that the staff comment is a summary from a letter from Greg Channel of ODOT. Mr. Leber asked that if the bridge were taken away, those lots could be accessed from SR 315 without the impact of the ravine. Mr. Sanders stated that he would leave the comment as the report states. Mr. Leber asked if he could get a copy of the ODOT letter. Mr. Sanders stated that the letter is a public record and could be copied. Mr. Leber stated he also agreed with Mr. Keller's concerns.

Mrs. Kelly Ullman (1428 Jewett Rd.) presented the Commission with a packet of information that includes letters of concern from neighbors. She explained that they aren't asking for this development to go away just to be better. She stated that she was opposed to developing lots #8 and #9 and the 26' of fill around the bridge.

Mr. Rob Wagoner (President of Deer Run Home Owners Association) stated that he was present to represent 89 households in the Deer Run subdivision. He stated that he is a professor of engineering. His experience in working with the developers is that they have been very forthcoming. Deer Run residents support this development and believe they will be good neighbors. He stated that the developers are proposing a tree preservation easement along Deer Run and River Run.

Mr. Bart Krumsee (1952 Jewett Rd.) stated that he agreed with Mr. Keller's comments and the conditions he mentioned for approval.

Mr. Eric Fischer asked the developer to explain the emergency access point. Mr. Miller stated that the emergency access off of SR 315 along the back of lot #10 and out to the cul-de-sac to the north would be a stabilized stone base with a brick paver (open cell) so it can be mowed. Mr. Fischer explained that in discussions he was told that should the developer to the northern cul-de-sac have access through this site, they would have emergency access off of the bike path to Powell Rd. Chairwoman Foust confirmed that the developers understood that the construction of this emergency access is subject to approval by the Liberty Township Fire Department as would removal of any emergency access. Mr. Miller understood.

Mr. Fischer explained to the audience that the Commission is bound by the zoning requirements (of FR-1) which they have met or exceeded. He encouraged the residents who are unhappy with this type of development to go to their Township Trustees and for these sensitive areas, turn them into planned districts.

Mr. Gunderman asked the staff to remind the Commission what is required to be submitted in terms of

traffic studies and identification of wetlands. Mr. Deel stated that RPC does not specify what is required as part of a traffic study, that is part of preliminary engineering. Mr. Riedel stated that normally a traffic study is only required if the number of lots exceed 100. Mr. Riedel stated that there is no identification required for wetlands. Mr. Gunderman asked if Mr. Butler could respond to the five requests made by Mr. Keller. Mr. Butler reviewed the comments. He stated that (#1) the developers could grant the ODNR easement and, in the granting of the easement, reserve the right to construct the roads but all other areas could be subject to the easement. He agreed that no disturbance except as may be necessary to protect property would take place. Deed restrictions would be placed to protect the wooded slopes over 20%. He does not know if Liberty Township could enforce this. Lot #4 is identified as a natural green space and there is no intention of changing it to a building site at a later time. He doesn't believe that impaction of wetlands is an issue for Liberty Twp. (#2). Chairwoman Foust agreed. He stated that the design of the bridge and ultimate approval would be a matter for the County Engineer during the final approval stage. Mr. Dommer stated the bridge will have end walls around it. There will be some fill in that area but it will be far enough back out of the area of the natural ravine that it should not affect it. Mr. Gunderman asked what the standard they are designing it to now is. Mr. Dommer stated that it would be to the 50 year with the 100 year flow through. Mr. Gunderman asked how much greater it would be with a 500 year flow through. Mr. Reidel stated that it is hard to tell but historically the 500 year storm is 30% more flow than the 100 year (per ODOT practices). Mr. Butler stated that the developers are not in agreement to eliminate lots #8 and #9 (comment #3). Comments made to eliminate those lots are not based on engineering data or evidence that support a conclusion that keeping lots #8 and #9 would be detrimental to this property or neighboring property. Constructability will be determined through final engineering. A drive is required by the County to be provided to access/service the detention pond (#4). The storm water control will release 100% of the water into the Run (#5). He questioned if the comment was referring to the rate of run off as opposed to the quantity. The developer has stated that they would commit to exceeding the requirement. With regards to the renaming of the project (#6) the applicant is willing to discuss it.

Mr. Butler asked if the Commission makes policies or carries out guidelines that are pre-established. Chairwoman Foust stated that the Commission does not set policy "on the fly". The Commission enforces the adopted Subdivision Regulations.

Mr. Brown asked if River Way Run would be required to be public if it were to have service to the property to the north. Mr. Riedel stated that the goal of having a public access at the north end of this development is to provide for an opportunity for internal traffic to flow between the neighborhoods. If Mr. Margello is looking to develop, the County Engineer is hoping the two entities can sit down together and figure out how they can best serve the lots they are trying to develop. Mr. Riedel said they could remain private.

Mr. Shoaf made a motion for Preliminary approval of River Run. Mr. Miller seconded the motion. VOTE: Majority For, 2 Opposed. Motion carried.

21-06.2.A/B Woodland Hall, Section 2, Phases A & B – Liberty Twp. - 31 lots / 53.44 acres

Applicant: Highland Management Group, Inc., and Wingate Land Group

Engineer: Terrain Evolution, Thom Ries

I. Staff Comments

The applicant has requested a 30-day tabling in order to resolve road issues with the County Engineer and Regional Planning staff.

II. Staff Recommendation

Staff recommends *approval of the 30-day table* request for **Woodland Hall, Section 2, Phases A & B** to the DCRPC.

Commission / Public Comments

Mr. Miller made a motion to approve the 30-day tabling of Woodland Hall, Section 2, Phases A & B.

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

Mr. Riedel acknowledged that the County Engineer's office was partly to blame for the table request. They are working to resolve some roadway alignment issues.

12-06 Phinney Place (revised) – Orange Twp. - 11 lots / 06.04 acres

- Applicant:** MHD Companies, Inc.
- Subdivision Type:** Single Family Residential
- Location:** 8119 S. Old State Road. Orange Township
- Current Land Use:** Farm house and barn
- Zoned:** Single Family Planned Residential (SFPRD)
- Utilities:** Del-Co water and County sewer
- School District:** Olentangy
- Engineer:** Terrain Evolution

I. Staff Comments

Phinney Place is located on the east side of South Old State Road approximately 2000 feet north of Powell Road. It was rezoned to SFPRD by the Township in May 2003 (DCRPC # 17-03 ZON). This preliminary was previously approved in December 2003, but expired due to a lack of a final plat application. The site contains an existing farmhouse, barn and pond. The surrounding land use includes Walker Woods Subdivision to the north and east (approximately 2 du/acre), undeveloped land (15 acres) to the immediate south and Oak Creek Subdivision further south along Powell Road. To the west are 1+ acre single family lots along South Old State Road.

This development contains 11 lots on 6.04 acres. The existing farm house will remain on Lot 11 (0.33 acres), but the barn will be razed. The pond to the north will be filled, and a new retention pond will be constructed in the southeast corner of the subdivision. Phinney Lane extends from South Old State Road toward the rear into a circle then heads south to the boundary line for potential future development of the adjacent tract (This street previously terminated in a cul-de-sac). There will be 1.287 acres of open space in 5 reserve lots. The overall density is 1.821 du/acre with 21% set aside for open space. All lots will utilize Del-co water and County sewer.

A technical review was held on June 20, 2006, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary approval* of **Phinney Place** to the DCRPC.

Commission / Public Comments

Mr. Thom Reis of Terrain Evolution was present to represent the applicant.

Mr. Miller made a motion for Preliminary approval of Phinney Place. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Gladman). Motion carried.

Preliminary/Final

19-06 Golf Village North Commercial - Liberty Twp. - 17 lots / 35.82 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: Civil and Environmental Consultants

I. Staff Comments

Golf Village North Commercial is on the northeast corner of Sawmill Parkway and Home Road. It contains 17 lots on 35.82 acres. Access is provided by Royal Belfast Blvd which is a full intersection with Sawmill Parkway at the sites northwest corner. Additional right-in/right-out only access is provided on Sawmill between proposed Lot 4 and 5 and on Home Road along the east side of the development. The lots are all directly accessed by private internal streets. Fifteen of the lots are intended to be smaller tenant occupied ranging from 0.8 to 1.7 acres. The remaining two lots are each 6.5 acres and are intended for larger retailers.

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

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

II. Staff Recommendation

Staff recommends *Preliminary and Final Approval* of **Golf Village North Commercial** to the DCRPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Miller made a motion for Preliminary and Final approval of Golf Village North Commercial. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

23-06 Division #2 of River Bend, Section 2, lot# 4266 – Orange Twp. - 01 lot / 02.85 acres

Applicant: Planned Communities, Inc.

Subdivision Type: Planned Commercial

Location: West of US-23, north of Evergreen Drive, east of Owenfield Drive, south of Orange Road, Orange Township

Current Land Use: Wooded, Agriculture

Zoned: Planned Commercial (PC)

Utilities: Del-Co water and public sanitary sewer

School District: Olentangy

Engineer: Floyd Browne Group

I. Staff Comments

Division #2 of River Bend, Section 2, Lot #4266 is a single lot plat at 2.855 acres and will contain a planned commercial use. Access is proposed to be provided by Evergreen Drive with access to US-23. Surrounding land uses include multi-family residential to the west and north and commercial uses to the south.

A technical review was held on September 19, 2006, after which the applicant has addressed all of the required changes. The applicant has presented to the DCRPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

II. Staff Recommendation

Staff recommends *Preliminary and Final Approval* of **Division #2 of River Bend, Section 2, Lot #4266**, to the DCRPC.

Commission / Public Comments

Mr. Mark Smith of Floyd Browne Group was present to represent the applicant.

Mr. Miller made a motion for Preliminary and Final approval of Division #2 of River Bend, Section 2, Lot #4266. Mr. Snajd seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Gladman). Motion carried.

CONSENT AGENDA

Final

27-03.1.A T North Star, Section 1, Phase A – Berkshire Twp. - 03 lots / 336.29 acres

Applicant: Robert Wieler

Consultant: EMH&T

I. Staff Comments

The applicant has requested a 90-day tabling to resolve engineering issues.

II. Staff Recommendation

Staff recommends *Approval of the 90-day tabling* for **Northstar, Section 1, Phase A** to the DCRPC.

Commission / Public Comments

Mr. Ward made a motion to approve the 90-day tabling for Northstar, Section 1, Phase A. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

29-98.E.2.A T Scioto Reserve Expansion, Sec. 2, Ph. A – Concord Twp. - 15 lots / 04.92 acres

Applicant: Triangle Properties
Consultant: Floyd Browne Group

I. Staff Comments

The applicant has requested a 90-day tabling to resolve engineering issues.

II. Staff Recommendation

Staff recommends *Approval of the 90-day tabling* for **Scioto Reserve Expansion, Section 2, Phase A** to the DCRPC.

Commission / Public Comments

Mr. Ward made a motion to approve the 90-day tabling for Scioto Reserve Expansion, Section 2, Phase A. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

29-98.E.2.B T Scioto Reserve Expansion, Sec. 2, Ph. B – Concord Twp. - 42 lots / 18.31 acres

Applicant: Triangle Properties
Consultant: Floyd Browne Group

I. Staff Comments

The applicant has requested a 90-day tabling to resolve engineering issues.

II. Staff Recommendation

Staff recommends *Approval of the 90-day tabling* for **Scioto Reserve Expansion, Section 2, Phase B** to the DCRPC.

Commission / Public Comments

Mr. Ward made a motion to approve the 90-day tabling for Scioto Reserve Expansion, Section 2, Phase B. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

24-05.1.A Little Bear Village, Sec. 1, Ph. A – Orange Twp. - 02 lots / 07.95 acres

I. Conditions

Applicant: Little Bear Development, LLC.

Subdivision Type: Golf Clubhouse.

Location: West side of S. Old State Rd approximately 1,200’ north of Powell Rd, Orange Township.

Current Land Use: Open Field

Zoned: Single Family Planned Residential District (SFPRD)

Utilities: Del-Co water and public sewer

School District: Olentangy

Engineer: EMH&T

II. Staff Comments

The Little Bear Village development is a proposed 84.4 acre golf course community on the west side of South Old State Road between Oak Creek subdivision and the Villages of Oak Creek. Section 1, Phase A contains 2 lots on 7.95 acres. It includes the proposed clubhouse on 4.6 acres. Bear Trail provides access to the subdivision from S. Old State Rd. A small 0.027 acre reserve strip is located in Bear Trail creating a boulevard entryway. Little Bear Loop extends to the north and south/west for future sections. This project received preliminary plan approval in September 2005.

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 **Little Bear Village, Section 1, Phase A**, to the RPC.

Commission / Public Comments

Mr. Snajd made a motion for Final approval of Little Bear Village, Section 1, Phase A. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-04.2 Olentangy Crossings, Section 2 -Orange Twp.- 03 lots / 59.26 acres

Applicant: Lewis Center Investments, LLC

Subdivision Type: Commercial & Multi-family residential

Location: East side of US-23, between Lewis Center Road to the south and Olentangy Crossings East to the north.

Current Land Use: Residential and Agricultural

Zoning: Planned Commercial Office District and Multi-Family Planned Residence District

Utilities: Del-Co water and County sanitary sewer

School District: Olentangy Local School District

Engineer: Floyd Browne Group

I. Staff Comments

Olentangy Crossings, Section 2, contains 59.26 acres and is a three lot plat to be developed with commercial

uses on the west side of Rail Timber Way, a new street, and multi-family residential on the east side of Rail Timber Way. To the north is the Orangewick subdivision with single-family residential and to the northeast is Olentangy Crossings, Section 7, future multi-family residential. Access to Olentangy Crossings Section 2 will be from US-23 via Olentangy Crossings East and Rail Timber Way. Preliminary subdivision approval was granted in April 2005.

The applicant has presented to the DCRPC 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 **Olentangy Crossings, Section 2**, to the DCRPC.

Commission / Public Comments

Mr. Snajd made a motion for Final approval of Olentangy Crossings, Section 2. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-04.4 Olentangy Crossings, Section 4 – Orange Twp. - 07 lots / 23.38 acres

- Applicant:** Lewis Center Investments, LLC & The Ohio State Bank
- Subdivision Type:** Commercial & Open Space
- Location:** West side of US-23, between Hyatts Road to the north and Home Road to the south.
- Current Land Use:** Wooded and Agricultural
- Zoning:** Planned Commercial District
- Utilities:** Del-Co water and County sanitary sewer
- School District:** Olentangy Local School District
- Engineer:** Floyd Browne Group

I. Staff Comments

Olentangy Crossings, Section 4, contains 7 lots on 23.384 acres, of which 5 are designated as buildable commercial lots and 2 as open space lots. To the south is Olentangy Crossings South, a Single-Family Planned Residence District. Access to Olentangy Crossings Section 4 will be from US-23 off of Olentangy Crossings West and Gallopers Ridge. Preliminary subdivision approval was granted in April 2005.

The applicant has presented to the DCRPC 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 **Olentangy Crossings, Section 4**, to the DCRPC.

Commission / Public Comments

Mr. Snajd made a motion for Final approval of Olentangy Crossings, Section 4. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

07-04.5 Olentangy Crossings, Section 5 – Orange Twp. - 75 lots / 41.07 acres

Applicant: Lewis Center Investments, LLC

Subdivision Type: Single-family residential

Location: East side of US-23, Olentangy Crossings Section 4 commercial district and Orange/Liberty Township border.

Current Land Use: Wooded and Agricultural

Zoning: Single-family Planned Residence District

Utilities: Del-Co water and County sanitary sewer

School District: Olentangy Local School District

Engineer: Floyd Browne Group

I. Staff Comments

Olentangy Crossings, Section 5, contains 41.073 acres with 75 lots to be developed into single-family residences. Access to the subdivision is off of US-23 from Olentangy Crossing West or Coal Bend onto a private street network serving the lots. To the north is the future Olentangy Crossings Section 6, another single-family subdivision. Olentangy Crossings, Section 4, is to the east of Section 5 and fronts on US-23. Preliminary subdivision approval was granted in April 2005.

The applicant has presented to the DCRPC 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 **Olentangy Crossings, Section 5**, to the DCRPC.

Commission / Public Comments

Mr. Snajd made a motion for Final approval of Olentangy Crossings, Section 5. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. EXTENSIONS (none)

VII. OTHER BUSINESS

- Consideration for Approval: Auditor of State \$1,955.21

Mr. Gunderman made a motion to approve the Auditor of State expenditure. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VIII. POLICY / EDUCATION DISCUSSION

IX. DCRPC STAFF AND MEMBER NEWS

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

Meeting adjourned at 9:15 p.m.

The Public hearing of the Delaware County Regional Planning Commission on the proposed 2007 Subdivision Regulations will be held October 26, 2006, 7:00 p.m. at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

The next regular meeting of the Delaware County Regional Planning Commission will be held immediately following.

Kolby Foust, Chairperson

Stephanie Mallack, Executive Administrative Assistant