



# DELAWARE COUNTY REGIONAL PLANNING COMMISSION

109 N. Sandusky Street, Delaware, Ohio, 43015 Phone 740-833-2260 Fax 740-833-2259  
www.dcrpc.org

**Philip C. Laurien, AICP, Executive Director**

**\*MINUTES\***

**Thursday, September 29, 2005 at 7:00 PM**

**Delaware Hayes Services Building,**

**140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015**

**I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of August 25, 2005 RPC Minutes
- Executive Committee Minutes of September 21, 2005
- Statement of Policy

**II. VARIANCES (none)**

**III. PUBLIC CONSTRUCTION PROJECTS (none)**

**IV. ZONING MAP/TEXT AMENDMENTS**

- 46-05 ZON            Fling Enterprises – Harlem Twp. – 13.22 acres from AR-1 to FR-1
- 47-05 ZON            David Bauerle – Radnor Twp. – PI development plan amendment
- 48-05 ZON    T        Liberty Twp. Zoning Comm. – Comprehensive Plan
- 49-05 ZON            Bernard & Rosemary Riggs – Berkshire Twp. – 6.002 acres from A-1 to FR-1
- 50-05 ZON            Roger Glenn – Berlin Twp. – 16.9 acres – comprehensive plan amendment
- 51-05.A ZON        Berlin Twp. Zoning Commission – Comprehensive Plan map amendment – east of railroad
- 51-05.B ZON        Berlin Twp. Zoning Commission – Comprehensive Plan Amendment (R-3 and R-4)
- 52-05 ZON    T        Delaware Route 23 Development LLC – Berlin Twp. – 3.171 acres from FR-1 to PCD
- 53-05 ZON            Berlin Twp. Zoning Commission – Comprehensive Plan map amendments – west of railroad

**V. SUBDIVISION PROJECTS**

**Preliminary**

			<b>Township</b>	<b>Lots/Acres</b>
17-05	T	Prairie Run	Berkshire	06 lots / 18.22 acres
23-05		Boulder Ridge	Genoa	24 lots / 13.90 acres
24-05		Little Bear Village	Orange	94 lots / 84.40 acres
25-05		Sawmill Parkway Extension/Golf Village North	Liberty	05 lots / 121.43 acres

**Preliminary/Final (none)**

**Final**

01-98.4.B	T	Sage Creek, Section 4, Phase B	Berkshire	08 lots / 24.09 acres
19-01.2.A		Sheffield Park, Section 2, Phase A	Genoa	26 lots / 25.95 acres
27-02.C		Wedgewood Park, Section 2, Phase C	Liberty	25 lots / 24.85 acres
20-03		Liberty Village	Liberty	35 lots / 36.31 acres

**T=TABLED, W=WITHDRAWN**

**VI. EXTENSIONS**

06-04		Summerwood Lakes	Berkshire	101 lots / 81.01 acres
05-04		DiRocco	Liberty	04 lots / 27.08 acres
09-02.4		Glen Oak, Section 4	Orange	30 lots / 20.14 acres

**VII. OTHER BUSINESS**

- Consideration for Approval: Loveland & Brosius \$1,986.46
- Status update: Subdivision Regulations
- Consideration of By-Laws Amendment
- Consideration for Approval: GIS Intern
- Ohio GIS Conference

**VIII. POLICY / EDUCATION DISCUSSION**

**IX. RPC STAFF AND MEMBER NEWS**

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

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

▪ **Roll Call**

*Representatives:* Paul Snajd, Rick Sedlacek, Fred Fowler, Jim Ward, Glen Evans, Steve Burke, Gary Gunderman, Leslie Warthman, Dave Lavallo, Holly Foust, Charles Heimlich, Dick Gladman, Bill Thurston, Marvin Miller, Lloyd Shoaf, Linda Castner, Bonnie Newland and Mike Datillo. *Alternates:* Doug Riedel, and Dave Jackson. *Arrived after roll call:* Gary Spanner (R). Staff: Phil Laurien, Paul Deel, Joe Clase, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the August 25, 2005 RPC Minutes**

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

▪ **September 21, 2005 Executive Committee Minutes**

**1. Call to order**

Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Lloyd Shoaf, Dick Gladman and Jim Ward. Staff present: Phil Laurien and Stephanie Matlack.

**2. Approval of Executive Committee Minutes**

**a. August 17, 2005 – Chairwoman Foust made a motion to approve the minutes of the last Executive Committee meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**3. Old Business**

**a. Contract updates –**

- 1.) **Oxford Twp.** – comprehensive plan started – estimate completion June 2006
- 2.) **Harlem Twp.** – comprehensive plan started – 80% complete – estimated completion April 2006
- 3.) **Thompson, Radnor and Marlboro Twp.’s** – comprehensive plan possible
- 4.) **Etna Twp.** – (now an Associate member) - PRD code and zoning text revisions – December 2005, comprehensive plan may be started in 2006 with a completion estimated in December 2006
- 5.) **Concord Twp.** – zoning code update – February 2006
- 6.) **Subdivision Regulations** – draft completed – estimate adoption October/ November 2005
- 7.) **Morrow Co.** – create GIS based zoning map – estimated completion October 2005

**4. New Business**

**a. Financial / Activity Reports for August 2005**

REGIONAL PLANNING RECEIPTS		AUGUST	YTD TOTAL
General Fees (Lot Split)	(4201)	\$760.00	\$10,310.00
Fees A (Site Review)	(4202)	\$300.00	\$2,245.00
Insp. Fees (Lot Line Transfer)	(4203)	\$580.00	\$1,140.00
Membership Fees	(4204)		\$218,369.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$5,083.17	\$30,776.19
Associate Membership Fees	(4206)		\$1,500.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$12,290.00	\$88,447.47
Charges for Serv. B (Final. Appl.)	(4231)	\$4,728.84	\$50,127.80

Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$1,800.00
Charges for Serv. D (Table Fee)	(4233)		\$2,600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
General Sales	(4220)	\$115.10	\$2,018.01
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)	\$125.00	\$18,085.00
Soil & Water Fees	(4243)	\$433.00	\$3,787.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)	\$0.30	\$0.30
Other Reimbursements A	(4721)	\$0.75	\$21.68
Other Misc. Revenue (GIS maps)	(4730)	\$51.00	\$2,849.00
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Asset	(4804)		\$0.00
<b>TOTAL RECEIPTS</b>		<b>\$24,617.16</b>	<b>\$435,276.45</b>

<b>Balance after receipts</b>	<b>\$188,783.73</b>
<b>Expenditures</b>	<b>- \$ 45,022.12</b>
<b>End of August balance</b>	<b>\$143,761.61</b>

*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 RPC Preliminary Agenda** – Mr. Laurien presented the preliminary agenda. 9 rezoning/text amendment, 4 preliminary, 4 final, and 3 extension requests.
- c. **Consideration for recommendation: Loveland & Brosius \$1,986.46** – *Mr. Gladman made a motion to recommend approval for legal services, seconded by Mr. Shoaf. VOTE: Unanimously For, 0 Opposed. Motion carried.*
- d. **2006 Budget - first review** – Mr. Laurien expressed concern with the financial outlook for the RPC. He estimated a carry forward to 2006 of \$36,932. 2006 projected expenditures include salaries at a 3% increase – consistent with the County’s proposed increase, contract revenue at \$116,000 (optimistic but possible), Membership dues \$228,548 not including City of Delaware, average platting fees of \$20,000 per month. He estimated expenses for 2006 at \$637,630 – approximately \$23,000 above 2005. The Committee discussed several options for cost savings and revenue enhancements. Discussions will continue at the next meeting after the Committee has had time to review the proposal.

Mr. Laurien explained the need for a part time intern in order to get the development pattern map up to date. It is currently 3 months behind. The intern would work 20 hours per week at \$12 per hour through the end of the year. The Committee unanimously agreed to the need. The full Commission would need to vote for approval.

**e. Consideration for amendment: Bylaws Section 3 - Funding**

**“Article VII – Boards and Committees of the Commission**

**Section 3. Duties of the Executive Committee**

- a) **Expenditures and Disbursements** – The Executive Committee of the Regional Planning Commission shall review all invoices, payrolls, requisitions, budgets and grants by the state or federal government, and shall prepare a financial report for every meeting of the Commission, and shall prepare an annual

financial report for distribution to the membership, and shall prepare a proposed budget for the succeeding year to be approved at the ~~October~~ **November** meeting of the Commission.”

**Mr. Gladman made a motion to recommend approval to change the approval month for the budget from October to November. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**6. Other Business**

**a. 2006 meeting schedule – Mr. Gladman made a motion to approve the 2006 meeting schedule as presented. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

\*\*The approved meeting schedule will be mailed out with the October regular mailing.\*\*

**7. Personnel (none)**

**8. Adjourn –**

**Mr. Gladman made a motion to adjourn the meeting at 10:30 a.m. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**The next regular Executive Committee meeting will be Wednesday, October 19, 2005 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015**

**‡ Statement of Policy**

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

**II. VARIANCES (none)**

**III. PUBLIC CONSTRUCTION PROJECTS (none)**

#### IV. ZONING MAP/TEXT AMENDMENTS

##### 46-05 ZON Fling Enterprises – Harlem Twp. – 13.22 acres from AR-1 to FR-1

###### I. Request

The applicant, Fling Enterprises, is requesting a 13.22-acre rezoning from AR-1 to FR-1.

###### II. Conditions

**Location:** Just west of 15201 Center Village Road, Harlem Township

**Present Zoning:** Agricultural Residential (AR-1)

**Proposed Zoning:** Farm Residential (FR-1)

**Present Use(s):** Vacant/Agricultural

**Proposed Use(s):** Single-family residential

**Existing Density:** 1 du / 5 acres

**Proposed Density:** 1 du / 2 acres

**School District:** Big Walnut Local School District

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

**Critical Resources:** none

**Surrounding land uses:** Scattered 5-acre lots, a few are smaller than 5 acres

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

BeB: Bennington Silt Loam (2 to 6% slope)

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

###### III. Issues

This is a straight district rezoning, so no development plan is required. It is assumed, therefore, that the applicants will divide the lot into at least three lots. This lot has 1,250 feet of frontage on Green-Cook Road, and the township's frontage requirement for FR-1 is 175' for lots at least 2 acres in size but smaller than 3, 210' for lots larger at least 3 acres and smaller than 4 and 250' for lots between 4 and 5 acres in size.

The applicant should consult with the Health Department to assure that there is adequate area for on-lot waste treatment systems.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as Residential but does not recommend minimum lot acreage.

Surrounding land uses include scattered single-family homes along Center Village and Green-Cook Road on lots generally 5 acres in size, with some smaller lots. A lot to the south is one acre and other lots in the area are around 2 acres in size. FR-1 zoning would be in character with the area, if on-lot treatment can be designed for two lots.

Green-Cook Road has a "dog-leg" intersection adjacent to and south of this lot. If the township trustees wish to align North and South Green-Cook, they may wish to pursue right-of-way acquisition for a future alignment.

###### IV. Staff Recommendations

Staff recommends **Approval** of this rezoning case from AR-1 to FR-1 for Fling Enterprises to the DCRPC, the Harlem Township Zoning Commission and the Harlem Township Trustees.

**Commission / Public Comment**

No one was present to represent the applicant.

***Mr. Ward made a motion to recommend approval of the rezoning for Fling Enterprises. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**47-05 ZON      David Bauerle – Radnor Twp. – 3.074 acre PI development plan amendment**

**I. Request**

The applicant, David Bauerle, is requesting to amend his 1992 approved PI development plan to allow for the transfer of 1.32 acres to Radnor Township for expansion of the Radnor Cemetery. The township plans to construct a 2,000 square foot maintenance building on the land to be transferred. Bauerle Automotive, Inc. currently occupies the front 1.75 acres of the site. No change in use is proposed with the existing business.

**II. Conditions**

- Location:** Northside of Radnor Rd, about 600 feet west of SR 203 (4156 Radnor Rd.)
- Present Zoning:** Planned Industrial (PI)
- Proposed Zoning:** Planned Industrial (PI)
- Present Use(s):** Automotive repair shop
- Proposed Use(s):** Automotive repair shop and cemetery maintenance structure
- School District:** Buckeye Valley Local School District
- Utilities Available:** Del-Co Water and private on-site septic system
- Critical Resources:** Drainage ditch along the northeastern corner of the property
- Surrounding land uses:** Single family residential to the south/southeast, Radnor Baptist Church to the northeast, Radnor Cemetery to the west, agricultural field to the north
- Soils:** SdC2: Scioto Silty Clay Loam (6 to 12% slopes)  
PwA: Pewamo Silty Clay Loam (0 to 1% slopes)

**III. Issues**

1. **Platting:** This property was not platted in 1992. The Delaware County Zoning Regulations require for PI zonings to be platted in accordance to the Delaware County Subdivision Regulations before use is established. The applicant will be required to prepare a subdivision plat for the transfer of the 1.32 acres.
2. **Sewage Disposal:** The landowner should consult with Mike Sapp (614-728-3848) of the Ohio Department of Environmental Protection (OEPA) to ensure that the existing septic system is not located within the area that is proposed to be transferred. The applicant will be required to construct a new primary system prior to plat approval if the existing system will not be entirely within the proposed lot. Area for a secondary system should also be reserved.

**IV. Criteria for Approval**

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

**Staff Comments:** Yes, if the applicant follows this zoning request by filing a subdivision plat in accordance to the development plan.

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

**Staff Comments:** Yes, the industrial land use was established prior to the 1993 Delaware County Comprehensive Plan and does not contradict its recommendations.

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

**Staff Comments:** Yes, if the sewage treatment issue is resolved prior to platting.

**V. Staff Recommendations**

Staff recommends **Approval** of this request for a PI development plan amendment for David Bauerle to the DCRPC, the Delaware County Rural Zoning Commission and the Delaware County Commissioners.

**Commission / Public Comment**

No one was present to represent the applicant.

***Mr. Gladman made a motion to recommend approval of the rezoning case for David Bauerle. Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Fowler). Motion carried.***

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48-05 ZON T Liberty Twp. Zoning Comm. – Comprehensive Plan

***\*\* This application was tabled by the Township. \*\****

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49-05 ZON Bernard & Rosemary Riggs – Berkshire Twp. – 6.002 acres from A-1 to FR-1

## **I. Request**

The applicants, Bernard and Rosemary Riggs, are requesting to rezone 6.002 acres at 9992 Cheshire Road. The applicant has expressed intent to split the existing house off on a 2-acre lot and generate an additional 4-acre flag lot for a future residence.

## **II. Conditions**

**Property Owners (applicant):** Bernard and Rosemary Riggs

**Location:** South side of Cheshire Rd, about 2000 feet east of Domigan Rd., Berkshire Twp.

**Present Zoning:** Agricultural (A-1)

**Proposed Zoning:** Farm Residential (FR-1)

**Existing Density:** 1 dwelling unit per 5 acres

**Proposed Density:** 1 dwelling unit per 1.95 acres

**Present Use(s):** Single-family Residence

**Proposed Use(s):** Additional single-family residence

**School District:** Big Walnut Local School District

**Utilities Available:** Del-Co Water and on-site sewer treatment system

**Critical Resources:** n/a

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

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

CaB: Cardington Silt Loam (2 to 6% slopes)

## **III. Comments**

The 2001 Berkshire Township Comprehensive Plan recommends this site for single-family residential development at 1 unit per 2 acres. This proposal does conform to the plan.

The 2004 Draft Sunbury Comprehensive Plan recommends a new road “K” connecting Cheshire Road to an east/west road “O” to the south. Neither of these roads would be affected by this rezoning and no road connection is needed thru the Riggs’ land if it will remain in the township.

Surrounding land uses include 14,000 square foot frontage lots on the north side of Cheshire Road in the Village of Sunbury. There are 2-acre frontage lots on the south side of Cheshire Road with larger acreage flag lots behind them. The land directly south of this site is part of the Village of Sunbury and is planned for residential development. This proposal would meet the character of the surrounding unincorporated lands.

The proposed split will need to be filed as a no-plat subdivision application after the rezoning is complete. The Delaware County Engineer will need to approve a new driveway location for the proposed flag lot. The Delaware General Health District will need to approve the proposed locations for the primary and secondary treatment systems. The applicant should be aware that additional land area may be required and an approval of this rezoning does not constitute an approval of the no-plat lot split.

## **VI. Staff Recommendation**

Staff recommends **Approval** of this rezoning case from A-1 to FR-1 for Bernard & Rosemary Riggs to the DCRPC, the Berkshire Township Zoning Commission and the Berkshire Township Trustees.

## **Commission / Public Comment**

No one was present to represent the applicant.



**Mr. Miller made a motion to recommend approval of the rezoning for Mr. and Mrs. Riggs. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**50-05 ZON      Roger Glenn/Berlin Twp. Zoning Commission – Berlin Twp. – 16.9 acres – Comprehensive Plan amendment**

**Applicant:** Roger Glenn / Berlin Township Zoning Commission

**Request:** Amend the Comprehensive Plan map for 16.9 acres owned by Roger Glenn on Glenn Road

**I. Staff Comments**

1. Request- This request is made pursuant to Berlin Zoning Commission motion BZC 08-18-05-01 to amend the Township Comprehensive Plan from Residential at one Unit per acre to Future Planned Commercial for the properties at 491, 511 and 533 Glenn Road.
2. History- There are three residences on the properties, the oldest built in 1901 as part of the Glenn Farm. The 16.9 acres proposed for amendment were shown on the 1999 Berlin Township Comprehensive Plan for residential use at one unit per acre. Since that time 267 adjacent acres to the north, south east and west have annexed into the city of Delaware and been zoned M-1 Light Manufacturing. A 163-acre, 24 hour-a-day Kroger distribution center opened east and south of the Glenn lands. There is noise from idling and backing trucks, and a glow in the night sky from industrial lighting. The enormous Kroger building shades the Glenn property. The Glenn lands must prepare to transition to non residential use.
3. Services- This portion of Glenn Road is now served by city of Delaware water and sewer. The Glenn lands must annex to Delaware to obtain these services.
4. Proposed Land Use- the Glenns asked Berlin Township to amend the comprehensive plan to future Planned Commercial for potential marketing. Because they are surrounded by Light Manufacturing zoning in Delaware, Industrial zoning is probably what the City of Delaware will grant to these lands.

**II. Staff Recommendation**

Staff recommends **Approval** of the amendment to the Berlin Township Comprehensive Plan for lands at 491, 511, and 533 Glenn Road from Residential at one unit per acre to Future Planned Commercial to the DCRPC, the Berlin Township Zoning Commission, and the Berlin Township Trustees.

**Commission / Public Comment**

No one was present to represent the applicant.

**Mr. Gladman made a motion to recommend approval of the amendment to the Glenn Rd. lands (491, 511, 533). Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**51-05.A ZON      Berlin Township Comprehensive Plan Map Amendments (east of railroad)**

**53-05 ZON      Berlin Township Comprehensive Plan Map Amendments (west of railroad)**

**Applicant:** Berlin Township Zoning Commission

**Request- Case 51-05a:** Amend the Comprehensive Plan map for residential densities at various locations east of the railroad tracks made pursuant to Berlin Zoning Commission motion BZC 9-13-05-02. See attached maps for comparison between the adopted 1999 comprehensive plan as amended in 2004 and the draft 2005 comprehensive plan map.

**Request- Case 53-05:** Amend the Comprehensive Plan map for residential densities west of the railroad tracks from Residential at one unit per two acres to 1.85 units per NDA (net developable acreage) made pursuant to Berlin Zoning Commission motion BZC 05-09-35. See attached maps for comparison between the adopted 1999 comprehensive plan as amended in 2004 and the draft 2005 comprehensive plan map.

### **I. Staff Comments**

1. **History-** A great deal of time and debate went into the discussion of recommended land use and density during the years 1998 and 1999. The result was the township's 1999 adopted comprehensive plan (see attached map). In 2003 the township decided to reduce densities on the comprehensive plan from 1.85 to 1.25 units per net developable acre in current or future sewer service areas. In response, over 1,000 acres of land along the Delaware border annexed into the city of Delaware to obtain higher densities. Now the township realizes it must compete on densities along its border with Delaware or risk more annexations. If sewer can be provided, higher densities are possible.
2. **Changed conditions from 1999 to 2005-** In 1999 the entire township was part of the county sewer service district and sewer planning area, but large areas of the north and west portions of the township were not yet served by sewer. The county was operating under the 1974 Southern Delaware County Sewer Master Plan; there were no immediate plans to extend sewer to the north and western portion of the township. In 2004 the County Commissioners hired the Delaware Co. Regional Planning Commission, in conjunction with the County Sanitary Engineer and the Delaware General Health District, to prepare a Sewer Master Plan for the entire county. A primary objective of this plan was to identify future sewer service areas for expansion of the system, and to do so where local elected officials indicated the desire for sewer service. The north and western portions of Berlin Township were included in the Central Alum Creek sewer planning area, which is a high priority for county sewer expansion.

Subsequently (in 2005) Triangle Real Estate secured zoning for Fox Haven Farms on the Dunham Road peninsula. There will be 21.06 acres of commercial, 26.85 acres of multifamily housing 120 new condominiums, and 245 single family detached homes. Sewer service is needed for this project. Local official now want sewer extended to north and west Berlin Township. Triangle indicated it would work with the county to bring sewer service to this portion of the township. This would give the Township another weapon against further annexation to Delaware for higher densities and urban services.

3. Delaware Wastewater Facilities LLC, a related company to Triangle Real Estate, contracted with the Delaware County Commissioners to construct sewer improvements to service northern and western Berlin Township in return for sewer tap credits when they develop land. The sewer improvements would be turned over to Delaware County upon their completion by DWWF for public ownership and permanent maintenance. These improvement include a proposed a lift station and 10 miles of sewer

line from the Dunham Road Peninsula south of US 36 to the Alum Creek Treatment Plant in Orange Township.

4. With future sewer service now imminent to the northwest portion of Berlin Township, densities can be increased to be competitive with Delaware, while still retaining control over the local zoning. This is the strategy the Berlin Zoning Commission and the Trustees wish to pursue.
5. The revision of the comprehensive plan is one step to signal the township's willingness to be competitive on higher zoning densities to make sewer service cost feasible.
6. Proposed Land Use and density- See the 2005 draft Berlin township comprehensive Plan and compare with the adopted 1999 for those area of increased density (copy attached).

## **II. Staff Recommendation**

Staff recommends **Approval** of the amendment to the Berlin Township Comprehensive Plan to increase residential densities in various locations according to the draft 2005 Berlin Township Comprehensive Plan dated 9/20/05 to the DCRPC, the Berlin Township Zoning Commission, and the Berlin Township Trustees.

### **Commission / Public Comment**

Mr. Rick Gemienhardt (881 Africa Rd.) stated that there have been massive changes to the Plan with minimal residential support. Most of the support is from the Trustees. He doesn't feel the changes have gone through deliberative meetings. He asked that his comments be directed at both cases (51-05.A and 53-05 ZON).

Mrs. Warthman asked the process for amendments. Mr. Laurien stated that the Zoning Commission and Trustees would need to hold public hearings to review these amendments.

***Mr. Gladman made a motion to recommend approval of case # 51-05.A ZON (lands east of the rail road), seconded by Mr. Miller. VOTE: Majority For, 2 Opposed (Mr. Gunderman, Mr. Lavalle). Motion carried.***

***Mr. Snajd made a motion to recommend approval of case #53-05 ZON (lands west of the rail road), seconded by Mr. Miller. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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## **51-05.B ZON Berlin Twp. Zoning Commission – zoning text amendment (R-3 and R-4)**

**Request:** Insert zoning text amendments to the existing R-3 District and related sections, and to add a new R-4 district. These amendments do not rezone any land.

### **I. Background**

1. Berlin Township has initiated amendments to its comprehensive land use plan (see DCRPC cases 51-05 a ZON and 53-05 ZON) that will increase future residential densities in areas that will be served by sanitary sewer. The additional densities are 1.5 units per net developable acre and 1.85 units per net developable acre.
2. To accommodate these densities, the zoning text must be amended to allow for Planned

Residential Developments to overlay the appropriate zoning district. The R-3 is an existing district, with 20,000 square foot lots. A PRD overlay at this density would yield 1.85 units per net developable acre. The R-4 district is written as a new district with 25,000 square foot lots, which will yield a density of 1.5 units per net developable acre when overlaid by PRD zoning.

## **II. Amendments**

The following amendments were initiated by motion of the Berlin Zoning Commission 9-13-05-02. The text of these amendments was selected from various amendments titled Version 2 dated August 23 2005 to the Berlin Township Zoning Commission. Because they were selected from the remainder of that text, they are printed here for clarity. *New language is shown in Arial font italics*

### **Amendment 7- Article IX Section 9.01- Delete the existing section and replace with the following:**

*SECTION 9.01 - Purpose: The R-3 district is intended to provide for a variety of housing types at a density of one unit per 20,000 square feet, or approximately 1.85 units per net developable acre.*

### **Amendment 8 Article IX Section 9.02 Delete the existing section and replace with the following:**

*SECTION 9.02 - Application: The R-3 district is intended to be applied to lands recommended on the adopted Berlin Township Comprehensive Plan for densities of a maximum of 1.85 units per net developable area.*

### **Amendment 9 Article IX Section 9.03 (A) Delete the existing section and replace with the following:**

*Section 9.03 A.- Residential structures of any type, either single family or multi-family, including but not limited to detached, semi-detached, attached, industrialized units (modular), permanently sited manufactured homes, common wall or any reasonable variation on the same theme. A minimum net lot size of twenty thousand (20,000) square feet per dwelling unit shall be required for this conditional use.*

### **Amendment 10 Article IX Section 9.03 (B) Delete certain words as follows:**

B. Accessory buildings and accessory uses including private garages. ~~with an apartment for full time domestic help employed on the premises or full time on site farm labor.~~

**Amendment 11 -Delete Section 9.03 D** (which allows agriculture). Replace with the following: *Limited home occupation as provided in Article 21.15.*

### **Amendment 12- Add the following permitted uses to Section 9.03 G-K.**

**Section 9.03 G. Religious Land Uses-** *Church, place of worship, place of religious assembly, religious institution, and parsonage provided:*

*1.) Parking, landscaping, lighting and signage conform to Article XXI, XXII, and XXIII.*

- 2.) *There is adequate area for water supply and wastewater disposal if located on site, or the religious land use shall connect to public centralized water and sanitary sewer.*
- 3.) *All aspects of public health, safety and welfare are provided for (meets building code, life safety code, electrical code, etc.)*
- 4.) *All structures shall conform to the area, setbacks and frontage from Section 8.06, Development Standards.*

**Section 9.03 H. Public buildings** and/or uses which are supported in whole or part by taxes or by special public assessment. Such uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, wastewater treatment and pumping facilities.

**Section 9.03 I. Adult Family Homes**, as defined in Article IV.

**Section 9.03 J. Child Day care** provided in home for six (6) or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as the provider's residence and further provided that such day care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.

**Section 9.03 K. Common Access Driveway Subdivision** as defined by the Delaware County Subdivision Regulations.

**Amendment 13- Section 9.04**-delete the words "multi type residential" and replace with "R-3" in the first sentence as follows:

**SECTION 9.04 - Conditional Uses:** Within the areas zoned ~~Multi-Type Residential~~ R-3 District the

**Amendment 14- Delete Section 9.06 and renumber Section 9.07 as 9.06** (Reason: this is not a planned district, it's a straight district, so the standards will be the basis of a subdivision plat, not a negotiated development plan).

**Amendment 15- Add a new Article X R-4 District as follows:**

## **ARTICLE X            MULTI-TYPE RESIDENTIAL DISTRICT (R-4)**

**SECTION 10.01 - Purpose:** *The R-4 district is intended to provide for a variety of housing types at a density of one unit per 25,000 square feet, or approximately 1.5 units per net developable acre.*

**SECTION 10.02 - Application:** *The R-4 district is intended to be applied to lands recommended on the adopted Berlin Township Comprehensive Plan for densities of a maximum of 1.5 units per net developable area. Such R-4 designation requires rezoning, which is a legislative act subject to referendum. Centralized water and sanitary sewer service are a requirement of this district.*

**SECTION 10.03 - Permitted Uses:** *Within the Multi-Type Residential District (R-4), the following permitted uses exist:*

- A. *Residential structures of any type, either single family or multi-family, including but not limited to detached, semi-detached, attached, industrialized units (modular), permanently sited manufactured homes, common wall or any reasonable variation on the same theme. A minimum net lot size of twenty thousand (25,000) square feet per dwelling unit shall be required for this conditional use.*
- B. *Accessory buildings and accessory uses including private garages.*
- C. *Projects specifically designed for watershed protection, conservation of soil, water or for flood control.*
- D. *Temporary structures such as manufactured or mobile homes, or mobile offices, and temporary buildings of a non-residential character may be used incidental to construction work on the premise or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice for total combined period of time under all issues permits not exceeding eighteen (18) months. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as deemed necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.*
- E. *Conducting of casual sale of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days. The sales area shall be outside of the right-of-way and parking shall not interfere with traffic on adjacent thoroughfares.*
- F. *Limited home occupation as provided in Article 21.15.*
- G. *Religious Land Uses- Church, place of worship, place of religious assembly, religious institution, and parsonage provided:*
  - 1.) *Parking, landscaping, lighting and signage conform to Article XXI, XXII, and XXIII.*
  - 2.) *There is adequate area for water supply and wastewater disposal if located on site, or the religious land use shall connect to public centralized water and sanitary sewer.*
  - 3.) *All aspects of public health, safety and welfare are provided for (meets building code, life safety code, electrical code, etc.)*
  - 4.) *All structures shall conform to the area, setbacks and frontage from Section 8.06, Development Standards.*

**SECTION 10.04 - Conditional Uses:** *Within the areas zoned R-4 the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall*

*be considered abandoned if said use or uses are not commenced within one year from the date of Board of Zoning Appeals approval or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, AND the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.*

- A. *Expanded home occupations as provided in Section 21.16.*
  
- B. *Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Board of Zoning Appeals.*
  - 1. *No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.*
  
  - 2. *No group home shall be located within one (1) mile radius of another such facility.*
  
- C. *Model homes in subdivisions, the same being defined as residential-type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.), in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:*
  - 1. *Lighting: All exterior lighting must be down lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting (except security lighting) shall be extinguished at the closing time of the model home.*
  
  - 2. *Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be a minimum of six (6) per model home.*

3. *Screening and Trash Receptacles: Landscape drawing shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by visitors to the home.*
  4. *Termination of Use: The use of model home within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent (90%) of the lots therein.*
  5. *No building equipment or materials may be stored at the model home.*
  6. *Model Home Signs - allowed as approved by the Board of Zoning Appeals and not to exceed sixteen (16) square feet per side with thirty-two (32) square feet maximum total display and an overall height of four (4) feet above grade.*
- E. *Private schools or colleges provided that the institution occupies a minimum of twenty (20) acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff, and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.*
- F. *Kindergarten or Child Care Facilities provided the facility occupies a minimum of one (1) net acre. The building shall be architecturally compatible with the neighborhood and provisions shall be made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.*
- G. *Bed and Breakfast Home provided that:*
1. *A maximum of eight (8) guests may be housed.*
  2. *Lighting: All exterior lighting must be down lighting, so that no light shall be cast onto adjoining residential properties.*
  3. *Parking: All bed and breakfast homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one (1) per bedroom.*



4. *Screening and Trash Receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast homes for use by guests.*

H. *Granny Flat/handicap accessible suite*

- I. *Playgrounds, play-fields, picnic areas and summer camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.*

**SECTION 10.05 - Prohibited Uses:**

- A. *Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited.*
- B. *Outdoor storage of inoperable, unused, or unlicensed vehicles or trailers, for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.*
- C. *No trailer of any type, no boats, no motor homes nor equipment of any type shall be parked in front of the front building line on any parcel within this district for more than forty-eight (48) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling.*
- D. *No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days. No more than one (1) motor home, trailer, or camper may be occupied for such a period on any lot, parcel, or farm.*
- E. *No trash, debris, unused property, or discarded materials which creates an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.*
- F. *Except as specifically permitted in Section 9.03 (E) herein no mobile home shall be placed or occupied in this district.*
- G. *In subdivided areas which meet the requirements of section 711.131 of the Ohio Revised Code the keeping of livestock and poultry is prohibited, except for the keeping of animals for*

youth club activities such as 4-H, FFA, or similar groups, which shall be a permitted use in the R-3 DISTRICT.

**SECTION 10.06 - Development Standards:** In addition to any other provisions of this resolution, the following standards for arrangement and development of lands and buildings are required in the R-4 District.

- A. Lot Area - A minimum of twenty-thousand (20,000) net square feet, excluding all road right-of-ways, per dwelling unit shall be required. All other uses in this district shall have such lot area prescribed by the Article or Section permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.
- B. Lot Frontage - Except as set forth, all lots or parcels within this zoning district shall have the following minimum continuous frontage on a county approved road or street:

<i>less than one acre</i>	<i>100 feet</i>
<i>1 acre but less than 2 acres</i>	<i>150 feet</i>
<i>2 acres but less than 3 acres</i>	<i>175 feet</i>
<i>3 acres but less than 4 acres</i>	<i>200 feet</i>
<i>4 acres but less than 5 acres</i>	<i>250 feet</i>
<i>5 acres or larger</i>	<i>300 feet</i>

Lots or parcels having less than the above listed minimum frontages on the right-of-way line of the adjoining approved road or street must have a width fifty (50) feet forward of the front building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and the width of sixty (60) feet shall not be decreased at any point forward of the front building line of the principal residence located on the premises. If an irregularly shaped lot (e.g. Pie shaped) located on a curve or cul-de-sac widens to the minimum lot width within seventy-five (75) feet of the nearest right-of-way line of the adjoining roadway, the setback must conform to the average setback lines for principal structures on adjoining lots.

- C. Building Height Limits - No buildings in this district shall exceed thirty-five (35) feet in height measured from the elevation of the threshold plate at the front door to the highest point of the roof. Chimneys, barns, silos, grain handling conveyors, church spires, domes, flag poles, and elevator shafts are exempted from any height regulation and may be erected to any safe height, not to exceed one-hundred (100) feet in height.
- D. Building Dimensions - (Floor space requirements) - Each single family dwelling hereafter erected in this district shall have a ground floor living area of not less than one-thousand (1000) square feet or a ground floor area of eight-hundred (800) square feet if the residence is multi-story. All such living areas shall be exclusive of basements, porches, or garages.

All apartments or other multi-family structures constructed within this district shall contain the following minimum living:

One (1) bedroom unit	800 Sq. Ft.
Two (2) bedroom unit	900 Sq. Ft.
Three or more bedroom unit	1000 Sq. Ft.

- E. *Building Set-Back* - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09.
- F. *Side Yard Setback* - Except as modified by the Board of Zoning Appeals in approving zero lot lines or common wall housing, no building or structures shall be located closer than twenty (20) feet to any side lot line.
- G. *Rear Yard Requirements* - No principal dwelling shall be located closer than fifty (50) feet to the rear line of any lot, and no accessory building shall be located closer than fifteen (15) feet to the rear lot line.
- H. *Maximum Lot Coverage* - On no lot or parcel in this zoning district shall structures and paving be constructed which cover more than fifty percent (50%) of the lot area. Structures shall cover no more than twenty-five percent (25%) of the lot or parcel area.
- I. *Parking* - Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Articles XXI of this Resolution.
- J. *Signs* – See Article XXII and Section 21.15 and 21.16. "For Sale" or a "For Rent or Lease" signs are permitted advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one (1) sign not exceeding thirty-two (32) square feet in area per side, advertising said subdivision, development, or tract for sale.

- K. *Manufactured/Mobile Home Development Standards* - In the event permanently sited manufactured homes, or manufactured homes are included as a type of residence within this district, construction of foundations or slabs shall be in conformity with industry standards and/or the Delaware County Building Code, or any state or federal standards established on said subject.
- L. *Exterior Lighting* - All exterior lighting shall meet the requirements of Article XXI of the zoning

resolution.

M. The Township Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

N. Landscaping Standards - All yards, front, side, and rear shall be landscaped, and shall meet the requirements of Article XXIII of this Zoning Resolution.

**Amendment 17- Article XI**

Section 11.03 Add “R-3 and R-4” after the word “R-2” to read as follows:

**SECTION 11.03 - Location of Planned Residential (Open Space) Developments**

Planned Residential Development zoning may be overlaid on the FR-1 and the R-2, R-3 and R-4 zones pursuant to a zoning map amendment approved by the township.

**Amendment 18- Article XI Section 11.04 (1)**

Add the words R-3 and R-4 after R-2 in both places as follows:

Single Family detached residential dwelling units in FR-1 and R-2, R-3 and R-4 PRDs; single family attached dwellings (condominiums separated by vertical firewalls) in R-2, R-3 and R-4 PRDs.

**Amendment 19- Article XI, Section 11.05 Design Features**- change as follows:

k.) The required percent of open space shall be provided. The percent of open space required varies according to the zoning district overlaid;

FR-1 - 40% (of gross tract area) open space

R-2, R-3 and R-4 - 20% (of gross tract area) open space

m.) In FR-1 zones, water supply and sanitary sewage disposal shall be as approved by the Delaware County Board of Health and/or the Ohio EPA. Feasibility shall be indicated by the appropriate agency at the time of the preliminary plan. In the R-2, R-3 and/or R-4 zones, centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Board of Health and/or Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.

- o.) ~~Village Residential~~ lots shall be fenced for safety if they abut agriculture.
  
- p.) Sidewalks or paths shall be provided. ~~in the village area~~. Sidewalks shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed green strip. Deciduous, broad leaf street trees (i.e., maple, oak, sycamore, chestnut, and sweet gum) shall be planted (or saved) at the rate of one per 60 feet of frontage on both sides of the street. Trees must be at least a 2.5 inch caliper at planting. Trees may be placed in the 5 foot green strip if permitted by the county engineer and/or township trustees; otherwise they shall be placed in the front lawn of the residences.
  
- q.) Minimum lot size - none, *as approved per the final development plan*
  
- r.) Minimum Lot Width at the building line- none, *as approved per the final development plan*.
  
- w.) Street layouts *should relate to natural topography, and be designed to provide open space views to as many homes as possible.* ~~looped, grid, square or other traditional village layout. Cul-de-sacs should be avoided where possible.~~

**Amendment 20- Article XI**

Section 11.08 (2), add the words R-3/PRD or R-4/PRD after the word R-2/PRD as follows:

The applicant, being the owner of subject real estate, may apply for designation of the land as a PRD overlay. A preliminary development plan must be submitted with the application. If the application is approved, then the zoning map is amended *to the appropriate PRD overlay: either FR-1/PRD, or R-2 /PRD, R-3/PRD, or R-4/PRD.* (This is a legislative act and is subject to referendum).

**III. Staff Recommendation**

DCRPC staff recommends **Approval** of the zoning text amendments to the R-3 and related sections as described herein, and the addition of a new R-4 District to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees.

**Commission / Public Comment**

Mr. Rick Gemienhardt (881 Africa Rd.) stated that there was not a deliberative process. This was a one meeting review. Copies were not even available to the attendees of the public meeting earlier this month.

Chairwoman Foust asked if the Zoning Commission voted to initiate this change. He stated they did.

Mr. Laurien stated that the R3 and R4 districts were presented at the July 26<sup>th</sup> (estimated) meeting. There was so much argument and combative discussion over the issues of densities and the Comprehensive Plan, they didn't even get to go into these changes that evening. It was discussed at previous months that if they did the Comp. Plan updates they would have to make these house keeping amendments. The strikeouts show the old with the new. The R3 district is already there; all these amendments are doing is saying the

R3 is also eligible to be overlaid by the PRD. The R4 is a new district but it doesn't zone any territory. It just puts it in the book and says it's available. In addition to the monthly meetings, with the Zoning Commission and the Steering Committee, there have been two large group meetings. The most recent meeting was Monday night at the church at Piatt and Peachblow Roads. The vote was 4 to 1 at the Zoning Commission and unanimous to move forward from the three Trustees.

**Mr. Miller made a motion to recommend approval of case# 51-05.B ZON. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**52-05 ZON T Delaware Route 23 Development LLC – Berlin Twp. – 3.171 acres from FR-1 to PCD**

**\*\* Berlin Twp. has requested that the RPC table this rezoning application. \*\***

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## V. SUBDIVISION PROJECTS

### Preliminary

**17-05 T Prairie Run – Berkshire Twp. - 06 lots / 18.22 acres**

**Applicant:** Kenneth Hoover

**Consultant:** Bob Patridge, Patridge Surveyors & Engineers LLC

#### I. Staff Comments

The applicant is requesting a 90-day tabling of the Prairie Run Subdivision in order to obtain appropriate zoning approval. This application was previously tabled in June for 90 days.

#### II. Staff Recommendation

Staff recommends *approval of the 90-day tabling* for **Prairie Run Subdivision** to the DCRPC.

#### Commission / Public Comment

**Mr. Ward made a motion to approve the 90-day tabling for Prairie Run Subdivision, seconded by Mr. Miler. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**23-05 Boulder Ridge – Genoa Twp. - 24 lots / 13.90 acres**

#### I. Conditions

**Applicant:** Jason Francis, M/I Homes of Central Ohio

**Subdivision Type:** Single-family Residential

**Location:** West side of Tussic Street Rd, about ½ mile south of Big Walnut Rd, Genoa Twp

**Zoning:** Suburban Residential (SR)

**Existing Land Use(s):** Single-family residence / Wooded

**School District:** Westerville City School District

**Utilities Available:** Del-Co Water and County Sanitary Sewer

**Critical Resources:** N/A

**Surrounding land uses:** Covington Meadows Subdivision to the north, the Cambridge Subdivision to the west, Medallion Estates Subdivision to the east and a 16.5-acre agricultural field to the south.

**Engineer:** Andrew Sanderell, EMH&T, Inc.

## **II. Staff Comments**

The applicant is proposing 24 lots on 13.9 acres at a gross density of 1.7 dwelling units per acre. This development includes the eastern extension of Upper Cambridge Way to Tussic Street Road. The preliminary plan indicates 3.5 acres (24.7%) of open space to be used primarily for storm-water retention. The average lot size is 16,350 sq. ft. with a minimum lot size of 15,000 sq. ft.

Tussic Street Road is currently being re-aligned by the Delaware County Engineer's office. The applicant is working closely with the Engineer's Office to coordinate subdivision improvements with the re-alignment project.

The RPC reviewed the rezoning request for this development in May 2005 (RPC# 22-05 ZON). The Commission recommended adding a street stub connection to the Backus property directly south of this site. The applicant has added a stub to a parcel owned by Delaware County on the east side of this development that is intended to be transferred to Backus. This property was previously transferred from Backus to the County for the purposes of demolishing a single-family house that was in the path of the Tussic Street Road re-alignment project. The transfer back to Backus will need to occur prior to final subdivision application or an alternative location for the street stub will need to be provided.

Genoa Township Zoning has requested that "Note D" be added to the Final plat as follows: reserve D shall be owned and maintained by the Home Owners Association.

**A technical review was held on September 20, 2005, after which the applicant has addressed all of the required changes.**

## **III. Staff Recommendations**

Staff recommends *conditional Preliminary approval of Boulder Ridge* to the RPC, *subject to resolution of the street connection and adding the note requested by the Genoa Twp. Zoning Officer*.

### **Commission / Public Comment**

Mr. Drew Sanderell with EMH & T was present.

Mrs. Warthman was concerned with the stub street to the south and the devil strip being created. Mr. Sanderell stated that it is his understanding that the land would be deeded back to Mr. Backus. They have met the request by RPC to provide a stub to the Backus property.

Mrs. Warthman asked that the driveway for lot T-1 be restricted on the plat to be on the west side of the lot. Mr. Sanderell agreed.

Mr. Jason Francis with M/I Homes stated that they met with the County Engineer and have been told that corner piece would be transferred to Mr. Backus. It is currently being used as a staging area for the realignment project. The County had agreed with the stub location. He also agreed to restrict the driveway

for lot 1 to the west side of that lot. Mr. Backus has been approached and is not interested in selling that piece of property.

**Mr. Gladman made a motion for conditional Preliminary approval of Boulder Ridge, subject to the driveway for Lot T-1 being placed at the western most part of the lot and that Note D be added to stipulate that Reserve D would be owned and maintained by the Home Owners Association. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**24-05 Little Bear Village – Orange Twp. - 94 lots / 84.40 acres**

**I. Conditions**

**Applicant:** Mae L. McCorkle

**Subdivision Type:** Golf Course community with single family and multi family residences.

**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**

Little Bear Village 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. The development consists of 94 single family house lots on 42 +/- acres, 54 units of condominiums on 10 +/- acres, and a 10 to 11-hole par 3 golf course with clubhouse and maintenance building on 28.4 acres. Surrounding land use is primarily single family residential including The Villages of Oak Creek to the north, Walker Wood, Oak Creek East and future Phinney Place to the east across South Old State Road, and Oak Creek subdivision to the south and west. Oak Creek Elementary school is to the northwest. The surrounding subdivisions are zoned SFPRD with a few pockets of MFPRD in Oak Creek. A few large lot residences zoned FR-1 are located along South Old State Road.

This site is flat and generally drains from east to west. There are no critical resources, however a small wooded area is located at the western edge of the property. The development will connect to adjacent subdivisions through Gladshire Blvd to the north, Oak Creek Drive to the west, and Cottonwood Drive to the south. A single access is provided from South Old State Road (Bear Trail).

A single perimeter loop road (Little Bear Loop) provides access to the lots, condos and golf course. Most of the lots are on the outside of the loop with many of them having an open view of the golf course. Approximately a third of the lots are on the inside of the loop backing up to the golf course. The golf course will be platted as a single reserve lot to be owned and maintained by the homeowners association. The condos are also on the interior side of the loop road. Single-family lots are generally 85' X 135" and will be served by Del-Co water and County sewer.

***A technical review was held on September 20, 2005, after which the applicant has addressed all of the***



*required changes.*

**III. Staff Recommendation**

Staff recommends *Preliminary Approval* of **Little Bear Village**, to the RPC.

**Commission / Public Comment**

Mr. Andrew Sanderell of EMH & T was present to represent the applicant.

***Mr. Miller made a motion for Preliminary approval of Little Bear Village. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**25-05                      Sawmill Parkway Extension/Golf Village North – Liberty Twp. - 05 lots / 121.43 acres**

**Applicant:** Golf Village North LLC

**Subdivision Type:** Commercial/Condominium

**Location:** East of Olentangy Liberty High School, north of Home Road, Liberty Twp.

**Current Land Use:** Vacant

**Zoned:** Planned Commercial (PC) and Planned Residential (PRD)

**Utilities:** Del-Co water and public sanitary sewer

**School District:** Olentangy

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

**I. Staff Comments**

The proposed development includes the extension of Sawmill Parkway of approximately 5000' north through the property just east of the Olentangy Liberty High School. It will include three full-access intersections and two right-in/right-out intersections. The first full access north of Home Road will be signalized and will accommodate a new main entrance for high school traffic.

The subdivision includes four large lots. The first is a 35-acre commercial lot at the corner of Home and Sawmill. The plan includes no detail for this area, which will continue to be divided using the subdivision process in future applications. End users have not been identified at this time but there will likely be nine outlots and a number of internal lots. A 34-acre tract to the north of the commercial area will be developed as 120 condominium units.

North of the condos is a 77-acre L-shaped tract that is owned by the Olentangy Local School Board of Education. The District will build two schools on this site. (Although the school property is being platted, the acreage was not included in the fees and total acreage associated with the application.) A second 46-acre condo site including 156 units will be located to the north.

Several small tracts of open space totaling 6.6 acres are located on the west side of the Parkway, some of which will be used for entrance and landscaping features. The zoning for this project was reviewed by the RPC in July of 2004 and received approval from the township in January of 2005.

***A technical review was held on September 20, 2005, after which the applicant has addressed all of the required changes.***

**II. Staff Recommendation**

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

**Commission / Public Comment**

Mr. Mike Weeks with TranSystem Corp. was present to answer questions from the Commission.

Chairwoman Foust asked that a note be added to the plat for a no build zone along the stream at Lot 3 and 4, for no tree cutting. Mr. Weeks agreed to make that recommendation to the applicant.

***Mr. Ward made a motion for conditional Preliminary approval of Sawmill Parkway Extension / Golf Village North, subject to Chairwoman Foust's comment regarding the no build zone plat note. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**Preliminary/Final** (none)

## **CONSENT AGENDA**

### **Final**

#### **01-98.4.B Sage Creek, Section 4, Phase B – Berkshire Twp. - 08 lots / 24.09 acres**

**Applicant:** Bill Schlanger

**Consultant:** CPS Consulting Group

#### **I. Staff Comments**

The applicant is requesting a 30-day tabling of Sage Creek, Section 4, Phase B in order to obtain Health Department approval.

#### **II. Staff Recommendation**

Staff recommends *approval of the 30-day tabling for Sage Creek, Section 4, Phase B* to the DCRPC.

#### **Commission / Public Comment**

***Mr. Snajd made a motion to approve the 30-day table request for Sage Creek, Section 4, Phase B. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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#### **19-01.2.A Sheffield Park, Section 2, Phase A – Genoa Twp. - 26 lots / 25.95 acres**

**Applicant:** Centex Homes

**Subdivision Type:** Single Family Residential

**Location:** West side of Worthington Road, north of Jaycox Road, Genoa Twp.

**Current Land Use:** Vacant

**Zoned:** Planned Residential District (PD-1)

**Utilities:** Del-Co water and public sewer

**School District:** Olentangy Local School District

**Engineer:** EMH&T

#### **I. Staff Comments**

Sheffield Park, Section 2, Phase A continues Sheffield Park Drive to the west. It includes a loop called Chantry Drive, 18 house lots on one side of the street and a large central open space on the other side. This loop is the location of the 2006 Parade of Homes. This Phase also includes eight homes on an extension of Normandy Drive to the north.

The central open space is 7.948 acres in size and includes some stormwater retention as well as usable open space. A 6-foot-wide asphalt walking path surrounds the retention pond and connects to an overall trail system. South of Sheffield Park Drive is a 3.785-acre open space with a similar asphalt path. Approximately 700 feet of right-of-way for Jaycox Road will be platted with this phase. This portion of the overall site is a slightly rolling open field with a swale, which will be located within a drainage easement.

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

**II. Staff Recommendation**

Staff recommends *Final Approval* of **Sheffield Park, Section 2, Phase A** to the RPC.

**Commission / Public Comment**

*Mrs. Warthman made a motion for Final approval of Sheffield Park, Section 2, Phase A. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**27-02.C Wedgewood Park, Section 2, Phase C – Liberty Twp. - 25 lots / 24.85 acres**

**Applicant:** Virginia Homes

**Subdivision Type:** Single Family Residential

**Location:** East Side of Riverside Drive, 3000 feet North of Powell Road

**Current Land Use:** vacant/former agricultural

**Zoned:** PR (Planned Residential)

**Utilities:** Del-Co Water, public sewer system

**School District:** Olentangy

**Engineer:** C. F. Bird and R. J. Bull Inc.

**I. Staff Comments**

Wedgewood Park, Section 2 extends west from Wedgewood Park, Section 1, which currently has access on Powell Road. Section 2 extends west to Riverside Drive. Topography includes rolling hills rising from the O'Shaughnessy Reservoir and deep ravines with seasonal streams. There is a large treed area on the east side of this phase with a waterway and some existing ponds.

Phase C includes the extension of Creighton Drive east from Phase B. Phase D will connect Section 1 with Section 2. Deer Path Court (cul-de-sac) extends north from Creighton Way to the northern property line. Ravines Edge Court (cul-de-sac) extends east from Deer Path Court. No open space is being platted in this phase.

Surrounding land uses include Trotter's Gate subdivision to the north. To the southeast are lands owned by the Columbus Zoo. To the immediate south is Sunset Cove Estates, platted in 1962. A street connection to this subdivision was platted in Phase A.

Wedgewood Park, Section 2 received overall preliminary approval in December 2000, except for Phase D, which received preliminary plan approval in December 2002.

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

**II. Staff Recommendation**

Staff recommends *Approval* of the final plat for **Wedgewood Park, Section 2, Phase C**, to the RPC.

**Commission / Public Comment**

**Mrs. Warthman made a motion for Final approval of Wedgewood Park, Section 2, Phase C. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**20-03 Liberty Village – Liberty Twp. - 35 lots / 36.31 acres**

**Applicant:** Mid-States Development Corp.  
**Subdivision Type:** Single-family residential  
**Location:** On the west side of Steitz Rd., 2500 feet south of Home Road  
**Current Land Use:** Agricultural  
**Zoned:** Planned Residential District (PR)  
**Utilities:** Del-Co. Water and county public sewer  
**School District:** Olentangy  
**Engineer:** EMH&T

**I. Surrounding Land Use**

**North:** Large lot residential, Shroyer CAD subdivision, undeveloped land  
**West:** Future condominium site and Scioto Reserve  
**East:** Some undeveloped land, three 1-acre parcels along Steitz Road, and Golf Village at 30,000 s.f. lots  
**South:** Undeveloped, agricultural land

**II. Staff Comments**

Liberty Village is a 34-lot subdivision of 36.31 acres (0.94 du/acre). It received preliminary plan approval in December 2003. One road enters from Steitz Road and continues through the development and stubs to undeveloped land to the north. One cul-de-sac is located in the northern portion of the site and an additional road is extended to the south property line. Two lots are created along Steitz Road utilizing a Common Access Drive, which will be paved. An emergency access driveway will be provided from the end of the CAD to the end of the cul-de-sac. This will be removed when connection to the north is completed to create an alternative access. A second emergency access connects to the future condominium development to the west. Four acres of open space, including two detention basins, are provided in the center of the development.

**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 **Liberty Village**, to the RPC.

**Commission / Public Comment**

**Mrs. Warthman made a motion for Final approval of Liberty Village. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**VI. EXTENSIONS**

**06-04 Summerwood Lakes – Berkshire Twp. - 101 lots / 81.01 acres**

**Applicant:** Homewood Corp.  
**Consultant:** Floyd Browne Group

**I. Staff Comments**

This application received preliminary approval 3/25/04. Since then, there has been a change in ownership. The new owner has broken the project up into three phases, at the request of the DCRPC. In order to obtain all engineering approval, the applicant has requested a second 6-month extension.

**II. Staff Recommendation**

Staff recommends *Approval of the 6-month extension* for **Summerwood Lakes** to the DCRPC.

**Commission / Public Comment**

*Mrs. Warthman made a motion for a 6-month extension for Summerwood Lakes. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**05-04 DiRocco – Liberty Twp. - 04 lots / 27.08 acres**

**Applicant:** Nick DiRocco  
**Consultant:** Floyd Browne

**I. Staff Comments**

This application received Preliminary approval 3/25/04. The applicant is requesting a 6-month extension. Due to design challenges, additional time is needed to meet the requirements of the Delaware County Engineer. This will be the applicants second extension.

**II. Staff Recommendation**

Staff recommends *Approval of the 6-month extension* of **DiRocco Subdivision** to the DCRPC.

**Commission / Public Comment**

*Mrs. Warthman made a motion for a 6-month extension for DiRocco Subdivision. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**09-02.4 Glen Oak, Section 4 – Orange Twp. - 30 lots / 20.14 acres**

**Applicant:** Dominion Homes

**Consultant:** RD Zande

**I. Staff Comments**

The applicant is requesting a 6-month extension. This application received Preliminary approval 9/25/03. They have been granted two previous extensions. The consultant stated they intend on submitting the final plat in October.

**II. Staff Recommendation**

Staff recommends *Approval of the 6-month extension of Glen Oak, Section 4, Phase B* to the DCRPC.

**Commission / Public Comment**

*Mrs. Warthman made a motion for a 6-month extension for Glen Oak, Section 4. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**VII. OTHER BUSINESS**

- **Consideration for Approval: Loveland & Brosius \$1,986.46**  
*Mr. Miller made a motion to approve the legal fee expenditure, seconded by Mr. Gunderman. VOTE: Unanimously For, 0 Opposed. Motion carried.*
- **Status update: Subdivision Regulations** – Mr. Laurien explained that all the changes have been completed. The last issue to resolve is if the Commission would like to use the adoption date for the purpose of establishing an original tract. He anticipates sending the full Commission a copy of the draft amendments prior to the October RPC meeting.
- **Consideration of By-Laws Amendment** – Chairwoman Foust explained that the proposed bylaws amendment would give the Commission an additional month in order to get a more accurate carry forward and estimated expenses for the following year. The amendment would be as follows:

**Article VII – Boards and Committees of the Commission**

**Section 3. Duties of the Executive Committee**

- b) **Expenditures and Disbursements** – The Executive Committee of the Regional Planning Commission shall review all invoices, payrolls, requisitions, budgets and grants by the state or federal government, and shall prepare a financial report for every meeting of the Commission, and shall prepare an annual financial report for distribution to the membership, and shall prepare a proposed budget for the succeeding year to be approved at the ~~October~~ **November** meeting of the Commission.”

*Mrs. Warthman made a motion to initiate the process for the By-Laws amendment. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

• **Budget Status**

Mr. Laurien gave an overview of the proposed budget.

2005 projected expenditures: \$614,458

2005 projected revenues (+2004 carry forward): \$651,390

Estimated Carry forward to 2006: \$36,932  
2006 projected expenditures: \$635,959  
2006 projected revenue (+2005 carry forward): \$692,578  
Estimated Carry forward to 2007: \$93,551

This includes: a \$10/ lot increase for platting, a 3% salary increase, a sliding scale fee charged to applicants for rezoning review (average cost \$500). He explained that staff spends an average of 10 hours per zoning application. The review time spent on North Star was 100 hours initially. That case was heard three times with an approximate total review of 200 hours. He encouraged the representatives and alternates to discuss this with their trustees.

Chairwoman Foust suggested a \$25/lot increase for plats. No one was totally opposed. She stated that is a starting point for the Executive Committee to work on.

- **Consideration for Approval: GIS Intern (endorsed by Executive Committee)**

Mr. Laurien stated that with the absence of Robert Sochor, the development pattern map has not been updated for 3 months. He would like to hire an intern from OSU for 20 hours per week at \$12.00 per hour, through the end of the year.

*Mr. Miller made a motion to approve hiring an intern, seconded by Mr. Snajd. VOTE: Unanimously For, 0 Opposed. Motion carried.*

## VIII. POLICY / EDUCATION DISCUSSION (none)

## IX. RPC STAFF AND MEMBER NEWS

- **Bob Sochor update**

Mr. Laurien explained that Bob came into the office this week. He will be working on custom map orders from home. We have loaded the necessary software for him to work on special projects at home, as his health allows. He has undergone some radiation treatments and will be doing chemotherapy soon.

- **Ohio GIS Conference**

Mr. Liou won first place at the Ohio GIS conference in Columbus for the Liberty Twp. Comprehensive Plan map.

Mr. Laurien also stated that he would be accepting a first place award for Comprehensive Planning Large Jurisdiction for work done on the Delaware County Sewer Master Plan 2004 Update at the Ohio Planning Conference in Cleveland on Friday, Sept. 30<sup>th</sup>.

At 9:00 p.m., *Mr. Miller made a motion to adjourn the meeting, seconded by Mr. Snajd. VOTE: Unanimously For, 0 Opposed. Motion carried.*

***The next meeting of the Delaware County Regional Planning Commission will be Thursday, October 27, 2005, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G35, Delaware, Ohio 43015.***



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*Kolby Faust, Chairperson*

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*Stephanie Mallack, Executive Administrative Assistant*