



**DELAWARE COUNTY  
REGIONAL PLANNING COMMISSION**

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

Philip C. Laurien, AICP, Executive Director

*\*MINUTES\**

**Thursday, October 28, 2004 at 7:00 PM**

**Delaware Hayes Services Building,**

**140 N. Sandusky Street, Conference Room 313, Delaware, Ohio 43015**

**I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of September 30, 2004 RPC Minutes
- Executive Committee Minutes of October 20, 2004 and October 26, 2004
- Statement of Policy

**II. VARIANCES (none)**

**III. PUBLIC CONSTRUCTION PROJECTS**

04-04 PC Utility Technologies International Corp. – proposed Suburban gas line extension

**IV. ZONING MAP/TEXT AMENDMENTS**

- 49-04 ZON Silvestri Homes – Orange Twp. – 30 acres from FR-1 to SFPRD
- 50-04 ZON **T** Trec Development Inc. – Concord Twp. - 34.765 acres from FR-1 to PRD
- 51-04 ZON Triangle Real Estate, D.B.A. Village Communities – Orange Twp. – 50 acres from FR-1 to MFPRD
- 52-04A ZON Planned Communities – Orange Twp. – 22.077 acres from FR-1 to SFPRD
- 52-04B ZON Planned Communities – Orange Twp. – 8.188 acres from FR-1 to PC
- 53-04 ZON Joyce & Harold Hardin (FKA#48-03.A) – Liberty Twp. – 7.407 acres from FR-1 to PR
- 54-04 ZON American Heritage Homes – Berlin Twp. – 2.992 acres from NCD to PCD
- 55-04 ZON The McCorkle Investment Co. – Genoa Twp. – 7.497 acres from SR to PCF

**V. SUBDIVISION PROJECTS**

		<b>Township</b>	<b>Lots/Acres</b>
<b><u>Preliminary</u></b>			
26-04	<b>T</b>	Fairways at Blue Church	Kingston 243 lots / 605 acres
09-02.5-8		Glen Oak, Sections 5 – 8	Orange 132 lots / 91.28 acres
09-02.9		Glen Oak, Section 9	Orange 07 lots / 03.18 acres

**Preliminary/Final (none)**

**Final**

17-04		Edgewater Estates	Scioto	05 lots / 21.10 acres
24-04		Justamere	Scioto	04 lots / 08.37 acres
23-04	<b>T</b>	Christy	Troy	03 lots / 09.66 acres

**T=TABLED, W=WITHDRAWN**

**VI. EXTENSIONS**

23-03 Ross Property (Summerwood Extension) Berlin

**VII. OTHER BUSINESS**

- **Consideration for approval: Amendment to By-Laws for Membership Dues**
- **Consideration for approval: New Bonus Policy**
- **Consideration for approval: 2005 Budget**

**VIII. POLICY / EDUCATION DISCUSSION**

**IX. RPC STAFF AND MEMBER NEWS**

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**I. ADMINISTRATIVE BUSINESS**

- **Call to Order**  
Chairwoman Foust called the meeting to order at 7:00 p.m.
- **Roll Call**  
*Representatives present:* Paul Snajd, John Schmidt, Robert Hedrick, Fred Fowler, Steve Jefferis, Gary Gunderman, Dave Lavalley, Holly Foust, Dick Gladman, Marvin Miller, Lloyd Shoaf, Bill Berry, George Mason, Bonnie Newland, Mike Dattilo and Larry Starling. *Alternates present:* Dusty Gurney, Doug Riedel, and Charles Sheets. *Arrived after roll call:* Gary Spanner (R), Leslie Warthman (R), and Robert Jones (R). *Staff present:* Phil Laurien, Paul Deel, Scott Sanders, Joe Clase, Da-Wei Liou, Bob Sochor, and Stephanie Matlack.
- **Approval of the September 30, 2004 RPC Minutes**  
*Mr. Miller made a motion to approve the minutes of the last meeting, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **October 20, 2004 Executive Committee Minutes**

**1. Call to order**

Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Dick Gladman, Steve Burke, Leslie Warthman and Jim Ward. Staff present: Phil Laurien and Stephanie Matlack. Also present: Attorneys Don Brosius and Helen Quenemoen with Loveland & Brosius legal firm.

**2. Approval of Executive Committee Minutes**

**a. September 22, 2004 – Mr. Gladman made a motion to approve the minutes of the last meeting, Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Ward). Motion carried.**

**3. Old Business**

**a. Contract updates –**

- 1.) **Ashley** – almost complete, one more committee meeting then will schedule public meeting.
- 2.) **Berlin** - zoning code 95% complete on items they asked staff to review. Comp. plan – may need additional assistance.
- 3.) **Brown** – zoning update 5% completed, in process
- 4.) **Concord** – signed contract received, first meeting in November
- 5.) **Delaware** – proposed zoning amendments being reviewed by Scott
- 6.) **Genoa** – comp. plan text and map done –working with committee, zoning code on hold until comp. plan complete.
- 7.) **Harlem** – contract signed for comp. plan
- 8.) **Kingston** – comp. plan done, waiting on Township approval
- 9.) **Liberty** – comp. plan begun, 4-5 meetings held
- 10.) **Scioto** – plan completed, next public meetings
- 11.) **Trenton** – staff to work on conservation preservation resolution
- 12.) **Troy** – PRD, PCD completed, comp. plan update public hearings
- 13.) **VanBuren, Hancock Co.** – November meeting scheduled
- 14.) **Scioto Twp., Pickaway Co.** – may need assistance next year

**4. New Business**

**a. Financial / Activity Reports for September 2004**

REGIONAL PLANNING RECEIPTS		SEPTEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$555.00	\$8,900.00
Fees A (Site Review)	(4202)		\$2,600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$180.00	\$880.00
Membership Fees	(4204)		\$152,781.97
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$3,395.23	\$46,250.59
Associate Membership Fees	(4206)		\$1,500.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,142.00	\$91,123.03
Charges for Serv. B (Final. Appl.)	(4231)	\$14,182.00	\$82,942.21
Charges for Serv. C (Ext. Fee)	(4232)	\$600.00	\$1,700.00
Charges for Serv. D (Table Fee)	(4233)		\$2,400.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00
General Sales	(4220)	\$180.75	\$3,878.49
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)		\$16,180.00
Soil & Water Fees	(4243)	\$75.00	\$4,500.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		\$40.00
Other Reimbursements A	(4721)	\$2.14	\$35.55
Other Misc. Revenue (GIS maps)	(4730)	\$306.55	\$2,752.70
Misc. Non Revenue Receipts	(4733)		\$800.00
Sale of Fixed Asset	(4804)		\$700.00
<b>TOTAL RECEIPTS</b>		<b>\$20,618.67</b>	<b>\$420,564.54</b>

<b>Balance after receipts</b>	<b>\$221,335.79</b>
<b>Expenditures</b>	<b>- \$38,962.57</b>
<b>End of September balance</b>	<b>\$182,373.22</b>

**b. October RPC Preliminary Agenda-** 1 Public construction, 8 rezoning, 3 preliminary, 3 final and 1 extension applications.

**c. 2005 Membership Dues** – The Committee discussed the need for a more stable source of income. With the decline in subdivision platting, an increase in platting fees would not be the answer. Mrs. Warthman asked when the last dues increase took place. Mr. Laurien stated that the last increase was in 1991 when the dues went from \$0.25 per capita to \$0.70 per capita. Mrs. Warthman said that subdivision application fees should always generate more than 50%

of the RPC's income. (Dues currently generate approximately 29 % and subdivision fees generate 54%). Chairwoman Foust suggested considering increases annually, alternating between dues and subdivision fees if needed. Mrs. Warthman agreed that dues and subdivision fees should be looked at each year to determine if an increase would be needed or not. The Committee noted that a 2% increase each year since 1991 would now put our dues at \$0.92 per capita and bring in an additional \$38,000.00 in revenues in 2005.

***Mr. Gladman made a motion to recommend approval of an amendment to the By-Laws to increase dues from \$0.70 to \$0.92 per capita. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

- d. **2005 Salary Increases** – Mr. Laurien explained that the staff currently receives an evaluation at their anniversary date. In 1998 upon his arrival, Mr. Laurien evaluated and awarded raises on employee anniversary dates each year. This allowed him to have enough time to become familiar with staff in order to properly evaluate each person. At that time, evaluations were presented as a summary letter. Now that the RPC uses the County's evaluation form and scale, the evaluation process is less time consuming. Mr. Laurien suggested changing staff evaluations to January with raises being effective January 1, the same as Delaware County does, and that we consider setting the same maximum for raises for RPC employees as the County is setting for their employees. Mr. Ward stated that the County is budgeting for a 2% raise per employee for 2005 and explained that such budgeting is not a guarantee that each individual will receive a raise: raises are still based on evaluations and while some employees might receive no raise or less than 2%, other employees might receive more than 2%. He stated he could not support more than that for the RPC staff. There was some discussion of a 2% raise on January 1 or 3% staggered raises on anniversary dates. The cost difference was approximately \$1,000.00 more to do 2% on January 1.

***Mr. Ward made a motion to recommend that the maximum 2005 raise be set at 2% for RPC staff with evaluations and raises to be effective January 1. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

- e. **Overtime Policy** – There are new federal labor laws, and DCRPC

wanted to comply, as well as determine how to compensate staff for significant "contract related" overtime. Mrs. Quenemoen explained that you are not required to pay exempt employees overtime but it is an option under the Fair Labor Standards Act. If overtime is paid, there is no specific rate at which it must be paid. DCRPC employees (other than S. Matlack) are exempt employees and currently work overtime without pay. Since the DCRPC now does contract work that requires night work in addition to a full day schedule, the overtime issue needs to be resolved.

Chairwoman Foust stated the 1999 bonus policy is based on several factors including the requirement that a project be completed within that calendar year, be completed on time and under budget, and an evaluation form from the contracting jurisdiction is submitted to the RPC showing favorable overall ratings of the contracted work. Because contracts are rarely completed on a calendar year basis, this policy is cumbersome and needs revision.

Mr. Laurien asked the Committee how much time a professional should be expected to work over and above their regular 40-hour week. All agreed that "non-contract" overtime should not be financially compensated. "Non-contract overtime" should be taken as flextime or compensatory time off at the discretion of and with the approval of the Director. The Committee, after much discussion, decided that after 10 hours of "contract" overtime during a calendar year, staff would be eligible for a discretionary bonus as recommended by the Executive Committee, approved by Regional Planning Commission and paid after the beginning of the following year. Contract overtime may also be taken as flex (compensatory) time but if it is, it does not count as hours for a possible bonus.

The Committee asked Mr. Brosius and Mrs. Quenemoen to present them with a revised bonus policy before the Executive Committee's special meeting on October 26<sup>th</sup>.

***Mr. Gladman made a motion to recommend putting \$7,500.00 in the 2005 Budget for contract overtime hours worked in 2004 to be considered for discretionary merit bonus payment as provided for by the new Bonus Policy. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

f. **2005 Proposed Budget** – The Committee reviewed the proposed budget. A special meeting was set for October 26<sup>th</sup>, to review the requested budget amendments and revised bonus policy.

5. **Other Business** (none)

6. **Personnel** (none)

7. **Adjourn** – *Mrs. Warthman made a motion to adjourn the meeting, seconded by Mr. Burke. VOTE: Unanimously For, 0 Opposed. Motion carried.*

Meeting adjourned at 11:45 a.m.

**A special meeting of the Executive Committee will be held Tuesday, October 26, 2004 at 8:00 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015 for the purposes of considering approval of the proposed 2005 RPC budget and the revised Bonus Policy.**

**The next regular Executive Committee meeting will be Wednesday, November 10, 2004 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015**

▪ **October 26, 2004 Executive Committee Minutes**

1. **Call to order**

Chairwoman Foust called the meeting to order at 8:00 a.m. Present: Holly Foust, Dick Gladman, Steve Burke, Leslie Warthman and Jim Ward. Staff present: Phil Laurien and Stephanie Matlack.

2. **Consideration for recommendation of approval: Revised Bonus Policy**

- a. Mr. Laurien presented the Executive Committee with the proposed new Bonus Policy written by Mrs. Helen Quenemoen with Loveland & Brosius. *Mr. Gladman made a motion to recommend approval of the new Bonus Policy as presented, seconded by Mr. Burke. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. **Consideration for recommendation of approval: 2005 Budget**

- a. The proposed budget was presented to the Committee. This budget

reflects the recommendations from the previous Executive Committee meeting. *Mrs. Warthman made a motion to recommend the 2005 Budget as presented. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

4. **Executive Committee minutes of 10/20/04** – *Mrs. Warthman made a motion to approve the minutes of the last Executive Committee meeting. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*Mr. Gladman made a motion to adjourn the meeting. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

Meeting adjourned at 8:35 a.m.

**The next regular Executive Committee meeting will be Wednesday, November 10, 2004 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

#### 04-04 PC Utility Technologies International Corp. –Suburban Natural Gas Co. proposed gas line extension

Due to the rapid growth in Delaware and Marion Counties, Suburban Natural Gas Company is planning a 20-mile long, 12-inch diameter gas supply line from Columbia Gas Transmission Corporation's pipeline in southern Marion County to the City of Delaware. "Del-Mar Pipeline Co LLC" is proposing to build the line. To obtain a Certificate of Environmental Compatibility and Public Need from the Ohio Power Siting Board, practical alternate routes must be selected for comparison. These routes are evaluated according to ecological, cultural, land use and technical criteria.

#### I. Alternates

Four alternate routes are under consideration. At this time, Alternate Route 2 is the preferred route. These are located in northern Delaware County, south Marion County and western Morrow County. All routes begin with an existing tie-in near Glenn Road at the Norfolk Southern Railroad crossing.

**Route 1** – Running along the east side of the Norfolk Southern Railroad track to 500' south of Penry Road, crossing Panhandle, the Olentangy River and US 23. The route then travels west along Penry Road to an existing Marathon pipeline to the Marion County line. Crosses Penry, Troutman, Troy, Radnor, Section Line, Peel, and Norton Roads. (Townships affected: Delaware, Troy, Marlboro and Radnor.)

**Route 2** – Running along the east side of the Norfolk Southern Railroad track to 500' south of Penry Road, crossing Panhandle, the Olentangy River and US 23. Then running along the west side of the Norfolk Southern Railroad tracks to Norton Run, approximately 1000' north of the Marion County line. Crosses Penry, Willey, Troutman, Radnor, and Norton Roads. (Townships affected: Delaware, Troy and Marlboro.)

**Route 3** – North on Horseshoe Road to east on Kelly McMaster Road, to north on Velej Road, to east on Leonardsburg Road, to north then east on Steamtown Road, to north on Strine Road, to west on S.R. 229, to north to and on Claypool Road to the Morrow County line. (Townships affected: Delaware, Troy, Brown and Oxford.)

**Route 4** – Northeast on US 42 to Steamtown. North on Westfield Road, then on Steamtown to Morrow County line. (Townships affected: Delaware, Brown and Oxford.)

#### II. Public Comment

Two public meetings were advertised and held on October 18 and 19. Del-Mar plans to submit the OPSB application in early November. Comments may be sent to Stephen Cremean, P.E. at [scremean@uti-corp.com](mailto:scremean@uti-corp.com), or by phone at 614-879-7316.

#### III. DCRPC Staff Recommendation

Staff encourages comments from the DCRPC representatives and Township Trustees to be made directly to Utility Technologies International so that they may determine the preferred route.

#### Commission / Public Comments

Chairwoman Foust asked if a motion needed to be made. Mr. Sanders said no. The staff report will be mailed to Mr. Cremean.

### IV. ZONING MAP/TEXT AMENDMENTS

#### 49-04 ZON Silvestri Homes – Orange Twp. – 30 acres from FR-1 to SFPRD

**Applicant:** Silvestri Homes, Ltd / Luella Yarnell

**Location:** East side of S. Old State Road approximately midway between Lewis Center Road and Orange Road, Orange Township.

#### I. Conditions

**Present Zoning:** Farm Residence (FR-1)

**Proposed Zoning:** Single Family Planned Residential (SFPRD)

**Present Use:** Open Field/Woods.

**Proposed Uses:** PRD subdivision

- 41 single family lots, minimum lot size 15,000 s. f.
- 9.72 acres of open space (32% of site).

**Existing Density:** 1 unit/acre in FR-1

**Proposed Density:** 1.36 unit/acre (gross density overall)

**School District:** Olentangy

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

**Soils:** BoA, BoB – Blount 0-2, 2-6 % slope  
GwB, GwC2 – Glynwood 2-6, 6-12 % slope  
LyD2 – Lybrand 12-18% slope  
SnA – Sloan 0-2% slope

## **II. Project Description**

The proposed development, called Lake Shore, contains 41 lots on 30 acres (1.36 units/acre). It is located on the east side of South Old State Road approximately midway between Lewis Center Road and Orange Road. Surrounding land use includes the Parkshore subdivision to the north and east, Del-Co water treatment facility and reservoir to the south, and the future Alum Crossing subdivision across Old State Road to the west. The front half of the site is generally flat and open. The back half is wooded and contains a deep ravine along the east boundary with a smaller ravine running from west to east into the larger one. The development will connect to Parkshore subdivision to the north via Sea Drive. A single access is provided from South Old State Road. This access should be coordinated with the Alum Crossing development to assure proper alignment. The internal layout is intended to leave the ravines as open space (9 acres / 30 % of site) with 2 additional reserves proposed at the entryway (0.5 acres). A large retention pond would be constructed in the smaller ravine. The minimum lot size is 14,400 s. f.

## **III. Conformance with Local Comprehensive Plan**

The Orange Township 2001 Comprehensive Plan recommends single family residential at 2 dwelling units per acre. The proposed development conforms to the plan with regard to use and density.

## **IV. Conformance with Development Standards**

- 1.) Provisions for utilities.
  - a.) Sanitary sewer – Sewer will be available through the Parkshore subdivision to the north. There is capacity to serve this development. A letter of service availability has been provided from the Sanitary Engineer.
  - b.) Water – Del-Co water is available through a 12” main on the west side of South Old State Road.
  - c.) Other utilities – Service letters have been provided for gas (Suburban Natural Gas), electric (American Electric Power), and telecommunication (Verizon).
- 2.) Storm water – A stormwater management plan must be submitted to and

approved by the County Engineer. The development plan proposes a retention pond in the smaller ravine. If this is a jurisdictional waterway, permits may be required from the OEPA and the Army Corps of Engineers. Staff does not generally support the damming of ravines. Off-ravine stormwater detention is preferred

- 3.) Proposed Traffic Patterns and their relationship to existing conditions-
  - a.) A traffic impact study has not been submitted. The County Engineer’s office has indicated that a traffic study will be required.
  - b.) Arrangement of streets in regard to existing or planned streets- The access to the site should align with the access to the proposed Alum Crossing subdivision on the west side of South Old State Road. The County Engineers office has indicated that turn lanes will be required on South Old State Road.
  - c.) Sidewalks are not proposed. The developer indicated that the desire is to maintain the same streetscape as the adjacent Parkshore subdivision, which does not have sidewalks. Staff believes that PRD developments containing lots with less than 100’ of width should contain sidewalks or a bike/walking path, especially when the open space is not really useable. Orange Township typically requires sidewalks.
- 4.) Architectural design criteria – The development plan includes renderings and floor plans for homes to be constructed within the subdivision. Architectural design elements are included in the text. A rendering for the entry sign was also included in the development plan.
- 5.) Landscaping – A landscaping plan has been provided.
- 6.) A divergence is requested to reduce the minimum lot depth from 135’ to 130’ for the 4 lots at the subdivision entrance. The reason for the request is the narrow shape of the front of the development. Staff has no objection to the divergence since the minimum front setback will be maintained.

## **V. Required Findings for SFPRD**

- 1.) That the proposed development is consistent in all respects with the purpose, intent, and general standards of this zoning resolution.  
**DCRPC Staff Finding:** Yes.
- 2.) That the proposed development is in conformity with the comprehensive plan

or portion thereof as it may apply.

**DCRPC Staff Finding:** Yes.

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

**DCRPC Staff Finding:** Yes.

**VI. DCRPC Staff Recommendation**

Staff recommends **Conditional Approval** of the zoning change from FR-1 to SFPRD, for case 49- 04 ZON, *subject to:*

- 1) *The entry road aligning with the access to Alum Crossing to the west*
- 2) *The County Engineer approving stormwater retention in the ravine*
- 3) *Sidewalks or a bike/walking path being provided*
- 4) *The County Engineer approving a traffic study and the applicant providing required turn lanes on Old State Road.*

**Commission / Public Comments**

Mr. Brad McClean of Civil Environmental Consultants was present to represent the applicant. He stated a stream study was conducted and submitted to the Corps (of Engineers) for verification. The smaller ravine that feeds the larger ravine has been identified as not being jurisdictional. They will work with the County on any requirements.

Mr. Gladman stated that the Township would require curb, gutters and sidewalks on the roadway. The commercial pointed out on the plan is the school site not necessarily standard commercial (sales, office).

***Mr. Miller made a motion to recommend conditional approval of the rezoning request by Silvestri Homes, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**50-04 ZON                      Trec Development Inc. – Concord Twp. - 34.765 acres from FR-1 to PRD**

**\*\*\* This application has been tabled by the Township.\*\*\***

**51-04 ZON                      Triangle Real Estate, d.b.a. Village Communities – Orange Twp. – 50 acres from FR-1 to MFPRD**

**I. Request**

The applicant, Triangle Real Estate, is requesting a 50-acre rezoning from Farm Residential (FR-1) to Multi-family Planned Residential District (MFPRD). The development plan indicates 25 condominium buildings (100 units) at a gross density of 2 d.u./acre. A clubhouse facility is located on the north side of the development’s entrance off Bale-Kenyon Road.

**II. Conditions**

- Location:** 7264 Bale-Kenyon Road, Orange Twp
- Present Zoning:** Farm Residential (FR-1)
- Proposed Zoning:** Multi-family Planned Residential District (MFPRD)
- Present Density:** 1 d.u./acre
- Proposed Density:** 2 d.u./acre
- Present Use(s):** Single-family residence/pasture
- Proposed Use(s):** 100 Multi-family Condominiums
- School District:** Olentangy Local School District
- Utilities Available:** Del-Co Water and County Sanitary Sewer
- Critical Resources:** Ravine, existing ponds and 100-year floodplain
- Surrounding land uses:** Waverly Place Subdivision to the south, I-71 to the west
- Soils:**
  - AmE: Amanda Silt Loam (18 to 25% slopes)
  - BeA: Bennington Silt Loam (0 to 2% slopes)
  - CaB: Cardington Silt Loam (2 to 6% slopes)
  - CaC2: Cardington Silt Loam (6 to 12% slopes)
  - RoA: Rossburg Silt Loam (0 to 2% slopes)

**III. Issues**

1. The 2001 Orange Township Comprehensive Plan recommends this site for planned single-family development at 2 d.u./acre with public sewer and water. The applicant is asking Orange Township to amend their Comprehensive Plan to recommend multi-family residential at the same densities due to floodplain, severe topography and overhead high voltage electric transmission lines.

**Staff Comments:** Staff agrees with this request. Due to the considerable amount of land within the 100-year floodplain, extreme slopes and the electric easement, the proposed multi-family condominiums will provide for more suitable design of this site. By

clustering condominiums in areas that are suitable for development, the developer will be able to preserve environmental elements that make this site unique.

2. This site contains environmentally sensitive areas that are proposed to be dedicated as permanent open space. Sixty four percent (64%) of the site is proposed for dedication as open space. The lands east of Bale-Kenyon Road contain a segment of Alum Creek and are almost entirely within the 100-year floodplain. These lands are proposed for dedication to Orange Township, the Friends of Alum Creek or Delaware County for park space. The remainder of the open space will be owned and maintained by the condominium homeowners' association.

**Staff Comments:** This is a generous open space dedication, compared to the 20% required in the MFPRD regulations.

3. There is a large electrical line that crosses the site with a 200 foot wide electric easement.

**Staff Comments:** The applicant should consult with the electric company and provide documentation to the Orange Township Zoning Commission prior to rezoning to confirm that all proposed grading (i.e. ponds, mounds, streets, etc.) within this easement are not in violation of easement restrictions.

4. The property adjacent to the north of this site has poor sight distance on Bale-Kenyon Road.

**Staff Comments:** This development should provide a connection to this property to allow for future access due to a noted sight distance problem on Bale-Kenyon for that parcel to the north. The applicant has provided a direct connection to this property from their entrance to Bale-Kenyon. This road should be constructed and platted either as a public road from Bale-Kenyon Road to the northern property line, or there should be a platted easement for access over the internal private streets with a recorded shared maintenance agreement.

5. Waverly Place Drive stubs into the southern edge of this development. The applicant has expressed concern that Waverly Place residents will not be favorable to increased traffic flow through their neighborhood.

The development plan indicates an emergency access gate at this stub with full pedestrian/bike access.

**Staff Comments:** The applicant should meet with the property owners on Waverly Place Drive to verify these concerns and determine if they agree with his proposed design, which staff supports.

6. The applicant is requesting that the Township take their 35-foot maximum building height measurement from the front of the walkout units. There are two types of condominium units that are proposing for this site; 4 unit attached ranch condominiums and 4 unit attached walkout condominiums.

**Staff Comments:** The height variance is suitable to the design of this development, because the two story walkout units will allow for a smaller building footprint and preservation of these steep ravines.

7. Section 21.09 of the Orange Township Zoning Resolution stipulates building setbacks that vary slightly from the development plan. The code recommends 80-foot setbacks from Class A roads (i.e. I-71).

**Staff Comments:** The setback from I-71 should be at least 80-feet to conform with Class A roadway restrictions. The applicant should consult with Greg Channel (740-363-1251 ext. 345) of the Ohio Department of Transportation for further restrictions. The applicant should also consult a noise engineer to verify that ambient noise levels from I-71 will not exceed federal standards for dwelling units that are purchased using federally backed mortgages. There may need to be a larger setback or noise barrier to I-71 if such excessive ambient noise exists on site.

#### **IV. Criteria for Approval**

The MFPRD requires that all the following criteria be met.

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

**Staff Comment:** Yes, if Orange Township grants the height variance.

2. If the proposed development is in conformity with the 2001 Orange Township Comprehensive Plan.



**Staff Comment:** Yes, the density does conform, but the Comprehensive Plan it will need to be amended to allow the multi-family residential at this density.

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

**Staff Comment:** Yes, if the main entrance is platted as a public road or private street with cross easements to allow access to the property north of this site. The extensive open space and clustered condominiums provide for better preservation of the deep ravines and 100-year floodplain than would single-family homes.

#### **V. Staff Recommendations**

Staff recommends **Conditional Approval** of this rezoning case from FR-1 to MFPRD for Triangle Real Estate to the DCRPC, the Orange Township Zoning Commission and the Orange Township Trustees, *subject to:*

1. *Engineering, construction and dedication of the entrance as a public road or private road with cross easements and shared maintenance to provide full access to property to the north to alleviate a sight distance problem on Bale Kenyon Road.*
2. *Providing appropriate documentation from the electric company regarding all proposed grading within the electric easement.*
3. *Providing at least an 80-foot building setback from I-71 or greater if ambient noise levels violate federal standards for housing purchased using federal standards for housing purchased using federally insured mortgages.*

If Orange Township does approve this rezoning request, they should simultaneously amend their comprehensive plan to recommend this site for multi-family residential at a density of 2 units per acre. The Township may also want to consider land to the north of this development for multi-family, since they will be taking access through this development.

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

Mr. Mark DiSabato representing Village Communities. They have met with a group of representatives of the neighbors, who then met with the large group of neighbors and made a list of questions and concerns. The applicant is in the process of answering those questions and will continue to work with them and the Township.

Mr. Gladman stated that if the road were going to be stubbed to the north it

would be a township road with sidewalks, curbs and gutters. If it is going to be a private road with an easement, it has to be noted that there is no assurance that the ground to the north will not be single-family residence as the Township Plan calls for. The 80' setback from I-71 must be adhered to. Mr. Laurien stated that it might need to be more. There are federal noise standards for residential uses. If you are going to use a federally backed mortgage (i.e. Fanny Mae), you cannot violate the federal noise standards. Mr. Laurien agreed that a public road is more desirable.

***Mrs. Warthman made a motion to recommend conditional approval of the rezoning request by Village Communities, subject to staff comments and comments from Mr. Gladman. Mr. Miller second the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**52-04A ZON                      Planned Communities – Orange Twp. – 22.077 acres from FR-1 to SFPRD**

**I. Location:** 6520 Columbus Pike (U.S. 23)

#### **II. Conditions**

**Present Zoning:** Farm Residential (FR-1)  
**Proposed Zoning:** Planned Residential (SFPRD)  
**Present Use:** Vacant  
**Proposed Use:** 37 single family homes on 14,000-18,000 square-foot lots  
**Existing Density:** 1 unit per acre  
**Proposed Density:** 1.67 units per gross acre  
**School District:** Olentangy  
**Utilities Available:** Del Co Water, County sewer  
**Soils:**            GwB Glynwood Silt Loam, 2-6% slope  
                      GwC2 Glynwood Silt Loam, 6-12% slope

#### **III. Surrounding Land Use**

To the north is the future single family within the Olentangy Crossings project. To the east is proposed commercial (RPC#52-04.Bzon) and U.S. 23. Large single-family acreage lots and wooded parcels with significant topography are located to the south and west.

#### **IV. Plan**

The design of this project shows that it will be accessed via Coal Bend Road, which aligns with Lewis Center Road at U.S. 23. The developer will use one

lot in the subdivision to the north, which received Preliminary Approval in March of 2004, for a road that will enter this site. (This will require an amendment to the preliminary plan approval.) A second east-west road (Street A) will access homes across the site and three street stubs are proposed to the southern property line. A large area of open space including woods and a pond is located to the east and a small area for detention is at the western end of the site. Open space totals 4.587 acres. The development is proposed to be gated and the streets will be private.

## V. Issues

1. The roads are proposed to be private. However, roads are stubbed to the south property line and Street B and Street D are pointed toward ponds that appear on the National Wetlands Inventory. The developer has indicated that the adjacent parcel to the south (under contract to Planned Communities) will be subdivided into large lots, generally three acres in size as defined in an existing deed restriction. These lots are proposed to gain access from these stub streets, which will include T-turnarounds.

**Staff Comment:** *T-turnarounds need the approval of the Orange Township Fire Chief. When the Preliminary Plan is submitted for this subdivision, it will need to include the lots to the south or it must include easements of access for those lots as they are created. The applicant should consult with the Orange Township Zoning Office to determine the frontage requirements for these future lots. This may be better handled with an extension of a single street, Street C, with a cul-de-sac on the adjacent property that accesses the acreage lots.*

2. Lot 29 is located in a ravine that would likely be filled for development.

**Staff Comment:** *Lots should be reconfigured to stay out of the ravine and reduce the need for excessive grading and filling. This is possible and should be done.*

3. Artesian Run is a spine road that will continue north through Olentangy North, accessing several commercial lots in addition to the lot in the related zoning case (RPC#52-04.Bzon). This road stubs to the All Shepherds Church property but provides not frontage for the parcel to the west (Brelsford) which is identified on the Orange Township Comprehensive Plan as office or commercial use.

**Staff Comment:** *This road may need to be shifted further west during the subdivision phase to allow for access to both parcels.*

## VI. Comprehensive Plan

The 2001 adopted Orange Township Comprehensive Plan indicates single-family residential at 2 dwelling units per acre with water and sewer starting approximately 1000' from the centerline of U.S. 23, with Planned Commercial along the highway frontage. The submitted plan requests residential use to begin approximately 600' west of the centerline of the highway.

**Staff Comment:** *The proposed density is lower than recommended by the plan. Although this request contradicts slightly the recommendation of the Comprehensive Plan, it preserves a wooded area and pond, forming a buffer between this private development and proposed commercial use to the east. The future extension of Artesian Run to the south (if shifted slightly as mentioned above) will allow access to and potential commercial development to the southwest (Brelsford land).*

## VII. Criteria for Approval

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

**Staff finding:** The submitted plan meets the general zoning standards of the township code.

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

**Staff finding:** It is generally consistent with the comprehensive plan.

*"3) Advances the general welfare of the County and the immediate vicinity."*

**Staff finding:** The preliminary development plan does advance the public health, safety and welfare of the vicinity.

## VIII. DCRPC Staff Recommendation

Staff recommends that the change in zoning from FR-1 to SFPRD to the DCRPC, the Orange Township Zoning Commission and the Orange Township Trustees be **Conditionally Approved**, subject to the applicant addressing the following staff recommendations:

1. That Lot 29 be reconfigured to stay out of the ravine;
2. That the T-turnarounds be reviewed and approved by the township fire chief;
3. That the future subdivision include adjacent land to be accessed via this parcel;
4. That the applicant consider extending only Street C into the parcel to the south;
5. The Artesian Run street stub should be located slightly west to access the lot to the west as well as the church property.

**Commission / Public Comments**

Mr. Jack Brickner, Development Director for Planned Communities was present. Concerning the staff comments, he stated they would look at moving lot# 29 a little to the east to get it out of the ravine. They have met with Chief Stewart and Lt. Gholsen on the exact location of the T-turnarounds. They have in contract the 12 acres to the south. After meeting with the church representatives and property owners, the exact location of Artesian Run may need to be worked out with the help of the Township. The consensus of the neighbors is to leave as shown in the proposal.

**Mr. Miller made a motion to recommend conditional approval of the rezoning request from Planned Communities, subject to staff comments. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**52-04B ZON Planned Communities – Orange Twp. – 8.188 acres from FR-1 to PC**

**I. Location:** 6520 Columbus Pike (U.S. 23)

**II. Conditions**

- Present Zoning:** Farm Residential (FR-1)
- Proposed Zoning:** Planned Commercial (PC)
- Present Use:** Vacant
- Proposed Use:** commercial site with potential private drive
- Existing Density:** 1 unit per acre
- Proposed Density:** N/A
- School District:** Olentangy
- Utilities Available:** Del Co Water, County sewer
- Soils:** GwB Glynwood Silt Loam, 2-6% slope  
GwC2 Glynwood Silt Loam, 6-12% slope

**III. Surrounding Land Use**

To the north is the future single family within the Olentangy Crossings project. To the west is proposed residential (RPC#52-04.A zon). To the east is U.S. 23. All Shepherds Lutheran Church is located to the south.

**IV. Plan**

The design of this project shows a commercial lot on the southwest corner of

Lewis Center Road and U.S. 23. Coal Bend Road aligns with Lewis Center Road to provide access at the traffic light for Olentangy Crossings, which received Preliminary Approval in March of 2004. Artesian Run is a north/south backage road that is planned along the rear of the commercial lots. It extends behind this proposal and stubs to the All Shepherds Lutheran Church property to the south. Access to the lot will include one right-in/right-out to a private drive from U.S. 23, one right-in/right-out on Coal Bend Road, and full access on Artesian Run. The applicant is proposing a maximum of four lots on the site and is indicating a conceptual private access road crossing the site.

**V. Issues**

1. The applicant has not provided a specific development plan for these parcels and plans to allow market forces to dictate the final development of the parcels. However, the application includes extensive architectural design criteria and states that this lot will have an equivalent design treatments, signage and landscaping required of other commercial outlots in Olentangy Crossings. A commercial association would be established prior to the transfer of the first lot. The association within this development will be part of the overall Olentangy Crossings commercial association.  
**Staff Comment:** *Staff prefers to see a conceptual drawing of building footprints at build-out. However, Orange Township typically requires that commercial lots go through the zoning process again as end uses are determined. The Planned Commercial District is a one-step process that anticipates building footprints and uses. However, the Township can judge a modification of the development plan (such as declaring specific uses and locating building footprints) as major changes requiring complete zoning review.*
2. Artesian Run is a spine road that will continue north through Olentangy North, accessing several commercial lots in addition to this lot. This road stubs to the All Shepherds Church property to the south but provides no frontage for the parcel to the west of the church (Brelsford) which is identified on the Orange Township Comprehensive Plan as office or commercial use.  
**Staff Comment:** *If Olentangy Crossings South (Twp Zoning App. #18518) is approved for a PRD, the Brelsford land is likely to also request PRD and a street stub should be provided from Artesian Run. This road may need to be shifted further west during the subdivision phase to allow for access to both parcels.*

**VI. Comprehensive Plan**

The 2001 adopted Orange Township Comprehensive Plan indicates commercial along U.S. 23 to a depth of about 1000'. The submitted plan requests residential use to begin approximately 600' west of the centerline of the highway.

*Staff Comment: Although this request contradicts slightly the recommendation of the Comprehensive Plan, it preserves a wooded area and pond, forming a buffer between this private development and proposed commercial use to the east. The future extension of Artesian Run to the south (if shifted slightly as mentioned above) will allow access to and potential commercial on land to the southwest. This connection also provides a second access for the church, allowing members to access the traffic signal at Lewis Center Road.*

**VII. Criteria for Approval**

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

**Staff finding:** The submitted plan meets the general zoning standards of the township code.

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

**Staff finding:** It is generally consistent with the comprehensive plan.

"3) Advances the general welfare of the County and the immediate vicinity."

**Staff finding:** The preliminary development plan does advance the public health, safety and welfare of the vicinity.

**VIII. DCRPC Staff Recommendation**

Staff recommends that the change in zoning from FR-1 to PC to the DCRPC, the Orange Township Zoning Commission and the Orange Township Trustees be **Conditionally Approved**, subject to the applicant addressing the following staff recommendations:

1. The Artesian Run street stub should be located slightly west to access the Brelsford lot to the west as well as the church property.
2. The applicant should resubmit the development plan as an amendment to the PC zoning when the final lot layout is determined.

**Commission / Public Comment**

Mr. Jack Brickner of Planned Communities was present.

Mr. Gunderman questioned the private access onto US 23. Mr. Brickner stated

that they have met with ODOT regarding the access onto US 23 being a deceleration lane going in, acceleration lane going out.

**Mr. Miller made a motion to recommend approval of the rezoning request by Planned Communities, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**53-04 ZON                      Joyce & Harold Hardin (FKA#48-03.A) – Liberty Twp. – 7.425 acres from FR-1 to PR**

This application is for rezoning to create fifteen single-family home lots between Liberty Lakes and Abbington of Powell.

**I. Conditions**

- Present Zoning:** Farm Residential
- Proposed Zoning:** Planned Residential
- Present Use:** Large lot residential
- Proposed Use:** Fifteen single-family lots
- Existing Density:** 1 unit/acre
- Proposed Density:** 2.02 units/acre
- School District:** Olentangy
- Utilities Available:** Del-co water and Delaware County sewer
- Soils:**
  - BoA – Blount silt loam, 0 to 2 percent slopes
  - BoB – Blount silt loam, 2 to 4 percent slopes
  - GwB – Glynwood silt loam, 2 to 6 percent slopes

**II. Location / Surrounding land use**

The property is on the west side of Old Sawmill Road. To the east is Liberty Lakes subdivision, to the north is Sawmill Baptist Church, to the west is Abbington of Powell Assisted Living residence, to the south is Bainbridge Mills Subdivision.

**III. Issues**

**1. Land Use:** The applicant in 2003 requested rezoning for six single family lots on roughly half of this site and Planned Commercial and Office zoning for the remaining four acres to the west for an office building. After failing to receive favorable zoning from the township, the applicant is now requesting 15 residential lots on the property. These lots are adjacent to the Liberty Lakes subdivision and represent a density of 2.02 units per acre. Lots will range in size from .322 acres to .551 acres, which are comparable to or bigger than existing lots in Liberty Lakes. This development would access an extension of Waterbury Lane and include

mounding and landscaping on the northeastern lot and at the access to Sawmill.

**2. Access and street connection:** The plan shows a road extending from Waterbury Lane and joining Bradford Court at its intersection with Sawmill Road. The applicant requests that the entire road be named "Waterbury Lane". This would only be possible with cooperation of the residents of the existing Abbington of Powell which already has a Bradford Court address.

***Staff Comment:** Staff recommends making the connection. Through traffic should be minimal as there are several other road connections between Sawmill and Liberty. Staff supports the applicant's efforts to rename the entire road "Waterbury Lane" if agreement is reached with the County Engineer and Abbington of Powell. If no agreement is reached, a design feature should establish the entrance to the single-family lots and street signs should be erected demonstrating the change to Waterbury Lane.*

**3. Sewer capacity:** The Delaware County Sanitary Engineer's letter of 9/13/2001 indicated sewer capacity of 3 units per acre on the west 1000' of this parcel and the rest at 1.5 units per acre. Four years have passed since that letter was issued during which time the retirement home has been built. The applicant should verify there is sewer capacity.

#### **IV. Compliance with the Liberty Township Comprehensive Plan**

The 1995 Liberty Township Comprehensive Plan splits this property with transitional mixed uses recommended on the west half and single-family residential at 1.5 units/acre on the east half.

***Staff Comment:** The fifteen single lots are similar to, or larger than the lots on Waterbury Lane in Liberty Lakes, and represent a reasonable and viable economic use of the property.*

#### **V. Conformance with Development Standards**

The application generally complies with all the development standards as listed in the zoning regulations. The applicant proposes to utilize a detention basin at Abbington of Powell for this development by upgrading it to a wet retention basin and making other improvements.

***Staff Comment:** The drainage proposal is reasonable but will need to be reviewed with the County Engineer to determine if the proper improvements can be made to the existing basin.*

The plan shows no sidewalk along the proposed road. Waterbury Lane has sidewalks along both sides as it stubs into the property.

***Staff Comment:** A sidewalk should be continued along the length of*

*the street. Sidewalk may be on only the south side as it passes in front of the retirement home to the west.*

The applicant seeks a divergence in side yard setback to 10 feet where the resolution requires 25 feet. The applicant states that the 10' setback is consistent with other lots in the existing Liberty Lakes subdivision.

***Staff Comment:** The divergence is reasonable given the existing development of adjacent areas.*

#### **VI. Required Findings for PR**

The Zoning Commission and Trustees may approve PR zoning provided they find that the proposed use complies with the following requirements:

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

**DCRPC Staff Finding:** Except for the requested side-yard divergence, it is consistent.

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

**DCRPC Staff Finding:** The development plan generally conforms to the recommendations of the 1995 Liberty Township Comprehensive Plan. The density is consistent with the adjacent development.

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

**DCRPC Staff Finding:** Yes, it does.

#### **VII. Staff Recommendation**

The staff recommends **Conditional Approval** to the Regional Planning Commission, the Liberty Township Zoning Commission, and the Liberty Township Trustees that the application by Joyce and Harold Hardin for rezoning 7.425 acres on Old Sawmill Road from FR-1 to PRD, *subject to the following:*

1. *The applicant should resolve the drainage issues with the County Engineer;*

2. *A sidewalk or pedestrian/bike path should be built from the stub of Waterbury Lane to Sawmill Road;*
3. *The divergence for side yard setback should be approved; and*
4. *The County Sanitary Engineer should verify there is adequate sewer capacity.*

**Commission / Public Comment**

No one was present to represent the applicant.

Chairwoman Foust stated that she had spoken with the applicant regarding the sanitary sewer capacity issue and she thinks there might be a reason the Sanitary Engineer drew the line to divide the capacity availability. She questioned whether the capacity was transferable throughout the site. When they applied a year ago for planned residential and planned commercial zoning, she questioned the density.

This application shows the density higher than the comprehensive plan allows for this area and the applicant persist in comparing this with Liberty Lakes to the east. However, it is in a different planning unit in the comprehensive plan. The applicant has suggested using the basin for Abbington of Powell, but has not submitted any documentation that Abbington of Powell is agreeable.

Mr. Jones asked about the possibility of increased traffic out to old Sawmill Road. Chairwoman Foust stated that was an issue of concern at the Zoning Commission meetings on the previous application, especially when the developer wanted not one but three office buildings there. There are many Liberty Lakes residents in the adjacent section to this. The Township's response to this so far has been that they will bear their share of the traffic. The road will connect.

***Mr. Miller made a motion to recommend conditional approval of the rezoning request by Joyce and Harold Hardin, subject to staff comments. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**54-04 ZON                      American Heritage Homes – Berlin Twp. – 2.992 acres from NCD to PCD**

**I. Request**

The applicant, American Heritage Homes, is requesting a 2.992-acre rezoning from Neighborhood Commercial (NCD) to Planned Commercial and Offices (PCD).

**II. Conditions**

**Location:** 6942 U.S. 36/S.R. 37, Berlin Twp, opposite North 3 B's and K Road, west of the Lighthouse Restaurant.

**Present Zoning:** Neighborhood Commercial District (NCD)

**Proposed Zoning:** Planned Commercial and Offices District (PCD)

**Present Use(s):** Lighthouse Recreational Facility (former shooting range)

**Proposed Use(s):** 2 new model homes and a 6,000 square foot commercial building, plus conversion of the 8,750 square foot shooting range into a commercial building. A total of 19,766 square feet of commercial.

**School District:** Olentangy Local School District

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

**Critical Resources:** None

**Surrounding land uses:** Lighthouse Restaurant to the east, Wayne Homes models to the north, the parcel to the west was recently rezoned to PC for two model homes by a different builder.

**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)  
 CaC2: Cardington Silt Loam (6 to 12% slopes)

**III. General**

The development plan indicates the applicant's desire to split 5.022 acres into three commercial lots. Lots 1 & 2 are included in this rezoning request.

1. Lot 1 (1.336 acres) contains the existing 8,750 square foot former shooting range building and a large gravel parking lot.
2. Lot 2 (1.656 acres) contains 2 proposed model homes fronting directly on U.S. 36/S.R. 37 in front of a proposed 6,000 square foot commercial building.
3. Lot 3 (2.030 acres) is not included in this rezoning request and currently contains the Lighthouse Restaurant.

**IV. Issues**

Planned Commercial District zoning requires adherence to a set of standards as follows:

1. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed Planned

Commercial and Office District.

**Staff Comments:** OK.

2. The plan will be to scale and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, and all of the following requirements:

- a. The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.

**Staff Comments:** OK.

- b. Architectural design criteria for all structures and criteria for proposed signs, with proposed control procedures.

**Staff Comments:** OK.

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

**Staff Comments:** The applicant made mention of proposed detention areas in their application (regarding Section 21.06), but has not delineated such features on their development plan. The size and location of detention basins, approved by the County Engineer, should be delineated on the development plan prior to rezoning approval.

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

**Staff Comments:** The applicant has proposed to relocate the access for this property to align with North 3B's & K Road. The existing drive access will need to be removed simultaneously.

Also, the development plan demonstrates two vehicular connections to the eastern property line. One as part of Phase I and another as part of Phase II. The development plan should be

amended to show a vehicular connection to the west and south. South 3B's & K Road is recommended by the Comprehensive plan to be a dead-end cul-de-sac, after Fourwinds Drive is completed. These connections will provide interconnectivity of area sites and could provide future access to the proposed parallel backage road that will link 3B's & K Road and Africa Road south of this site.

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

**Staff Comments:** OK. There are 2 other model homes sites adjacent to this site.

- f. Location of parks, and other public facility sites, if any (within 1 (one) mile).

**Staff Comments:** Alum Creek State Park is less than 1 mile to the west.

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

**Staff Comments:** OK. This development will contain two phases: Phase 1 (2005) and Phase 2 (2006)

- h. If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

**Staff Comments:** There was no mention in the application regarding the appearance or intended use of the proposed 6,000 square foot commercial building. This building is part of Phase II, proposed to commence in March 2006. Berlin Township should not approve Phase II of this development without a submittal of plans to represent its intended use and character. The applicant should present this information as an amendment to the PCD plan when they become available. At this time, Phase I should only be considered for approval.

- i. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

**Staff Comments:** OK.

- j. Specific statements of divergence from the development standards in Articles XXI, XXII and/or XXIII or existing County regulations or standards and the justification therefore, unless a variation from these development standards is specifically approved the same shall be complied with.

**Staff Comments:** The lighting specifications submitted with this development indicate that floodlighting with shields will be used to illuminate the front of the two model homes and a proposed flag pole. The applicant should consider eave-mounting lower wattage lights to achieve adequate lighting while being less obtrusive to neighboring properties and to reduce glare that is problem for the Perkins Observatory in Delaware.

- k. Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

**Staff Comments:** OK.

#### **V. Criteria for Approval**

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

**Staff Comments:** Yes, this use is appropriate and will provide employment and service to area residents and meets the general standards of a PCD.

- 2. If the proposed development is in conformity with the 1999 Berlin Township Comprehensive Plan.

**Staff Comments:** Yes, the 1999 Berlin Township Comprehensive Plan (Planning Area 6: East Alum Creek Corridor) recommends commercial uses in this area that have limited access to U.S. 36/S.R. 37, use low level/ downward-cast lighting, avoid sign clutter and include extensive

landscaping. This plan will add economic support for the Township and provide a more aesthetically appealing landscape along U.S. 36/S.R. 37.

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

**Staff Comments:** Yes, Phase I will if appropriate storm water management measures are observed and the applicant agrees to remove the existing drive access to U.S. 36/S.R. 37. The information submitted regarding Phase II is incomplete and should not be approved at this time.

#### **VI. Staff Recommendations**

Staff recommends **Conditional Approval** of this rezoning case from NCD to PCD for American Heritage Homes to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees, *subject to:*

- 1. *The applicant agreeing to apply for an amendment to the approved development plan, by submitting appropriate information regarding the proposed 6,000 square foot commercial building to Berlin Township before construction begins on Phase II.*
- 2. *Adding appropriate storm water detention features to the development plan, as required by the Delaware County Engineer's Office.*
- 3. *The applicant agreeing to remove the existing drive access to U.S. 36/S.R. 37, and provide connections to properties to the south and west.*
- 4. *Considering more appropriate lighting for the building façades.*

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

Mr. Todd Maxey of American Heritage Homes was present. He stated that he did not see a problem with a stub to the west, but would like to discuss the stub to the south to determine the proper alignment. Mr. Laurien stated that the location of the south stub could be at the applicant's preference.

Mr. Laurien asked about the future of the Lighthouse Restaurant. Mr. Maxey stated 30 days after closing the restaurant would cease to operate.

Mr. Maxey stated that the lighting for the houses is spotlights on the ground pointing up toward the houses. The lights on the poles are parking lot lights. Mr. Laurien stated that he was not sure that is what the Township wants but he could work that out with them.

Mr. Maxey explained that there are three detention basins in the parking area for drainage. Mr. Laurien said that was acceptable.



Mr. Laurien asked what uses were proposed for the commercial building. Mr. Maxey said motorcycle sales and service. Mr. Laurien asked if the buildings would look like the renderings. Mr. Maxey said that the rendering was from when American Heritage was going to develop it. Since then, they have a buyer. In the agreement, American Heritage will have approval over the building design. The buyer is interested in adding more windows and the cupolas. Mr. Laurien stated that when submitting for planned commercial a rendering is required. If the rendering submitted is what the Township approves, then they expect it to be built that way. Mr. Maxey stated that a true rendering would be submitted to the Zoning Commission.

Mr. Rick Gemienhardt, Berlin Twp. Trustee, asked whether right now they have a one-step PC process. Mr. Laurien agreed. Mr. Gemienhardt then stated he was confused about the 6,000-foot mystery building in the back. Are they asking for zoning on the whole parcel tonight, then they will come back later for administrative review? Mr. Laurien said he thought they were and the Township would have to decide if they are comfortable with that. The proposed new code allows for the two-step process.

**Mr. Miller made a motion to recommend conditional approval of the rezoning request by American Heritage Homes, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

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**55-04 ZON                      The McCorkle Investment Co. – Genoa Twp. – 7.497 acres from SR to PCF**

**I. Request**

This is a request to rezone to (PCF) Planned Community Facilities from Suburban Residential to construct a single story building that will provide 54 units of assisted elderly living and related common parlors, kitchen and dining area.

**II. Location:** North side of Freeman, at the NW corner of Freeman and St. Rt. 3.

**III. Conditions**

**Present Zoning:** Suburban Residential  
**Proposed Zoning:** Planned Community Facilities District

**Proposed square footage:** 40,244  
**Permitted square footage in PCF:** 56,025

**Open Space required:** 15% (common open space -1.87 ac)  
**Open Space provided:** 26.5% (common open space- 3.3 ac)

**School District:** Olentangy  
**Utilities Available-** Del Co Water, Delaware County sanitary sewer.  
**Soils:** (Pw) Pewamo 0-2 % slope

**IV. Facts**

**Adjacent Existing Land Use:**

West: Black Hawk forest subdivision, no connecting street  
North: Black Hawk forest subdivision, no connecting street  
South: single family homes on acreage lots  
East: Westerville Schools Elementary school and Presbyterian church east of Rt. 3.

**V. Issues**

1. A Planned Community Facilities District requires compliance with the following:

- a) The proposed buildings or use shall be located on a major arterial or collector street so as to generate a minimum of traffic on local streets.

**DCRPC Staff Comment:** The location at the NW corner of State Route 3 (arterial street) and Freeman (collector street) is appropriate.

- b) The proposed buildings or use shall be located properly in accordance with this article.

**DCRPC Staff Comment:** The building exceeds all required setbacks for the structure as well as for parking and drives.

- c) The location, design, and operation of the Community Facility shall not impose undue adverse impacts on surrounding residents.

**DCRPC Staff Comment:** The applicant has met with the neighbors to resolve design issues related to the assisted living building. The large setbacks and heavy landscaping, together with the two large retention

ponds on the front will create a rural residential character that will blend with the residential land uses surrounding it. The Blackhawk Forest subdivision also has extension tree lines on the north and west side of this site.

- d) One or more buildings or permitted uses may be placed on a lot, however the maximum square feet of first floor area for all buildings on a site shall be determined by the ratio of: Maximum first floor building area in square feet = lot size in acres x 7,500 sq. ft.

**DCRPC Staff Comment:** The lot size is 7.47 acres with 7,500 square feet of first floor coverage allowed per acre, which equals 56,025 square feet. The proposed building size is 40,244 square feet, all one floor.

- e) If multiple buildings are constructed on a site there shall be a minimum of twenty (20) feet separating them.

**DCRPC Staff Comment:** There is just one building.

- f) The maximum height for any structure in this district with a 6/12 roof pitch or greater shall not exceed thirty five (35) feet, with less than a 6/12 roof pitch, thirty (30) feet.

**DCRPC Staff Comment:** the proposed roof pitch is 6/12, with a building height of 25 feet.

- g) Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. All parking and loading areas shall conform to the requirements of Article VI.

**DCRPC Staff Comment:** There are two requirements that might relate to this use. Section 603.12 stipulates a parking requirement for residential care facilities - one (1) for every employee and one (1) for every resident who is permitted to operate a motor vehicle. Section 603.21 stipulates a parking requirement for hospitals, convalescent home or similar institution -one (1) for every three (3) beds. It is the township's judgment as to how much parking will be needed. There are 37 parking spaces provided. This might be inadequate for 54 residents, staff and guests. If it is, there is space to expand the parking lot and still meet setback requirements.

- h) Parking areas shall be adequately lighted. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjoining property or upon any public street.

**DCRPC Staff Comment:** The application includes cutoff type light fixtures that meet the intent of the code.

- i) Applicant shall submit a letter from the Genoa Township Fire Chief certifying that all applicable fire codes have been met and that the equipment of the Genoa Township Fire Department as well as that of those departments which provide mutual aid to the township are able to maneuver throughout the site.

**DCRPC Staff Comment:** The fire department indicates that they feel "360 degree emergency vehicle access" is necessary. This could potentially be accomplished with a high strength, 12' wide paved walking path encircling the building. Such a dual purpose path could be used by emergency equipment, but would not be used by automobiles under ordinary circumstances. The path could be landscaped to reduce its visual impact along the north and west side s of the building.

- j) All premises shall be furnished with all-weather hard surface walks of a material such as bituminous or Portland cement concrete, wood, tile, terrazzo, or similar material, and except for parking areas, the grounds shall be planted and landscaped.

**DCRPC Staff Comment:** The site plan indicates this is to be done.

- k) All signs shall conform to the requirements of Article VII.

**DCRPC Staff Comment:** The application states the signs shall meet the Article VII standards.

- l) At least forty percent (40%) of the gross acreage shall be reserved as open space, as defined in Section 217.03. In computing the amount of open space, entrance features, road right-of-ways of all types, paved vehicular areas including parking areas and driveways shall be excluded.

**DCRPC Staff Comment:** According to the applicant, 70.91% of the site is open space. This includes the overall site acreage, which includes road right of way.

2. All utilities are available to the site.
3. Traffic- No traffic study is submitted. Because most residents are not expected to drive, and because they are retired, the traffic impact should be small.
4. Drainage- This site has almost all Pewamo soils, a heavy clay with seasonally high ground water. Storm water runoff goes to two proposed retention ponds. The land is flat with no natural swale or stream to empty into. The drainage ultimately appears to outlet to a catch basin with a 15" pipe at the southwest corner of the property. Preliminary engineering feasibility for drainage should be shown at the time of township development plan review in case off site improvements are necessary to improve the drainage outlet.
5. Landscaping- A conceptual landscaping plan has been submitted.
6. Compatibility with existing and future probable uses- The proposed use is compatible with the surrounding land uses.
7. Compliance with the Genoa Township Comprehensive Plan- This land lies within Area I of the comprehensive plan, which allows single family residential use at up to 2.2 units per acre. The PCF for elderly housing complies with the residential character of the plan. Density is not an issue since there will be only one building, and this is an institutional type use, which needs access to an arterial street.

**VI. Section 524.23 - Required findings for Approval of a Planned Development**

The Final Development Plan must "support the following requirements":

- a.) The physical character of the site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site from probability of flooding, erosion, subsidence, or slipping of the soil or other dangers, annoyances or inconveniences.

**DCRPC Staff Finding:** Yes, but drainage and a drainage outlet are critical concerns that are not adequately addressed by the development plan.

- b.) Any exception from the zoning resolution requirements is warranted by

the design and amenities incorporated in the development plan.

**DCRPC Staff Finding:** No exceptions are requested.

- c.) Land surrounding the proposed development can be planned in coordination with the proposed development and that it is compatible in use.

**DCRPC Staff Finding:** Surrounding land is fully developed, and with the buffering in place and additional buffering to be added, the use is compatible.

- d.) The proposed change to a planned development district is in conformance with the standards, objectives and policies of the Genoa Township Land Use Policy Statements.

**DCRPC Staff Finding:** Yes.

- e.) The site must have direct access to a major street without creating traffic on minor residential streets outside the district.

**DCRPC Staff Finding:** Yes.

- f.) Existing and proposed utility services are adequate for the proposed development.

**DCRPC Staff Finding:** Yes.

- g.) Each phase of the development as it is proposed to be completed contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment.

**DCRPC Finding:** Yes.

**VII. DCRPC Staff Recommendation**

DCRPC staff recommends that the application for 7.497 acres at the North West corner of Freeman Road and S. R 3 for Planned Community Facilities District be **Conditionally Approved**, *subject to the following conditions:*

1. *Parking areas be determined by the township to be appropriate, and if not, they must be expanded.*

2. *Emergency vehicle access must be provided around the building. This may be done by providing a 12' wide high strength paved walking path.*
3. *The applicant's engineer should demonstrate, and the Delaware County Soil and Water District and/or the Delaware County Engineer should confirm that the drainage plan and outlet are satisfactory.*

**Commission / Public Comments**

No one was present to represent the applicant.

Mrs. Warthman stated that there is a huge right-of-way for SR 3 within this property so that will reduce the percentage of green space. The Township has a drainage issue across Freeman Road. The Township may look at outletting some additional water into these ponds. She has not received the revised plan yet. Mr. Laurien stated that since there is a known water problem, the applicant must show feasibility of outlet.

*Mr. Miller made a motion to recommend conditional approval of the rezoning request from the McCorkle Investment, subject to staff comments. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**V. SUBDIVISION PROJECTS**

**Preliminary**

**26-04 Fairways at Blue Church – Kingston Twp. - 243 lots / 605 acres**

**Applicant:** Robert Weiler, c/o Siemer Land LLC  
**Engineer:** Environmental Design Group (EDG)

**I. Staff Comments**

*The applicant is requesting a 90-day tabling to resolve issues raised by the Technical Review Committee.*

**II. Staff Recommendation**

Staff recommends approval of the 90-day tabling request for the preliminary plan of the Fairways at Blue Church Subdivision, to the RPC.

**Commission / Public Comment**

*Mr. Miller made a motion to approve the 90-day tabling for Fairways at Blue Church. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**09-02.5-8 Glen Oak, Sections 5 – 8 – Orange Twp. - 132 lots / 91.28 acres**

**Applicant:** Dominion Homes  
**Subdivision Type:** Single Family Residential  
**Location:** West of South Old State Road and North of Orange Road  
**Current Land Use:** vacant/former agricultural  
**Zoned:** SFPRD (Single Family Planned Residential District)  
**Utilities:** Del-Co Water, public sewer system  
**School District:** Olentangy  
**Engineer:** RD Zande & Associates

**I. Staff Comments**

Glen Oak, Sections 5-8 extends the entire width of Glen Oak and includes 132 single-family lots. Typical lot size is 9,600 s.f. with 80' of frontage. It is located on either side of Blue Holly Drive, which is the main collector street through the subdivision and has already been built and platted. New roads include Marigold Street, Ivy Street, and Tulip Way. Extensions of Primrose, Trillium, Lilly, and Greespire Avenue are also part of these sections. A large 22-acre park is located on the west side of Blue Holly Drive. The park will include active playing fields and a large wooded area and wetland will be maintained as passive open space. A 200' powerline easement with high-tension lines and towers also cross the site.

*A technical review was held on October 19, 2004, after which the applicant has addressed all of the required changes.*

**II. Staff Recommendation**

Staff recommends *Preliminary approval* of Glen Oak, Sections 5-8 to the RPC.

**Commission / Public Comment**

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

*Mrs. Warthman a motion for Preliminary approval of Glen Oak, Sections 5-8. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**09-02.9 Glen Oak, Section 9 – Orange Twp. - 07 lots / 03.18 acres**

**Applicant:** Dominion Homes  
**Subdivision Type:** Single Family Residential  
**Location:** South of Glen Oak, Section 2 and North of Glen Oak, Section 1  
**Current Land Use:** vacant/former agricultural  
**Zoned:** SFPRD (Single Family Planned Residential District)  
**Utilities:** Del-Co Water, public sewer system  
**School District:** Olentangy  
**Engineer:** RD Zande & Associates

**I. Staff Comments**

Glen Oak, Sections 9 represents the final section of Glen Oak and Estates of Glen Oak to request preliminary approval. It is located between Sections 1 and 2 and is just west of Summerfield Village. Seven lots are accessed via an extension of Primrose Avenue which will continue to an intersection with Holderman Street. Lots are generally 75' x 120'. Open space represents less than one acre of the proposal, including a 200-foot-wide powerline easement.

*A technical review was held on October 19, 2004, after which the applicant has addressed all of the required changes.*

**II. Staff Recommendation**

Staff recommends *Preliminary approval* of Glen Oak, Section 9 to the RPC.

**Commission / Public Comment**

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

*Mr. Miller a motion for Preliminary approval of Glen Oak, Sections 5-8. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**Preliminary/Final** (none)

**CONSENT AGENDA**

**Final**  
**17-04 Edgewater Estates – Scioto Twp. - 05 lots / 21.10 acres**

**Applicant:** Dennis Erwin and John Kilbury  
**Subdivision Type:** Single-family Residential (CAD)  
**Location:** Behind 2996 State Route 257, Scioto Twp.  
**Current Land Use:** Former agriculture  
**Zoned:** Farm Residential District, (FR-1)  
**Utilities:** Del-Co water and individual mound systems  
**School District:** Buckeye Valley  
**Engineer:** Patridge Surveying

**I. Staff Comments**

Edgewater Estates is a proposed 5-lot CAD subdivision. The 21.1-acre site is an oddly shaped flag lot located on the west side of SR 257 approximately 1000' south of Penn Road. The rolling property has approximately 20' elevation change. It is surrounded by City of Columbus land to the north and west, with a large pond abutting this site directly to the west. Residential lots along SR 257 are generally 1 to 3 acres in size. This subdivision and surrounding area is zoned FR-1, which requires a minimum lot size of 1.95 acres. The 5 lots range from 3.4 to 5.7 acres with the largest lot including the CAD. The CAD is 15' wide and paved. The soils are acceptable for on lot sewage treatment for all 5 lots.

The DCRPC approved a variance in February 2004 to allow this 5 lot CAD if the subdivision met the criteria set forth in the proposed Delaware County Subdivision amendments pertaining to CAD subdivisions. The applicant is sharing his cost information with the DCRPC on this prototype CAD. The standards that were approved for the CAD variance are as follows:

- 1.) Minimum cross-section shall be a base of Tensar-type SS1 plastic material, covered with 6 inches of 304 aggregate base, paved with 2 inches of 404 asphalt.
- 2.) The CAD easement shall be 60' or wider to permit both driveway construction and roadside drainage, either enclosed or in grassy ditches with a maximum ditch slope of 3:1, and utility easements.
- 3.) A "T", "hammerhead" or cul-de-sac turnaround that meets Co. Engineer standards shall be provided at the CAD terminus.
- 4.) The CAD paved surface shall be at least 15 feet wide. No "bypass" or "lay by" is needed.
- 5.) The applicant shall provide the buyer of the lots in the CAD subdivision with a warranty protecting those buyers against defects in material and workmanship in the construction of the CAD for a period of one year following the date of certification of completion of the CAD by the

applicant's engineer.

- 6.) No on-CAD parking shall be permitted
- 7.) A pole-sign shall be installed at the subdivider's expense, located at the CAD intersection with the public street, made of a 6-inch by 6-inch cedar post, 8 feet above grade, with a placard sign atop the post, with reflective lettering. All CAD addresses shall be displayed, as well as words "Private Drive". This sign shall be continuously maintained at this location.
- 8.) All lots shall display their address at the driveway entrance to the CAD.

This subdivision is a "Pilot project" for the proposed amendments to the CAD standards in the Subdivision Regulations. The purpose of the project is to assess the feasibility of the proposed CAD regulations; both in road costs and cross sectional design. According to the applicant, the cost to construct the Edgewater CAD, including the Tensar fabric, 6" of gravel, and 2" of asphalt was \$28 per lineal foot. A CAD using the 10" of gravel required by current regulations is typically \$20 per lineal foot.

**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 **Edgewater Estates**, to the RPC.

**Commission / Public Comment**

The applicants were present but did not have anything to add to the staff report.

Mr. Starling asked if anyone inspected the CAD. Mr. Laurien stated that the proposed regulations require an Ohio registered professional engineer to certify the driveway.

***Mr. Miller made a motion for Final approval of Edgewater Estates, seconded by Mrs. Warthman. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**24-04 Justamere – Scioto Twp. - 04 lots / 08.37 acres**

**Applicant:** Frank Peirsol  
**Subdivision Type:** Single Family Residential (CAD)  
**Location:** East side of S.R. 257, 1300' south of Fry Road  
**Current Land Use:** wooded / pasture  
**Zoned:** FR-1

**Utilities:** Del-Co Water, on-site waste disposal system  
**School District:** Buckeye Valley  
**Engineer:** Scioto Land Surveying Service

**I. Staff Comments**

Justamere is a four-lot CAD on the east side of State Route 257 just north of the Concord Township line. The CAD is a cul-de-sac extending 80' into the site. The cul-de-sac has a travel lane width of 35' radius. Drip systems will be used for waste disposal. All lots are at least 1.95 acres, the minimum required in the FR-1 district. Three homes will be in the pasture area and one will be in the woods.

The site is an open field with woods in the northwest corner. Approximately 220 feet into the site, the topography slopes significantly toward the Scioto River valley. The 100-year floodplain crosses the eastern edge of each lot. Land immediately to the east is owned by the City of Columbus. A note has been placed on the plat prohibiting building in the floodplain, which was a condition of preliminary plan approval in August 2004.

**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 **Justamere Subdivision** to the RPC.

**Commission / Public Comment**

***Mr. Miller made a motion for Final approval of Justamere Subdivision. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

**23-04 Christy – Troy Twp. - 03 lots / 09.66 acres**

**Applicant:** Ben Lehner  
**Engineer:** Scioto Land Surveying, Inc.

**I. Staff Comments**

The applicant has requested a 30-day tabling of Christy Subd. in order to resolve issues from the County Engineer.

**II. Staff Recommendation**

Staff recommends *approval* of the 30 day tabling of the **Christy Subdivision**, to the RPC.

**Commission / Public Comment**

*Mr. Snajd made a motion to recommend the 30-day tabling of Christy Subdivision. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**VI. EXTENSIONS (none)**

**23-03 Ross Property (Summerwood Extension) – Berlin Twp. - 65 lots / 82.58 acres**

**Applicant:** Charlie Vince

**Engineer:** Dan Whited, Floyd Browne Assoc.

**I. Staff Comments**

The engineer has requested a 6-month extension of the Ross Property (Summerwood Extension). Construction is slated to begin in the spring of 2005.

**II. Staff Recommendation**

Staff recommends *approval* of the 6-month extension of **Summerwood Extension** to the RPC.

**Commission / Public Comment**

*Mr. Gunderman made a motion for approval of the 6-month extension of Summerwood Extension. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**VII. OTHER BUSINESS**

▪ **Consideration for approval: Amendment to By-Laws and Membership Dues**

Chairwoman Foust stated that the 92-cent amount is part of the proposed budget for 2005. The Executive Committee unanimously agreed to this increase. There were discussions of up to \$1.00/capita but really couldn't

justify it. There hasn't been an increase in dues since 1991. Bringing the dues up to \$0.92 is the equivalent of a 2% increase a year since 1991.

Mr. Spanner asked if an increase should be made now to \$1.00/capita so an increase might not be needed for longer. Chairwoman Foust stated that the Executive Committee agreed to review dues and subdivision fees yearly. Increases may be alternated between the two revenue types.

Mr. Laurien stated that subdivision platting rates have been increased \$10.00 per lot each of the last two years. Platting fees have stayed steady because platting activity has gone down. It's gone down because we are running out of land served by sanitary sewer. But within the next two years the Perry Taggart line will open up about 15,000 acres and we think platting activity will pick up. The projected expenses are at \$616,000 and with the \$0.92 dues increase, revenues are projected at \$623,000.

Mr. Rick Gemienhardt, Berlin Twp. Trustee, stated that a dollar per resident cost is the best money we are spending, especially with the services that Phil and his team are providing.

*Mr. Miller made a motion to approve the amendment to the DCRPC By-Laws, Article III, Section 1 and Section 5, for dues to be calculated at \$0.92 per capita (from \$0.70 per capita). Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **Consideration for approval: New Bonus Policy**

Mr. Laurien explained that the bonus policy would allow the Commission to pay exempt staff hour for hour for contract overtime after the first 10 hours accumulated (which would not be eligible for consideration). This would be calculated at the end of the year to be included in the budget and considered for payment (minus any time used as flextime) after the first of the following year. Non-contract over time would not be paid, but could be used as flextime. (Bonus Policy attached.)

*Mr. Miller made a motion to approve the new bonus policy effective immediately. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **Consideration for approval: 2005 Budget (including 2% salary increase maximum)**

*Mr. Miller made a motion to approve the 2005 budget as proposed, including a maximum of a 2% merit raise, \$7,500.00 for staff bonuses for contract*

*overtime from 2004. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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

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

*Mr. Snajd made a motion to adjourn the meeting. Mr. Mason seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

Meeting adjourned at 9:30 p.m.

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, November 18, 2004, 7:00PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.*