

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, November 18, 2004 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 October 28, 2004 RPC Minutes
- Executive Committee Minutes of November 10, 2004
- Statement of Policy

II. VARIANCES (none)

III. PUBLIC CONSTRUCTION PROJECTS (none)

IV. ZONING MAP/TEXT AMENDMENTS

- 56-04.A ZON Little Bear Development LLC – Orange Twp. – 42.70 acres from FR-1 to SFPRD
- 56-04.B ZON Little Bear Development LLC – Orange Twp. – 11.1 acres from FR-1 to MFPRD
- 56-04.C ZON Little Bear Development LLC – Orange Twp. – 30.42 acres from FR-1 to PC
- 57-04 ZON Solid Ground Land Company – Orange Twp. – 1.56 acres – PC development plan amendment
- 58-04 ZON Michelle Parks – Harlem Twp. – 13.198 acres from AR-1 to FR-1
- 59-04 ZON Jeff McNealey, attorney for appl. – Liberty Twp. – 310.369 acres from FR-1 to PR
- 60-04 ZON Walnut Grove Estates, Inc. – Genoa Twp. – 60.527 acres from PD-1 & RR to PD-1
- 61-04 ZON K.D. Hummingbird Ltd. – Genoa Twp. – PD-2 – development plan amendment
- 62-04 ZON Grace Baptist Church – Radnor Twp. – 48 acres from FR-1 to PINS
- 63-04.A ZON & 63-04.B ZON Berlin Twp. Zoning Commission – text amendments

V. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
16-04	Eagle's Ridge, Sections 1-3	Berlin	63 lots / 87.82 acres
27-04	MSLN Subdivision (fka: Meyers)	Concord	03 lots / 06.91 acres

Preliminary/Final (none)

Final

11-03.2	Killdeer Meadows, Sec.2, Ph A & B	Berkshire	47 lots / 54.09 acres
23-04	Christy Subdivision	Troy	03 lots / 09.65 acres

T=TABLED, W=WITHDRAWN

VI. EXTENSIONS (none)

VII. OTHER BUSINESS

- Copy Machine Donation

VIII. POLICY / EDUCATION DISCUSSION (none)

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, John Schmidt, Robert Hedrick, Gary Spanner, Kris Jordan, Steve Burke, Gary Gunderman, Leslie Warthman, Dave Lavalley, Holly Foust, Charles Heimlich, Dick Gladman, Marvin Miller, Bill Berry, George Mason, Mike Datillo, Carolyn VanBrimmer, and Larry Starling. *Alternates:* Doug Riedel and Roger VanSickle. *Staff:* Phil Laurien, Paul Deel, Scott Sanders, Joe Clase, Da-Wei Liou, Bob Sochor and Stephanie Matlack.

▪ Approval of the October 28, 2004 RPC Minutes

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

▪ **November 10, 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.

2. Approval of Executive Committee Minutes

- a. **October 26, 2004 special meeting – Mr. Gladman made a motion to approve the minutes of the Special Executive Committee meeting held 10/26/04. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

3. Old Business

- a. **Contract updates –**

Current Clients	Project Description	Staff	% Complete	Completion Date
All DCRPC members	<u>Evolution of a Model Zoning Resolution;</u> <u>See completed codes below-can be assembled/tailored to suit member needs.</u>	Laurien	100 %	Ongoing evolution forever
Ashley Village	<u>Comprehensive plan, final chapter done</u> <i>Still to do:</i> <i>1.) Final corrections, public hearings, adoption.</i>	Clase, Deel	95 %	March, 2005
Berlin Township	<u>Update Zoning Resolution:</u> Sign code, Planned Industrial Old Cheshire PUD Reprint zoning resolution. Planned Commercial V 12 done, to be initiated by ZC. <i>Still To do:</i> <i>1.) Flood Plain overlay V2 to ZC for initiation.</i> <i>2.) GC district deleted, section reserved for future use.</i> <i>3.) PRD changes initiated to delete 11.04, 2.) and 11.04,4.)</i> <i>4.) Include modifications to preliminary plan section in PRD.</i> <i>5.) NAICS code #s to NC, PO, Ind.</i> <i>6.) Delete 12.04 D.) and E.)</i> <i>7.) Development plan requirement to be deleted from all “straight” districts, substitute “zoning compliance plot plan.”</i> <i>8.) Update General Standards</i>	Laurien	100% 100% 100% 100% 95% 95% 95% 0% 0% 50% 0%	 11/04 11/04 11/04 12/04 12/04 1/05 1/05

	9.) <i>Update all definitions</i>		0%	1/05
	<u>Comprehensive plan update:</u>			
	1.) <i>Map changes Planned Commercial</i>		100%	1/05
	2.) <i>Old Cheshire PUD</i>		100%	1/05
	3.) <i>Residential densities revisited to conform to Sewer Master Plan</i>		0%	2/05

Brown Township	<u>Update Zoning Resolution;</u> Redraft entire resolution to new stds. <i>Still to do:</i> <i>Review new resolution with Zoning Commission and make desired changes</i>	Deel	100 % 10%	 6/05
Concord Township	<u>Update Zoning Resolution;</u> <i>Contract signed</i> <i>Work to begin after January 1, 2005</i>	Laurien, Clase	0 %	
Delaware Twp.	Zoning Code Update, no fee assistance, possible contract for completion; <i>reviewing and amending Zoning Commission's update of the resolution.</i>	Sanders.	100% reviewed; 0% amended	
DCRPC	<u>Subdivision Regulations update;</u> <i>Draft complete, Tech/ Advisory committee meeting 12/1/04.</i>	Laurien, Deel, Matlack	100 %	3/05
Genoa Township	<u>Comprehensive Plan update:</u> Version 6 of Comp Plan complete 9/3/04. <i>Still to do:</i> <i>Revisions after comments are received.</i> <u>Zoning Code update:</u> RR District with first- in- county permitted use Conservation Subdivision adopted; Planned Commercial (PD-2) draft; Gateway District draft <i>Still to do:</i> <i>Comprehensive zoning resolution update</i>	Laurien, Liou Laurien Laurien	100 % 100%, 30%	 6/05
Harlem Township	<u>Comprehensive Plan;</u> Contract signed	Sanders Clase/	0 %	3/06
Kingston Township	<u>Comprehensive Plan;</u> full draft delivered 1/9/03. <i>Still to do:</i> <i>Awaiting comments, print final copies</i>	Deel Sanders	100 %	?
Liberty Township	<u>Zoning Update: PERRC(elderly housing)adopted;</u> <u>MFPRD in progress; Conservation subdivision presented,</u> <u>Planned Commercial draft w Big box limits done. 2 step PRD next?</u> <i>Still to do:</i>	Laurien	20 %	9/05

	<p><i>Complete comprehensive update</i> <u>Comprehensive Plan: Update begun, citizen participation, visioning, Chapters 1-3 complete.</u></p> <p><i>Still to do: Chapters 4-11</i></p>		40%	4/05
Olentangy Schools	<p><u>GIS mapping</u> future developments, projected student populations. <i>Base mapping, projections complete.</i></p>	Liou Sochor	Ongoing	
Scioto Township	<p><u>Comprehensive Plan</u></p> <p><i>Still to do: Comments and final public hearings</i></p>	Sanders, Clase	100 %	4/05
Shawnee Hills	<p>As needed consultation, all matters involving planning, zoning and subdivision, BZA cases</p> <p><i>Possible assistance with zoning on interim basis</i></p>	Laurien	Ongoing	
Sunbury Village	<p><u>Comprehensive Plan: Completed, sent to Planning Commission 2/04</u></p> <p><i>Still to do: Comments, public hearings</i></p>	Laurien, Clase	100 %	?
Trenton Twp.	<p>Conservation subdivision draft complete. Mtg 11/22/04</p> <p><i>Still to do: Comments and revisions</i></p>	Laurien, Sanders	100 %	1/05
Troy Township	<p><u>Zoning code update:</u> PRD complete, ready for initiation. PCD draft complete, being revised.</p> <p><i>Still to do. Finish comprehensive resolution update.</i></p> <p><u>Comp Plan Updates:</u> Map suggestions for Planned Commercial and residential along US 23 to dovetail with Sewer Master Plan.</p> <p><i>Still to do: Comments and revisions, hearings</i></p>	Laurien Deel Laurien Laurien	20 % 0 % 100%	9/05 1/05

DCRPC Completed Contracts

Client	Task	Staff	Completion
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			Date
Berkshire Twp, Delaware Co. OH	Comprehensive Plan	Laurien	2001
Berkshire Township, Delaware Co. OH	Model Zoning code	Laurien	2004
Berlin Twp, Delaware Co. OH	Comprehensive Plan	Laurien	1999
Brown Twp, Delaware Co. OH	Comprehensive Plan	Deel, Bissett	2001
Concord Twp. Delaware Co. OH	Comprehensive Plan	Laurien	2004
Delaware County Commissioners	Sewer Master Plan Preliminary Report	Laurien, Clase, Liou, Sochor	2004
Orange Township, Delaware Co. OH	Comprehensive Plan	Laurien	2001
Porter Township, Delaware Co. OH	Comprehensive Plan	Laurien, Deel	1999
Village of Shawnee Hills, Delaware Co. OH	Comprehensive Plan	Laurien	2002
Trenton Township	Comprehensive Plan	Sanders	2004
Troy Township, Delaware Co. OH	Comprehensive Plan	Deel	2001

2004-05 Potential Out-of-County Clients

Task

Staff

Hancock County OH RPC Reviewing Findlay PRD	General assist, comp plan?	Laurien & ?	3/05
Village of Van Buren, Hancock Co. Met 11/2/04 with village council. Similar to Shawnee Hills.	Comprehensive Plan? <i>Interested. Will consider contracts with DCRPC</i>	Laurien & Clase	?
Marion Township, Hancock co.	Zoning assistance ?	Laurien & ?	
Scioto Twp, Pickaway Co. OH	Comprehensive Plan?	Laurien & ?	
St. Albans Twp, Licking Co. OH	Comprehensive Plan?	Laurien & ?	
Etna Twp. Licking Co. OH	Comprehensive Plan?	Laurien & ?	
Violet Twp. Licking Co. OH	General Assist?	Laurien & ?	
Morrow Co. Ohio	Zoning assistance and mapping	Laurien & Liou	

4. New Business

a. Financial / Activity Reports for October 2004

REGIONAL PLANNING RECEIPTS		OCTOBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,220.00	\$11,120.00
Fees A (Site Review)	(4202)	\$520.00	\$3,120.00
Insp. Fees (Lot Line Transfer)	(4203)	\$60.00	\$940.00
Membership Fees	(4204)		\$152,781.97
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$6,458.87	\$52,709.46
Associate Membership Fees	(4206)	\$1,500.00	\$3,000.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$32,260.00	\$123,383.03
Charges for Serv. B (Final. Appl.)	(4231)	\$5,630.00	\$88,572.21
Charges for Serv. C (Ext. Fee)	(4232)		\$1,700.00
Charges for Serv. D (Table Fee)	(4233)	\$600.00	\$3,000.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00
General Sales	(4220)	\$793.97	\$4,672.46
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$32,030.00	\$48,210.00
Soil & Water Fees	(4243)	\$1,445.00	\$5,945.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$40.00
Other Reimbursements A	(4721)	\$5.16	\$40.71
Other Misc. Revenue (GIS maps)	(4730)	\$380.31	\$3,133.01
Misc. Non Revenue Receipts	(4733)		\$800.00
Sale of Fixed Asset	(4804)		\$700.00
TOTAL RECEIPTS		\$83,903.31	\$504,467.85

Balance after receipts	\$266,276.53
Expenditures	- \$ 68,126.89
End of October balance	\$198,149.64

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

b. November RPC Preliminary Agenda –Mr. Laurien explained that | the agenda included 8 rezoning applications, 2 preliminary, and 2 final

applications.

- c. **Copier** – Mr. Laurien explained that the RPC would be leasing a new copier in 2005. MT Business Technologies has stated that they can no longer service the machine due to the inability to get parts. They will continue to service the machine until the new machine arrives. Mr. Laurien suggested offering the copier to a Township in need of one. Mr. Monastra of MT Business offered free delivery to a local entity that would receive the machine. He also suggested that entity contract with them on an as needed basis for repair. Parts are being cannibalized from other out of service machines until they are out. The Committee agreed to offer the machine on a first come first served basis at the next RPC meeting.

5. **Other Business** (none)

6. **Personnel** (none)

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

Meeting adjourned at 10:15 a.m.

The next regular Executive Committee meeting will be Wednesday, December 8, 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** (none)

IV. **ZONING MAP/TEXT AMENDMENTS**

56-04.A ZON Little Bear Development LLC – Orange Twp. – 42.70 acres from FR-1 to SFPRD

Request: This is part of a rezoning application for three different districts for a proposed golf course community on South Old State Road north of Powell Road in Orange Township. The plan includes 42.70 acres to be rezoned to SFPRD for 94 single family residences (56-04.A ZON), 11.31 acres to MFPRD for 15 condominium buildings totaling 58 units (56-04.B ZON), and 30.42 acres to PCD for a 10 to 12-hole par 3 golf course with clubhouse and maintenance building (56-04.C ZON).

Applicant: Little Bear Development LLC

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

I. Conditions

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: Single Family Planned Residential (SFPRD)

Present Use: Open Field.

Proposed Uses: Residential community surrounding a golf course

- 94 single family lots, minimum lot size 85' X 135' (11,475 s. f.)
- 3.1 acres of open space (7.3% of SFPRD site).

Existing Density: 1 unit/acre in FR-1

Proposed Density: 2.2 units/acre in SFPRD (overall gross density including golf course and condos is 1.82 units/acre)

School District: Olentangy

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

Soils: BoA, BoB – Blount 0-2, 2-6 % slope

GwB – Glynwood 2-6 % slope

PwA – Pewamo 0-1 % slope

II. Project Description

Little Bear Village is a proposed 83.7 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 42.70 acres (SFPRD), 58 units of condominiums within 15 buildings on 11.31 acres (MFPRD), and a 10 to 12-hole par 3 golf course with clubhouse and maintenance building on 30.42 acres (PCD). 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.

A single perimeter loop road 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 condos are also on the interior side of the loop road. The proposed minimum lot size is 85' X 135', which is 10' wider than the minimum required in the SFPRD standards.

III. Conformance with Local Comprehensive Plans

The Orange Township 2001 Comprehensive Plan for this area (Sub-area 6) recommends single family development throughout, with the exception of multi-family zoning already in place. Multi-family condominiums for empty nester or exclusive elderly housing may fill in some small pockets that are too oddly configured for single-family homes. The recommended density is 2 dwelling units per acre if central sewer is available. **Staff comment:** Although a recreational use such as a golf course could be appropriate in this sub-area, Planned Commercial zoning is not. The SFPRD regulation allows recreational uses and related facilities. The application should be amended to incorporate the golf course into the required open space component of the Planned Residential request. This would eliminate the need for divergences, as long as it is stipulated that if the golf course were to cease operation then the area becomes permanent open space controlled by the Little Bear homeowners.

IV. Conformance with SFPRD Development Standards

- 1.) Density and open space – The SFPRD application as proposed must be considered concurrently with the PCD request for the purpose of density and open space calculations. Independently, the request is for a density of 2.2 units/acre and provides only 7.35 acres of open space which does not meet the required 2 units/acre maximum density or the minimum 20% open space. In order to utilize the golf course for open space and density purposes, the applicant has committed to prohibiting the golf course from becoming anything other than a golf course or permanent open space for the Little Bear Village residents. Counting the golf course and condos, Little Bear Village

has an overall gross density of 1.82 units/acre and contains 40% open space.

- 2.) Provisions for utilities.
 - a.) Sanitary sewer – According to the Delaware County Sanitary Engineer, there is capacity to serve this development. A letter of service availability has been provided.
 - b.) Water – Del-Co water is available through a 14" water line along South Old State Road and 8" lines on Oak Creek Drive and Gladshire Blvd.
 - c.) Other utilities – Service letters have been provided for gas (Suburban Natural Gas), electric (American Electric Power), and telecommunication (Verizon).
- 3.) Storm water – A stormwater management plan must be submitted to and approved by the County Engineer. The development plan proposes retention ponds within the golf course.
- 4.) Proposed Traffic Patterns and their relationship to existing conditions-
 - a.) A traffic analysis is included in the application. It states that based on projected trips from this development right and left turn lanes will be required on South Old State Road at the development entrance. The County Engineer's office should review and approve the study and the developer should commit to constructing the improvements.
 - b.) Arrangement of streets in regard to existing or planned streets- The development will connect to existing subdivisions to the north, west and south. Internal streets consist of a large loop road circling the golf course with the condominiums containing private streets. A single access is provided to South Old State Road.
 - c.) Sidewalks are proposed along both sides of the public streets.
- 5.) 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.
- 6.) Landscaping – A landscaping plan has been provided. Trees are proposed along both sides of all public streets. The entryway includes a landscaped boulevard and a mixture of plant and shrubs within the reserve areas and around the entry sign.

- 7.) Divergences are requested for density and open space as noted in item 1 above. **Staff comment:** If the golf course is brought into the SFPRD application then the divergences would not be needed.

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, if the golf course is brought into the SFPRD application and the developer commits to restricting the golf course to open space should the golf course cease operation.

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

DCRPC Staff Finding: Yes, for density if the golf course is part of the SFPRD application, but not for location of MF housing within and behind a SF development.

- 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 56-04.A ZON, *subject to:*

- 1) *The golf course being reduced to 9 holes and included in this application, not as a separate PCD request;*
- 2) *The County Engineer approving stormwater management plan; and*
- 3) *The County Engineer approving the traffic study and the applicant providing required turn lanes on South Old State Road.*

Commission/ Public Comment

Mr. Donald Plank, attorney for the applicant. He stated that his review of the zoning code suggests a golf course cannot be included in the PRD. Other central Ohio agencies allow golf courses in a PUD but Orange Twp. does not have a PUD. The planned commercial zoning district specifically allows private or public golf course. There is some language in the residential (both multi-family and single family) that talks about recreational use but because they don't specifically say golf course, he doesn't feel it fits in that district. He will continue

to work with the Township attorney. If it is included in the residential district, the divergences would not be needed. Deed restrictions will maintain the open space as a golf course perpetually. The adjacent property owners are in favor of the proposal.

Mr. Gladman stated that both the single-family and multi-family regulations stipulate in paragraph D that non residential uses of a religious, cultural, educational or recreational nature or character to the extent they are designed and intended to serve residents of the single-family or multi-family district. If they don't cause a problem with traffic they can be open to other residents. Mr. Plank said that the golf course and facilities would be open to the public and believes there is limiting language in the resolution for that. Mr. Gladman said that it was recommended at several meetings that the golf course and clubhouse be part of the PRD district.

Mr. Laurien questioned the density and the location of the condominiums. The comprehensive plan calls for 2 units per acre if it is for single-family residential. The application is using the open space as not only open space but as a commercial venture golf course so it counts as commercial, but you want to use it for calculation of multi-family as well. Mr. Plank stated that each person that buys into the development would automatically be a member to the health club association and have certain rights to the golf course as well. That is how we consider it their recreational area. Mr. Laurien stated a planned residential development is intended to distribute open space to the benefit of the residents that live there. What is the benefit to the folks that live inside that dense pack of condominiums? There is no view of the golf course. There is no open space around the units. It's very dense. Mr. Plank said single family on the entire site it not what the applicant wants to do. Mr. Laurien explained the density could be reduced on the condominiums and still operate the golf course.

Mr. Miller made a motion to recommend conditional approval of the (SFPRD) rezoning request by Little Bear Development LLC, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

**56-04.B ZON Little Bear Development LLC – Orange Twp. – 11.31 acres
from FR-1 to MFPRD**

Request: 11.31 acres to MFPRD for 15 condominium buildings totaling 58 units.

Applicant: Little Bear Development LLC

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

I. Conditions

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: Multi Family Planned Residential (MFPRD)

Present Use: Open Field.

Proposed Uses: 15 condominium buildings (58 units)

Existing Density: 1 unit/acre in FR-1

Proposed Density: 5.13 units/acre in MFPRD (overall gross density including golf course and single family residences is 1.82 units/acre)

School District: Olentangy

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

Soils: BoA, BoB – Blount 0-2, 2-6 % slope

GwB – Glynwood 2-6 % slope

PwA – Pewamo 0-1 % slope

II. Project Description

Little Bear Village condominiums include 15 buildings arranged in a grid pattern around private streets. The 11.31 acre site is located toward the southwest of the overall development on the interior side of the public loop road. All of the buildings contain 4 units with the exception of a single 2-unit building. Although this site is adjacent to the golf course, only 7 buildings have a direct view. The gross density is 5.13 units/acre.

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. The 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.

III. Conformance with Local Comprehensive Plans

The Orange Township 2001 Comprehensive Plan for this area (Sub-area 6) recommends single family development throughout, with the exception of multi-family zoning already in place. Multi-family condominiums for empty nester or exclusive elderly housing may fill in some small pockets that are too oddly configured for single-family homes. The recommended density is 2 dwelling units per acre if central sewer is available. **Staff comment:** The overall density may be appropriate, but the applicant has too many units for a small piece of land. He is asking to “have his cake and eat it too” by operating a commercial golf course and

then using the golf course to achieve density for MF condos where SF is recommended.

IV. Conformance with MFPRD Development Standards

- 1) **Density and open space** – The MFPRD application as proposed must be considered concurrently with the SFPRD and PCD requests for the purpose of density and open space calculations. Independently, the request includes a density of 5.13 units/acre and provides no open space which does not meet the maximum of 4 units/acre density or the minimum 20% open space required. In order to utilize the golf course for open space and density purposes, the applicant has committed to prohibiting the golf course from becoming anything but permanent open space for the Little Bear Village residents should the golf course go away. Counting the golf course and single family lots Little Bear Village has an overall gross density of 1.82 units/acre and contains 40% open space.
- 2) **Design and Layout** - The condos are tucked into 11.31 acres in the southwest area of the golf course. Buildings are accessed by private streets as well as driveways from the main public loop street. A private street cross-section is not provided for the MFPRD. The township should adopt the County Engineer’s design manual standard cross sections and require they be used on private streets in condominiums, as these developments escape platting review and the quality of the street base and surface is totally up to the developer. The township should demand underdrains as well as side road drainage and a paving designed to last 20 years. This must be done as a condition of zoning since there is no subdivision review. The layout should also be reviewed by the Fire Chief to determine if the turning radii are sufficient for fire and emergency vehicles.
- 3) **Provisions for utilities.**
 - a) **Sanitary sewer** – According to the Delaware County Sanitary Engineer, there is capacity to serve this development. A letter of service availability has been provided.
 - b) **Water** – Del-Co water is available through a 14” water line along South Old State Road and 8” lines on Oak Creek Drive and Gladshire Blvd.
 - c) **Other utilities** – Service letters have been provided for gas (Suburban Natural Gas), electric (American Electric Power), and telecommunication (Verizon).
- 4) **Storm water** – A stormwater management plan must be submitted to and

approved by the County Engineer. The development plan proposes retention ponds within the golf course.

- 5) Proposed Traffic Patterns and their relationship to existing conditions-
- a) A traffic analysis is included in the application. It states that based on projected trips from this development right and left turn lanes will be required on South Old State Road at the development entrance. The County Engineer's office should review and approve the study.
 - b) The dense grid pattern of condominiums has two serious flaws. First, its location in the southwest corner of the site routes MF traffic through a SF neighborhood. The condos should be relocated to the southeast corner of the site by the clubhouse if they are permitted by the township.

Second, there are too many condos for the site. Again, the applicant is trying to do too much with this site. He could eliminate the golf course, provide 20% open space and develop all single family houses in conformance with the comprehensive plan. Or, he could provide more open space and cluster the condos around the open space. But this design creates a dense block of condos in the southwest corner plus a full allotment of single family homes all because of the need for a large block of open space for a golf course which will be run as a commercial use. This is too much use for such a small site.

The solution is to reduce or eliminate the golf course, or reduce or eliminate the condos.

- c) Sidewalks are proposed along both sides of the public streets in the SFPRD, but they do not appear to be part of the MFPRD. Sidewalks should be part of the condo development.
- 6) Architectural design criteria – The development plan includes renderings and floor plans for condos to be constructed within the MFPRD. Architectural design elements are included in the text.
- 7) Landscaping – A landscaping plan has been provided, but it does not appear to apply to the MFPRD.
- 8) Divergences are requested for density and open space as noted in item 1 above. **Staff comment:** If the golf course is brought into the MFPRD and SFPRD applications then the divergences would not be needed, but there is still too much density to be compatible with the golf course

V. Required Findings for MFPRD

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

DCRPC Staff Finding: No, the golf course, SF and MF are too intense a use for 83 acres of land.

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

DCRPC Staff Finding: No, the comprehensive plan recommends SF at 2 units/acre, which is feasible; the density if these condos is excessive.

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

DCRPC Staff Finding: No. Too intense a use.

VI. DCRPC Staff Recommendation

Staff recommends **Denial** of the zoning change from FR-1 to MFPRD, for 58 condo units *as designed*. Staff would recommend **Conditional Approval** for MFPRD, *subject to:*

- 1) *The golf course being included in this application, not as a separate PCD request;*
- 2) *Private streets being built to the county standards;*
- 3) *Sidewalks being provided;*
- 4) *The County Engineer approving stormwater management plan;*
- 5) *The County Engineer approving a traffic study and the applicant providing required turn lanes on South Old State Road;*
- 6) *The condos being moved from the southwest to the southeast corner; and*
- 7) *The golf course being reduced to 9 holes, to permit greater open space within the condo portion of the site.*

Commission / Public Comments

(See comments for case # 56-04.A ZON)

Mr. Miller made a motion to recommend conditional approval of the MFPRD rezoning request by Little Bear Development, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

**56-04.C ZON Little Bear Development LLC – Orange Twp. – 30.42 acres
from FR-1 to PC**

Request: 30.42 acres to PCD for a 10 to 12-hole par 3 golf course with clubhouse and maintenance building (56-04.C ZON).

Applicant: Little Bear Development LLC

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

I. Conditions

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: Planned Commercial (PCD)

Present Use: Open Field.

Proposed Uses: 10 to 12-hole par 3 golf course with clubhouse and maintenance building

Existing Density: 1 unit/acre in FR-1

Proposed Density: N/A

School District: Olentangy

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

Soils: BoA, BoB – Blount 0-2, 2-6 % slope

GwB – Glynwood 2-6 % slope

PwA – Pewamo 0-1 % slope

II. Project Description

This application includes a par 3 golf course containing 10-12 holes, a 16,500 s. f. clubhouse, and 5,000 s. f. maintenance building. The golf course is intended to fulfill the open space requirement for the SFPRD and MFPRD portions of Little Bear Village. The clubhouse would include a banquet room, fitness center and lounge/restaurant. Additional amenities include a swimming pool and tennis courts.

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. The 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.

III. Conformance with Local Comprehensive Plans

The Orange Township 2001 Comprehensive Plan for this area (Sub-area 6) recommends single family development throughout, with the exception of multi-

family zoning already in place. The recommended density is 2 dwelling units per acre if central sewer is available. **Staff comment:** Although a recreational use such as a golf course could be appropriate in this sub-area, Planned Commercial zoning is not. The SFPRD regulation allows recreational uses and related facilities. The application should be amended to incorporate the golf course into the required open space component of the Planned Residential request. This would eliminate the need for divergences, as long as it is stipulated that if the golf course were to go away then the area becomes permanent open space controlled by the Little Bear homeowners.

IV. Conformance with PCD Development Standards

- 1) Provisions for utilities.
 - a) Sanitary sewer – According to the Delaware County Sanitary Engineer, there is capacity to serve this development. A letter of service availability has been provided.
 - b) Water – Del-Co water is available through a 14” water line along South Old State Road and 8” lines on Oak Creek Drive and Gladshire Blvd.
 - 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 retention ponds within the golf course.
- 3) Proposed Traffic Patterns and their relationship to existing conditions-
 - a) A traffic analysis is included in the application. It states that based on projected trips from this development right and left turn lanes will be required on South Old State Road at the development entrance. The County Engineer’s office should review and approve the study.
 - b) Arrangement of streets in regard to existing or planned streets- The clubhouse and golf course access is to the southeast from the Little Bear Village loop street.
 - c) Parking- Approximately 180 to 190 parking spaces are proposed. Staff feels the parking is excessive.
 - d) Sidewalks are proposed along both sides of the public streets.

- 4) Architectural design criteria – The development plan includes a rendering for the clubhouse. Architectural design elements are included in the text. A sign rendering for the golf course was not submitted.
- 5) Landscaping – A landscaping plan has been provided although the golf course layout is conceptual only. Site engineering plans will determine the final layout and location of landscaping.
- 6) No divergences are requested.
- 7) Layout and design – The golf course, clubhouse, fitness center, banquet hall, and maintenance building are too large and occupy too much land to the detriment of the proposed condo portion of the Little Bear development. Indeed the golf course is being double counted as a commercial venture and as overall density-qualifying acreage. Because of this the condo development is a very tight, unpleasant neighborhood without open space or adequate light and air.

Unless the developer agrees to reduce or eliminate the golf course and its commercial-use buildings, the condominiums should be reduced or eliminated.

V. Required Findings for PCD

- 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, but only if items noted in Section IV of the staff report are addressed.

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

DCRPC Staff Finding: No. The Comprehensive Plan recommends single family residential for this area.

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

DCRPC Staff Finding: The use, if scaled down, could advance the general welfare, but PC zoning is inappropriate for an area recommended to remain residential on the Comprehensive Plan.

VI. DCRPC Staff Recommendation

Staff recommends **Denial** of the zoning change from FR-1 to PCD, for case 56-04.C ZON. This golf course request should be incorporated into the SFPRD and MFPRD applications (56-04.A ZON and 56-04.B ZON).

Commission / Public Comment
(See comments for case # 56-04.A ZON)

Mr. Miller made a motion to recommend conditional approval, subject to Orange Twp.'s determination that legally the golf course could only be developed in their PC district. Mrs. Warthman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

57-04 ZON Solid Ground Land Company – Orange Twp. – 1.56 acres – PC development plan amendment

I. Request

The applicant, Larry McCoy President of Solid Ground Land Company, is requesting a 1.56-acre development plan amendment for the construction of a Pick-ups Plus retail showroom and installation facility for automobile accessories.

II. Conditions

Location: 300 feet north of Orange Road, on the west side of U.S. 23, Ora. Twp
Present Zoning: Planned Commercial and Office (PC)
Proposed Zoning: Planned Commercial and Office (PC)
Present Use(s): Single-family Residence (vacant)
Proposed Use(s): Commercial Retail/Service
School District: Olentangy Local School District
Utilities Available: Del-Co Water and County Sewer
Critical Resources: None
Surrounding land uses: Single-family residences with commercial offices to the east.
Soils: GwB: Glynwood Silt Loam (2 to 6% slopes)

III. Issues

1. The applicant is requesting a divergence from two (2) sections of the Orange Township Zoning Resolution.
 - a. Section 21.01(d) states “parking in front of the main structure may be permitted only if not more than forty percent (40%) of the front setback area outside the right-of-way is occupied by parking.” “The remaining

sixty percent (60%) of the front setback outside of the road right-of-way shall be green space adjacent to the road(s) frontage(s).”

Staff Comments: The development plan indicates parking in the front of the proposed building with 55.2% green space. This site could be redesigned to incorporate more parking behind the proposed building. Moving 6 parking spaces to the rear or side of the building would allow the applicant to conform to the regulations. Staff does not recommend approval of this divergence.

- b. Section 21.10 states “Non residential buildings or uses except parking shall not be located nor conducted closer than one hundred (100) feet to any lot line of a residential district. Such one hundred (100) foot area shall include at or near its perimeter acceptable landscaping or screening approved by the Zoning Inspector. Landscaping provided shall consist of a strip of land not less than twenty (20) feet in width containing a rolling mound with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height at the time of planting.”

Staff Comments: The building appears to be 30 feet from the northern property line, 60 feet from the southern property line and 90 feet from the western property line. Although surrounding lands are currently zoned Farm Residential (FR-1) they are proposed for commercial uses, by the 2001 Orange Township Comprehensive Plan. Staff recommends approval of the divergence from the standards of Section 21.10 of the Orange Township Zoning Resolution.

2. The landowner should consult with Greg Channel (740-363-1251 ext. 345) of the Ohio Department of Transportation (ODOT) regarding access to U.S. 23. Mr. Channel has stated that the applicant may be required to have a right & left-in/right-out entrance to U.S. 23. This would require signage at the entrance to this site. This issue should be addressed prior to approval of this development plan amendment.
3. The 2001 Orange Township Comprehensive Plan recommends this site for commercial development with a parallel access road that will connect Orange Road with Parkway Drive north of this site. The access road was indicated by the plan along the western boundary of this property to continue the work of the ODOT US 23 safety study. The applicant should dedicate a 20’ wide ingress/egress easement across the western boundary of this property for this future access road. An internal drive should be stubbed to this easement for future parallel access.

4. The Orange Township Fire Department has expressed concern that the proposed drive may not have a radius that will allow their fire truck appropriate turning room. The development should meet the standards of the Orange Township Fire Department.

IV. Criteria for Approval

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

Staff Comments: Yes, if the development plan is amended to move an appropriate number of parking spaces from the front of the building to the back or side and the residential setback divergence is granted.

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

Staff Comments: The development plan indicates a proposed land use that conforms to the 2001 Orange Township Comprehensive Plan, but the development plan should be amended to indicate the location of the future parallel access road.

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

Staff Comments: Yes, this development will provide economic support to the township and a service to local residents.

V. Staff Recommendations

Staff recommends **Conditional Approval** of this PC rezoning amendment for Solid Ground Land Company to the DCRPC, the Orange Township Zoning Commission and the Orange Township Trustees, *subject to:*

1. *Relocation of appropriate number of parking spaces from the front of the building to the back to meet the requirements of Section 21.01(d).*
2. *Dedication of an ingress/egress easement across the western border of this property to facilitate for the future parallel access road that was recommended in the 2001 Orange Township Comprehensive Plan.*
3. *Providing appropriate documentation from ODOT to confirm that the entrance driveway meets their standards.*
4. *Providing appropriate documentation from the Orange Township Fire Department to confirm that the development plan meets their standards.*

Commission / Public Comment

Mr. Joe Borghese, architect for the owner/applicant was present. He requested that the staff recommendation not include the specific requirement of moving the six parking spaces to the back of the development. The parking in the back is proposed for employees only. There may be a possibility of moving the building and compress the landscape mound, they might be able to meet the open space percentage requirement with out moving the parking.

Mr. Larry McCoy, owner of Pickups Plus, stated that the business is a truck and SUV accessory store. They have been operating in Hilliard for the last 5 years. The zoning requires 29 parking spaces and they are asking for 31. They are willing to give up the 2 spaces but would like to keep the majority in front of the building.

Mr. Laurien asked if the applicant was agreeable to the ingress/egress easement across the western border of the property to allow for a potential future backage road. Mr. McCoy said they did not have a problem with that. Mr. Laurien stated that issue was far more important than the parking divergence. Mr. Clase agreed that item #1 under the staff comment could be deleted at this time.

Mr. Gunderman asked the appropriateness of limiting access onto US 23 once the backage road was constructed. Mr. Laurien stated that was up to ODOT and not under the RPC's control.

Mr. Miller made a motion to recommend conditional approval of the rezoning request by Solid Ground Land, subject to staff comments #2-4. Mrs. Warthman seconded the motion. VOTE: Majority For, 2 Opposed, 1 Abstained (Orange Twp.). Motion carried.

58-04 ZON Michelle Parks – Harlem Twp. – 13.198 acres from AR-1 to FR-1

I. Request

The applicant, Michelle Parks is requesting a 13.198-acre rezoning from AR-1 to FR-1.

II. Conditions

Location: 5120 Harlem Road, Harlem Township
Present Zoning: Agricultural Residential (AR-1)
Proposed Zoning: Farm Residential (FR-1)
Present Use(s): Single-family Residence / Wooded
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 septic systems
Critical Resources: Streams south of the site
Surrounding land uses: Scattered single-family residences and agricultural land
Soils: BeA: Bennington Silt Loam (0 to 2% slopes)
CeB: Centerburg Silt Loam (2 to 6% slopes)
CnA: Condit Silt Loam (0 to 1% slopes)
LvB: Loudonville Silt Loam (2 to 6% slopes)
SsA: Smothers Silt Loam (0 to 2% slopes)
SsB: Smothers Silt Loam (2 to 4% slopes)

III. Issues

Current zoning would allow this parcel to be subdivided into two lots of at least 5 acres each. This lot has 175 feet of frontage on Harlem Road. The Township Zoning Code requires 60' frontage for all flag lots. In order to subdivide more than one additional lot, the applicant will be required to plat a public road to generate frontage for the additional lots. A CAD may also be possible if determined appropriate at the sketch plan review phase.

The landowner should consult with the Health Department to assure that there is adequate area for additional septic systems. Some soil types on this property may not be suitable for on-site septic treatment.

The 1988 Harlem Township Comprehensive Plan shows the proposed site as agriculture. The plan recommends that residential development in this area be on large lots but does not recommend minimum lot acreage.

Surrounding land uses include scattered single-family homes along Harlem Road surrounded by woods and agricultural fields, so FR-1 zoning would be in character with the neighborhood.

This case was previously recommended for approval by DCRPC (case# 24-04 ZON) on May 27,2004. Due to a procedural issue the application has been resubmitted for review.

IV. Staff Recommendations

Staff recommends **Approval** of this rezoning case from AR-1 to FR-1 for Michelle Parks 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. Gladman made a motion to recommend approval of the rezoning application by Michelle Parks. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

59-04 ZON Jeff McNealey, attorney for appl. – Liberty Twp. – 310.369 acres from FR-1 to PR

I. Request

Attorney J. Jeffrey McNealey (agent for Dominion Homes, on behalf of Edward Pearl, Trustee, Edward C. and Donna H. Pearl, Robert Pearl, R& S Pearl Family LLC, Ronald E. Jackson and Dorothy S. Jackson, Columbus & Southern Ohio Electric Company, and Ohio District Lutheran Church Extension Fund, Inc.) has applied for rezoning from FR-1 to PR for 310.69 acres for Liberty Point Development.

II. Conditions

Location: Generally the NE corner of Home and Steitz Roads, east to the Liberty High School and Sawmill Parkway extension, North to Hyatts Road.

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: Planned Residential (PR)

Surrounding land uses:

To the east: 133 acre Liberty High School complex, proposed Sawmill Parkway Extension, proposed 275 units condominiums (1.5 units per gross acre) and commercial in Golf Village North.

To the south: Golf Village, 1246 units of single family and condominium development and golf course on 831 acres (1.5 units per gross acre) plus 64.6 acres of commercial.

To the immediate west: Large lot single family residences on Steitz Road

To the far west: (1400 feet west of Steitz Road but in clear view across flat fields): Scioto Reserve PRD in Concord Township (1259 units of single family and condominium development on 695 acres (1.8 units per gross acre).

To the north: Agricultural land of Shirley Terrill, Bharatiya Temple and large lot single family residential on Hyatts Road

Open Space required: None

Open Space provided: 85.87 acres or 28% (includes power line easements and wetlands)

Present Use: Agriculture and woods, two large lot single family homes.

Proposed Uses:

- 333 Single-family house lots on 248 acres in sub area A
- 129 attached condominiums on 25 acres in Sub Area B
- Future church on 25 acres in Sub Area C.
- Liberty High School expansion on 10.5 acres in sub Area D
- 1 acre commercial out-lot on in Sub Area E on Hyatts Road to “adhere to the standards set forth in Article XIII in the Liberty Township Zoning Code” (Neighborhood Retail District C-2)
- 2 existing and one new large lot residences in Sub Area F fronting on Steitz Road.

Existing Density- FR-1 zone: 1 unit/acre

Density- Liberty Township Comprehensive Plan- Planning Unit 9 -Residential at 1 unit/acre; .75 acre lot size (Sq. Ft.), or per plan.

Density Proposed: 1.5 units per gross acre for 465 units of single and multi family housing on 309.37 acres (including the 25 acre church site but excluding the one acre proposed retail out lot).

School District: Olentangy

Utilities Available- Del Co Water, Delaware County sanitary sewer to be extended.

Soils: GwB Glynwood 2-6 % slope
PwA Pewamo 0-1 % slope
BoA; Blount 0-2% slope

III. Issues

There are a number of issues:

- A. Design layout
- B. Traffic
- C. Sawmill Parkway extension
- D. Sewer trunk line extension
- E. Conformance to the Comprehensive Plan;
- F. Open space utilization
- G. Conformance with Development Plan Standards & Divergences

A. Design layout

1. Topography- The site is flat, less than 2 % slope. Soils are Pewamo and Blount, poorly drained soils that indicate the need for engineered drainage and special care in constructing basements due to the seasonal high water table. The site plan shows no storm water retention or detention ponds, and no grass waterways. The development text indicates the engineer hopes to use Liberty High School’s retention pond for this additional 311 acres. It seems unlikely that this can work without additional storm water ponds. The text also indicates that if

ponds are necessary they will go under the high tension lines. This may not be allowed under the terms of the AEP easement. More work needed on this item.

2. There is no site plan for Sub Area B, the condominiums. This part of the application is deficient.
3. There is no site plan for Sub Area C, the future church. A church, school, and commercial corner (Golf Village North) together are the essential elements of a true town center. But deconstructed into the various components, as proposed, they are without context, and auto, not pedestrian oriented. This corner is an opportunity to create an attractive landmark. Some basic understanding of how it fits into the remaining development plans for Golf Village North, Liberty Point and the school complex could help tie this together as a gateway for Liberty Township. It should be part of this application since it is being used as part of the overall gross density.
4. There is no site plan for Sub Area E, the proposed commercial out-lot on Hyatts Road. This part of the application is deficient.

B. Traffic and future probable development –

1. The development at build-out will generate approximately 10 new trips per single family home, and 7 new trips per townhouse. The total would be 4,233 new trips per day. This is roughly comparable to traffic counts on Liberty Road north of Home Road in 2000.
2. The design uses a number of internal loop roads and small pocket parks, centered on a large area of open space where the two major electric transmission lines cross. There is access to Home road, to the future Sawmill Parkway and two access points to Steitz Road.
3. Steitz Road still has an active farm on it, and the influx of new southbound trips from the northern access of Liberty Point could make moving farm equipment on Steitz Road difficult. Moreover, the northern access to Steitz Road comes out in a 120' - wide remainder strip between two existing homes at 6433 and 6455 Steitz Road. This changes these lots into corner lots. Although the new road could be centered adequately to provide the required 60' setback to the existing homes, this could be an

adverse and perhaps unnecessary impact on these two homes. Since the proposed Liberty Point design has allowed for a loop street with two stubs into the Shirley Terrill lands in the center, a full access onto the north end of Steitz Road may not be needed.

It may prove better to simply make this a gated emergency access, built to withstand the heaviest fire truck that would use it. The applicant should discuss this with the Liberty Township Fire Chief, the Delaware County Engineer, and the owners of the homes at 6433 and 6455 Steitz Road. The development plan also does not indicate if this entrance from Steitz Road would be fenced, but it does call for .43 acres of open space on both sides of the new road.

4. A traffic impact analysis will be required, but none was provided. There is already considerable traffic congestion around the school entrances and this development will significantly increase traffic on Home, Steitz, and Hyatts Roads. Off site traffic improvements will probably be necessary to mitigate the fair share impact of this project. This will be determined by the County Engineer.

C. Sawmill Parkway Extension

The development text page 1 item 2.) states that the “plan provides...land to extend Sawmill Parkway to Hyatts Road”. Page 2 item 5.) of the text also states that “A major extension of Sawmill Parkway is envisioned with this proposal that extend [sic] the road from the northern edge of Golf Village North to Hyatts Road.

What does this mean? Is the applicant proposing to design and construct their portion of the Sawmill parkway, or is this code language that they expect it to be built by others? The Development Plan does not show lanes of traffic, just a blank right of way for Sawmill Parkway through their land. Is this a mistake or a purposefully neglected item?

Clearly, if the applicants expect the township to grant higher densities than those recommended on the 1995 comprehensive plan, they must acknowledge their responsibility to dedicate the road right of way (provide land) and to construct their portion of the Sawmill Parkway. An additional issue is the Sawmill Parkway “gap” between Golf Village North and Liberty Point. How does this get built? When does it get built? How does this fit into the County Engineer’s timetable for the Sawmill Parkway extension? The application is deficient and much more detail is needed here.

D. Sewer- The County does not currently provide wastewater service to this site. This area is expected to be served by the County's Perry Taggart sewer line to be constructed in 2005-6, but laterals must be extended from the Olentangy River. The first extension may come through the Nelson Farms subdivision, and then extended under Liberty to Hyatts Road and lands to the west of Sawmill Parkway. This is a developer-driven lateral, yet the development text makes no mention of it or their part in constructing it. Additional detail is needed here.

E. Conformance to the Comprehensive Plan-

This land is within Planning Area 9 from the 1995 Liberty Township Comprehensive Plan, which recommends:

1. *Encourage and assist the preservation of agricultural uses in this area for the foreseeable future; permit single-family detached residences without public sewers on lots no less than one acre in size, subject to review and approval of lot sizes and septic systems by the Delaware County Board of Health.*

DCRPC Staff Comment:

Agricultural land is being sold for this development.

2. *Extend Sawmill Parkway from Home Road to Bunty Station Road, and beyond.*

DCRPC Staff Comment:

This development could extend Sawmill Parkway to Hyatts Road but more commitment language is needed.

3. *Provide public sewer service to this area.*

DCRPC Staff Comment:

This development could extend sewer to the area, but more commitment language is needed.

4. *Ultimately, consider residential densities in this area not to exceed 1.0 unit per gross acre, with the minimum lot size of 0.75 acre; i.e., provided that if the proposed development is designed for and justifies alternative development, the minimum lot sizes may be adjusted by the Zoning Commission. The EXCEPTION would be in the vicinity of the railroad, where somewhat higher densities might be considered. Consider a compatible mixture of agribusiness and light industrial uses in the vicinity of the*

power station near Hyatts.

DCRPC Staff Comment:

The clear and compelling issue in the entire Liberty Point development is density. Should the township adhere to the recommendations of the 1995 comprehensive plan, or has there been such change in the area that the plan's recommendations are out of date and should be updated and reconsidered? A comprehensive plan update is the current task of the Zoning Commission and the DCRPC. While it is too soon to have any conclusion from that update, it is correct to say that one of the main goals of the many public comments and surveys is to maintain an overall low density north of Home Road. Therefore it appears likely the 2005 Liberty Township Comprehensive Plan will continue to recommend lower densities north of Home Road, just as it did in 1995.

What about the 1995 comprehensive plan exception "in the vicinity of the railroad, where somewhat higher densities might be considered"? Does Liberty Point qualify? The 1995 comprehensive plan map showed a transition area for mixed uses and higher densities between the Sawmill Parkway and the railroad. The Liberty Point land is west of the Parkway. However, it is also adjacent to the large high school complex, which functions much like a commercial use in terms of noise and traffic generated. Should it be included in a higher density category?

The 2004 Delaware County Sewer Master Plan anticipated densities of one unit per acre for these lands based upon the 1995 comprehensive plan, but that study has not been finalized, and can still be amended in accordance with the township's wishes. So it is up to the township to decide the density, but they must do so soon, as the line from the Perry-Taggart trunk line through Nelson Farms has been sized and construction could occur in 2005. The township must police its sewer capacity so as not to deprive one owner by granting excess density to another.

It seems reasonable that if the applicant proposes to construct the Sawmill Parkway on its own lands, and if the applicant mitigates its fair share of off-site traffic impacts, and if the applicant brings sewer to the site, and if the applicant dedicates 10.5 acres to the

school for expansion as proposed, then the density requested is reasonable given its proximity to the railroad, the school complex, the AEP substation.

On the other hand, if the applicants intend only to dedicate ROW for the Sawmill Parkway and not build their segment, and if they do not intend to pay their fair share of off-site traffic impacts, and if they do not intend to bring county sewer to the site but expect the County to extend it, then there is no benefit to the township to grant increased densities.

5. *Establish landscape buffers between power facilities and other uses throughout the area.*

DCRPC Staff Comment: The design does use open space to buffer new homes from the high tension power lines.

F. Open space utilization.

Other than the trail network, there is no plan for the open space. The bike path along Sawmill parkway must be extended to Hyatts Road. More detail is needed here.

G. Conformance with other Development Plan Standards in Section 10.06

- 1.) Landscaping - no landscaping plan submitted. A landscape plan is required.
- 2.) Architectural Designs for structures and signs
 - No sign details are submitted.
 - Single family homes-Verbal, but inadequate architectural criteria are given, no sample designs, no renderings.
 - No condominium signage or renderings are included.
- 3.) Minimum Setbacks, Yards and Divergences-

1. Sub Area A– Single family Lot Size and yards- the applicant requests a minimum lot size of .24 acre (10,400 sq. ft.) where .75 acre is required, with a minimum lot width of 80’.

Rationale- The extensive network of wide electric transmission line easements, wetlands and 80 acres of

open space including land donated to the school and the church site might be a justification for smaller lot sizes. These minimum lot sizes are the same as Golf Village.

DCRPC staff would agree with this minimum lot size, provided:

- the front yard setback is 30’ from ROW (25’ requested);
- the minimum setback for all front-load garages be 40’ from street right of way to prevent the “snout house” with inadequate off street parking. Side-load garage minimum front setbacks could be 30’;
- the setbacks from the side lot line are 10’ (provided exterior construction complies with Section 21.05 of the Township Zoning Resolution) with a 2’ encroachment for a chimney or AC unit (8’ requested with 2’ encroachment; 25’ required);
- the rear yard is 25’; and
- Setbacks along Sawmill Parkway as approved by the Township. Check with Holly Foust, Township Zoning Officer.

2. Sub Area B- condominiums

- Front setbacks- 100 feet from Sawmill Parkway R.O.W. proposed; DCRPC staff concurs. 10’ from internal (private) roadways proposed, DCRPC recommends 20’ to provide at least one off street parking space without overhanging the private road.
- Side setbacks/separation- 10’ proposed for perimeter, DCRPC staff not sure what this means since there are no lot lines. Suggest a minimum of 15’ side separation between buildings (with masonry walls) as required.
- Setbacks from Hyatts Road must be 90’ from centerline.

3. Sub Area C- Church- Setbacks proposed 100’ from Home Road and 50’ from Steitz Road. DCRPC staff agrees, provided the Steitz Road setback is from an expanded ROW that provides for future widening and turn lanes.

4. Sub Area D- School dedication- Staff concurs with the dedication but recommends that the proposed trail that connects the open space north of lot 89 to the Liberty H.S. bus parking lot is a paved bike path so students residing in Liberty Point could walk or bike to school. The trail between lots 12 and 13 should also be a paved bike path.

5. Sub Area E- The text language states that this is to be a retail out-lot. Retail is not a permitted use in PR and this is therefore not appropriate. DCRPC recommends that this request be denied and that this one acre is left as a reserve within PR, or the acreage is used for additional dwelling units.

6. Sub Area F- Steitz Road Estate lots- Staff recommends no divergences from FR-1 standards.

4.) Other divergences-

- 75' height for church steeple- DCRPC staff concurs, but check with the Liberty Fire Chief.
- Condominium parking- 2 spaces (includes garages) requested; 3 required. DCRPC staff suggests no divergence. The third space is intended for guest parking, typically in the driveway. If condos have just 2 parking spaces in the garage, and the garage were setback only 10 from the street (as requested) then is not adequate for guest parking. The driveway needs to be long enough to accommodate at least one car for off street guest parking because there is typically no room for on street guest parking on narrow condo private drives.

5.) Water-Del-Co water. Service letter supplied.

6.) Electric and Gas- Service letters supplied. The gas letter makes no commitment, and is a form letter that needs a follow-up commitment.

7.) Compatibility with existing and future probable uses-

There will be an impact on the existing single family low density homes along Hyatts and Steitz Roads. These should be buffered and fenced by this development.

8.) Time table for development-6-8 years. No phasing plan is included, but phases of 50-60 houses are expected. The timing for construction of Sawmill Parkway must be included in a phasing plan, and it should be in the first phase.

9.) Other Development Standards Issues-

- a.) How will this project be financed?
- b.) Is there going to be a request to expand the New Community Authority?
- c.) Is the developer making a commitment to keep the lands in the township or is the applicant engaging in discussions with Powell about annexation, which would be in contravention of the Liberty-Powell CEDA agreement?

IV. Section 11.06 - Required findings for Approval of a Planned Residential Development

The Zoning Commission and Trustees may approve a Planned Residential development zoning provided they find that the proposed use complies with all of the following requirements:

- 1.) That the proposed development is consistent in all aspects with the intent and general standards of this zoning resolution.

DCRPC Staff Finding: No, the application is deficient on multiple counts.

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

DCRPC Staff Finding: Yes, as to extension of sewer to this area. Yes, as to extension of Sawmill Parkway. Yes, to somewhat higher densities along the Sawmill Pkwy. corridor. No, as to densities requested west of the parkway that must be approved first, so the comprehensive plan should be amended concurrently. Yes, as to using open space buffer power lines.

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

DCRPC Staff Finding: Not as proposed. The application could advance the general welfare of the township if amended in accordance with staff recommendations, but not as it is.

V. DCRPC Staff Recommendations

DCRPC staff recommends **Denial** of the request for 309.37 acres to be rezoned from FR-1 to PR, *due to multiple deficiencies in the application.*

If, however the applicant were to modify the plan in accordance with the all of the DCRPC staff recommendations, either prior to or during its zoning hearings with the Township, Liberty Point could be an asset and benefit to the township, in which case DCRPC staff would recommend Conditional Approval for all 310.37 acres to be rezoned PR at a density of 1.5 units per gross acre, subject to the following conditions:

1. The development plan is amended to show the additional storm water drainage ponds.
- 2.) A development plan is submitted for Sub Area B, the condominiums.
- 3.) Sub area E, the commercial out-lot be deleted and shown as a Reserve, or the acreage be used for additional dwelling units.
- 4.) Based upon a traffic study to be done by the applicant and discussion with the County Engineer, the northern street access to Steitz Road between homes at 6433 and 6455 Steitz Road might be considered as a gated bike path/emergency access rather than a full access road. DCRPC staff will defer to the County Engineer and the Township on this decision.
- 5.) Make the trail from the open space north of lot 89 a paved bike path connecting to the Liberty H.S. bus parking lot. Do the same treatment for the trail between lots 12 and 13.
- 6.) The corner of Steitz and Home Roads (Sub Area C) should be designed as an attractive landmark. A basic church development plan should be part of this application since it is being used as part of the overall gross density.
- 7.) A traffic impact analysis should be submitted to the County Engineer, and to Liberty Township. Off-site traffic impacts should

be mitigated by this applicant based upon his fair share of contribution.

- 8.) The applicants should promise to design and construct Sawmill Parkway Extension across their own lands north to Hyatt's road. They should pay their fair share for the extension of Sawmill parkway through the "gap" between Golf Village North and Liberty Point across Columbus and Southern Power Company's land, and the timing of such extension should be coordinated with the County Engineer.
- 9.) The sanitary sewer trunk line extension must be brought to the Liberty Point from its nearest termination by the developer at his expense, and be engineered in conformance with the County Sanitary Engineer's standards and depths required to service other lands.
- 10.) Landscaping plan and detailed cross sections are submitted.
- 11.) All of the development standards and divergences commented on in Item III. G above are corrected and incorporated into the final development plan. Existing houses along Steitz road should be buffered as needed from the new higher density development. Contact the owners to determine if mounds or fencing would be appropriate.
- 12.) Columbia Gas provides a service letter that makes a commitment to the project.
- 13.) Submit details on project financing (i.e. does this mean extension of the New Community authority?)
- 14.) Respond to the question of: Are the 310 acres in Liberty Point ultimately remaining in the Township or is the developer considering challenging the Powell-Liberty CEDA agreement to annex to Powell?

Commission / Public Comment

Mr. Mike Hintz, with Porter Wright Morris and Arthur was present on Mr. McNealey's behalf. They attempted to address each issue raised by staff and will continue to work on them with the Township.

Mrs. Warthman questioned allowing 1.5 units/acre when the Comprehensive Plan calls for 1 unit/acre. She stated that it might not be the desire of Liberty Twp. to

continue the Golf Village look for the north. Mr. Laurien explained that there was intended to be a swath of “somewhat higher densities” along the area of the Sawmill Parkway. Both sides of the Sawmill Parkway were entitled to this transitional phase, which would be mixed uses and somewhat higher densities. Since the parkway has moved west, the transitional phase has moved with it. The Township must decide if they agree with the densities.

Mr. Laurien stated that Mr. McNealey submitted a letter today to be included in the minutes. The letter responded to each item in the staff conditions and made commitments to correct all deficiencies as noted by staff. (See the following.) Mr. Laurien said the letter was acceptable and resolved his concerns, subject to the plan being modified before the Township.

Mr. Gunderman asked if there was discussion to stub a street to Steitz in between

the two entrances on the proposal. Mr. Laurien stated that the traffic study and the County Engineer could take a look at that. The farmers that own that land want to continue farming it and may not want it to be divided.

Mrs. Warthman made a motion to recommend conditional approval of the rezoning request by Mr. McNealey, subject to staff comments #1-#14 and adding a #15 condition to resolving the Township’s density desires and amendment to the comprehensive plan to reflect the change. Mr. Miller seconded the motion. VOTE: Majority For, 1 Opposed (Kingston Twp.). Motion carried.

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November 18, 2004

Philip C. Laurien, AICP
Executive Director
Delaware County Regional Planning Commission
109 North Sandusky Street
Delaware, Ohio 43015

Re: DCRPC Recommendations Concerning Liberty Point Development

Dear Phil:

We have had an opportunity to review the comments prepared with respect to our proposed Liberty Township rezoning between Home Road and Hyatts Road, generally adjacent to the west of the Liberty High School complex. Recognizing the current status of planning for the Sawmill Parkway and sewer service to the area, we recognize that the firm commitments would be beneficial at this time, commitments to be implemented in concert with other developers in the area as planning for these two major capital projects goes forward.

Focusing specifically on the DCRPC recommendations, we have the following observations.

1. At this point, the development plan is conceptual for further refinement in the course of meetings with the Liberty Township Zoning Commission and Trustees. As those meetings go forward, additional certainty will be developed with respect to the development standards and traffic issues, as well as the size and location of drainage ponds necessary to meet Ohio's laws pertaining to off-site runoff. We are pleased, however, that the Olentangy School District will be working with us to reconfigure the drainage basin in the extreme northern portion of their site to create a more attractive and flexible design.

2. With respect to the development plan for condominiums, as you know, at this point we do not have a specific design in mind. Through the rezoning process, we will be able to define more specific development criteria to develop final plans for approval by the township officials.

3. The approximately one-acre lot at the southwest corner of Hyatts Road and proposed Sawmill Parkway will be kept vacant and reserved for future use consistent with the condominium development plan. We had originally considered utilizing it for some public purpose, and would be willing to consider that in the future, should a need arise; but at the moment, it is reasonable to accept DCRPC's recommendation.

4. Based on discussions with the County Engineering staff on November 17, 2004, we will be completing a traffic study to determine impacts from the development on Sawmill Parkway, Hyatts Road, Steitz Road, and Home Road. Planning criteria have been identified and that report should be available by Christmas. We did highlight the concerns expressed in the DCRPC comments with the County Engineering staff, and they will give us some guidance on those points. We will refine the development plan in accordance with discussions with the County Engineer's office based on the traffic study.

5. As has been Dominion's case in the past, Dominion will continue to work closely with the school district to optimize the various paved bike paths connecting our development with Liberty High School. That detail will be worked out before the meetings with Liberty Township Zoning Commission in December.

6. We will be meeting with the church to discuss their ideas for planning and developing this site. Our initial detailed planning meeting with the Ohio District Lutheran Church is on Monday, November 22, 2004. This meeting and subsequent ones should lead to a more detailed presentation to the Zoning Commission in December for the church design for the northeast corner of Steitz and Home Roads. The application will be expanded to include additional details concerning the church consistent with the church's planning effort.

7. These issues will be addressed as a part of the traffic study conducted pursuant to item 4 above.

8. At the moment, we anticipate unilaterally constructing the Sawmill Parkway extension across our property and at least a portion of it over the AEP "gap" as part of the site's development. However, this may change through discussion with the County Engineer based on their directions and input for the extension of Sawmill Parkway to Hyatts Road. Further, we will confirm financing for the road once the County engineer has given the "go ahead." Based on the experience of the New Community Authority in the area south of Home Road, we would envision a similar financing mechanism for this portion of the Sawmill Parkway.

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9. Consistent with prior practice in Delaware County, we anticipate sharing in the off-site costs of construction of necessary sewers to service our site. We will be meeting with the County Sanitary Engineer to finalize these arrangements in the near future.

10-11. Further landscaping details will be developed in concert with comments from neighbors and the Zoning Commission.

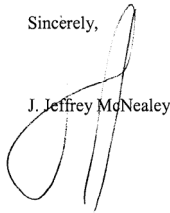
12. We will seek a clearer service letter from Columbia Gas, noting that the letter received is their "standard form".

13. Relative to Sawmill Parkway, financing will most probably be through a New Community Authority or a similar financing mechanism.

14. As has been the case in Orange Township, we fully expect cooperative development in Liberty Township and have no intention of annexing the property to Powell or challenging the Powell/Liberty CEDA Agreement.

Thank you for your support for our proposal. We hope this clarifies our position with respect to the recommendations in the staff report.

Sincerely,



J. Jeffrey McNealey

cc: Holly Foust
Robert A. Meyer, Jr., Esq.
Matt Callahan

COLUMBUS/1187935 v.01

Location: North of Big Walnut Road, east of Worthington Road

I. Conditions

Present Zoning: 50.53 acres in Planned Residential (PD-1) and 9.997 acres in Rural Residential (RR)

Proposed Zoning: Planned Residential (PD-1)

Present Use: Vacant, subdivision under construction

Proposed Use: 71 single family homes on 12,600-15,000 square-foot lots

Existing Density: 1.35 units per acre in existing PD-1, .5 units per acre in RR

Proposed Density: 1.5 units per acre in additional 10 acres, 1.17 units per acre overall

School District: Olentangy

Utilities Available: Del Co Water, County sewer

Soils: CaB Cardington Silt Loam, 2-6% slope

BeA Bennington Silt Loam, 0-2% slope

BeB Bennington Silt Loam, 2-4% slope

PwA Pewamo Silty Clay Loam, 0-1% slope

SnA Sloan Silt Loam, 0-2% slope

II. Surrounding Land Use

To the north are single-family lots on Fleur Road of approximately .75 of an acre. To the west are road frontage lots along Worthington Road. To the south is Big Walnut Road with proposed Homestead condos on the south side of the street. To the east is undeveloped land and State Route 3.

III. Plan

The applicant seeks to rezone 60.527 acres to create 71 single-family lots ranging in size from 10,400 - 15,000 s.f. The plan includes one access from Big Walnut Road and one access to Worthington Road. Three cul-de-sacs are on the east side of the site and one road extends to the north and east, stubbing at the property line. The design includes 30 acres of open space (onsite and offsite), which is 50% of the overall development.

IV. Issues

- Sections 1 and 2 are located within the original Walnut Grove subdivision. The rezoning application was reviewed by the RPC in February of 2001. The township re-zoned Sections 1 and 2 to Planned Residential on February 20, 2002. During that rezoning, 67 lots were approved for the 51.30-acre site.

- Walnut Grove received Preliminary Subdivision approval from the RPC on January 30, 2003. During the subdivision phase, 56 building lots were engineered on the site. Section 1 received Final Approval on August 26, 2004 but has not been recorded. All improvements, including roads, detention areas and landscaping features have been built in Section 1. It appears the applicant is attempting to recoup the 11 lots approved by zoning but unable to be fit on the original Walnut Grove subdivision and add four more.
- The applicant recently donated a 34-acre offsite parcel at the eastern end of Fleur Road as a township park. Some of the land in this park was allowed by the township to be used in the calculation for the required open space. Some of the land (8.19 acres) was also used to gain additional density in Vinmar Farms, which was rezoned at the same time as Walnut Grove. Now the applicant wants to “borrow” an additional 5.48 acres from Fleur Road “Park” to meet open space requirements and achieve extra density.

DCRPC staff has no knowledge of any “quid pro quo” arrangement made between the township and the applicant to swap land for density. This staff report will, therefore, limit itself to use and density prescribed by the 1999 Genoa Township Comprehensive Plan, which would allow 1.1 – 1.35 units per acre. The developer has taken a risk by placing the entire Walnut Grove subdivision “on the table”.
- The 10-acre site known as Section 3 does not, by itself, meet the 25-acre minimum size for PD-1 zoning. By adding the portion under construction, the total acreage is 60.527.
- The Fleur Road park property was deeded to Genoa Township on October 26, 2004 and the developer contributed \$30,000 to the township in lieu of making any improvements to the park.

Number of Lots		Net Density	
Under construction	56	Under construction	1.11 du/ac
Proposed new lots	15	Proposed 15 lots on 10 acres	1.50 du.ac

Total Number of Lots	71	Overall density	1.17 du/ac
Site area		Open Space	
Approved with original zoning	51.30	Required	30.26 ac.
Under construction	50.53	Provided in Sec. 1&2 (net)	17.03 ac.
Proposed	9.997	Sec. 1&2 from Fleur Road park	7.75 ac.
Total Site Area	60.527	Section 3 from Fleur Road park	5.48 ac.
		Total Open Space	30.26 ac.

Summary: The applicant seeks to use land that has already been rezoned to PD-1 in order to build 15 lots on an additional 10 acres. These 10 acres alone would not meet the density or open space standards of the PD-1 district. To achieve the open space standards of the PD-1 district, the overall zoning will utilize 5.48 acres of land “borrowed” from an offsite parkland donation, in addition to the 7.75 acres of offsite land already used as open space for the original zoning. There is no indication that the township has approved of the intent to use its parkland to achieve density or fulfill the open space requirements of the PD-1 district.

V. Application Procedure

The Development Plan lacks the following information.

1. Architectural details are provided in the text but no renderings are included.
2. The open space detail in the landscape section states that bollards to demarcate the open space is the responsibility of each homebuilder. **Staff Comment:** *These bollards should be the responsibility of the developer so that site work does not encroach into the open space.*
3. Application should be revised to show that the development is in the Olentangy School District.
4. A sign setback divergence is requested at Worthington Road due to the narrowness of the parcel at the Worthington Road frontage. **Staff Comment:** *This divergence is reasonable and should be granted.*
5. No letter from the Sanitary Engineer is included indicating additional capacity. The office has indicated there is probably capacity.

VI. Comprehensive Plan

The adopted 1999 Genoa Township Comprehensive Plan places this development in Area V, an area of Medium Density Residential with a density range of 1.1 - 1.35 dwelling units per acre. The proposed Genoa Township Comprehensive Plan indicates single-family residential at this location at 1.1 dwelling units per net developable acre with water and sewer.

Staff Comment: *Under the current Comprehensive Plan, a maximum of 1.35 units per acre would be applied to the 10-acre site, resulting in 13 units.*

VII. Criteria for Approval

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.

Staff Comment: *Hydric soils have not been taken into consideration within the three sections of Walnut Grove Estates.*

b.) Any Exception from the zoning resolution requirements is warranted by the design and amenities incorporated in the development plan.

Staff Comment: *The open space falls short of the 50% required and would require a variance, without using the offsite park. There is no hardship since the land can be developed as zoned or developed as a PD-1 without conservation standards.*

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

Staff Comment: *The site does include a stub to the east.*

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.

Staff Comment: *No, not with regard to amount of and accessibility to open space. Lots in Section 3 have no direct access to open space except for the detention area.*

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

Staff Comment: *Yes*

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

Staff Comment: *Yes, sewer has been extended to the Oaks at Highland Lakes to the south.*

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.

Staff Comment: Generally OK.

VIII. DCRPC Staff Recommendation

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

1. PD-1 zoning is appropriate for this site but not at the proposed total number of units. Unless the Township agrees as co-applicant and owner of Fleur Road park to transfer density from the park to this development. Under the current Comprehensive Plan, a maximum of 1.35 units per acre would be applied to the 10-acre site, resulting in a maximum of 13 units, although engineering may produce fewer lots on the site;
2. Appropriate open space should be designed within the 10-acre site, exclusive of right-of-way and detention areas;
3. Open space should be marked with bollards by the developer prior to building houses;
4. Sign setback divergence on Worthington Road is reasonable and should be granted.
5. Submission of letter from Sanitary Engineer indicating sufficient capacity.

Commission / Public Comment

Mr. Joe Looby of RD Zande was present to represent the applicant. He stated that the text will be amended that the bollards will be installed by the developer and that the development is in the Olentangy school district. They will also get a letter from the Sanitary Engineer.

Mrs. Warthman pointed out that this is a conservation district. The 50% required open space is due to the conservation district zoning requirements. There are some issues to work out at the Township and they are working on them.

Mr. Riedel asked if the developer owned any frontage along Worthington Road besides the access, right now. Mr. Looby said no and there are no plans to purchase any. Due to the existing home sites, there are no opportunities to access Worthington Rd. Mrs. Warthman said there were, but an adjacent transfer created this additional 10-acre land-locked parcel. Mr. Riedel stated the County Engineer has concerns with the access. Mrs. Warthman agreed it is an issue that needs to be worked out. Mr. Looby stated it should be worked out in Section 2 of this development.

Mr. Miller made a motion to recommend conditional approval of the rezoning request by Walnut Grove Estates, subject to staff comments and comments made by Mrs. Warthman. Mr. Gunderman seconded the motion. VOTE:

Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

61-04 ZON K.D. Hummingbird Ltd. – Genoa Twp. – 2.08 acre PD-2 amendment

I. Request

The applicant, K.D. Hummingbird Ltd. represented by D. Virginia Humphreys a prospective tenant, is requesting a development plan amendment to their 2.08-acre site that is currently zoned Planned Commercial – Office District (PD-2). The applicant desires to renovate space and open a women’s fitness center, called Body and Soul in the front section of the northern building. The applicant’s rezoning submittal indicates her intent to re-pave a portion of the parking lot, enhance the building’s façade and paint the perimeter fence prior to opening the proposed business in the northern existing building on January 1, 2005.

II. Conditions

Location: Northwest corner of Chandler Drive and S.R. 3, Genoa Twp

Present Zoning: Planned Commercial – Office (PD-2)

Proposed Zoning: Planned Commercial – Office (PD-2)

Present Use(s): The property contains three (3) existing commercial structures.

- The western building is an open-air structure being used for outdoor storage.
- The southern building contains a flea market.
- The northern building is currently being used for storage of motor homes, antique cars and snow mobiles for an off-site business (RKE Trucking Co.).

Proposed Use(s): Adding a women’s fitness center to a portion of the northern building.

School District: Westerville City School District

Utilities Available: Del-Co Water and County Sewer

Critical Resources: None

Surrounding land uses: Chandler Corporate Park to the south and west, Highland Lakes to the north, and Orchard Lakes Condominiums to the east.

Soils: BeA: Bennington Silt Loam (0 to 2% slopes)
BeB: Bennington Silt Loam (2 to 4% slopes)
PwA: Pewamo Silty Clay Loam (0 to 1% slopes)

III. Issues

1. This site is listed as a non-conforming property according to Article VIII of the Genoa Township Zoning Resolution, because it was lawful before the PD-2 resolution was created. Section 803.01 states “no such non-conforming

structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its nonconformity.”

This proposed change in use would not eliminate the non-conformities, but it would decrease the nonconformity to a smaller portion of the northern building. The women’s fitness center is a permitted PD-2 use and could be allowed as a change of tenancy without zoning amendment.

2. The township has instructed the applicant to submit a development plan with the proposed change of use. It is the townships call as to whether the renovations are significant enough to warrant the need for a development plan. The applicant submitted a copy of the 2002 aerial indicating the portion of the northern building that they are proposing to use, but did not elaborate on any other uses on this property.
3. There may be potential zoning violations on the site and this may be why the township wishes to see a development plan as a baseline of the use of the property today.
4. This site currently takes access to Chandler Drive through an ODOT limited access easement along State Route 3. The landowner should consult with Greg Channel (740-363-1251 ext. 345) of the Ohio Department of Transportation (ODOT) regarding use of the limited access easement along State Route 3. ODOT should submit approve any change in use or lot design.
5. The use is appropriate and is a permitted use within the existing structures.

IV. Staff Recommendations

Staff recommends **Conditional Approval** of this PD-2 development plan amendment case for K.D. Hummingbird Ltd. to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees, *subject to the applicant filing an appropriate development plan with the township confirming that there are not any current or proposed zoning code violations on-site.*

Commission / Public Comment

Ms. Virginia Humphreys was present to answer questions from the Commission.

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

62-04 ZON Grace Baptist Church – Radnor Twp. – 48 acres from FR-1 to PINS

I. Request

The applicant, Grace Baptist Church represented by Dave Koppelman of KSA Architectural Firm, is requesting a 48-acre rezoning from Farm Residential (FR-1) to Planned Institutional (PINS) for the construction of a church/school facility. The Grace Baptist Church is currently located 1,800 feet east of this site.

II. Conditions

Location: Northside of S.R. 37, about ½ mile west of S.R. 203, Radnor Twp.
Present Zoning: Farm Residential (FR-1)
Proposed Zoning: Planned Institutional (PINS)
Present Use(s): Wooded / Agriculture
Proposed Use(s): Church / School
School District: Buckeye Valley Local School District
Utilities Available: Del-Co Water and private on-site septic system
Critical Resources: None
Surrounding land uses: Large lot single-family residences fronting on S.R. 37, Byers Meadows CAD subdivision to the northeast.
Soils: BoA: Blount Silt Loam (0 to 2% slopes)
 GwB: Glynwood Silt Loam (2 to 6% slopes)

III. Issues

1. Sewage Disposal: The landowner should consult with Mike Sapp (614-728-3848) of the Ohio Department of Environmental Protection (OEPA) to ensure that the proposed area for on-site sewage disposal is sufficient. The applicant may have to install a mound or drip-irrigation system that requires a different layout. The system may also be located too far away from the proposed building.
2. Access: The landowner should consult with Greg Channel (740-363-1251 ext. 345) of the Ohio Department of Transportation (ODOT) to ensure appropriate sight distance at both drive entrances. Mr. Channel has stated that the 20-foot radius on the drive entrances will also have to be increased to at least 35-foot.
3. Phasing: All future phases of development that are delineated on the development plan should be removed from the plan prior to rezoning approval. These areas do not have associated timeframes for construction and are premature for Township rezoning approval. The applicant should

apply for an amendment to the PINS district when building, drives, parking, sewage disposal location and other detailed information regarding these future phases becomes known.

4. Building Height: The applicant has requested a divergence from the maximum building height of 35 feet in Section XXV of the Delaware County Zoning Resolution. The proposed building height is 52 feet (140 feet including the steeple). This divergence may be acceptable due to the large nature of this site. The applicant should consult with the Radnor Township Fire Department to see if they have any concerns. They should also be aware that future phases will not justify this same divergence because of their proximity to adjacent residential lands.
5. Detailed renderings of the proposed signage for this development were not submitted with the rezoning application. Signage exhibits should be submitted prior to rezoning and should conform to Section XXVI of the Delaware County Zoning Resolution.
6. The Religious Land Use and Institutionalized Persons Act of 2000 supersedes local zoning and generally states that governmental entities may only exercise public health and safety related development controls on churches and their related land uses. Since the church agreed to apply for PINS zoning, the township's review should be limited to issues of health and safety, with the presumption that churches should be permitted everywhere unless there is a public health or safety restriction that cannot be met.

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 township approves the building height variance, signage plans are submitted and approved, and future phases are removed from the development until more information is available regarding the sewage disposal, number of students attending the schools and off-street level of parking needs.

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

Staff Comments: Yes.

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

Staff Comments: Yes, this development will advance the general welfare of the area.

V. Staff Recommendations

Staff recommends **Conditional Approval** of this rezoning case from FR-1 to PINS for Grace Baptist Church to the DCRPC, the Delaware County Zoning Commission and the Delaware County Commissioners, *subject to:*

1. *Providing appropriate documentation from OEPA to confirm that the allocated area for on-site sewage disposal is adequate.*
2. *Providing appropriate documentation from ODOT to confirm that the drive locations meet their standards and have appropriate sight distance.*
3. *Removing all future phases from the development plan, until such time that more detail is available.*
4. *Submitting signage details that demonstrate conformance with Section XXVI of the Delaware County Zoning Resolution.*
5. *The Radnor Twp. Fire Department agreeing to the building height divergence.*

Commission / Public Comment

Pastor Corey Bain was present to answer any questions from the Commission. He stated that they have been in contact with the OEPA, the Delaware County Health Department and Tom Marshall of Delaware City. Mr. Marshall has given them verbal commitments that he is going to help them with this. An area has been delineated on the plan for a leach bed. The OEPA suggested hiring a soil scientist. They will meet the ODOT drive radius. The areas designated as "future use" can be removed.

Chairwoman Foust asked if Pastor Bain was planning on annexing to the City of Delaware. He did not know the answer. They do have a written statement from Mr. Marshall that they are in the Delaware Planning Area (for sewer) but could not commit to a time frame.

Mr. Miller made a motion to recommend conditional approval of the rezoning application by Grace Baptist Church, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Fowler). Motion carried.

63-04.A ZON and 63-04.B ZON - Berlin Township Zoning Text Amendments

Applicant: Berlin Township Zoning Commission

Request: Text Amendments to Articles XV, Planned Commercial and XII, Neighborhood Commercial

63-04.A ZON

Request: Amend Article XV Planned Commercial.

1. The revised PC is intended to:

- Identify permitted uses within a list from the 2002 North American Industrial Classification System manual used by the USA, Canada and Mexico. The NAICS manual is useful because it gives a six-digit number and description of every conceivable business use, so that local zoning texts need not try to create such a system.
- Operate as a two step PUD adopted under the authority of ORC 519.021 A). A significant new middle step has been written to cover amendments to preliminary development plans. This has been a problem for all planned districts in all townships that are using them. This problem is resolved with this new language in article 15.09 c. Other townships may wish to incorporate such language to provide a clear path for such procedures.
- Provide for multi family residential within the PC district at a density not to exceed five units per net developable acre (excludes 15% for roads, floodplains, jurisdictional wetlands, slopes greater than 20% and overhead electric transmission easements).
- Provides new standards and clear directions for how the standards are to be met.
- Restricts single use commercial structures to a maximum of 65,000 square feet under one roof unless they have direct access to US 36 or US 23, or to a parallel access road located within 500 feet of those federal roads.
- Provides a parking lot and private drive pavement standard of 20 year design life, or pursuant to the County Engineer's design manual.

2. No zoning map changes are made as a result of this text amendment.

DCRPC staff worked with Berlin Township on these amendments. They have

been reviewed and approved by Chris Betts of the Prosecutor's office.

Staff Recommendation

Staff recommends **Approval** of the new Article XV, Planned Commercial Version 12.1 to the DCRPC, the Berlin Zoning Commission and the Berlin Township Trustees.

(Zoning text as presented follows:

*Proposed Zoning Text Amendments To The
Berlin Township Planned Commercial Development District*

Version 12.1 as amended by Berlin Zoning Commission motion 11-09-04

Composed By: Philip Laurien, AICP

Executive Director, Delaware County Regional Planning Commission

ARTICLE XV - PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)

Section 15.01 – Nature of the District

The Planned Commercial and Office District is a Planned Unit Development adopted pursuant to Ohio Revised Code 519.021 (A) and is intended to provide for unified commercial areas usually under single ownership and control, or clustered together in planned out lots, where the use and layout are known and approved with flexibility per an approved development plan. These centers shall have all necessary utility services, and roads comprehensively provided. Buildings within this District are to be architecturally attractive and compatible. The tract is to be well landscaped. Parking and loading areas are to be screened and pedestrian-vehicular separation achieved. The relationship among individual establishments is to be harmonious, and inasmuch as the principal tenant and the size of the center have much to do with its physical character, relationship to the community, and economic success, these factors should be of concern in considering a Planned Commercial and Office District application. It is intended that the Planned Commercial and Office District and the area surrounding it be protected from the intrusion of dissimilar land uses, except those clearly complimentary, supplementary, and physically compatible with the development of the center and the vicinity.

Section 15.02- PERMITTED USES:

A. NAICS Listed Uses

Within the Planned Commercial and Office District (PCD) the following uses, according to their North American Industrial Classification System (NAICS) code number, when approved by the development plan process and developed in strict compliance with the approved development plan and standards shall be permitted.

The full text of the listings in the 2002 NAICS or subsequent edition as specifically referenced and subsequently adopted shall be used to define the uses permitted within the PCD as set forth below and is hereby adopted as part of Article XV.

The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

Note: The NAICS code numbers are inclusive in ascending order. All two digit sector numbers listed in the left hand column below include as permitted uses all 3-6 digit numbers beginning with those two digits. All three digit codes include all 4-6-digit codes beginning with those three digits, and so on. If a specific six-digit code is used, it refers to only one permitted use. For example, Code 52 means that any use listed in the 2002 or subsequently referenced and adopted NAICS code under Sector 52 (such as 52212 Savings Institutions) is permitted.

2002 U.S.	PERMITTED USES	NAICS CODE #
1114	Greenhouse, Nursery and Floriculture Production	
311811	Retail Bakeries	
<u>Furniture and Home Furnishings Stores</u>		
443	Electronics and Appliance Stores.	
444	Building material and Garden Centers	
445	Food and Beverage Stores	
446	Health and Personal Care Stores	

447	Gasoline Stations (except 447109 truck stops)
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Book (except adults only entertainment) and Music Stores
452	General Merchandise Stores
453	Miscellaneous Store Retailers, (except Adults Only Entertainment establishments and 45393 Manufactured Home Dealers)
491	Postal Service
511	Publishers
5133	Telecommunications
514	Information and Data Processing Services
516110	Internet Publishing
517110	Wired Telecommunications Carriers
517212	Cellular and other wireless Telecommunications
518111	Internet Service Providers
52	Finance and Insurance
531210	Offices of Real Estate Agents and Brokers
531390	Other activities related to real estate
53211	Passenger car rental and leasing
5322	Consumer goods rental
54	Professional, Scientific and Technical Services (includes medical, veterinarians, computer and related hardware and research and development etc.)
55	Management of Companies and Enterprises
561110	Office Administrative Support Services
561431	Private mail services
561439	Other business service centers (including copy shops)
561510	Travel agencies
61	Educational Services

- 621111 Offices of Physicians
- 621112 Offices of Mental Health Specialists
- 621210 Offices of Dentists
- 621310 Offices of Chiropractor
- 621320 Offices of Optometrists
- 621330 Mental health practitioners
- 621340 Physical, occupational, and speech therapists and audiologists
- 621391 Podiatrists
- 621399 Miscellaneous health care practitioners
- 621491 HMO Medical Centers
- 621492 Kidney dialysis centers
- 621493 Ambulatory surgical and emergency centers
- 621511 Medical laboratories
- 621512 Diagnostic imaging centers
- 621610 Home health care services
- 621910 Ambulance services

- 622 Hospitals
- 623110 Nursing care facilities
- 623311 Continuing care retirement communities
- 623312 Homes for the elderly
- 624410 Child day care services

- 711110 Theater Companies and Dinner Theaters
- 711120 Dance Companies
- 711190 Other performing arts companies (except adults only entertainment)
- 712110 Museums
- 713940 Fitness and Recreational Centers

- 721110 Hotels (except 72112 casino) and Motels
- 721191 Bed and breakfast inns

- 722 Food Services and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar adult entertainment or services), provided that there shall be a minimum of 300 feet of setback from the

- property line of any Food and Drink service place and the nearest residential property line or residential zoning district.
- 812 Personal and Laundry Services (except adults only entertainment)
- 813 Religious, Grant making, Civil, Professional and Similar Organizations
- 92 Public Administration (except 922150 parole and probation offices)

B. Other Permitted Uses that do not have a listed NAICS Number

1. Common wall single family attached dwellings, two family dwellings, and multifamily dwellings. All living units constructed within this district shall contain the following minimum living area, to-wit:

One (1) bedroom unit	800 square feet
Two (2) bedroom unit	900 square feet
Three or more bedroom unit	1000 square feet

2. Temporary structures such as manufactured/mobile offices and temporary buildings may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure 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. 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 he/she deems 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.

Section 15.0 3 - 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, unlicensed or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen consecutive (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. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- C. Except as provided in the development plan no trailer of any type; no boats, no motor homes and no equipment of any type shall be parked in front of the established front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum setback line established by this code, the restrictions in the plat or deed or the development plan.
- D. Except as specifically permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be permanently placed or occupied in this district.
- E. No trash, debris, unused property or discarded materials which create an eyesore, hazard, or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or parcel.
- F. Adults only establishments are prohibited.
- G. Uses pursuant to NAICS code # 711310, Promoters of Performing Arts, Sports, and Similar Events with Outdoor Open Air Facilities are prohibited.

- H. No commercial or business activity shall be conducted in a unit designed for residential use except for Home Occupations as provided in Section 21.15 and 21.16.
- I. No temporary structure or unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with Article XXXIII of this Resolution.

Section 15.04 INITIAL DISCUSSIONS

The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and application to amend the zoning map to PCD.

No statement by officials of the Township or the DCRPC shall be binding upon either at the concept or initial discussion stage.

Section 15.05 REQUIRED PCD DESIGN STANDARDS

A. The development plan shall incorporate the following standards for all permitted uses:

1. Access- Requires frontage on or direct access to one or more dedicated and improved public arterial roads as shown on the Delaware County Thoroughfare Plan, or to an access road that runs parallel to an arterial road. Provision for future connections to other public roads may be required by the Township, the County Engineer and/or the Regional Planning Commission.
2. Minimum tract size- 10 acres or as approved on the final development plan.
3. Maximum commercial (not multi family residential) ground coverage by buildings and parking (all impervious surfaces) – No more than 80% of the total tract acreage of a commercial development, exclusive of public street rights of way shall be covered by impervious surfaces, which includes all parking and commercial buildings (not multi family dwellings). Land underneath overhead high voltage electric transmission lines may be used for open

- space, landscaping, parking and roads with the permission of the electric utility company.
4. Minimum Required Open space for commercial developments- Not less than 20% of the total tract acreage of a commercial development shall remain open space. Open spaces may be used for the retention, detention and disposal of storm water drainage. Features which are likely to cause erosion or flooding shall not be permitted. A 15-foot wide landscaped “green belt” shall be provided between the edge of any parking area and the adjacent public street right of way.
 5. Maximum commercial floor space requirements: as approved per development plan.
 6. Residential standards for common wall single family attached dwelling, two family dwellings, and multi-family dwellings:
 - a.) Density –Maximum of five dwelling units per net developable acre.
 - b.) Common open space: Not less than 10% of the total tract acreage must be set aside as useable common open space, meaning areas exclusive of landscape islands and berms for parking lots and yards or courts immediately adjacent to the dwelling units. The township shall determine if the open space configuration meets the intent of these standards during preliminary development plan review.
 - c.) No more than 20% of multi-family units may be either designated as rental units or held back by the developer for lease; all other dwelling units must be for sale to individual owners. Assurance of compliance with this requirement shall be shown on the development plan, or plat or through deed restriction.
 - d.) All exterior sides of all units shall be sheathed in brick, stucco, stucco-stone, stone, wood, or cementitious lap siding.
- e.) A development plan shall be submitted that meets all the standards and requirements of this Article XV, and which demonstrates that the design proposes buildings grouped together with a defined center, a network of open space and connecting sidewalks or pathways, resident parking provided off street, and street trees and a tree lawn adjacent to the edge of the street.
 - f.) Centralized water and sewer service shall be provided.
 - g.) Floodplain- No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.
 - h.) Roof pitch- All residential roofs shall be a minimum of 6/12 pitch, or as otherwise approved by plan.
 - i.) Walkways and street trees-The Township may require walkways to connect all dwelling areas with open space and to interconnect the open spaces. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped or grassed tree lawn with street trees.
 - j.) Yards and setbacks- approved per development plan.
 - k.) Curbed street with enclosed drainage.
 - l.) Pavement width standards for intra development streets, drives and parking lots.-All private streets, roads and driveways shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Delaware County Engineer’s Location and Design Manual, or shall have a design life of 20 years. Parking lot pavement does not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.

- m.) Underground utilities- all utility lines constructed to service the proposed commercial uses shall be located underground.
- n.) Architectural details are desirable- examples are wide corner boards or quoins, lintels, columns, window boxes, shutters, round louvers, etc.
7. Minimum Lot Width at the building line shall be as approved per plan.
8. Minimum Side yards for non-residential structures shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
9. Minimum Rear yard for non residential structures shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
10. Perimeter Area- No parking shall be constructed within 25 feet of the lot line of an existing or proposed single family home, or a residentially zoned district.
11. Water and Sewer- Centralized water and sewer service shall be provided unless otherwise approved per development plan. The appropriate state and/or county agencies with jurisdiction shall indicate feasibility of water supply and wastewater disposal systems at the time of the preliminary development plan review.
12. Walkways and street trees-The Township may require walkways to connect parking areas with buildings. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped or grassed tree lawn with street trees.
13. Pavement width standards for intra development streets, drives and parking lots.-All private streets, roads and driveways shall be constructed to a pavement width and cross section that meets the Average Daily Traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, or shall have a design life of 20 years. Parking lot pavement does not have to meet street cross section standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.
14. Underground utilities- all utility lines constructed to service the proposed commercial uses shall be located underground.
15. Environmentally sensitive areas – Jurisdictional wetlands, slopes greater than 20% and 100-year floodplains shall be preserved to the greatest extent possible. No commercial or office structures shall be constructed within the 100-year floodplain of any stream or river. To the maximum extent possible, all natural drainage courses, vegetation and contours in excess of 6% shall be maintained.
16. Building design- The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site.
17. Building Height Limits – as approved on the final development plan.
18. Landscaping - All yards, front, side and rear, shall be landscaped. All open spaces or non-residential use areas shall be landscaped and shall meet the landscaping requirements of this resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, shall be submitted and is subject to approval as a part of the final development plan. Natural foliage shall be retained as buffers where practicable. The Township may require

establishment of such tree cover and /or other foliage to buffer adjacent uses.

19. 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 final development plan. In preparing and approving the parking plan, the parking provisions of Article XXI, Section 21.01 of this Resolution shall be incorporated, or a divergence requested.
20. Signs – Signs shall conform to Article XXII of this resolution, or a divergence requested and be approved as part of the final development plan.
21. Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan in accordance with Article XXI, Section 21.13 of this resolution.
22. Building Size limits- Retail or office buildings, including but not limited to NAICS Codes 114, 311811, 442, 443, 444, 445, 446, 447, 448, 451, 452, 453, 51, 52, 5312, 5313, 53211, 5322, 53242, 54, 55, and 561 shall contain no more than 65,000 square feet under one roof for any individual use.
23. Exception to retail and office building size limits -Retail and office uses permitted in Section 15.02, and NAICS code 441 (Motor Vehicle and parts dealers) with an individual commercial or office that exceeds 65,000 square feet under one roof for any individual use may be approved at the discretion of the township provided they have direct access to or access to a commercial frontage road located parallel to and within 500 feet of U.S. 23 or U.S 36.
24. Supplemental Conditions and Safeguards- The Zoning Commission and/or Board of Trustees may require additional conditions be met with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

Section 15.06 REQUIRED FINDINGS FOR PCD APPROVAL

The Zoning Commission may recommend and Trustees may approve an application requesting that property be included in the PCD zoning district, provided they find that the proposed use complies with all of the following requirements:

1. That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.
2. That the proposed development meets all applicable requirements of this Article and Zoning Resolution.
3. That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.
4. That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
5. That the proposed plan meets all of the design features required in this Resolution.
6. That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.
7. That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

Section 15.07 PROCESS FOR AMENDMENT

Consistent with ORC 519.021 (A), applications for amendment to rezone property to the PCD Zoning District may be approved according to one of the following procedures:

- A. Two Step: The applicant, being the owner and, if applicable, a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PCD. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PCD. (This is a legislative act and is subject to referendum). A final development plan shall be subsequently submitted to the Zoning Commission for review and approval (this is an administrative act and not subject to referendum.) This procedure may only be used if

the real estate proposed to be rezoned consists of at least 10 acres; or

- B. One Step: The applicant, being an owner, and, if applicable a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PCD and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum).

In addition to the procedures set forth in this Zoning Resolution, all applications for amendment to rezone property to the PCD district shall comply and be processed consistent with the procedures outlined in Ohio Revised Code Section 519.12.

Following the filing of an application for a PCD, the Zoning Commission may schedule a walkabout on the site with the applicant to familiarize all parties with the lay of the land, and the general design intent of the applicant. If a majority (quorum) of the Zoning Commission is present, the walkabout is a public meeting open to members of the public and must be advertised in accordance with the Ohio Open Meetings (Sunshine) Law and minutes must be kept.

Section 15.08 EFFECT OF PROPERTY OWNER INITIATED PCD ZONING AMENDMENT

Upon approval of an application for a zoning amendment to rezone property to the PCD district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PCD designation, as approved, shall prevail.

Section 15.09 DEVELOPMENT PLANS

- A. Preliminary Development Plan – With the filing of any application to rezone property to the PCD District, the owner(s) or lessees of the subject lots or land to be rezoned within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

Twenty (20) copies of the preliminary development plan shall

be submitted to the Zoning Commission with the PCD application. The plan shall include in text and map form, the following:

1. The size and location of the proposed PCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.
2. Conceptual architectural elevations for all structures and signs.
3. The intended general provisions for water, fire hydrants, sanitary sewer and adequate storm water drainage outlet. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented by the utility provider or a registered civil engineer.
4. The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
5. A design of the open space and proposed description of its use, ownership and maintenance.
6. Specific statements of divergence, if any, from the development standards in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage and so forth.
7. Proposed location of all structures and uses.
8. Preliminary Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer's standards.
9. All required design standards in Section 15.05.

10. Fire fighting plan- letter from Fire department regarding access and water needs for fire fighting.
11. Phasing plans, if any.
12. Calculations of net developable acreage and proposed lot coverage for commercial uses and project density for proposed multi family uses.
13. Proposed permitted and accessory uses listed numerically and selected from the NAICS list in Section 15.02.

B. Preliminary Plan Approval Period- The approval of a preliminary development plan shall be effective for a period of one (1) year from the date 30 days after the zoning became final in order to allow for the preparation and submission of the final development plan. No zoning text amendment passed during this one (1) year period shall affect the terms under which approval of the preliminary development plan was granted. If the final development plan has not been filed within this one (1) year period, then the preliminary development plan approval shall expire unless the Trustees have approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new preliminary and final development plan has been submitted for approval to and approved by the Township. Such applications for approval shall be subject to the same procedures, fees and conditions as an original application. In the event the one (1) year timeline expires, any preliminary development plan thereafter filed shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD district.

C. Modifications of the Preliminary Development Plan- In the event that an applicant or owner who has obtained approval of a Preliminary Development Plan wishes to

change or modify said approved plan in any respect, he or she shall make a detailed written modification request, and file that request and fee with the Zoning Inspector. The application shall specifically detail the changes requested, and shall state the reasons for all changes requested.

Upon receipt of such an application, the Zoning Inspector shall refer the application to the Board of Trustees for a determination to be made at the sole discretion of the Trustees as to whether the Application shall be treated as a request for a minor modification.

If the Trustees determine by a unanimous vote that the application should be handled as a minor modification request, it shall set the matter for a public meeting before the Board of Trustees. The applicant shall have the right to amend his or her application at any time prior to the vote of the Board of Trustees.

If the application is not determined to be minor modification request, the Trustees shall forward the Application to the Township Zoning Commission and the Commission shall schedule and conduct a public meeting, and make a written recommendation for the approval, modification, or the denial of the application to the Board of Trustees following the same procedure outlined in ORC 519.12 for the amendment of a zoning resolution.

If an amendment is sought with respect to an application deemed major after a vote by the Commission, the amended application will be returned to the Commission for additional review and recommendation.

Consideration of requests for modifications of an approved Preliminary Development Plan shall be considered in all respects to be a legislative process and approval or denial of any such request shall be considered and treated as a legislative act.

D. Final Development Plan – The applicant shall submit twenty (20) copies of the final development plan to the Zoning Commission with the application. Except as otherwise provided in the initial rezoning of property to the PCD

district, the Zoning Commission shall be the review authority for the final development plan.

The final development plan shall include in text and map form the following:

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

2. The plan shall be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following items in detail satisfactory to the reviewing body(s):

- a.) The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
- b.) Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped.
- c.) Architectural design criteria including materials, colors and elevations for all structures and criteria for proposed signs, with proposed control procedures.
- d.) Building heights and dimensions.

- e.) Off-street parking.
- f.) Signs.
- g.) Exterior Lighting Plan to show how exterior lighting fixtures will be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- h.) The provider-approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- i.) A traffic impact analysis by a civil engineer who specializes in traffic evaluations showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- j.) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- k.) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- l.) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- m.) If the proposed timetable for development includes developing the land (including open space) in phases, all phases 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.
- n.) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- o.) Specific statements of divergence from the development standards of this Resolution and the justification therefore. Unless a deviation from these development standards is specifically approved, the development standards shall be complied with. Since the Final Development Plan is a rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.
- p.) 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.
- q.) All drawings that are a part of the final development plan shall respectively bear the seals of the preparing architect, landscape architect, and/or professional engineer. The respective professional attaching his or her seal to the drawings must be licensed to practice in the state of Ohio.
- r.) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PCD district.
- s.) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
- i.) Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- ii.) Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- iii.) Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
- iv.) Dust and Erosion: *Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer in objectionable quantities by wind or water to points off the lot.*
- v.) Liquid or Solid Wastes: *No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial*

processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

vi.) Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.

vii.) Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.

t.) 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.

E. Final Development Plan Approval Period- The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat (if platting is required by applicable law) and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision plat has not been approved and recorded, and construction of any

building has not been commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. In the event the three (3) year time line expires, any new final development plan thereafter filed shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD District.

- F. Phasing- where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in general compliance with the timetable in the approved development.
- G. Failure to Maintain-If the organization established to own and maintain the open space, or the owners of dwelling units within the PCD shall, for any reason, fail to maintain the open space in reasonable order and in accordance with the final development plan, such failure shall constitute a breach of the development plan and a violation of the zoning resolution. The Board of Township Trustees or its designee may serve written notice upon such organization of the deficiencies and demand that corrective action be taken immediately and pursue enforcement of the zoning resolution.
- H. Plat Required – If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:

1. Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
3. In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance surety in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
4. A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.

I. Extension of Time

- 1.) ***An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission at a public hearing***

provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and/or the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

J. Modification of Final Development Plan

1. ***A request for changes not deemed substantial to the final development plan may be approved by the Zoning Commission at a public hearing without being subject to the same procedures as the original application.***
2. ***In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:***
 - i.) ***A change in the use or character of the development;***
 - ii.) ***An increase in overall lot coverage of structures and off-street parking;***
 - iii.) ***An increase in the density;***
 - iv.) ***A substantial increase in traffic impact circulation and public utilities usage;***
 - v.) ***A reduction in approved open space;***
 - vi.) ***A reduction of off street parking and loading space;***
 - vii.) ***A reduction in required pavement widths;***
 - viii.) ***A reduction of the acreage in the planned development;***

ix.) **Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.**

K. **Administrative Review** - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

L. **Divergences**- the Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted “as approved per plan.” An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

Commission / Public Comment

Mrs. Warthman made a motion to recommend approval of the Berlin Twp. text amendments (Article 15), seconded by Mr. Miller. VOTE: Unanimously For, 0 Opposed. Motion carried.

63-04.B ZON Berlin Township Zoning Commission - text amendment to Article XII, Neighborhood Commercial

I. General

The Berlin Township Zoning Commission initiated revisions to their zoning text to update the Neighborhood Commercial District. The amendments delete outside storage by deleting paragraphs 12.04 D and E.

II. Comments on the Proposed Amendments

DCRPC staff worked with Berlin Township on these amendments.

III. Staff Recommendation

Staff recommends **Approval** of the amended Article XII, Neighborhood Commercial to the DCRPC, the Berlin Zoning Commission and the Berlin Township Trustees.

Commission / Public Comment

Mr. Miller made a motion to recommend approval of the Berlin Twp. text amendments (Article 12), seconded by Mr. Snajd. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. SUBDIVISION PROJECTS

Preliminary

16-04 Eagle’s Ridge, Sections 1-3 – Berlin Twp. - 63 lots / 87.82 acres

Applicant: Grover & Mary Johnson
Subdivision Type: Single-family Residential
Location: Eastside of Africa Road, north of Sherman Road, Berlin Twp.
Current Land Use: Wooded / Agriculture
Current Zoning: Farm Residential (FR-1)
Utilities: Del-Co Water and County Sewer
Critical Resources: Ravines and Alum Creek tributary system
School District: Olentangy Local School District
Engineer: Ryan Badger, ADR & Associates, LTD

I. Staff Comments

Eagles Ridge contains 63 lots on 87.82 acres. The gross density is 0.72 d.u. / acre. There are 3.28 acres within 5 reserve lots which are proposed for storm water detention purposes. A 50-foot electric easement crosses diagonally through the site, which the applicant is proposing to relocate along the north and eastern property lines. The applicant has committed to abiding by the Federal Energy Regulatory Commission guidelines during construction for restrictions regarding a 50-foot gas easement that also crosses diagonally through the site.

Eagle’s Ridge received conditional preliminary approval from the DCRPC on May 27, 2004 subject to (1) an approval / agreement from OEC for relocating the electric lines prior to final plat approval, (2) satisfying unresolved issues from Technical Review, and (3) creating better access for Lot 27 on Eagle Crest Drive.

The applicant has resubmitted the preliminary plan for staff review to comply with comments made at the Technical Review Committee meeting on May 18, 2004. The newly submitted plans indicated removal of a previously planned loop street that did not comply with the County Engineer’s standards, the removal of one single-family lot and the addition of another reserve lot for storm water detention. The loop street was replaced by two cul-de-sacs that fit the site better than the previous design.

A technical review was held on November 9, 2004, after which the applicant has addressed all of the required changes, except the electric lines have not yet been relocated. All other conditions from the preliminary approval on May 27, 2004 have been addressed.

Although this plan conforms to all the requirements of the Farm Residential District (FR-1), staff would encourage the applicant to work with Berlin Township to consider rezoning the site to FR-1/PRD to allow a conservation subdivision design that is more sensitive to the site's critical resources, and would not necessarily require relocation of the power line.

II. Staff Recommendation

Staff recommends *Conditional Preliminary approval of Eagle's Ridge Subdivision*, to the RPC, *subject to relocation of the electric lines prior to final plat approval.*

Commission / Public Comment

Mr. Tony Eyerman was present to represent the applicant. He stated that the application was previously approved with three conditions. They felt they met the three conditions along with obtaining documentation that the electric line could be relocated. They are requesting amended preliminary approval without the condition of relocating the electric line before final plat approval.

Mr. Miller made a motion for conditional Preliminary approval of Eagle's Ridge Subdivision, subject to staff comments. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

27-04 MLSN (f.k.a. Meyers) Subdivision – Concord Twp. – 3 lots / 6.91 acres

Applicant: Concord Land, LLC
Subdivision Type: Single Family Residential (CAD)
Location: West side of Dublin Road, just south of Elmgee Drive
Current Land Use: open, former agriculture
Zoned: FR-1
Utilities: Del-Co Water, on-site waste disposal system
School District: Buckeye Valley
Engineer: Floyd Browne Associates, Inc.

I. Staff Comments

The name of this subdivision was changed after the Map Room pointed out that the County already has a subdivision with a similar name. MLSN is a three-lot subdivision utilizing a Common Access Driveway to limit curb-cuts on Dublin

Road. The two lots on Dublin Road are each 1.73 acres and the lot to the west is 3.47 acres, including the CAD acreage. Lots include on-site mound treatment systems.

A five-lot CAD is located directly north of the site (Gar-Mar #3). Lots on the east side of Dublin Road and along Elmgee Road are half-acre to an acre in size.

A technical review was held on November 9, 2004, after which the applicant has addressed all of the required changes.

II. Staff Recommendation

Staff recommends *Preliminary Approval of MLSN Subdivision* to the RPC.

Commission / Public Comment

Ms. Jennifer Ross with Floyd Browne Associates was present to represent the applicant.

Mr. Gunderman asked why the applicant is developing a CAD when they are contemplating development on the rest of the property. Mr. Laurien stated that there is approximately 1,000 acres that has been assembled by Triangle Real Estate, Mike Meyers is the son-in-law of Don Kenney (Triangle Real Estate). The 1,000 acres is being proposed for a golf course type community like Scioto Reserve, but will not have a land application system. It would utilize a constructed sewage treatment plant that would be given to the County to own and operate. It would be large enough to service all of Concord Twp. This has taken longer to come to zoning and in the meantime Mike Meyers is interested in doing this small development on his own. It relates to the large lots to the north and east.

Mr. Miller made a motion for Preliminary approval. Mr. Snajd seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Gunderman). Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final

11-03.2 Killdeer Meadows, Section 2, Phases A & B – Berkshire Twp. – 47 lots / 54.09 acres

Applicant: Mobley Homes

Subdivision Type: Single-family Residential
Location: East side of 3 B's and K Road, 1,500' south of Cheshire Road, Berkshire Twp.
Current Land Use: Agriculture
Zoned: Planned Residential District, (PRD)
Utilities: Del-Co water and Delaware County Sanitary sewer
School District: Olentangy
Engineer: Hockaden and Associates

I. Staff Comments

This application is for the second section of Killdeer Meadows, a proposed PRD subdivision on the east side of 3 B's and K Road south of Cheshire Road. An undeveloped portion of Harbor Pointe is to the west and I-71 crosses the eastern edge of this site. The vacant land to the south will be an extension of Killdeer Meadows. The remaining land to the north is agriculture with large lot single family homes along 3 B's and K Road. The site is flat with drainage generally flowing east to west to a road ditch and culvert that crosses 3 B's and K. Killdeer Meadows received preliminary plan approval in June 2003.

Section 2 contains 47 lots on 54.09 acres. Falling Meadows Drive is extended to the east from Section 1 and then travels south to a temporary turnaround. It will continue in future phases. Killdeer Place is a north-south street extending from Falling Meadows Drive. There are 5 reserves (39.7 acres), including a large 28.79 acre lot to be deeded to the Olentangy School Board for a future school site. The school site also contains an 8.33 acre right-of-way easement for I-71. The remaining reserves are open space and will be utilized in part for stormwater management and also will contain a bike path throughout.

Due to construction delays, only a portion of the roads were completed. The remaining improvements have been bonded. For this reason, the plat contains 2 phases.

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

II. Staff Recommendation

Staff recommends *Final approval* of the **Killdeer Meadows, Section 2, Phases A & B**, to the RPC.

Commission / Public Comment

Mrs. Warthman made a motion for Final Approval of Killdeer Meadows, Section 2, Phases A & B. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

23-04

Christy Subdivision – Troy Twp. - 03 lots / 09.65 acres

Applicant: Ben Lehner
Subdivision Type: Single-family Residential (CAD)
Location: East side of Troy Rd about ½ mile north of Hills Miller Rd, Troy Twp.
Current Land Use: Existing residence surrounded by agriculture
Current Zoning: Farm Residential (FR-1)
Utilities: Wells and private on-site septic systems
Critical Resources: Existing pond and drainage course crosses site.
School District: Delaware City School District
Engineer: Scioto Land Surveying, Inc.

I. Staff Comments

Christy Subdivision contains 3 single-family residential lots on 9.66 acres at a density of 1 dwelling unit per 3.22 acres. This development contains a large ravine on its eastern half with a 50 foot wide drainage easement.

The middle lot contains an existing residence, barn and pond that are to remain. This residence will take full access off the CAD and the portion of the existing driveway on this lot will be removed. The septic system for the existing residence has been abandoned and a new system will be installed.

Surrounding land uses include large residential lots along Troy Road surrounded by agricultural fields. Darryl NW Subdivision (a 4-lot CAD subdivision recorded in 1999) is located south of this proposed development.

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 application for **Christy Subdivision**, to the RPC.

Commission / Public Comment

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

VI. EXTENSIONS (*none*)

VII. OTHER BUSINESS

- **Copier donation** – Mr. Laurien explained that the current copier would be retired in January when we lease a new one. The copier works fine but we can no longer get a maintenance contract on it. It is 8 years old and parts are no longer readily available. Parts are being cannibalized from other machines. MT Business Technologies has offered free delivery to an RPC member. Service would be purchased on an as needed basis. If you are interested, please let us know. First come first served.

VIII. POLICY / EDUCATION DISCUSSION (*none*)

IX. RPC STAFF AND MEMBER NEWS

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

Meeting adjourned at 9:10 p.m.

*The next meeting of the Delaware County Regional Planning Commission
will be Thursday, December 16, 2004, 7:00 PM at the Delaware Hayes
Services Building, 140 N. Sandusky Street,
Conference Room 313, Delaware, Ohio 43015.*