



# Delaware County Regional Planning Commission

109 North Sandusky Street Delaware, Ohio 43015  
740-833-2260 fax 740-833-2259  
www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## \*MINUTES\*

Thursday, November 20, 2008 at 7:00 PM  
Delaware Hayes Services Building,  
140 N. Sandusky Street, Room G 35, Delaware, Ohio 43015

### I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of October 30, 2008 RPC Minutes
- Executive Committee Minutes of November 12, 2008
- Statement of Policy

### II. VARIANCES *(none)*

### III. ZONING MAP/TEXT AMENDMENTS

- 24-08 ZON **W** Heritage Christian Church – Genoa Twp. – 14.35 acres – PCF  
25-08 ZON **W** Skilken Properties – Genoa Twp. – 10 acres – RR to PD-2  
26-08 ZON Larry Finks Sr. – Delaware Twp. – 1.046 acres - FR-1 to C  
27-08 ZON 7991 Columbus Pike LLC – Orange Twp. – 14.324 acres – FR-1 to PC

### IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary *(none)*

Preliminary/Final *(none)*

Final *(none)*

**T=TABLED, W=WITHDRAWN**

### V. EXTENSIONS

- |          |                                       |         |                        |
|----------|---------------------------------------|---------|------------------------|
| 03-06.14 | Meadows at Lewis Center, Sections 1-4 | Orange  | 135 lots / 75.87 acres |
| 06-06    | Trenton Park                          | Trenton | 37 lots / 75.13 acres  |

### VI. OTHER BUSINESS

- Consideration for approval: 2009 Budget
- Consideration for approval: 2009 meeting schedule

### VII. POLICY / EDUCATION DISCUSSION

- RPC Planning and Zoning Workshop – January 24, 2009, 9:00 a.m. – 2:00 p.m.

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

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairwoman Foust called the meeting to order at 7:30 p.m.

▪ **Roll Call**

*Representatives:* Jeff George, Jim Ward, Glen Evans, Steve Burke, Joe Clase, Holly Foust, Charles Heimlich, Dick Gladman, Marvin Miller, Eric Fischer, Lloyd Shoaf, Tom Brown, Yvonne Clippenger, Tom Zalewski, Mike Datillo, and Doug Price. *Alternates:* Ray Armstrong, Doug Riedel, Dave Stites and Carolyn Van Brimmer.

▪ **Approval of the October 30, 2008 RPC Minutes**

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

▪ **November 12, 2008 Executive Committee Minutes**

1. **Call to order**

Vice Chairperson Steve Burke called the meeting to order at 8:35 a.m. Present: Steve Burke, Dick Gladman, Lloyd Shoaf and Jim Ward. Holly Foust was absent. Staff present: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes**

*Mr. Gladman made a motion to approve the minutes from October 22, 2008. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. **Old Business**

- a. 2009 Budget – Mrs. Matlack informed the Committee that two employees have confirmed that they would opt out of the RPC paid health insurance for 2009 (Option #2). The projected carry forward to 2010 is \$28,165.00.

*Mr. Gladman made a motion to recommend approval of the Proposed 2009 RPC Budget with Option #2. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

4. **New Business**

- a. Financial / Activity Reports for October 2008

REGIONAL PLANNING RECEIPTS		OCTOBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$5,170.00
Fees A (Site Review)	(4202)	\$300.00	\$2,610.00
Insp. Fees (Lot Line Transfer)	(4203)	\$600.00	\$2,320.00
Membership Fees	(4204)	\$10,764.00	\$276,657.08
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$240.00	\$3,062.86
Assoc. Membership	(4206)		
General Sales	(4220)	\$47.30	\$1,363.80
Charges for Serv. A (Prel. Appl.)	(4230)	\$4,789.20	\$29,721.40
Charges for Serv. B (Final. Appl.)	(4231)	\$7,164.20	\$26,187.70
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$750.00
Charges for Serv. D (Table Fee)	(4233)		\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$33,150.00

Soil & Water Fees	(4243)	\$375.00	\$3,075.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)	\$45.00	\$331.34
Misc. Non Revenue Receipts	(4733)		
<b>TOTAL RECEIPTS</b>		\$24,779.70	\$386,199.18

Balance after receipts \$ 112,443.13  
 Expenditures - \$ 26,137.94  
 End of October balance \$ 86,305.19

*Mr. Gladman made a motion to approve the financial reports for October. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- b. November RPC Preliminary Agenda – includes 4 rezoning/text amendments and 1 extension.
- c. Contract and Project updates
  - 1) Troy Twp. – started contract work on zoning code formatting
  - 2) Genoa Twp. – met with Joe Clase, Zoning Officer regarding contract for zoning code updates
  - 3) Visited Ashley Village Council to encourage them to be involved in RPC.

**5. Other Business**

- a. 2009 RPC meetings schedule – *Mr. Gladman made a motion to recommend approval of the 2009 RPC meeting schedule. Mr. Burke seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Ward). Motion carried.*
- b. Injunction – Mr. Sanders informed the Committee that the Village of Galena has filed an injunction against the Regional Planning Commission from signing the Final plat of the Sage Creek, Section 5 subdivision plat. The RPC’s liability insurance carrier has assigned Reminger & Reminger of Columbus to represent the Commission.

**6. Personnel** *(none)*

- 7. Adjourn – At 9:30 a.m., *Mr. Gladman made a motion to adjourn the meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next Executive Committee meeting will be Wednesday, December 10, 2008 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. ZONING MAP/TEXT AMENDMENTS

### 24-08 ZON W Heritage Christian Church – Genoa Twp. – 14.35 acres – PCF

\*\*\*Withdrawn by the applicant 11/20/08.\*\*

-----

### 25-08 ZON W Skilken Properties – Genoa Twp. – 10 acres – RR to PD-2

\*\*\*Withdrawn by the applicant 11/20/08.\*\*

-----

### 26-08 ZON Larry Finks Sr. – Delaware Twp. – 1.046 acres - FR-1 to C

#### I. Request

The applicant is requesting to rezone two parcels that total 1.046-acres at the southwest corner of State Route 37 and State Route 203 in Delaware Township from the Farm Residential District (FR-1 and currently non-conforming) to “Commercial” to allow for light and heavy commercial, automotive truck repair and trucking operations.

#### II. Conditions

**Location:** 2887 State Route 37, at the intersection of S.R. 203, Delaware Township

**Present Zoning:** Farm Residential District (FR-1)

**Proposed Zoning:** Commercial

**Present Use(s):** Single-family house and pole barn

**Proposed Use(s):** Light and heavy commercial, automotive truck repair

**Existing Density:** 1 du / 2 acres in FR-1

**Proposed Density:** N/A

**School District:** Delaware City School District

**Utilities Available:** Del-Co water, private on-lot septic treatment system

**Critical Resources:** None

**Surrounding land uses:** Single family residential and agriculture land to the south and east, church use to the northwest (Radnor Twp.) and FR-1 and undeveloped Planned Industrial to the west (Radnor Twp.)

**Soils:** GwB: Glynwood silt loam, 2 to 6 percent slopes

GwC2: Glynwood silt loam, 6 to 12 percent slopes, eroded

#### III. General

This is a request for a rezoning to a “straight” commercial district. Therefore, the applicant is not required to provide information (i.e. development plan) regarding this request beyond a change from residential to commercial. This is an existing, non-conforming use, which predates the adoption of zoning. The application includes a letter from the township confirming that some level of trailer storage (up to seventeen trucks at a time)

has occurred on the site and that such use is “grandfathered”.

#### **IV. District Designation**

The application requests a zoning change to “Light and Heavy Commercial”. The Delaware Township Zoning Resolution does not include a district with that particular name. The assumption could be made that the applicant seeks Neighborhood Commercial and Office (C-1) zoning. However, this district does not include “commercial-automotive truck repair and trucking operations” as requested in the application. In addition, some existing storage might actually fall under the “prohibited use” category of the existing code.

On the other hand, the Industrial District could be applicable as long as all activities were in an enclosed building. Since the intention is to keep the operation as it currently exists, it may be better suited as a Conditional Use in the Industrial District, which would allow “any use of a commercial nature” and the storage of inoperable vehicles as long as they can be proven to be “incident and necessary to the conditional use” and are screened from the public, as required in Article 17.03 and 17.04.

However, it must be noted that rezoning to a straight Industrial District opens the door to a number of uses when the current operation is no longer desired by a future owner. Such uses include the following:

- “Wholesale business when all Products are stored within the building, Enclosed warehouse or storage activities,
- Enclosed manufacturing industries,
- Enclosed service or repair activities,
- Business Offices,
- Enclosed research facilities, and
- Temporary structures that are incident to construction on the site.”

#### **V. Appropriateness of Rezoning**

It is difficult to predict how such future commercial or industrial uses could be arranged appropriately on such a small 1.04-acre site. For a C-2 district, the buildable area is extremely limited, based on the 130-foot from centerline setback from State Route 37 and 80 feet from S. Section Line. In the Industrial district, the setback is 130 from both roads while the parcel is approximately 256 feet wide at its widest point, measured from centerline to centerline.

In addition to the setbacks listed above, the site slopes approximately 10 feet from 958 at the edge of pavement of S.R. 37 to 948 at S. Section Line Road. Developing on this site could have several impacts on the existing and future development of the area.

The lot is currently served by on-site waste treatment with a limited amount of area for potential secondary treatment. The General Health District would need to issue a letter stating that the existing on-site system is in working order and could be continued under the proposed use under certain conditions. The system would fall under the District’s Semi-Public Sewage System program and require a yearly permit with routine inspections.

The northern edge of the parcel forms a point and the non-signalized intersection of two State Routes and S. Section Line Road. The intersection is located at the top of a small rise, with all roads sloping away from the intersection. This causes the road to be a safety concern and has resulted in the placement of a flashing red light in all directions. The current driveway is approximately 330 feet from the intersection. It is questionable whether this would meet ODOT standards. The township should seek comments from ODOT with regard to any change in use or zoning.

## **VI. Process**

Generally, RPC staff reports avoid addressing the actual rezoning process itself. However, applications should be required to commit to a specific zoning code designation before they are accepted. Otherwise, RPC staff and the Zoning Commission must rely on their own interpretation and speculation as part of their deliberations.

The Commission may also consider that when the standards of a requested zoning district are difficult to apply to a non-conforming use, it may be best to leave the situation “as-is” than to open the door to future uses. If it does not already exist, a database of non-conforming uses and sites should be established by the township and regularly reviewed to ensure the non-conformity is being maintained and not expanded.

## **VII. Staff Recommendation**

Staff recommends *Denial* for rezoning 1.046 acres from FR-1 to Commercial for applicants Larry Finks to the DCRPC, Delaware Township Zoning Commission and Delaware Township Trustees, based on the incomplete nature of the application and district information, and the characteristics of the site.

### **Commission / Public Comments**

There was no one present to represent the applicant.

Mr. Ward asked if the zoning was left as a non-conforming use, could the applicant pass it on to his son to continue to run the business. Mr. Sanders said that as long as it was a continuous use and there was no expansion it could continue.

*Mr. Price made a motion to recommend denial base on staff comments. Mr. Clase seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Ward). Motion carried.*

-----  
**27-08 ZON      7991 Columbus Pike LLC – Orange Twp. – 14.324 acres – FR-1 to PC**

**Location:** Northeast corner of Orange Road and US 23, Orange Township, by 7991 Columbus Pike, LLC

## **I. Conditions**

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

**Proposed Zoning:** Planned Commercial and Office (PC), new development plan

**Present Use:** One office building and vacant land

**Proposed Uses:** Planned offices (9 units in 11 buildings)

**School District:** Olentangy

**Utilities Available:** Del Co Water, electric, gas.

**Soils:** Blount silt loam 0-2 % slope

Glynwood Silt Loam 2-6% slope

Pewamo 0-2 % slope

## **II. Introduction**

A similar development plan was reviewed on this 14-acre site in 2002 but has since expired. At that time, it was zoned Planned Commercial and Office and the applicant was rezoning to PC with a new development plan. The application states that the current zoning is FR-1, but the zoning map in the RPC system (which was recently checked by the township) shows the site as Planned Commercial and Office.

The plan showed a potential nine buildings, including the current office building. Two of these buildings were shown as attached. The current plan shows some slight changes. A retention area is planned for the eastern side of the existing building, preserving open space along US 23. Total number of buildings is shown at eight with a total square footage of 131,890 square feet.

The southern US 23 access is shown as a right-in/right-out only. The northern access to US 23 is shown as a full access in/right-out only. The access from Orange Road has been moved to align with the recently built Orange Centre Road. Two additional accesses already exist from the north. These are accesses through the OSU parcel and a shared drive that serves the OSU building and the Enchanted Care Learning Center.

The proposed text shows intent to limit the ones normally allowed in the Planned Commercial and Office zoning district. Permitted uses include commercial and office uses, libraries, public agency uses, hospitals, medical facilities and medical-related uses.

### **III. Conformance with Development Standards**

The following items may need additional information:

- 1.) Sign plan: the proposed sign plan shows only two internally lit signs along US 23 with “Orange Corporate Center” and the address range. Sign plan needs to include detail for additional signage, which would likely be desired along Orange Road, as well as the internal signage system to be used for each building and any proposed directional signs. Staff recommends no white internally lit signage along US 23 or Orange Road. If internally lit, the background should be a dark colored panel with light lettering.
- 2.) Proposed Traffic Patterns and their relationship to existing conditions: A Traffic Access Study was completed in July of 2002 by EMH&T and is submitted as part of the package. This fulfills one of the recommendations from the previous review for this site. The traffic plan shows the following improvements are needed: a drop lane (right-turn) on westbound Orange Road, a left-turn lane on eastbound Orange Road, and a restriping of the existing southbound center lane into a turn lane. However, additional issues from the previous review include:
  - Provide access/connection to undeveloped land to the north.
  - Convert the southern-most existing driveway on U.S. 23 to right-in only
  - Convert the remaining (northern-most) driveway on U.S 23 into right-in, right-out only.
  - Incorporate improvements to the Orange Road/U.S 23 intersection as part of this project. ODOT administration has changed, and the applicant should confirm that previous ODOT comments are still valid.
- 3.) Architectural renderings are not submitted. Photos of existing buildings and a textual commitment to design buildings that coordinate with existing buildings are included. The Zoning Commission should address the architecture for appropriateness.

### **IV. Relationship with Local Comprehensive Plans**

- 1.) The 2001 Orange Township Comprehensive Plan map recommends Planned Commercial. In Chapter 13, sub area 9 respectively recommends strict access management controls in addition to:

“an Orange Township ‘detail’ for commercial entrance landscaping, signs and colors in planned commercial districts. Avoid ‘franchise’ architecture and signage by using stone, brick, and neutral split face block. Prohibit garish colors to create a cohesive Orange Township super block of attractive and uncluttered commercial uses.”

The request would generally conform to the Orange Township Comprehensive Plan, if the development plan were amended to address this language, specifically with regard to the reduction of driveways to U.S. 23. The township must determine what architectural standards are intended.

**V. Required Findings for PC**

- 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, subject to amendments to the development plan as noted in III, above.*

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

*DCRPC Staff Finding: Yes.*

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

*DCRPC Staff Finding: Yes, subject to amendments to the development plan as noted in III, above.*

**VI. DCRPC Staff Recommendation**

Staff recommends **Conditional Approval** of the zoning change for 7991 Columbus Pike LLC from FR-1 to PC with the proposed development plan subject to staff comments to the RPC, Orange Township Zoning Commission and Orange Township Trustees.

**Commission / Public Comments**

Mr. Tony Eyerman was present on behalf of the applicant. He stated that the applicant concurred with staff comments.

*Mr. Miller made a motion to recommend Conditional Approval of the rezoning for 7991 Columbus Pike LLC, subject to staff comments. Mr. Burke seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*

-----

**IV. SUBDIVISION PROJECTS**

**Preliminary** (none)

**Preliminary/Final** (none)

**Final** (none)



V. EXTENSIONS

03-06.14 Meadows at Lewis Center, Sections 1-4 – Orange Twp. - 135 lots / 75.87 acres

**Applicant:** Silvestri Homes  
**Engineer:** EMH & T  
**Preliminary approval:** 05-25-06  
**Extensions granted:** 5-29-08 to 11-21-08

**I. Staff Comments**

The applicant has requested a second 6-month extension. The applicant states that due to the extended market downturn in single-family residential homes they have not proceeded with the development. The engineering drawings for Section 1 have been prepared and require some minor revisions for approval. This would be the last available extension request per the Subdivision Regulations.

**II. Staff Recommendation**

Staff recommends *Approval* of the 6-month extension for Meadows at Lewis Center, Sections 1-4 to the RPC.

**Commission / Public Comments**

*Mr. Miller made a motion to approve the 6-month extension for Meadows at Lewis Center, Sections 1-4. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

-----

06-06 Trenton Park - Trenton Twp. - 37 lots / 75.13 acres

**Applicant:** Mike Jones, Jones Builders  
**Engineer:** Hoy Surveying  
**Preliminary approval:** 04-27-06  
**Extensions granted:** 5-29-08 to 11-21-08

**I. Staff Comments**

Due to the market conditions, the applicant has requested a second 6-month extension. This would be the last available extension request per the Subdivision Regulations.

**II. Staff Recommendation**

Staff recommends *Approval* of the 6-month extension for Trenton Park to the RPC.

**Commission / Public Comments**

*Mr. Miller made a motion to approve the 6-month extension for Trenton Park. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

-----

**VI. OTHER BUSINESS**

- Consideration for approval: 2009 Budget  
Mr. Sanders presented the 2009 RPC budget with Option #2 as discussed at the October meeting.

Proposed: Carry forward to 2009	\$ 31,587
Revenues	\$346,922
Expenditures	\$350,345
Carry forward to 2010	\$ 28,165

*Mr. Miller made a motion to approve the 2009 RPC Budget as presented. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- Consideration for approval: 2009 meeting schedule

*Mr. Miller made a motion to approve the 2009 RPC meeting schedule. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**VII. POLICY / EDUCATION DISCUSSION**

- RPC Planning and Zoning Workshop – Mr. Sanders presented the Commission with a draft pamphlet for the January 24, 2009 workshop. The final draft will be emailed or mailed to all representatives and alternates of the Commission in the next few weeks. He reminded the Commission that the workshop is open to the public and share the invitation with anyone that might be interested.

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

*Having no further business, Mr. Gladman made a motion to adjourn at 7:35 p.m. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, December 18, 2008, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.*

---

Holly Foust, Chairperson

---

Stephanie Matlack, Executive Administrative Assistant