

# DELAWARE COUNTY REGIONAL PLANNING COMMISSION

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

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

*\*MINUTES\**

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

**Delaware Hayes Services Building,**

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

**I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of November 17, 2005 RPC Minutes
- Executive Committee Minutes of December 21, 2005
- Statement of Policy

**II. VARIANCES**

27-05.V T Timberline Estates – Kathleen Quick – Concord Twp. – requesting CAD width reduction

**III. PUBLIC CONSTRUCTION PROJECTS**

02-05 PC First Energy Service Co. – Transmission Line Reconductoring Project

03-05 PC First Energy Service Co. – Transmission Line Relocation for National Line and Stone

**IV. ZONING MAP/TEXT AMENDMENTS**

62-05 ZON Loch Lomond Farm Co. – Liberty Twp. – 15.37 acres – final development plan review

64-05 ZON Genoa Twp. Board of Trustees – Genoa Twp. – 5.295 acres from RR to PCF

65-05 ZON Genoa Twp. Board of Trustees – Genoa Twp. – 5.912 acres from RR to PCF

66-05 ZON Berlin Twp. Trustees – zoning code amendments

**V. SUBDIVISION PROJECTS**

**Preliminary**

		<b>Township</b>	<b>Lots/Acres</b>
17-05	Prairie Run	Berkshire	05 lots / 89.29 acres
27-05	T Timberline Estates	Concord	02 lots / 7.10 acres
27-03.2	North Star, Section 2	Kingston	01 lot / 93.18 acres
29-05	W Cedar Grove Estates	Kingston	23 lots / 50.63 acres
28-05	Hastilow	Berkshire/Trenton	03 lots / 25.89 acres

**Preliminary/Final** (none)

**Final**

04-05	The Manors at Willow Bend	Genoa	16 lots / 12.46 acres
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**T=TABLED, W=WITHDRAWN**

**VI. EXTENSIONS**

27-03	Northstar, Section 1	Berkshire	05 lots / 827.86 acres
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**VII. OTHER BUSINESS**

- Consideration for Approval: Loveland & Brosius \$1,157.08
- Consideration for Approval: Transfer, SWCD \$5,380.00, Health Dept. \$24,060.00
- Consideration for Approval: Phil Laurien evaluation

**VIII. POLICY / EDUCATION DISCUSSION**

- Subdivision Regulations Update

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

## I. ADMINISTRATIVE BUSINESS

### ▪ Call to Order

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

### ▪ Roll Call

*Representatives present:* Fred Fowler, Jim Ward, Glen Evans, Gary Gunderman, Tom Hopper, Leslie Warthman, Holly Foust, Charles Heimlich, Dick Gladman, Bill Thurston, Marvin Miller, Lloyd Shoaf, Bill Berry, Linda Castner, and Mike Datillo. *Alternates present:* Ray Armstrong and Pat Blayne. *Staff present:* Phil Laurien, Scott Sanders, Joe Clase, Paul Deel, Loren Kenda and Stephanie Matlack.

### ▪ Approval of the November 17, 2005 RPC Minutes

*Mrs. Warthman made a motion to approve the minutes from the November 17, 2005 meeting. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

### ▪ December 21, 2005 Executive Committee Minutes

#### 1. Call to order

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

#### 2. Approval of Executive Committee Minutes

- a. **November 9, 2005 – Mr. Gladman made a motion to approve the minutes of the last meeting. Mrs. Foust seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

#### 3. Old Business

- a. **Contract updates** – Mr. Laurien highlighted some of the contract work.
- 1.) **Berlin Twp.** – zoning amendments are on the December RPC agenda which completes the cover to cover review of their zoning code.
  - 2.) **Brown Twp.** – Mr. Deel is continuing work on the zoning code, March 2006 anticipated completion.
  - 3.) **Concord Twp.** – continuing work on the zoning code update
  - 4.) **Subdivision Regulations** – Don Brosius is drafting final two sections (CAD width to meeting fire standards and the original tract date wording), anticipate January review and adoption
  - 5.) **Harlem Twp.** – comprehensive plan work to be completed April 2006
  - 6.) **Liberty Twp.** – comprehensive plan final draft delivered
  - 7.) **Orange Twp.** – version 8 of the Adult entertainment regulations delivered 12/21/05
  - 8.) **Oxford Twp.** – Joe Clase is continuing work on the comprehensive plan
  - 9.) **Troy Twp.** – Paul Deel is working to finish the zoning resolution update
  - 10.) **Morrow County** – contract signed to create a GIS based zoning map
  - 11.) **Etna Twp., Licking Co.** – requested a contract quote for zoning assistance and comprehensive plan

**4. New Business**  
**a. Financial / Activity Reports for November 2005**

REGIONAL PLANNING RECEIPTS		NOVEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,665.00	\$12,410.00
Fees A (Site Review)	(4202)		\$3,290.00
Insp. Fees (Lot Line Transfer)	(4203)	\$160.00	\$1,420.00
Membership Fees	(4204)		\$218,369.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$3,736.58	\$45,492.95
Associate Membership Fees	(4206)		\$3,000.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$2,010.00	\$111,870.27
Charges for Serv. B (Final. Appl.)	(4231)		\$83,207.74
Charges for Serv. C (Ext. Fee)	(4232)	\$800.00	\$3,950.00
Charges for Serv. D (Table Fee)	(4233)		\$3,000.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
General Sales	(4220)	\$130.88	\$2,411.35
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)	\$4,600.00	\$22,910.00
Soil & Water Fees	(4243)	\$75.00	\$4,813.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		\$0.30
Other Reimbursements A	(4721)		\$76.48
Other Misc. Revenue (GIS maps)	(4730)	\$75.00	\$3,287.80
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Asset	(4804)		\$0.00
<b>TOTAL RECEIPTS</b>		<b>\$13,252.46</b>	<b>\$520,708.89</b>

<b>Balance after receipts</b>	<b>\$128,223.64</b>
<b>Expenditures</b>	<b>- \$ 41,136.50</b>
<b>End of November balance</b>	<b>\$ 87,087.14</b>

*Mr. Gladman made a motion for approval of the financial reports. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**b. Consideration for recommendation of approval: Loveland & Brosius \$1,157.08 (Nov. bill) – Mrs. Foust made a motion to recommend approval of the legal expense. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**c. Consideration for approval: Transfer of funds collected on behalf of the Soil & Water Conservation office \$5,380.00, and Health Dept. \$24,060.00. – Mrs. Foust made a motion to recommend approval of the transfers, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**d. December RPC Preliminary Agenda** – includes 1 variance, 2 public construction projects, 4 rezoning / text amendments, 5 preliminary, 2 final and 1 extension.

**6. Other Business**

7. **Personnel**

- a. **Phil Laurien yearly evaluation – Mrs. Foust made a motion to recommend a full 3% raise for Mr. Laurien effective 1/1/06, Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

8. **Adjourn – Mr. Gladman made a motion to adjourn the meeting at 9:40 a.m. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed motion carried.**

***The next regular Executive Committee meeting will be Wednesday, January 18, 2006 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015***

• **Statement of Policy**

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

**II. VARIANCES**

**27-05.V T Timberline Estates – Kathleen Quick – Concord Twp. – requesting CAD width reduction**

**Applicant:** Kathleen Quick  
**Consultant:** Patridge Surveying

**I. Staff Comment**

The applicant has requested a 90-day tabling.

**II. Staff Recommendation**

Staff recommends *Approval of the 90-day tabling* of the variance for **Timberline Estates** to the RPC.

**Commission / Public Comments**

***Mr. Miller made a motion to approve the 90 day tabling for Timberline Estates, seconded by Mr. Gunderman. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Ward). Motion carried.***

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### III. PUBLIC CONSTRUCTION PROJECTS

**02-05 PC FirstEnergy Corp. – 22.7-mile Transmission Line Reconductoring Project – Delaware, Concord, Scioto and Radnor Townships**

**03-05 PC FirstEnergy Corp. – 1.0-mile Relocation of Transmission Line – Scioto Township**

#### **I. 02-05 PC Project Description**

American Transmission Systems, Inc. (ATSI), a First Energy Corp Subsidiary, is proposing to reconductor approximately 22.7 miles of the existing Crissinger-Tangy 138 kV transmission line. The existing line extends approximately 24.8 miles from the Crissinger Substation in Marion County to the Tangy Substation on Bunty Station Road (near its intersection with Liberty Road) in Delaware County.

The route of the Delaware County portion heads west from the Substation until it crosses U.S. 42. It then turns north and follows the east side of Section Line Road. After crossing the National Lime and Stone land in a northwesterly angle, it heads north until it reaches the CSX railroad tracks east of Radnor. The line continues on the west side of the CSX railroad until heading north near Norton Road, entering Marion County and ending at a point just south of the City of Marion.

As part of the project the three existing 336.4 kcmil 26/7 ACSR conductors will be replaced with three new 795 kcmil 26/7 ACSR conductors. Approximately 133 of the existing wood H-Frame or 3-pole structures that support the transmission line will be replaced with wood Light Angle Structures which are 5' – 10' taller. In Delaware County, 87 structures will be replaced, all of which are located after the line crosses U.S. 42 and heads north. No new right-of-way is required.

The applicant has prepared and filed a Letter of Notification with the Ohio Power Siting Board for their review and approval. They have also asked the OPSB to waive the 90-day review period, which will allow construction of the project to begin on January 23, 2006.

#### **II. 03-05 PC Project Description**

As part of RPC#02-05 PC, approximately 1 mile of the existing Crissinger-Tangy line on the National Lime and Stone Company's property will be relocated. This project has been requested by the National Lime and Stone Company in anticipation of a northern expansion of quarrying activity within its property. The new line will follow Section Line Road to the north before heading southwest along U.S. 36 to a point approximately 4,200 feet west of South Section Line Road.

The relocated transmission line will be supported on approximately 26 single wood poles ranging in height from 55 to 80 feet tall. Six poles will be angle poles with guy wires and the rest will single poles. Setback from the roadway varies from 65' from South Section Line to 70' from U.S. 36. Due to the planned ODOT improvements to the U.S. 36/South Section Line intersection, the poles will be setback an additional 30' adjacent to the intersection.

### **III. Comments**

Comments may be sent to Ted Krauss, Senior Transmission Engineer, at (330) 761-4268.

### **IV. DCRPC Staff Recommendation**

Staff encourages comments from the DCRPC representatives and Township Trustees to be made directly to First Energy Services Company. Staff has no comment to the Power Siting Board.

### **Commission / Public Comments**

No comment was made from the public or the Commission.

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## **IV. ZONING MAP/TEXT AMENDMENTS**

### **62-05 ZON      Loch Lomond Farm Co. – Liberty Twp. – 15.37 acres – final development plan review**

**Request:** Loch Lomond Farm Co. is requesting a development plan amendment of a previously reviewed plan at the west end of Manning Parkway for the purpose of developing 36 condominiums within Loch Lomond Farms in Liberty Township.

**Applicant:** Ken Manning/ Loch Lomond Farm Co.

**Location:** West of SR 315 between Manning Parkway and Loch Lomond Drive, Liberty Township.

### **I. Conditions**

**Present Zoning:** Planned Residence District (PR)

**Proposed Zoning:** Planned Residence District (PR)

**Present Use:** Vacant.

**Proposed Use:** Residential -36 condominiums in 2-unit buildings

**Allowed Density:** 1.35 units per acre on 239.086 acres per approved 1979 Loch Lomond development plan as amended in 1994, according to the Liberty Township Zoning office.

**Proposed Density:** 2.34 dwelling units per gross acre for 15.37 acres.

**School District:** Olentangy

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

**Soils:** GwB – Glynwood 2-6 % slope

GwC2 – Glynwood 6-12 % slope

LyE2 – Lybrand 18-25 % slope

### **II. Project Description**

The Loch Lomond Farms development, approximately 257 acres overall, was originally rezoned in 1979 to Planned Residence district (PR) and included single family, multi family and commercial/office uses.

It is located on the west side of SR 315 and extends from the Franklin County Line to just south of Jewett Road.

The 15.37 acres under consideration is at the south end of the development along the county line between Manning Parkway and Loch Lomond Drive. Surrounding land use includes residential to the north (Strathshire, Loch Lomond) and west (Calumet Farms and Woodlands at Loch Lomond), commercial/office to the east (Loch Lomond Park), and vacant land to the south in Franklin County. A deep (40'+) ravine crosses the site along the north side and is a major tributary to the Olentangy River to the east. A pond is located at the northeast corner of the site.

### **III. Issues**

1. **Design-** The design is virtually identical to previous DCRPC case 26-05 ZON heard in April 2005 with the exception of three single family lots on a common Access Drive have been removed and 4.954 acres has been deleted and marked "For Future Development".
2. **Roads-** Drawing A8 shows a connection of the east and west sections of Loch Lomond Drive as being part of this development plan "study area", but this "study area" is part of the 4.954 acres that is being left out of this proposal and marked for future development.

Page 4 of the text states:

"Manning Parkway shall be extended westward [only] to Villa Way [condo road] and will be built to county standards. All streets in the development will be private and shall be built to Delaware County Engineer's public street standards."

In other words, there is no commitment in this plan to making the road connection from Manning Parkway to Loch Lomond Drive west to Calumet Farms, via Churchill Drive to Jewett Road.

A road connection between Jewett Road and State Route 315 was part of the 1979 zoning approval. With the 4.954 acre "wedge" removed, and no commitment to make the connection with this development, the road planned between Loch Lomond Drive and Manning Parkway is not completed.

This connector has been controversial, but a consensus resolution has been proposed by draft language in Chapter 4, Section 4.11 (G) of the 2005 Liberty Township Plan update that states:

#### **Churchill-Loch Lomond Drive to Manning Parkway connection.**

*[The comprehensive plan] support[s] local street connections from Churchill Drive to Loch Lomond Drive to Manning Parkway. The Manning Parkway traffic circle should be retained to slow traffic. In accordance with the general policy in 4.11 (B) above, a minimum of one bike path should be installed along Churchill Drive, Loch Lomond Drive and Manning Parkway. This may require the enclosure of open drainage ditches and the placement of a curb and gutter section on the streets. Street trees should be established in the tree lawn between the bike path and the curb. In accordance with general policy 4.11 (C) above, traffic calming devices should be installed to maintain the 25 mph speed limit. The bike path and traffic calming devices should be in place prior*

to the opening of the Loch Lomond Drive to Manning Parkway connection. The opening of the connection to SR 315 should also be based on improvements made to the intersection of SR 315 and Powell Road that result in an appropriate level of service on SR 315 such that afternoon peak-hour northbound traffic does not back up south of the Manning Parkway.

The critical issue is the road connection not being part of this project. If allowed to be zoned and platted as shown, the road connection may never be made.

DCRPC staff feels the road connection should be part of this application, platted and constructed to connect with Loch Lomond Drive as it exists to the west, subject to the language from the draft comprehensive Plan Section 4.11 (G).

3. Density- The proposed density of 2.34 units per gross acre (5.0 units per net developable acre) exceeds the recommendation of the 1995 Comprehensive Plan but the 1979 Loch Lomond PRD zoning is vested. For the purpose of this review staff presumes the applicant has the right to the number of dwelling units proposed, but notes that this draws off the residual units left and other vacant Loch Lomond lands may come up "short".
4. Utilities-
  - a. Sanitary sewer – A 10” sanitary sewer line crosses the western portion of the site. A letter of service availability has been provided.
  - b. Water – There is a 12” Del-Co water line at the west side of the development. A service letter has been provided.
  - c. Gas- A service letter has been provided.
5. Fire Protection- the Liberty Township Fire Department has submitted a letter endorsing the design for the private streets.
6. Storm water – A new water quality/retention pond is proposed above the existing pond. A storm water management plan must be submitted to and approved by the County Engineer.
7. Architectural design criteria – Renderings are provided for the condos. A sign detail still is lacking.
8. Divergences are requested for:
  - a. Model Home – The plan proposes to construct 1 building (2 units) to be used as a model and sales office during the development of the condo site. **Staff's comment:** *No objection.*
  - b. Setbacks – Reduction in front and side yard setbacks and building separation are requested in an attempt to provide green space and tree preservation. **Staff's comment:** *This divergence is driven by the deep wooded ravine and perhaps too many units proposed for this site. The proposed setbacks are not uncommon in condominium developments, so the Staff has no objection. We note however that the buildings that are closer than 25' must have a masonry wall, which is proposed in the text.*



#### **IV. Required Findings for PR**

- 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 a sign detail is submitted.*

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

***DCRPC Staff Finding:** Yes, if the road connection is being made; but not as it is currently proposed without the road connection.*

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

***DCRPC Staff Finding:** Yes, if the Manning Parkway/Loch Lomond Drive connection is made in conjunction with other improvements noted in Section III (2).*

#### **V. DCRPC Staff Recommendation**

Staff recommends **Conditional Approval** of the application by the Loch Lomond Farm Co. for a development plan amendment to construct 36 condominiums units on 15.37 acres in Loch Lomond to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to the following:*

- 1) *As part of this development plan approval, Loch Lomond Drive should be platted and constructed to connect with Loch Lomond Drive as it exists to the west, and Manning Parkway to the east provided that:*
  - a.) *The Manning Parkway traffic circle should be retained to slow traffic.*
  - b.) *A minimum of one bike path should be installed along Churchill Drive, Loch Lomond Drive and Manning Parkway. This may require the enclosure of open drainage ditches and the placement of a curb and gutter section on existing streets. Street trees should be established in the tree lawn between the bike path and the curb/edge of road pavement. As far as this particular development is concerned, it should provide the bike path and street trees along its respective section of the land involved from Loch Lomond Drive to the west to Manning Parkway.*
  - c.) *Traffic calming devices should be installed to maintain the 25 mph speed limit. The bike path and traffic calming devices should be in place prior to the opening of the Loch Lomond Drive to Manning Parkway connection. This development should provide traffic calming devices along its respective section of Loch Lomond Drive as directed by the Township.*
  - d.) *The opening of the connection between Loch Lomond Drive to the west and this new section of Loch Lomond Drive, which connects to Manning Parkway and ultimately to SR 315 should wait until improvements are made to the intersection of SR 315 and Powell Road that result in*

*an appropriate level of service on SR 315 such that afternoon peak-hour northbound traffic does not back up south of Manning Parkway.*

*e.) The Loch Lomond Drive connection, once constructed, should be barricaded until all of the above conditions (a-d) are met.*

*f.) Loch Lomond Drive be a public street built to public standards.*

2) *A sign detail being submitted.*

3) *A storm water management plan being submitted and approved by the County Engineer.*

### **Commission / Public Comments**

Mr. Jim Cirigliano, President of the Calumet Farms Home Owners Association and the Team leader for the Olentangy Heritage Corridor Scenic Byway Committee was present. He stated that he was not present to oppose this development but to explain that the Scenic Byway Committee has spent about a year and a half developing new development guidelines. The Committee would like the guidelines to be incorporated into the Liberty Township Comprehensive Plan as an appendix to the Plan. The density of this condominium proposal would not fit into that plan. In addition, the Churchill Drive connection has not been approved because the Comp. Plan has not yet been approved. There are factions in the Township who are requesting that Mr. Teska; the consultant who wrote the 1983 Comprehensive Plan, review the Plan Mr. Laurien has written. It is anticipated that Mr. Teska would remove these guidelines for this particular street proposal and/or in general the proposal that Phil has done for creating a policy for the Township for roads that connect to major thoroughfares. Mr. Cirigliano asked that the Commission postpone their vote until Liberty Township has a chance to approve its Comprehensive Plan.

Mr. Laurien stated that the Commission can not delay action due to statutory guidelines. The staff recommendation is just that and the Township and Zoning Commission can do with that recommendation as they wish. The Comprehensive Plan is the Township's and the Committee's voice.

Chairwoman Foust stated that when an application is submitted to the Township it has to be forwarded to the RPC. She suggested that Mr. Cirigliano attend the Zoning Commission meeting to voice his concern.

Mr. Cirigliano stated that based on the information provided by Mr. Laurien, he objected to the plan as submitted due to the density being too high.

Chairwoman Foust stated that she has researched the original zoning approval in 1979 and found that there are enough units left to cover this project if it gets approved and the CV Perry project if it gets approved.

Mr. Laurien stated that zoning was approved in 1979. The Township gave them a certain number of dwelling units on the overall number of acres. By Mrs. Foust's count, she thinks they have 88 units left and there are 3 tracts of land that are left. How the Township wants to distribute them is up to the Township. The staff made the presumption for purposes of this hearing that there was enough density on this piece if the Township so granted it to them. If they do 36 units here and 39 on the CV Perry tract, there are only 15 left for the PERRC project which had requested 72 units at the corner of Manning Parkway and SR 315.

Mrs. Warthman asked for the connection to be specified as a public street built to public standards. Mr. Laurien agreed to add it to the staff recommendation. (See item V. (f))

*Mrs. Warthman made a motion to recommend conditional approval of the rezoning request from Loch Lomond Farm Co., subject to staff comments and the public street connection. Mr. Miller seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mrs. Foust). Motion carried.*

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**64-05 ZON      Genoa Twp. Board of Trustees – Genoa Twp. – 5.295 acres from RR to PCF**  
**65-05 ZON      Genoa Twp. Board of Trustees – Genoa Twp. – 5.912 acres from RR to PCF**

### **I.            Requests**

The Genoa Township Trustees are requesting two rezonings from Rural Residential (RR) to Planned Community Facilities (PCF). The first request (64-05 ZON) is for 5.295 acres at 5111 South Old 3C Highway, which currently contains office space for Genoa Township Administration and Zoning Department including a meeting hall for township hearings and resident use. The second request (65-05 ZON) is for 5.912 acres at 7049 Big Walnut Road, which currently contains the township offices for the police and fire departments as well as facilities for township road maintenance. The Trustees are not proposing any change of land use with the rezoning requests.

### **II.          Conditions**

**Present Zoning:** Rural Residential (RR)  
**Proposed Zoning:** Suburban Residential (SR)  
**Existing Density:** 1 du / 2 acres  
**Proposed Density:** N/A  
**School District:** Big Walnut Local School District  
**Utilities Available:** Del-Co Water and County Sewer  
**Critical Resources:** None

### **III.        Staff Comments**

Genoa Township is requesting a formal amendment of their zoning map for these two sites. All of existing uses on these sites are currently permitted within the Rural Residential (RR) District, but the Township feels they would be better suited in the Planned Community Facilities (PCF) District. These requests are being made to bring these facilities into a zoning district that is solely intended for public facilities such as the existing uses.

Genoa Township Zoning Officer, Leslie Warthman, has indicated that the purpose of this rezoning is “to designate the PCF district on the Zoning Map and formally distinguish between these uses and the surrounding rural residential properties which completely surround both properties in their respective locations.” “We felt (this rezoning) would serve a simple purpose in that it would help someone not familiar with Genoa to look at the zoning map and clearly locate our governmental facilities.” “The PCF District is a more appropriate district since the sole use of the land is for township operations and the residential classification is not applicable anymore.”

A public pathway is located on lands to the west of the police/fire department that is owned and maintained by the township. The township also owns and maintains a public park north of the

police/fire department site that connects with the pathway system. Remaining surrounding land uses are rural residential housing lots fronting on Big Walnut Road and Old 3C Highway.

A development plan has not been submitted with the applications, which is customarily required for a planned district rezoning. The township has asked for DCRPC staff to use the 2002 Aerial Photograph as their development plan with supplemental drawings submitted that outline building modifications that have been completed since this photograph was taken. Staff encourages the township to prepare a more detailed development plan that will document the approved status of these sites in the PCF District to track future zoning conformance and the integrity of the Genoa Township Zoning Code.

#### **IV. Conformance with General Requirements**

Section 408.05 of the Genoa Township Zoning Code requires conformance to the following prior to a zoning certificate being issued:

- a) *Location:* The proposed buildings or use shall be located on a major arterial or collector street so as to generate a minimum of traffic on local streets.  
Staff Comment: Yes, both uses have direct access to Big Walnut Road, which is labeled as a major arterial in the Delaware County Thoroughfare Plan.
- b) *Layout:* The proposed buildings or use shall be located properly in accordance with this article.  
Staff Comment: Yes, Genoa Township owns land adjacent to the police and fire department buildings, which allow the building setbacks to conform to the standards.
- c) *Impact:* The location, design, and operation of the Community Facilities shall not impose undue adverse impacts on surrounding residents.  
Staff Comment: The existing uses do not appear to adversely impact adjacent residents, but there is certainly some noise and traffic associated with both public uses.
- d) *Floor Area Ratio:* One or more buildings or permitted uses may be placed on a lot, however, the maximum square feet of first floor area for all buildings on a site shall be determined by the ratio of: Maximum first floor building area in square feet = lot size in acres x 7,500 sq. ft.  
Staff Comment: Yes, both sites meet this requirement.
- e) *Building Separation:* If multiple buildings are constructed on a site there shall be a minimum of twenty (20) feet separating them.  
Staff Comment: Genoa Township has requested a divergence for two buildings between the police department and the maintenance building that appear to be less than 20 feet apart. The township intends to connect these buildings in the future. Staff supports the divergence request.
- f) *Building Height:* The maximum height for any structure in this district with a 6/12 roof pitch or greater shall not exceed thirty five (35) feet, with less than a 6/12 roof pitch, thirty (30) feet.  
Staff Comment: Building plans were not submitted. Staff has no knowledge of building heights.
- g) *Parking:* Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. All parking and loading areas shall conform to the requirements of Article VI.

Staff Comment: A plan indicating parking layout was not submitted, but parking facilities as depicted on the aerial photo appear adequate.

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

Staff Comment: A plan indicating lighting features was not submitted.

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

Staff Comment: A letter from the Fire Chief was not submitted.

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

Staff Comment: Yes, both sites appear to have adequate pavement and landscaping.

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

Staff Comment: No signage exhibit was submitted.

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

Staff Comment: Though no plans were submitted, the aerial depicts that the township administrative office site appear to meet this requirement while the fire/police department site does not. Considering adjacent lands to the Fire Department including a park to the north are owned and maintained by the township, a divergence from this standard appears appropriate.

## **V. Staff Recommendation**

Staff recommends **Conditional Approval** of both rezoning cases from RR to PCF for the Genoa Township Board of Trustees to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees, *subject to:*

1. *Approval of stated divergences, and*
2. *A development plan being prepared that indicates appropriate conformance with the general requirements of the PCF District as stated in this report, and*
3. *A conforming letter from the Genoa Township Fire Chief.*

## **Commission / Public Comments**

***Mr. Miller made a motion for conditional approval of case #64-05 ZON and #65-05 ZON, subject to staff comments. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

## 66-05 ZON      Berlin Twp. Trustees – zoning code amendment

**Applicant:** Berlin Township Zoning Commission

**Request:** Amend the Berlin Township Zoning Resolution by revising multiple sections. This amendment package completes the overhaul of the Berlin Township Zoning Resolution, a two year process during which time a special committee worked with DCRPC Director Philip Laurien to modernize the zoning resolution, close loopholes that have given trouble and to add incentives for more attractive future development. This package of amendments are all "housekeeping" items. They do not create new districts, do not rezone any land, or change any densities.

### **I. Amendments**

The following amendments were initiated by motion of the Berlin Zoning Commission 12-13-05-05.

Zoning Amendments for Berlin Township  
October 19, 2005 Version 4  
Final Zoning Package  
Prepared by: Philip Laurien, AICP  
Executive Director,  
Delaware County Regional Planning Commission

*Proposed new language is in italic*

~~Struck through language is to be deleted~~

#### **Amendment 1- Delete Section 2.01 and replace with the following:**

**Section 2.01** - *This resolution is enacted for the purposes set forth and pursuant to the authority contained in Chapter 519 of the Ohio Revised Code.*

#### **Amendment 2 – Article IV -Add the following new definitions:**

**Divergence-** – *in a Planned Unit Development, a divergence is a slight deviation from these regulations to allow a better development design, approved by the Zoning Commission or Trustees at the time of the development plan review.*

**Granny flat/handicap accessible suite:** *A separate dwelling unit for an over-age-55 or handicapped family relative located in a structure that is accessory to a single-family dwelling.*

**Amendment 3- Article VII: Delete the current conditional use for "Secondary Residence or Granny Flat in section 7.04 (R) of the April 30, 2005 edition of the Berlin Township Zoning Resolution; replace it with the following and renumber to correct sequence as follows:**

**Section 7.04 G- Granny flat/handicap accessible suite, provided it conforms to the following conditions:**

1. *The property owner must live on-site, and the granny flat must be subservient to the principal use of the property as a dwelling.*
2. *Maximum size of granny flat or handicap accessible suite: 816 square feet.*

3. *Must maintain a single-family residential appearance that blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided to and approved by the Board of Zoning Appeals. Said plans shall include a landscape plan.*
4. *Public water and sewer must be provided, or the lot must be adequately sized for, and systems approved for water supply and wastewater disposal to serve both the principal residence and the granny flat.*
5. *Off street parking on a hard all-weather surface must be provided, 2 spaces for the principal residence and one space for the granny flat, 9' x 18' per space. No one space shall block another. Garages count as parking spaces.*
6. *Maximum Height of the accessory structure is 24' at the peak. A granny flat may be located on the first or second floor.*
7. *Maximum lot coverage by all residential structures - 25%.*
8. *All structures must meet the current edition of the CABO One and Two family building and the Delaware County Plumbing Code.*

**Amendment 4- Article VIII-Add new sections 8.03 G-K. to read as follows** (to mimic the changes to Article VII initiated by the subcommittee June 28, 2005.):

***Section 8.03 G. Religious Land Uses- Church, place of worship, place of religious assembly, religious institution, and parsonage provided:***

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

***Section 8.03 H. Public buildings and/or uses which are supported in whole or part by taxes or by special public assessment. Such uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, wastewater treatment and pumping facilities.***

***Section 8.03 I. Adult Family Homes, as defined in Article IV.***

***Section 8.03 J. Child Day care provided in home for six (6) or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as the provider's residence and further provided that such day care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.***

***Section 8.03 K. Common Access Driveway Subdivision as defined by the Delaware County Subdivision Regulations.***

**Amendment 5-Article VIII: Delete Section 8.04 D. "Churches etc." and replace it with the following:**

***Section 8.04 D- Granny flat/handicap accessible suite, provided it conforms to the following conditions:***

1. *The property owner must live on-site, and the granny flat must be subservient to the principal use of the property as a dwelling.*
2. *Maximum size of granny flat or handicap accessible suite: 816 square feet.*
3. *Must maintain a single-family residential appearance that blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided to and approved by the Board of Zoning Appeals. Said plans shall include a landscape plan.*
4. *Public water and sewer must be provided, or the lot must be adequately sized for, and systems approved for water supply and wastewater disposal to serve both the principal residence and the granny flat.*
5. *Off street parking on a hard all-weather surface must be provided, 2 spaces for the principal residence and one space for the granny flat, 9' x 18' per space. No one space shall block another. Garages count as parking spaces.*
6. *Maximum Height of the accessory structure is 24' at the peak. A granny flat may be located on the first or second floor.*
7. *Maximum lot coverage by all residential structures - 25%.*
8. *All structures must meet the current edition of the CABO One and Two family building and the Delaware County Plumbing Code.*

**Amendment 6- Delete the conditional use for "Secondary Residence or Granny Flat in section 8.04 (J) of the April 30, 2005 edition of the Berlin Township Resolution.**

**Amendment 7- Delete Section 19.04 H. Wireless or Cellular Telecommunications** (Reason: Now provided for by new section 6.031 initiated by Subcommittee June 28, 2005).

**Amendment 8- Article XI**

Move definitions from Section 11.01 PRD to Article IV. Reserve Section 11.01 for future use.

**Amendment 9- Article XIX**

**Section 19.03-** add a new item I as follows:

*I. Telecommunications towers*

Renumber 19.03 (I) to (H) and 19.03 (J) to (I) and delete Section 19.04 (H) Wireless or Cellular Telecommunication Facility (reason: now covered by new 19.03 I and also by Section 6.031 initiated by sub committee June 28, 2005).

**Amendment 10-Article XXI- make the following changes:**

**21.01 (A)- Design – Width and angle of parking stalls, drive aisle widths for automobile parking lots and truck loading docks shall conform to the design standards promulgated by the Eno Foundation for Transportation, Saugatuck, Connecticut (See Appendix A). Handicap accessible spaces shall be provided in compliance with the Americans with Disabilities Act.**

**~~Dimensions – All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aisle ways of a minimum of twenty-four (24) feet or larger in width to permit easy and smooth access to all parking spaces.~~**

**21.01 (D.) Parking Area Location -** Except in the residential districts (A-1), (FR-1), (R-2), (R-3) and no parking lot or parking areas shall be located nearer than six (6) feet to the side or rear line of the tract on which



the structure is located, and parking in front of the main structure is permitted, but not more than forty percent (40%) of the front setback area may be used for parking (such parking area shall be at least twenty (20) feet from the nearest right-of-way). All parking spaces required herein shall be located on the same lot with the building or use served *unless otherwise approved as part of a development plan for a Planned District*. The parking lot shall be situated so that no vehicle will be required to back on to a public street or road.

**21.01 (E.) Required Off-Street Parking Spaces** - The user of any tract shall provide off-street parking for all employees, customers, and visitors. The following table shall specify the minimum parking areas to be provided.

USE		REQUIRED PARKING SPACES
1.	Single Family Residential	Four (4) per dwelling unit ( <i>garages and driveways count</i> )
2.	All Other Residential	Three (3) per dwelling unit ( <i>garages and driveways count</i> )
3.	Hotels, Motels, Lodges (without public meeting facilities)	1 per rental unit plus 1 per employee on largest shift plus 1 for each four (4) seats in the dining room or restaurant areas.
4.	Hotels, Motels, Lodges, Exhibition Halls and Public Assembly Areas (except churches)	1 per rental unit plus 1 per employee on the largest shift plus 1 per seventy-five (75) sq. ft. of floor area used for exhibition or assembly purposes plus 1 per four (4) seats in any restaurant therein.
5.	Churches or Places of Public Assembly	1 for each three (3) seats or 1 for each forty-five (45) sq. ft. of assembly area, whichever is greater.
6.	Hospitals	1 1/2 for each bed plus 1 for each employee on the largest shift.
7.	Nursing Homes	1 for each <del>three (3)</del> <del>two (2)</del> beds plus 1 for each employee on the largest shift.
8.	Museums, Libraries, etc.	1 for each four-hundred (400) sq. ft. of area open to public plus 1 for each employee on the largest shift.
9.	Primary or Elementary Schools	<del>One and one half (1.5)</del> Four (4) for each classroom
10.	Secondary Schools. Colleges, Trade Schools, etc.	Four (4) for each classroom plus 1 for each four (4) students.
11.	Restaurants	1 for each two (2) seats plus 1 for each employee on the largest shift. <del>Not less than twenty five (25) parking spaces shall be provided.</del>
12.	Offices	1 for each <del>three hundred (300)</del> <del>four hundred (400)</del> sq. ft. of floor area <del>plus 1 for each employee.</del>
13.	Funeral Homes	<del>1 for each twenty five (25) sq. ft. of public area.</del> <i>Eight spaces per parlor or 2.3 spaces for each 100 square feet of assembly area.</i>
14.	Retail Stores	<del>Five (5) per one thousand square feet of gross leasable area. plus 1 for every four hundred (400) sq. ft. of floor space.</del>
15.	All Industrial, Warehousing	<del>.65 spaces per employee on the largest shift, Twenty (20) plus 1 for each two (2) employees plus 1 for each vehicle maintained on the premises.</del>
16.	Country Club or Golf Course	Twenty (20) plus 1 for each two (2) employees, or 1 for each four (4) members, or 1 for each two-hundred (200) sq. ft. of floor area, whichever is greater.

**Amendment 11- Section 21.02: change as follows:**

**SECTION 21.02 - Height Limitations:** The building height limitations set forth in this resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers, or necessary mechanical appurtenances which may be erected to any safe and lawful height, but not to exceed one-hundred (100) feet in height. ~~No windmill, antenna, or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and not to exceed one hundred (100) feet in height.~~

**Amendment 12 Section 21.04** change to read as follows:

**SECTION 21.04 - Sanitary Sewer Requirements And Pollution Control:** All uses shall be conducted in compliance with the *respective* regulations of the *Ohio* Environmental Protection Agency, ~~and the Delaware County Department~~ General Health District of Health and/or the Delaware County Sanitary Engineer's Office. Prior to issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

**Amendment 13 Section 21.07 Flood Plain regulations:** *(see Article XIX)*. [Note: Section 21.07 was deleted in the amendments initiated by the subcommittee June 28, 2005.]

**Amendment 14 Article 24 Non conforming Lots**

Add the following paragraph to the end of Section 24.04:

*Such non-conforming lots which must, for public health purposes, construct on-site water supply and/or wastewater disposal systems, may not divide or convey adjacent lots in common ownership and of continuous frontage with other land in the same ownership on the effective date of this amendment to the Zoning Resolution, if such conveyance would decrease the effective lot size below that required for public health standards. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located. A non-conforming lot shall not be built upon without a valid sewer tap or sewage permit from the Delaware General Health District.*

**Amendment 15 Article XXV Section 25.02** change to read as follows:

**SECTION 25.02 - Zoning Certificate Required:** No structure shall hereafter be located, constructed, reconstructed, enlarged or structurally altered, nor shall any work be started upon the same, nor shall any use of land be commenced *nor development begun* until a zoning certificate for same has been issued by the Berlin Township Zoning Inspector, which certificate shall state that the proposed building use and/or *development use* comply with all the provisions of this Zoning Resolution or the approved Development Plan. ~~No zoning certificate shall be required for any agricultural building to be erected on land presently used for agricultural purposes or for any building incidental to the agricultural use of the land on which said buildings are proposed to be located nor shall a certificate be required for use of land or building or construction of any building used for public utility or railroad purposes.~~ Fees for zoning certificates are established by the Township Trustees in Section 27.04.

**Amendment 16 Article XXV Section 25.09-** change to read as follows:

**SECTION 25.09 - Records:** A record of all zoning certificates shall be kept on file in the office of the Township Zoning Inspector. ~~and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.~~

**Amendment 17 Article XXVI Section 26.03-** change to read as follows:

**SECTION 26.03 - Functions Of The Township Zoning Commission:** ~~The Township Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out of this Zoning Resolution.~~

- I. *The Township Zoning Commission shall initiate or review all proposed amendments to this resolution and make recommendations to the Township Trustees in accordance with both the provisions of the Zoning Resolution and applicable law, and shall perform such other functions as provided for herein.*

The Township Zoning Commission may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ, or contract with such planning consultants and executive and other assistants as it deems necessary.

The Township Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations.

Members of the Township Zoning Commission may be allowed their expenses, or such compensation, or both, as the Township Trustees may approve and provide.

No Township Trustee shall be employed by the Township Zoning Commission.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies, and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

**Amendment 18- Section 26.04-** change to read as follows:

**SECTION 26.04 - Zoning Secretary:** To assist in the administration of this Zoning Resolution, the Township Trustees shall may appoint a Zoning Secretary whose duty it shall be to maintain township zoning records, confirm information in applications, process all notices required under this Zoning Resolution, record the minutes of the Zoning Commission and the Board of Zoning Appeals, assist the Zoning Inspector, and perform such other duties relating to this Zoning Resolution as the Township Trustees may from time to time direct. The Zoning Secretary shall be compensated at rates set from time to time by the Township Trustees. ~~The Township Clerk may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.~~

**Amendment 19- Section 26.06-** change to read as follows:

**SECTION 26.06 - Minutes:** The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Secretary on file in the zoning office with the other zoning records. ~~Said minutes shall be open for public inspection during commission meetings and normal business hours.~~

**Amendment 20- Add a new section 26.07** as follows:

**Section 26.07** ***ALTERNATES:** The Board of Trustees may appoint two (2) alternate members to the Zoning Commission for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member.*

II. *When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Alternate members shall be removable upon the same grounds and under the same procedures as regular members.*

**Amendment 21- Section 27.01-** change to read as follows:

**SECTION 27.01 - Amendments Or Supplements:** *This article is intended to be a restatement of Section 519.12 of the Ohio Revised Code and is adopted herein for the convenience of the citizens of Berlin Township. Any amendments to Section 519.12 adopted by the Ohio Legislature shall be considered adopted herein. Amendments or supplements to the Zoning Resolution may be initiated by a motion of the Township Rural Zoning Commission, by the passage of a resolution therefore by the Township Trustees or by filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the township zoning commission. A legal description of ~~meets~~ *metes* and bounds of said property affected plus a fee to defray cost of advertising, mailing, and other expenses must accompany application. Said requirements shall be required for each application. The*

Township Trustees shall upon passage of such resolution, certify passage to the Township Zoning Commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ~~fifteen~~ ten (10) days before the date of such hearing. *The published notice shall contain such information as may be required under the provisions of Section 519.12 of the Ohio Revised Code.*

If the proposed amendment ~~or supplement~~ intends to re-zone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ~~ten (10) twenty~~ days before the date of the public hearing to all owners of property ~~within~~ and contiguous to, ~~and~~ directly across the street, and *within 300 feet of the perimeter boundaries of* ~~from~~ such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list ~~or the Treasurer's mailing list and to such other list or lists that may be specified by the Township Trustees.~~ The failure of delivery of such notice shall not invalidate any such amendment ~~or supplement~~. The published and mailed notices shall *contain such information as may be required under the provisions of Section 519.12 of the Ohio Revised Code.* ~~set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County or Regional Planning Commission and to the Township Trustees as the case may be.~~

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County Regional Planning Commission.

The County or Regional Planning Commission shall recommend the approval or denial of the proposed amendment ~~or supplement~~ or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment ~~or supplement~~.

The Township Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment ~~or supplement~~, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County or Regional Planning Commission thereon to the Township Trustees.

The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment ~~or supplement~~, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Trustees by one publication in one or more newspapers of general circulation in the Township, at least ~~ten (10) fifteen (15)~~ days before the date of such hearing.

The published notice shall *contain such information as may be required under the provisions of Section 519.12 of the Ohio Revised Code.* ~~set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.~~

Within twenty (20) days after such public hearing the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Trustees *deny or modify*

~~denies or modifies~~ the recommendation of the Township Zoning Commission the unanimous vote of the Trustees shall be required.

Such amendment ~~or supplement~~ adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment ~~or supplement~~ there is presented to the Township Trustees a petition, signed by a number of ~~registered electors~~ ~~qualified voters~~ residing in the unincorporated areas under township zoning ~~or part thereof included in the zoning plan~~ equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Township Trustees to submit the amendment ~~or supplement~~ to the electors of such area for approval or rejection at the next primary or general election. *The petition shall comply with the requirements of Sections 519.12 and 3501.38 of the Ohio Revised Code.*

No amendment ~~or supplement~~ for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

~~All procedures thereafter shall be in strict compliance with the requirements of Chapter 519 of the Revised Code of Ohio.~~

*Within five (5) working days after an amendment's effect date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the Court Recorder and with the Regional or County Planning Commission if one exists.*

*The Board shall file all amendments, including text and maps that were in effect on January 1, 1992 in the office of the County Recorder. ~~within thirty (30) working days that date.~~ The Board shall also file a duplicate of the same documents with the Regional or County Planning Commission, if one exists, within the same period.*

*The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the County Recorder or the County or Regional Planning Commission as required by the section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.*

**Amendment 22 Section 27.04-** change to read as follows:

**SECTION 27.04 - Fees:** The owner or lessee of property filing for a zoning certificate or an application to amend ~~or supplement~~ this Zoning Resolution shall deposit with such application a fee, as prescribed by the Township Trustees, to defray the cost of advertising, mailing and other expenses. This fee shall be required generally for each application and the amount of such fee shall be established by the Township Trustees ~~and kept posted in the Berlin Township House.~~

**AMENDMENT 23 ARTICLE XXVIII SECTION 28.02-** change to read as follows:

**Section 28.02 ORGANIZATION:** The Board of Zoning Appeals shall organize, electing a chairman and vice-chairman, and adopt rules in accordance with the provisions of this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board of Zoning Appeals may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be

immediately filed in the zoning office of the Board of Township Trustees at the Township Hall, and shall be public record. ~~Attendance of three (3) members shall constitute a quorum.~~ *The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse or modify any order, requirement, decision or determination of the Zoning Inspector or to decide in favor of an applicant on any matter which the Board is required to hear under the Berlin Township Zoning Resolution. The failure of an applicant to secure at least three (3) concurring votes shall constitute a decision for disapproval of the application and, in the case of an appeal, shall be deemed a confirmation and affirmation of the decision of the Zoning Inspector.* The Board of Township Trustees, the Township Clerk and the Zoning Inspector shall be notified in advance of all meetings conducted by the Board.

**Amendment 24 Article XXVIII Section 28.04-** change to read as follows:

**Section 28.04 POWERS OF THE BOARD** *This article is intended to be a restatement of Section 519.14 of the Ohio Revised Code and is adopted herein for the convenience of the citizens of Berlin Township. Any amendments to Section 519.14 adopted by the Ohio Legislature shall be considered adopted herein.*

The Township Board of Zoning Appeals may:

- a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 519.02 to 519.25 of the Ohio Revised Code, or of any resolution adopted pursuant thereto.
- b) Authorize, upon appeal, in specific cases, *certain such* variances from the terms of the Zoning Resolution *as provided in paragraphs (1 and (2) below.*

*(1.) Use variances- The BZA is not intended to use its variance power grant a use that is not normally provided for in the district; that is the power to zone that belongs to the Zoning Commission and Trustees. However, in very special circumstances, where it would be both inappropriate to rezone to another category and where existing conditions have permitted other uses surrounding the parcel of land in question such that the current zoning leaves no viable economic use, only then may the BZA consider a use variance, and only with the finding that owing to special conditions, the literal enforcement of the Resolution will result in an unnecessary hardship to the landowner, and no viable economic use of the property could otherwise be made, the variance as will not be contrary to the public interest, and so that the spirit of the Resolution shall be observed and substantial justice done.*

*(2.) Area variances- The Board of Zoning Appeals shall have the power to authorize, in specific cases, variances that relate solely to area requirements from the provisions of this resolution as will not be contrary to the public interest. Such area variances shall be granted only in cases of special conditions, involving physical conditions of the land, whereby strict application of such provisions or requirements would result in practical difficulty that would deprive the owner of the beneficial use of the land and buildings involved. No variance from the strict application of any provision of this Resolution shall be granted by the Board unless it finds that, based upon the relevant facts and circumstances, that applicant has established by a preponderance of the evidence that the applicant has encountered practical difficulties and that a strict application of an area zoning requirement, e.g. frontage, setback is inequitable.*

*In considering an application for an area variance, the Board of Zoning Appeals shall observe the spirit of this Resolution and weigh the competing interests of the applicant and the community. The factors to be considered and weighed in determining whether an applicant has encountered practical difficulties include, but are not limited to the following:*

- i.) *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.*
  - ii.) *Whether the variance is substantial.*
  - iii.) *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties or the comprehensive plan for the community would suffer a substantial detriment as a result of the variance.*
  - iv.) *Whether the variance would adversely affect the delivery of governmental services.*
  - v.) *Whether the property owner purchased the property with knowledge of the zoning restriction.*
  - vi.) *Whether the owner's predicament feasibly can be obviated through some method other than a variance; and*
  - vii.) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*
- (Citation from Duncan v. Village of Middlefield (1986), 23 Ohio St. 3d 83)*

- c) Grant conditional zoning certificates for the use of land, buildings, or other structures if such ~~conditional uses certificates~~ are provided for in the Zoning Resolution.
- d) Revoke an authorized ~~variance~~ of conditional zoning certificate granted for the extraction of minerals, if any condition of the ~~variance~~ or certificate is violated.

The Board of Zoning Appeals shall notify the holder of the *conditional use variance* certificate by certified mail of its intent to revoke the variance or certificate under division (d) of this section and of his right to a hearing before the Board, within thirty (30) days of the mailing of the notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the *conditional use variance* or certificate without a hearing. The authority to revoke a *conditional use variance* or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above mentioned powers, such Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the officer from whom the appeal is taken.

**Amendment 25- Section 28.05-** change to read as follows:

**Section 28.05** **PROCEDURE ON HEARING APPEALS:** Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Inspector from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give ten (10) days written notice by ordinary mail to the ~~parties in interest~~ *applicant and any abutting property owners within 300 feet of the property at question*, give notice of such public hearing by one publication in a newspaper of general circulation within the township at least ten (10) days prior to the date of such hearing, and decide the same within a reasonable time after it is submitted. At the hearing, any party may appear in person or by attorney.



**Amendment 26- Section 28.06-** change to read as follows:

**Section 28. 06**                    **PROCEDURE ON APPLICATION FOR VARIANCE:**

The Township Board of Zoning Appeals, appointed by the Township Board of Trustees, may upon application, grant such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest, *and shall provide written notice of its decision to the applicant.*

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship, the Board shall have power to authorize a variance from the terms of this Resolution.

- a) **Public Notice:** Written application for a variance shall be made to the Township Zoning Inspector who shall transmit said application to the Board of Zoning Appeals. The Board of Zoning Appeals shall give written notice by ordinary mail *to the applicant and* all owners of land within ~~two~~ *three* hundred ~~(200)~~ *(300)* feet of the exterior boundaries of the land for which a variance is requested. An application for a variance shall be advertised at least once, ten (10) days in advance of the time set for the public hearing, in newspapers of general circulation within the township. *The notice shall state the time and place of the public hearing, and the nature of the proposed appeal or variance.*
  
- b) **Hearing and Decision:** At such hearing the applicant shall present a statement and adequate evidence, in such form as the Township Board of Zoning Appeals may require.

*Within a reasonable period of time after the public hearing the Board of Zoning Appeals shall either approve, disapprove or approve with supplementary conditions.*

In granting such variance the Board shall determine that said variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the Resolution will result in *practical difficulties (for an area variance)* or unnecessary hardship *(for a use variance)* and that the spirit of this Resolution will be observed and substantial justice done.

In granting any variance under the provisions of this section, the Board of Zoning Appeals *may impose such conditions, safeguards and restrictions as deemed necessary to secure the objectives of the standards set forth in this Article and to carry out the general purpose and intent of this Resolution. Violation of the conditions, safeguards and restrictions when made party to the terms under which the request for the variance is granted, shall be deemed a violation of this resolution.* ~~shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.~~

- c) **Form of Application:** All applications for variances under this section shall be submitted on such forms as designated and approved by the Township Trustees. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application.

**Amendment 27- Section 28.07-**change to read as follows:

**Section 28.07 PROCEDURE ON APPLICATION FOR CONDITIONAL USE PERMIT:** The owner, *potential purchaser* or lessee of any land or building within a zoning district within the township may apply to the Board of Zoning Appeals for authority to carry out any use designated as a Conditional Use within that district.

- a) **Application:** An application for a Conditional Use permit shall be submitted on such forms as designated and/or approved by the Township Trustees. No application shall be considered unless the same is fully completed and accompanied by all required information on said application together with plot plans or drawing as necessary.
- b) **Hearing:** The application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held.
- c) **Notice:** Notice of the application for a Conditional Use permit and the hearing thereon shall be given to *the applicant and* all property owners within ~~two~~ *three* hundred (200) (300) feet of the premises on which the use is planned. Notice shall be given by ordinary mail. In addition thereto one notice of said meeting shall be published in a newspaper of general circulation within the township not less than ten (10) days prior to the scheduled hearing. *The notice shall set out the time and place of the meeting, as well as the general nature of the conditional use.*
- d) **Decision:** The Board shall make its decision within a reasonable time after the hearing. ~~If in the event~~ the Board, *in its discretion*, approves the Conditional Use permit, it may impose such ~~reasonable~~ conditions, safeguards and restrictions as it deems necessary to ensure that the use will be conducted in the best interest of the zoning district.

*In addition to the specific requirements for conditional uses specified in the district regulations, a proposed conditional use shall meet all of the following requirements:*

- 1.) *The use is in fact a conditional use as established under the district regulations.*
  - 2.) *The use is of such nature and will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
  - 3.) *The use will not pose a discernible hazard to existing adjacent uses.*
  - 4.) *The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.*
  - 5.) *The use will not involve uses activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
  - 6.) *The use will be consistent with the objectives of this Zoning Resolution and the comprehensive Plan.*
- e) **Revocation:** ~~The Board of Zoning Appeals may revoke a Conditional Use permit for failure to comply with the conditions of that permit. The Board shall notify the holder of the permit by certified mail of its intent to revoke the permit and of the holder's right to a hearing before the Board, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Township Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may~~

present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the permit without a hearing. ~~The authority to revoke a permit is in addition to any other means of zoning enforcement provided by law.~~

*Failure to comply with the terms of a conditional use permit shall result in a zoning violation.*

**Amendment 28- Section 28.08**-change to read as follows:

**Section 28.08 DECISION OF BOARD:** The Board of Zoning Appeals shall act by ~~resolution motion and shall provide written notice of its decision to the applicant. in which three (3) members concur and Every action shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for a granting or denying of the request. A copy of the Board's resolution accompanied by the Board's finding of fact shall be mailed to the applicant by ordinary mail.~~

**Amendment 29- Section 28.09**-delete:

**Section 28.09 PUBLIC INFORMATION:** All communications to members of the Board of Zoning Appeals, written or oral, which shall be reduced to writing pertaining to any matter before the Board shall be made a part of the record. The record of the Board's proceeding in any matter shall be kept on file in the township office at Township Hall, subject to the order of the Delaware County Common Pleas Court, and available for inspection by the public.

**Amendment 30- Section 28.10- renumber to 28.09** and change to read as follows:

**Section 28.10 09 RECORD:** For any hearing at which the applicant desires a record to be made, the applicant shall give notice not less than ten (10) days prior to the date scheduled for said hearing to the Zoning Secretary requesting that a court reporter be retained to make such record and the applicant shall deposit with his request cash in the amount established by the Trustees to be used to defray the expenses of making a record. ~~In all hearings wherein no request has been made for a record, the notes of the Zoning Secretary of the Board of Zoning Appeals shall serve as the sole transcript of such hearing.~~

**Amendment 31- Section 28.11**, renumber to 28.10 and change to read as follows:

**Section 28.11 10 FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE:** For all actions of the Board of Zoning Appeals the Board of Township Trustees shall establish fees to be deposited with each application. Such fees shall be ~~set annually and shall be~~ required generally for each application to defray the costs of advertising, mailing and other expenses.

**Amendment 32- Section 28.11**-add new section as follows:

**Section 28.11 ALTERNATES:** *The Board of Trustees may appoint two (2) alternate members to the Board of Zoning Appeals for such terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member according to such procedures as may be prescribed, from time to time, by resolution adopted by the Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member.*

*When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. Alternate members shall be removable upon the same grounds and under the same procedures as regular members.*

**Amendment 33- Section 29.03**-change to read as follows:

**Section 29.03 PENALTY:** Whoever violates the provisions of this Zoning Resolution and amendments hereto or Chapter 519, of the Ohio Revised Code, shall be fined not more than ~~one~~ five hundred

(\$500.00) dollars for each offense or the maximum fine or imprisonment as provided by law, whichever is greater.

**Amendment 34- Section 30.03**-change to read as follows:

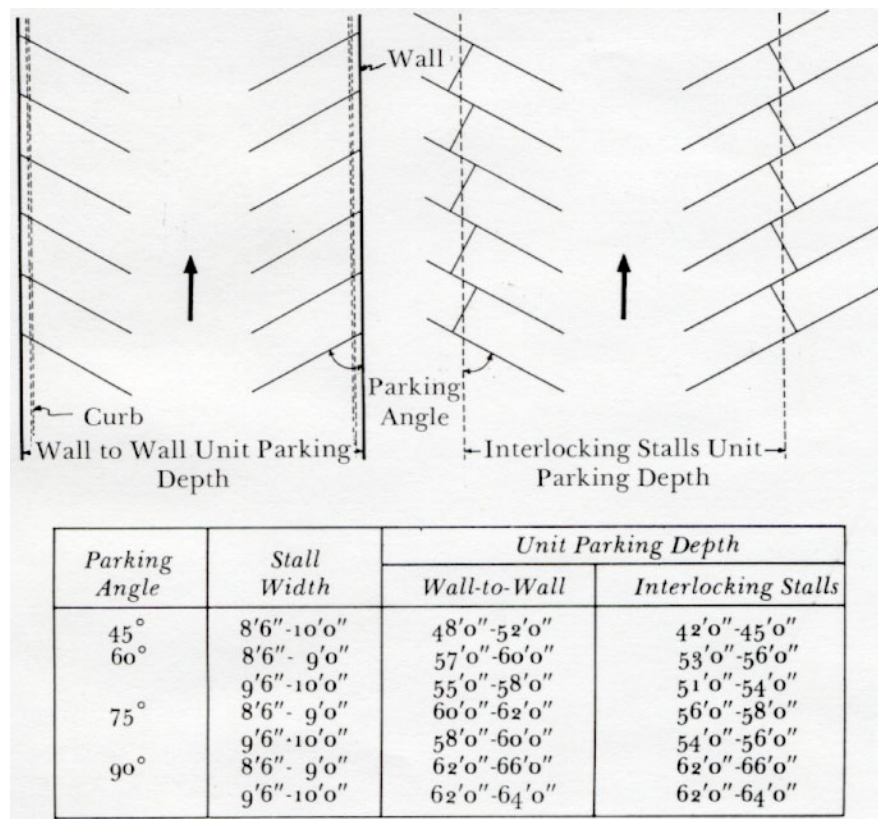
**SECTION 30.03 - Repeal Of Conflicting Resolution:** The Township Zoning Resolution or parts thereof previously in effect in Township, Delaware County, Ohio not otherwise adopted as part of this Amended Zoning Resolution, and in conflict with the Zoning Resolution as it ~~is~~ *was initially* established on January 1, 1988 or established hereafter are hereby repealed. However, all suits at law or in equity and or all prosecutions resulting from violation of any Zoning Resolution or part thereof heretofore in effect, which are not pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Resolution but shall be prosecuted to their finality the same as if amendments to this Zoning Resolution had not been adopted; and any and all violations of existing Zoning Resolutions, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Resolution shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

*Amendment 47- Add new Appendix A Figures 1 and 2 for Parking and loading design standards as follows:*

**APPENDIX A**  
**Parking and Loading Zone Standards**  
**From Zoning, Parking and Traffic, 1972**

**By the Eno Foundation, Saugatuck, Connecticut**

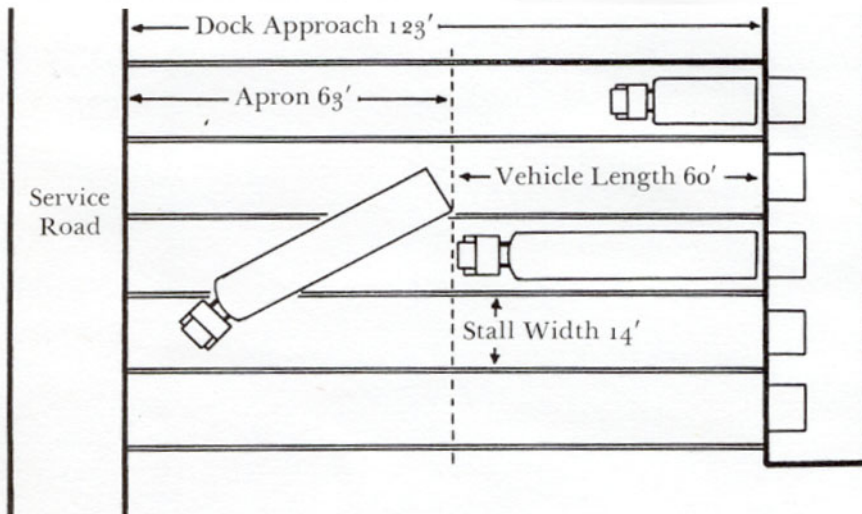
Figure 1. Automobile Parking Lot Design standards



Note: Handicap accessible parking spaces shall comply with the Americans with Disabilities Act.

Figure 2. Truck Yard and Dock Standards for Loading Areas

Overall Length of Tractor-Trailer (feet)	Berth Width (feet)	Recommended Apron Length (feet)	Dock Approach (feet)
40	10	46	86
	12	43	83
	14	39	79
45	10	52	97
	12	49	94
	14	46	91
50	10	60	110
	12	57	107
	14	54	104
55	10	65	120
	12	62	117
	14	58	113
60	10	72	132
	12	63	123
	14	60	120



**Amendment 48**-Add a new NAICS code number 531130 (mini storage warehouses) to the Planned Industrial district as a permitted use.

**III. Staff Recommendation**

DCRPC staff recommends **Approval** of the zoning text amendments labeled Version 4 October 19, 2005 to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees.

**Commission / Public Comments**

**Mr. Miller made a motion to recommend approval of the zoning text amendments labeled Version 4 October 19, 2005. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

## V. SUBDIVISION PROJECTS

### Preliminary

#### 17-05 Prairie Run - Berkshire Twp. - 05 lots / 89.299 acres

**Applicant:** Kenneth Hoover

**Subdivision Type:** Single Family Residential (CAD)

**Location:** 1483, 1487, and 1593 SR 61, Berkshire Township

**Current Land Use:** Agriculture and single-family residences

**Zoned:** A-1 and FR-1

**Utilities:** Delco Water and individual on lot treatment systems

**School District:** Big Walnut

**Engineer:** Patridge Surveying

### I. Staff comments

Prairie Run is a proposed 5 lot subdivision plus a large reserve lot on 89.299 acres. The development includes 2 CAD's. The southern CAD will serve 2 existing residences (5.001 acre and 2.18 acre lots). The northern CAD will serve 3 new residential lots (3.02 acres, 2.18 acres and 5.001 acres). The remaining 64.5 acres will be platted as a reserve lot and continue as agriculture. It will gain access by the north CAD. There will be restrictions on the plat that if the remainder lot is developed in the future, it will be restricted to access from the west or south (Galena) since ODOT will not permit any more curb cuts to SR 61.

The property is located on the west side of SR 61 approximately 600' south of Blayney Road. Sunbury Village is adjacent to the west and south. Prairie Run and several tributaries are spread across the site. Two existing houses and several farm structures are also located on the property. Surrounding land use is agriculture and scattered single-family residences on lots between 2 to 5 acres along SR 61. Uses in Sunbury include existing and proposed residential at a higher density (2+ du/acre) and an existing industrial park to the southwest. Most of the area in the township is zoned A-1, which requires a minimum lot size of 5 acres, but six adjacent lots are zoned FR-1, so the request is in keeping with the area.

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

### II. Staff Recommendation

Staff recommends *Preliminary Approval* of the **Prairie Run subdivision**, to the RPC.

### Commission / Public Comments

Mr. Bob Patridge of Patridge Surveying was present.

*Mr. Miller made a motion for Preliminary approval of Prairie Run Subdivision. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**27-05 T Timberline Estates – Concord Twp. - 02 lots / 7.10 acres**

**Applicant:** Kathleen Quick  
**Consultant:** Patridge Surveying

**I. Staff Comment**

The applicant has requested a 90-day tabling.

**II. Staff Recommendation**

Staff recommends *Approval of the 90-day tabling of Timberline Estates* to the RPC.

**Commission / Public Comments**

*Mr. Miller made a motion to approve the 90-day tabling of Timberline Estates. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**27-03.2 North Star, Section 2 - Kingston Twp. - 01 lot / 93.18 acres**

**Applicant:** Robert Weiler Company  
**Subdivision Type:** Golf Course/Open space as part of future PRD  
**Location:** East of N. Galena Road, 6750' north of U.S. 36/S.R. 37, Kingston Twp.  
**Current Land Use:** Vacant, golf course under construction  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and public sanitary sewer via land application  
**School District:** Big Walnut  
**Engineer:** EMH&T, Andrew Sanderell

**I. Staff Comments**

The proposed development is a continuation from the golf course in Berkshire Township to the south, which received an overall Preliminary Approval from the RPC in December, 2003. The golf course will be surrounded by single-family house lots in future sections of North Star. A small portion of the main spine road, Orbit Glen Drive, crosses the northern part of the site. An easement for future road right-of-way will be required when this Section is platted.

The plan includes seven holes of the golf course and detention for both the course and the future single-family lots. Butler Run and a tributary flow through the site.

No Final Plat will be approved for North Star until the applicant has received a Permit to Install (PTI) for the proposed sewer plant. Staff has also alerted the applicant that a small part of the golf course in Berkshire Township which is contiguous to this project needs to receive preliminary approval before a final plat for Section 2 will be approved.

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

**II. Staff Recommendation**



Staff recommends *Preliminary Approval* of **North Star, Section 2** to the RPC.

**Commission / Public Comments**

Mr. Jeff Strung with EMH & T was present to represent the applicant.

***Mr. Gladman made a motion for Preliminary approval of North Star, Section 2. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**29-05      W      Cedar Grove Estates – Kingston Twp. - 23 lots / 50.63 acres**

***\*\*This application was withdrawn by the applicant.\*\****

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**28-05              Hastilow - Berkshire/Trenton Twp. - 03 lots / 25.89 acres**

**I.              Conditions**

**Applicant:** Bruce Hastilow

**Subdivision Type:** Single-family Residential (CAD)

**Location:** 2576 N. State Route 61, Berkshire / Trenton Twp's.

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

**Existing Land Use(s):** Single-family Residence

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

**Utilities Available:** On-site wells and private on-site sewage treatment mounds

**Critical Resources:** Stream, pond and wetland

**Surrounding land uses:** Large lot residential

**Engineer:** Brad Patridge, Patridge Surveying

**II.             Staff Comments**

The applicant is proposing three (3) single-family residential lots on a common access driveway (CAD) off the east side of State Route 61 north of Sunbury. The applicant owns an existing 25.89 acre flag lot, primarily within Trenton Township with a 60 foot wide access strip that extends 1,300 feet west to SR 61 in Berkshire Township. The driveway has already been constructed to access an existing residence on proposed Lot #3. The driveway will be upgraded to provide for the two additional homes. Each lot is greater than 5 acres in size and the CAD is a total of 2,400 feet long with six proposed passing areas.

The Delaware County Soil & Water Conservation District's office and County Engineer's office had concerns with the overflow outlet for the existing pond between Lots #2 & #3. A maintenance agreement will need to be filed and the pond will need to be appropriately upgraded to provide the necessary overflow outlet prior to final plat approval.

**A technical review was held on December 20<sup>th</sup>, 2005, after which the applicant has addressed all of the required changes, except:**

- Documentation from the BSTG Fire Department, indicating if the CAD design meets their standards and if fire hydrants are required along the CAD, and
- The establishment of an appropriate turnaround at the terminus of the CAD.

The applicant has initiated contact with the BSTG Fire Department and is awaiting comments. The applicant has indicated that they planned to include the two driveways accessing Lots #1 & #2 for satisfaction of the turnaround request. This was not indicated on the CAD plans. Staff does not support this design. The turnaround will be required to be constructed with the improvements to the CAD and should be entirely within the CAD easement. This should be reflected on the CAD plans.

### **III. Staff Recommendations**

Staff recommends *Conditional Preliminary Approval* of **Hastilow Subdivision**, to the RPC, *subject to:*

1. *Submission of appropriate documentation from the BSTG Fire Department, and*
2. *Modified CAD plans being submitted to indicate conformance with requirements of the BSTG Fire Department with an appropriate turnaround at the terminus of the CAD, and*
3. *Submission of a maintenance agreement and proposed upgrade to the pond's overflow outlet.*

### **Commission / Public Comments**

Mr. Brad Patridge of Patridge Surveying was present.

***Mr. Blayney made a motion for conditional Preliminary approval of Hastilow Subdivision, subject to staff comments. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**Preliminary/Final**    *(none)*

### **Final**

**04-05                    The Manors at Willow Bend - Genoa Twp. - 16 lots / 12.46 acres**

**Applicant:** Edwards Land Company  
**Subdivision Type:** Single Family Residential  
**Location:** South Side of Big Walnut Road, 2000 feet west of Worthington Road  
**Current Land Use:** vacant woods, former church camp  
**Zoned:** PRD (Planned Residential)  
**Utilities:** Del-Co Water, public sewer system  
**School District:** Olentangy  
**Engineer:** EMH&T, Drew Sanderell

### **I. Staff Comments**

The Manors at Willow Bend is a 16-lot subdivision on a modified cul-de-sac. The entrance aligns with Grandmere Blvd to the north, which accesses Grand Oak Subdivision. The cul-de-sac includes a

wooded island, which serves to allow frontage to additional lots and to preserve trees. This modified cul-de-sac required a variance from the County Engineer's streets standards, which has been granted. No additional connections to adjacent land were requested because most parcels to the west and south are developed and the church plans to keep the land to the east for its own expansion. Preliminary approval was granted in January 2005.

***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 **Manors at Willow Bend** to the RPC.

### **Commission / Public Comments**

Mrs. Warthman stated that she received a fax that notified her that additional tree removal had taken place after her signature to the final plat had been made. She stated that all tree mitigation plans were to be completed upon final engineering submittal.

Mr. Charlie Driscoll of Edwards Land Co. stated that they are in an on-going construction process and they said they would mitigate whatever number of trees they had removed during construction. The electric company moved a pole farther away from the road and he suggested in a fax to Mrs. Warthman that they wait until all construction is done and do one final mitigation plan. Mrs. Warthman stated that a final development plan amendment should have been filed due to the extensive additional tree mitigation.

***Mr. Ward made a motion for Final approval of Manors at Willow Bend. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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## VI. EXTENSIONS

### 27-03 North Star, Section 1- Berkshire Twp. - 05 lots / 827.86 acres

**Applicant:** The Robert Weiler Company

**Consultant:** Jeff Strung, EMH & T

#### I. Staff Comment

The applicant has requested a 6 month extension of North Star Section 1. The engineering drawings for Wilson Road have been approved by the County Engineer and the applicant anticipates submitting the final plat within the next few months.

#### II. Staff Recommendation

Staff recommends *approval* of the 6-month extension for **North Star, Section 1** to the RPC.

#### Commission / Public Comments

*Mr. Miller made a motion to approve the 6-month extension of North Star, Section 1. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## VII. OTHER BUSINESS

- **Consideration for Approval: Loveland & Brosius \$1,157.08**  
*Mr. Miller made a motion to approve the legal expenditure of \$1,157.08, seconded by Mr. Gunderman. VOTE: Unanimously For, 0 Opposed. Motion carried.*
- **Consideration for Approval: Transfer, SWCD \$5,380.00, Health Dept. \$24,060.00**  
*Mr. Miller made a motion to approve the transfer of funds collected on behalf on behalf of the Health Dept. \$24,060.00 and SWCD \$5,380.00. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*
- **Consideration for Approval: Phil Laurien evaluation**  
Chairwoman Foust stated that the Executive Committee did not do a formal evaluation this time but the Committee agreed that Mr. Laurien does an excellent job and want to keep him and hope he wants to stay. The Executive Committee agreed to recommend the maximum amount of 3% raise effective January 1, 2006.  
*Mr. Miller made a motion to approve the 3% raise for Mr. Laurien, seconded by Mr. Gunderman. VOTE: Unanimously For, 0 Opposed. Motion carried.*

## VIII. POLICY / EDUCATION DISCUSSION

- **Subdivision Regulations:** Mr. Laurien stated that Don Brosius, attorney, said that he will have comments to us next week. There were two issues he needed to research. First, we have to establish a date for original tracts. Second, staff received a call from the Sunbury Fire Dept. and asked “does the new International Fire Code have jurisdiction over the Common Access Driveways and require them to all be 20’ wide paved fire access roads.” Mr. Brosius contacted the State Fire Marshall’s office and was given two completely different opinions. We hope to

initiate the changes at the January RPC meeting (not approve, just initiate) and define the Common Access Drives as private streets in which case the State Fire Marshall appears to be uniform in opinion that they do not have jurisdiction.

**IX. RPC STAFF AND MEMBER NEWS**

- **Joe Clase:** Mr. Laurien informed the Commission that Joe Clase has graduated with his Masters Degree in Public Administration with specialization in Urban/Regional Policy and management in December. He also submitted and was awarded a state wide runner up for Small Jurisdiction Comprehensive Plan for the Village of Ashley. He will also be promoted to a Planner II beginning January 1, 2006. Congratulations Joe!

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, January 26, 2006, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G35, Delaware, Ohio 43015.*

*At 8:15 p.m., Mr. Miller made a motion to adjourn the meeting. Mrs. Warthman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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*Kolly Foust, Chairperson*

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*Stephanie Matlack, Executive Administrative Assistant*