



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

****MINUTES****

Thursday, February 24, 2011 at 7:00 PM
Frank B. Willis Building, 2079 US 23 North, Conference Room,
Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of January 27, 2011 RPC Minutes
- Executive Committee Minutes of February 16, 2010
- Statement of Policy

II. VARIANCES *(none)*

III. ZONING MAP/TEXT AMENDMENTS

- 03-11 ZON Lewis Center Investments / Franklin Foundation – Orange Twp. – 2.88 acres – MFPRD
04-11 ZON Highdev, Inc. / Menards – Orange Twp. – 43.163 acres from FR-1/C-2 to PC
05-11 ZON Highdev, Inc. / Menards – Orange Twp. – 27.806 acres from FR-1 to PI
06-11 ZON Evans Capital Investments, Ltd. – Orange Twp. – 92.551 acres from FR-1 to PI
07-11 ZON Glen Reese – Berkshire Twp. – 2.5 acres from A-1 to FR-1
08-11 ZON Genoa Twp. Zoning Commission – zoning map amendments

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary *(none)*

Preliminary/Final *(none)*

Final *(none)*

T=TABLED, W=WITHDRAWN

V. EXTENSIONS *(none)*

VI. OTHER BUSINESS

- Consideration of expenditure: Dell Marketing, \$1,801.21
- Consideration of expenditure: ESRI, \$3047.00
- Director Evaluation

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Susan Kuba, Ric Irvine, Fred Fowler, Ken O'Brien, Steve Burke, Tiffany Jenkins, Gary Gunderman, Dave Stites, Holly Foust, Dick Gladman, Eric Fischer, Lloyd Shoaf, Tom Brown, Bill Metzler, Mike Datillo. *Alternates:* Doug Riedel, James Hatten, and James Gauldin. *Arrived after roll call:* Joe Clase and David Andrian (R). *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the January 27, 2011 RPC Minutes**

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

▪ **February 16, 2011 Executive Committee Minutes**

1. **Call to order**

Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Dick Gladman, Steve Burke, Ken O'Brien, and Lloyd Shoaf. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from January 19, 2011**

Mr. Gladman made a motion to approve the minutes from the January 19th meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

a. Financial / Activity Reports for January 2011

REGIONAL PLANNING RECEIPTS		December	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$205.00
Fees A (Site Review)	(4202)		
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$100.00
Membership Fees	(4204)	\$33,491.00	\$33,491.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$573.20	\$573.20
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)		
Charges for Serv. B (Final. Appl.)	(4231)		
Charges for Serv. C (Ext. Fee)	(4232)		
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)		
Charges for Serv. F (Planned District Zoning)	(4235)		
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		
Soil & Water Fees	(4243)		
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		

Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$223.00	\$223.00
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$34,592.20	\$34,592.20

Balance after receipts	\$136,731.95
Expenditures	<u> -</u>
End of January balance (carry forward)	\$118,339.52

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

- b. February RPC Preliminary Agenda
 - 1.) Site Review: none for February
 - 2.) Rezoning:
 - 03-11 ZON Lewis Center Investments / Franklin Foundation – Orange Twp. – 2.88 acres – MFPRD
 - 04-11 ZON Highdev, Inc. / Menards – Orange Twp. – 43.163 acres from FR-1/C-2 to PC
 - 05-11 ZON Highdev, Inc. / Menards – Orange Twp. – 27.806 acres from FR-1 to PI
 - 06-11 ZON Evans Capital Investments, Ltd. – Orange Twp. – 92.551 acres from FR-1 to PI
 - 07-11 ZON Glen Reese – Berkshire Twp. – 2.5 acres from A-1 to FR-1
 - 3.) Variance & Extension requests: none for February
 - 4.) Preliminary or Final: none for February
- c. Director’s Report
 - 1) Liberty Twp. – working on an administrative review of the Zoning Resolution
 - 2) Shawnee Hills – starting the update of the Comprehensive Land Use plan in March.
 - 3) Berlin Twp. – working at the request of the Trustees to prepare student population projection data and map. Will be using 10 free contract hours to complete.
 - 4) Added a direct link to the main page of the DCRPC website: Land Use Analysis which groups the trails maps, development plan and demographic packets, and the annual report all in one place.
- d. Consideration for recommendation of expenditure: Dell Marketing, \$1,801.21
- e. Consideration for recommendation of expenditure: ESRI, \$3047.00

Mr. O’Brien made a motion to recommend approval of the Dell Marketing and ESRI expenditures as requested and anticipated in the budget. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. Old Business (none)

5. Other Business (none)

6. Personnel

- a. Director evaluation – **At 9:40 a.m., Mr. O’Brien made a motion to recess into Executive Session for the consideration of appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or public official per Ohio Revised Code 121.22 (G). Mrs. Foust seconded the motion. VOTE: Mr. Burke, aye, Mr. O’Brien, aye, Mr. Shoaf, aye, Mrs. Foust, aye. Motion carried.**

At 10:00 a.m., Mr. Burke made a motion to return to regular session. Mr. O’Brien

seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Chairwoman Foust presented Mr. Sanders with his annual performance review. She explained that it was similar to last year with the exception of “Effective execution” and “Ethical practice” levels have increased to “Exceeds expectations”. Goals for 2011 include: visit City of Delaware and encourage joint planning efforts between City, County and Townships, meet with Delaware County political subdivisions to investigate the need for and encourage comprehensive plan updates. The Committee complimented Mr. Sanders on his dedication and being able to adapt well to staffing reductions. She explained that the Committee review will be presented to the RPC at the February 24th meeting.

7. **Adjourn – Having no further business, Mr. O’Brien made a motion to adjourn the meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

Meeting adjourned at 10:25 a.m.

The next regular Executive Committee meeting will be Wednesday, March 31, 2011 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.

▪ **Statement of Policy**

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

II. VARIANCES (none)

III. ZONING MAP/TEXT AMENDMENTS

03-11 ZON Lewis Center Investments/Franklin Foundation – Orange Twp. – 2.88 acres from MFPRD to MFPRD with Senior Housing Designation

I. Request

The applicant, North Orange Development LLC/Franklin Foundation, is requesting a 2.88-acre rezoning on land currently zoned Multi-Family Planned Residential District for a development of a 17,869 square-foot 20-unit building for the purposes of senior housing (independent living). The building plan indicates 19 1-bedroom units and one two-bedroom unit, as well as an office area, craft room, community room, library and entry lounge in a single-story building.

The site is part of the platted Olentangy Crossing, with all public improvements and utilities in place. The site is 2.88 acres out of a 16.83-acre parcel, where 96 multi-family units were previously approved. However, this site was part of an overall Olentangy Crossing East plan which represented an MFPRD density of 3.75 units / acre/

Franklin Foundation was created in 1986 for the purpose of developing this type of housing and currently has 14 such developments, one of which is in Sunbury. In 2010, a 1.91-acre site was

pursued by the company for this same development and was presented to the RPC. That proposal was not supported by the township. The applicant was directed toward this site, which is a larger size, resulting in a lower overall density. A 40-year grant will support the construction and will require the building meet its commitment to income and age restriction.

II. Conditions

- Location:** southeast corner of Rail Timber and Olentangy Crossing East
- Present Zoning:** Multi-Family Planned Residential MFPRD
- Proposed Zoning:** Multi-Family Planned Residential MFPRD with senior housing designation
- Present Use(s):** vacant
- Proposed Use(s):** Independent living, senior housing and green space
- Existing Density:** 5.70 on this parcel, but the overall MFPRD was 3.75
- Proposed Density:** 6.94 du / acre
- School District:** Olentangy Local School District
- Utilities Available:** Del-Co Water and sanitary sewer service
- Critical Resources:** none
- Surrounding land uses:** Olentangy High School to the east, Kroger Marketplace to the west, undeveloped multi-family uses to the north and south.
- Soils:** GwC2 Glynwood Silt Loam 6-12% slope
GwC2 Glynwood Silt Loam 2-6% slope
BoA Blount Silt Loam 0-2% slope

III. Issues

1. The 2001 Orange Township Comprehensive Plan and recently adopted 2010 Plan acknowledges this site as Multi-Family Planned Residential uses as currently zoned.

Staff Comment: Township Comprehensive Plans do not typically anticipate redevelopment of areas with an active development plan. However, it can be assumed that any residential development in this Sub-Area would generally be recommended at 2 units per acre.

2. Density/use: The proposal requests a 20-unit age-restricted use on 2.88 acres at a density of approximately 6.94 units per acre.

Staff Comment: The proposed use helps to fill a general need for housing as the area population ages. The location is a logical one for this use with the adjacent assisted living facility and library, as well as the North Orange Park to the south. Age-restricted uses clearly have a positive impact to the school district and traffic generation is typically calculated at four trips per day per unit or lower where general multi-family is usually calculated at around eight trips per day.

3. Access: The development plan shows an access to Rail Timber Way. The development plan also shows an easement to access the property to the south.

Staff Comment: This access puts traffic on Rail Timber Way instead of on Olentangy Crossings East, a road that allows direct access to the High School. The access easement to the south will reduce the number of accesses on Rail Timber Way and direct traffic across from the rear entrance to Kroger.

4. Parking: The site plan shows 30 parking spaces, of which two are handicapped.

Staff Comment: This amount of parking is 10 spaces more than the previous development plan. This is senior housing and the assumption is that the residents are mobile. The applicant notes that the company's experience with other similar developments indicate that only 50% of the residents have cars.

5. Leisure Trail: The plan shows a new walkway from the building connecting to the road right of way. An existing leisure trail is located along the northern edge of the property and wraps around the intersection but it does not extend to the south property line, nor is it shown to be proposed.

Staff Comment: Construction of walkways should include connection to the trail system or conformance with the current township policy.

6. Divergences: The applicant is requesting divergences for Density (discussed above) as well as a reduction in the unit size.

Staff Comment: The reduction in the size of each unit is appropriate for the proposed use and is a mandate based on the funding program. The application notes that when the common areas are factored in, there is approximately 893 square feet per unit. The zoning resolution also has a limitation on the number of units on an individual acre. This is typically done to avoid larger apartment buildings and pockets of higher density. During the previous application, it was noted that additional acreage should be sought. This site provides an additional acre for the development, but still does not meet the standard for units on an individual acre. Since the remainder of the parcel to the south is undeveloped, additional acreage to the south could be set aside as open space, causing the overall density to drop which would help justify the deficiency in this area of the code.

IV. Criteria for Approval

The MFPRD requires that all the following criteria be met:

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

Staff Comment: Generally yes, except for density and number of units on an individual acre. The code allows a density at a maximum of 4 units per acre where the application requests 6.94 units per acre. This is a reasonable request. As stated in the report, this use will not have the typical traffic or student impact that is usually anticipated with apartments or condominiums. Also, future development on the remainder of this site will likely go through the rezoning process where the Zoning Commission could bring the overall density back to the prescribed levels.

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

Staff Comment: The use generally conforms to the plan, but the density is higher than normally allowed.

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

Staff Comment: Perhaps, since the proposal targets a demographic that is a growing population that wishes to remain in (or locate to) the general area.

V. Staff Recommendations

Staff recommends **Conditional Approval** of this rezoning case from PC to MFPRD for Franklin Foundation to the DCRPC, the Orange Township Zoning Commission and the Orange Township Trustees, *subject to resolving the divergence request for density and the parking divergence reviewed in this report. The parking divergence appears to be reasonable and staff recommends approval. The density and number of units on an individual acre needs additional discussion.*

Commission / Public Comments

Ms. Lynn Dalton with the Franklin Foundation was present to answer questions from the Commission. She explained that this project would have age (62 and older) and income restrictions for its residents. Mr. Jack Brickner of Planned Communities further explained that the remaining 76 units proposed for this overall development would be submitted for administrative review.

Mr. Burke questioned the location of the sidewalk connection. Mr. Brickner explained that a bike path would be constructed along the east side of Rail Timber Way and would link up to the proposed walk path for this project.

Mr. Shoaf made a motion to recommend Conditional Approval of the rezoning for Franklin Foundation, subject to staff comments. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

04-11 ZON	Highdev, Inc. / Menards – Orange Twp. – 43.163 acres from FR-1/C-2 to PC
05-11 ZON	Highdev, Inc. / Menards – Orange Twp. – 27.806 acres from FR-1 to PI
06-11 ZON	Evans Capital Investments, Ltd. – Orange Twp. – 92.551 acres from FR-1 to PI

I. Conditions

Location: east side of US 23 South, south of Lewis Center Road

Present Zoning: Farm Residence District (FR-1) and Neighborhood Commercial (C-2)

Proposed Zoning: Planned Commercial and Office (PC) and Planned Industrial (PI)

Present Use(s): vacant, former and current agricultural, some scrubland

Proposed Use(s): retail and restaurant uses, proposed Menards store and industrial park

School District: Olentangy Local School District

Utilities Available: Del-Co Water and sanitary sewer service

Critical Resources: streams and drainage courses (04-11ZON and 05-11ZON only)
small wetland area (06-11ZON only)

Surrounding land uses: vacant land, railroad to the east, North Orange development to the west

Soils: BoA Blount Silt Loam 0-2% slope

BoA Blount Silt Loam 2-4% slope

GwC2 Glynwood Silt Loam 6-12% slope

GwC2 Glynwood Silt Loam 2-6% slope

PwA Pewamo Silt Clay Loam 0-1% slope

BoA Blount Silt Loam 0-2% slope

II. Overall Development Concept

Three adjacent rezoning requests have been presented to the Orange Township Zoning Commission. Although they represent three separate zoning cases to be considered by the township, portions of the overall project will be described as an overall project, based on their relationship to one another and their interconnected road network. The details of each will then be reviewed separately.

Highdev, Inc./Menards and Evans Capital Investments, Ltd., are proposing a large commercial and industrial development, to be identified as “Menards Creekside” along U.S. 23, with the area behind the Menards store to be known as “Creekside Industrial Park”.

The applicants are proposing a 43.163-acre Planned Commercial and Office area closest to U.S. 23. It will consist of 18 outparcels, the largest of which is 4.4 acres and the smallest is at 1 acre. These out lots are somewhat conceptual, as no end users have been identified at this time.

To the east of the Planned Commercial area is a 27.806-acre Planned Industrial area. The proposal shows a 21-acre parcel on which a Menards retail store measuring approximately 166,250 square feet and related 425 parking spaces will be located. Behind the Menards store is a 40,625 s.f. warehouse storage building with enclosed outdoor storage adjacent to the north and east sides of the main structure. In addition, a 5.5-acre outparcel is located to the south of the Menards site.

To the east of the Menards site and extending to the railroad tracks is a 92.551-acre Planned Industrial zoning district. This area shows no detail except for three large parcels and road extensions, since no end users are identified at this time.

Because of the preliminary nature of this request, the typical architectural details and specific signage are not identified. However, the applicants make a commitment to a common palette of colors and mostly natural materials. Aluminum and vinyl is limited to trim details. There is also reference to four-sided architecture, particularly for the commercial out lots. Additionally, Menards will maintain a level of review and control over future building design. Signage will be discussed elsewhere in this report.

III. Overall Access and Road Network

The road network shows a full access at Corduroy Road, which continues west of U.S. 23. This intersection would be signalized, according to the ODOT Limited Access Plan for the highway. Improvements include two southbound turn lanes, one lane across U.S. 23, and one north-bound turn lane. Corduroy will continue to the east, to a future intersection with an extended Green Meadows Drive. Improvements will also be made to the west side of Corduroy, which will add a north-bound turn lane.

Creekside Drive provides a right-in/right-out to U.S. 23, which essentially extends Halfway Avenue into the site and toward the Menards building. Creekside will be built to allow an access to the southern parcel near U.S. 23. It should be noted that a portion of Creekside Drive’s access to U.S. 23 is on the neighboring property to the south. A new north/south road will be built, extending Graphics Way from property line to property line. This will not provide a direct connection to existing Graphics Way until it is built through the future development(s) to the south.

Green Meadows Drive will also be extended from the south property line to the north property line of the Edward parcel to the east. This will align with future extensions of Green Meadows to the north and south, but will require development of adjacent property to make the full connection. Generally, these road extensions follow those prescribed on the Orange Township Comprehensive Plan. The

access plan is appropriate if the commercial out lots share access as indicated on the development plan. Menards parking lot access will be discussed under that specific zoning case.

It should be noted that a formal Traffic Impact Study has not been submitted to the County Engineer's office for review or approval. This will help determine road widths and lane numbers for the site(s).

Timing of public improvements. Throughout the applications, there are the following commitments of timing for public improvements:

(04-11zon PC): build Corduroy Road, Graphics Way to property lines, and Creekside Drive from U.S. 23 to Graphics, concurrently with other public roadways associated with the adjoining PI development. Also, they are to be built concurrent with the construction of the Menards store. This represents a divergence request since the zoning resolution requires the completion of infrastructure improvements and the surety released before a zoning certificate or certificate of compliance is issued;

(05-11zon PI): build Corduroy Road and Graphics Way to property lines concurrently with other public roadways associated with the adjoining PC development. Also, they are to be built concurrent with the construction of the Menards store. This represents a divergence request since the zoning resolution requires the completion of infrastructure improvements and the surety released before a zoning certificate or certificate of compliance is issued;

(06-11zon PI): The PI zoning commits to building in two phases. Phase 1 will be the extension of Corduroy Road to its intersection with Green Meadows Drive. Phase 2 would be the extension of Green Meadows to the north and south property lines.

IV. Environmental/Critical Resources

The existing site's most visual environmental characteristic is the number of mature tree lines that frame the site. The tree line along the northern border will likely end up within the zoning resolution's required parking and building setbacks, or the township may wish to require no-disturb zones where significant wooded areas would benefit from added protection. There is no reference to any other natural characteristic of the land. In particular, Lots 12, 14, and 16 are particularly impacted by wooded ravines. The land in Lots 17 and 18 is impacted almost completely by the wooded ravines and the 150'-wide power line easement. These lots could be reconfigured to locate some of these natural features between parcels.

There is an area approximately 18 acres in size along the extreme southeastern corner of the industrial park site that is a heavily wooded area with a wetland. During a previous unrelated zoning application, these woods were set aside as open space. The township should continue to work with the applicant of the eastern PI area to explore how these woods could be preserved while meeting the allowable development of the Planned Industrial district.

The critical resource data shows several delineated streams or ravines across the PC and Menards site, taking the drainage toward U.S. 23, with the water outletting through two pipes under the highway and on toward the Olentangy River. This area is subject to an EPA permit, which requires mitigation for any disturbed areas along the riparian area of those streams. Last year, preliminary work done by RPC staff in interpreting the EPA permit identified these streams as Ephemeral, only flowing during and after precipitation runoff. Such streams require mitigation at 2:1 for disturbance within 30 feet of each side of centerline. Mitigation is required within the same sub-watershed. Preservation Parks and SWCD can receive mitigation. While these setbacks are mitigated riparian areas and not "do-not-disturb" setbacks, they will likely have an impact on the road network and lot configuration of the site. This is an issue addressed at the subdivision phase, but with the detail required at the zoning level for Planned districts such as this one, it is important that some study and response take place now. If significant

changes are required during the engineering of the site, the applicants may have to go through the zoning process a second time.

V. Stormwater Management

Whether these three cases are taken together or separately, this development will have a significant impact on stormwater. There is no reference to retention or detention, other than a general commitment to meet the standards of the County Engineer and EPA both during construction and afterward. The County Engineer's staff has met with Floyd Browne Group to discuss the stormwater management for the overall site. The consulting engineer understands the requirements from the CE office and there is a conceptual layout that was discussed. Changes were requested and the township should be able to obtain an updated conceptual plan during their deliberations.

The Planned Commercial lots will certainly be impacted by retention requirements, most likely by their placement along U.S. 23. The Menards store and related 425-space parking lot and outdoor storage will need independent stormwater storage. It appears that an area along the southeastern corner is intended for that purpose. However, there is no reference to that in the application (except on the landscape plan) and the location would require stormwater to be rerouted across an existing delineated stream, according to the information referenced above.

Landscaping appears to be minimal, particularly near the Menards building. Additional tree wells would break up the sea of asphalt. Since the site generally drains to the west, the tree wells and landscaping islands along the western end of the property could include bio retention areas for pretreatment and water quality.

For the Planned Industrial area to the east, a lack of stormwater management is more understandable; since the end users are not known and preliminary lot sizes are currently very large. It should also be noted that most of the industrial park area drains to the north toward Big Run, flowing under U.S. 23 at Home Road. Based on the fact that there would be two drainage systems, it is important that the township be provided with a preliminary stormwater assessment for all of these cases.

VI. Sidewalks and trails

The application indicates that all roads will be curb and gutter and that trees will be planted along all major roads. There is no reference to sidewalks. All streets, even in commercial areas, should have some form of interconnected pedestrian walkways. In addition, the township's Leisure Trail plan shows potential connections needed through this site, particularly along the extension of Graphics Way. RPC staff supports off-road paths along all major arterials as they have the potential to form connections between residential, park, and commercial uses. Such paths should be built to the township's standards.

VII. General conformance with the Comprehensive Plan

As stated earlier in this report, the road network is generally consistent with the Orange Township Comprehensive Plan. Roads are in locations that can eventually be connected to existing roads (Graphics and Green Meadows) when adjacent lots develop and complete the connections.

The land use is also generally consistent with the plan. It must be noted that the township has directed Menards into the Planned Industrial district based on its size, amount of outdoor storage, and other issues. The plan recommends that "big box" development be placed behind commercial out lots so that their parking lot and building face are not directly adjacent to the highway. The plan map shows the delineation between Planned Commercial and Planned Industrial generally along Graphics Way, where these proposals show the Planned Commercial area on the east side of Graphics Way. This is

likely done to provide Menards with a neighborhood of other commercial, office, and retail spaces instead of heavier industrial uses. This is reasonable at this level of detail. Such lines on the map are for general use and can be altered as development proposals are received.

The Comprehensive Plan was recently updated to reflect elements of a 2005 proposal for a town center/mixed-use design in this general area. The town center concept was originally recommended in the 2001 township plan and was referenced generally as an extension of the existing platted village of Lewis Center. The current application overlaps portions of the previous town center proposal. However, it appears that adjustments could be made to the extension of Home Road that would make a future town center viable, even if the current proposal is built as designed.

VIII. Divergences and Issues: 04-11 ZON – 43.163 acres from FR-1/C-2 to PC

A. Requested divergence from the requirement that all improvements be in place and surety released prior to a zoning permit for the building being issued. Instead, the applicant would like to build the Menards building concurrently with the road improvements.

Staff response: Staff understands the significant commitment to the required road network and the time needed to construct it. However, it is not appropriate to allow concurrent development without at least some level of progress on the roads. At least one full access needs to be completed before a zoning certificate is issued. Recommendations from the County Engineer's staff include completing Corduroy Drive and a temporary construction entrance for the Menards building. Other roads would be built during a second phase of construction. Other options include temporary construction roads and building the roads to an asphalt base course before building construction starts. Recommend continued discussions with the County Engineering staff.

B. Requested divergence from the required 100' setback along the northern property line (reduced to 50') when non-residential is adjacent to residential, based on the eventual non-residential land use to the north.

Staff response: This is a reasonable request. However, see related comments regarding no-disturb areas for wooded areas in the setback.

C. Requested divergence to allow two "Menards Creekside" entrance signs along U.S. 23. These would be considered off-site signs. Also request to allow each site to have an individual monument sign and that signs be limited to uplighting.

Staff response: This request is reasonable, as the entrance signs will be limited to 5'6" in height. Staff consistently recommends down lighting (or internal lighting for signs with muted colors) instead of up lighting.

D. Creekside Drive – This reports notes several issues with Creekside Drive. Although it is correctly located based on ODOT's access management plan, much of the access point is located on adjacent property to the south. Second, it crosses two streams and some wooded areas, adding to the impact of Lots 17 and 18, which are also heavily impacted by the electric transmission line.

Staff response: Recommend continued discussion with ODOT and the County Engineer to determine if a more northern access location would be possible or whether the road should not go through the PC site at all. Perhaps this road should wait until the land to the south

develops.

E. The Development Plan text indicates that flat roofs be permitted.

Staff response: Recommend not allowing flat roofs for Planned Commercial and Office sites, particularly on the parcels closer to U.S. 23. Sloped roofs (or building elements that give the appearance of sloped roofs) fit the character of the township and improve the scale of large commercial buildings.

F. The Development Plan text indicates that landscaping standards will be met by individual lot owners and also commits to trees along Corduroy and Graphics Way.

Staff response: First, any street tree standards applied to Corduroy and Graphics Way should also apply to Creekside Drive. Second, there is no detail provided for the landscaping treatment along U.S. 23. Other township developments, most notably North Orange to the west, have a unified landscape theme or fencing along the highway. Leaving such a detail (and construction timing) up to the individual developer will result in a disjointed appearance along the highway. Staff recommends a common theme to be completed as other initial improvements are made.

IX. Divergences and Issues: 05-11 ZON – 27.806 acres from FR-1 to PI

A. Requested divergence from the requirement that all improvements be in place and surety released prior to a zoning permit for the building being issued. Instead, the applicant would like to build the Menards building concurrently with the road improvements, agreeing that “no certificate of compliance shall be issued until sufficient public roadways...have been constructed sufficient to serve the property.”

Staff response: This seems to be unclear compared to the commitment described in 04-11ZON. Staff understands the significant commitment to the required road network and the time needed to construct it. However, it is not appropriate to allow concurrent development without at least some level of progress on the roads. At least one full access needs to be completed before a zoning certificate is issued. Recommendations from the County Engineer’s staff include completing Corduroy Drive and a temporary construction entrance for the Menards building. Other roads would be built during a second phase of construction. Other options include temporary construction roads and building the roads to an asphalt base course before building construction starts. Recommend continued discussions with the County Engineering staff. Based on historical development requirements, all roads should be built before construction begins on buildings.

B.(1) Requested divergence to allow wall signs to exceed the current height limitation of 15 feet. The main Menards sign tops out at approximately 32 feet. (This is difficult to judge from the drawings and should be specified on the plan). The bottom of the smaller signs are labeled at 23’ 9”, with a typical height of 2’, putting the top of each sign at 25’ 9”

Staff response: The Menards sign location seems excessive and the height and size could be reduced and still look compatible with the size of the building. The smaller product signs are not likely to be visible from U.S. 23, which could be driving the divergence request. These should be moved lower, possibly under the green canopy, and they would still be visible from the parking lot. It should also be noted that the finished floor elevation of the building

will sit approximately 14 feet higher than the elevation of U.S. 23 and therefore, any the signage will have a natural increase in visibility.

B.(2) Also a requested divergence from the limitation of overall square footage of 300 square feet. The sign plan indicates the main Menards sign and swoosh graphic at 351.4 s.f. The slogan sign is 46.6 s.f. Eleven other words appear on the wall naming a variety of products. These range in size from 30.2 s.f. to 12.7 s.f. The overall total square footage of all signage is 626.4 square feet.

Staff response: Signage in the townships have been relatively limited and minimal, so as to reduce sign clutter along roadways. The overall amount of wall signage is more than twice what is allowed in the zoning resolution, not including the two monument signs on the highway which are recommended for approval. The applicant should continue to work with the township to reduce the amount of signage, particularly the product details.

C. Requested divergence to allow trailers, boats, motor homes, and equipment to be permitted to park within the established front parking setbacks within the Planned Industrial District.

Staff response: The application does not indicate if such vehicles are intended for sale or for customer storage. Staff doesn't support an open-ended divergence since the parking lot is adjacent to future Planned Commercial and Office uses as well as a public street. It *might* be appropriate somewhere on site, but only in a controlled location.

D. Requested divergence to reduce the northern setback from 100' to 50' since land to the north is recommended for non-residential use.

Staff response: This is reasonable, but might be unnecessary if the previous zoning case is approved (except along the south property line).

E. Requested divergence for light poles of 30' where the code prescribes a maximum height of 20'.

Staff response: Staff isn't sure if this applies to all light poles or only certain ones. Again, given the placement of the building at a higher elevation than U.S. 23, taller light poles will tend to be more visible from the highway. Staff recommends against this but the township may consider the light poles closest to the building to be taller while keeping the others at the required maximum height.

F. Fencing: The Development Plan (sheet CT3) shows the "Partial West Elevation of Wrought Iron Fence" but does not provide a specific height or detail for the fencing. If this fencing surrounds all the outdoor storage, it would appear to span approximately 1500 linear feet.

Staff response: Outdoor storage and fencing was a point of concern during a previous Menards rezoning request. More detail should be provided as to the design and extent of placement of the fencing.

G. Curb cuts: The Development Plan indicates four full accesses to the Menards parking lot from Graphics Way, at an average spacing of about 200 feet.

Staff response: When Graphics Way becomes a road that connects Orange Point Drive to the extension of Home Road, it will be heavily travelled. Four separate driveways are unnecessary. Staff recommends removing at least one access.

H. Delivery Route: The Development Plan indicates truck deliveries will be on the southern end of the building. This would mean northbound trucks would enter the site at the right-in/right-out at Creekside, turn right on Graphics Way and then left into the parking lot.

Staff response: This circuitous path for semis could be avoided by flipping the building so that the storage was along the south side and the delivery area was along the north side. This would encourage all trucks to use the full, signalized access at Corduroy Road and only make a single turn into the site from the north.

I. Also note that the Elevations are mislabeled on sheet CT3. North and West elevations should be flipped and South and East elevations should be flipped. Also, the side view showing the building height at 30' and the mansard height at 32' does not seem correct. The top of the mansard appears to be the same height as the tallest wood poles which are 38'.

X. Divergences and Issues: 06-11 ZON – 92.551 acres from FR-1 to PI

A. Requested divergence to allow trailers, boats, motor homes, and equipment to be permitted to park within the established front parking setbacks within the Planned Industrial District.

Staff response: The application does not indicate if such vehicles are intended for sale or for customer storage. Staff doesn't support an open-ended divergence since public streets will pass through the site. It *might* be appropriate somewhere on certain parcels, but only in a controlled location.

B. Requested divergence to reduce the perimeter setbacks from 100' to 50' since surrounding land is recommended for non-residential use.

Staff response: This is reasonable to the south and west, but may need to be reviewed as actual end-users are identified and development occurs. Depending on whether a town center development materializes to the north, larger setbacks may be desirable.

C. Phasing of roads: The plan text calls for two phases of improvements.

Staff response: This may be reasonable, but there should be a relationship between the lots to be created and which roads will be built. Also, the northern lots may be more marketable if the road swings south before reaching Green Meadows.

D. Requested divergence to allow the approval period to be extended to five years, where the current code defines it at three years, due to market conditions.

Staff response: This is reasonable, given the current lack of development activity. However, such a long development horizon may result in fewer divergences being granted.

E. Note a discrepancy in the text for the location of trees – text says “four (6) feet behind the public...” in 17.06(b.) (2) and 17.07(k.).

XI. Staff Recommendations

04-11 ZON Staff recommends **Conditional Approval** of the rezoning request by Highdev, Inc./Menards for **43.163 acres from FR-1/C-2 to PC** to the DCRPC, Orange Twp. Zoning Commission, and Orange Twp. Trustees, *subject to the following*:

1. *Consideration of no-disturb areas where mature tree growth would benefit from protection;*
2. *Submission of a conceptual stormwater management report and consideration of how that might impact the layout;*
3. *Add sidewalks to arterial roads and leisure paths based on the township's plan;*
4. *Disapproval of the divergence to allow concurrent construction of the building and roads – continue to work with the township and County Engineer on development options, improvements should be completed first;*
5. *Approval of the rear setback divergence request (see item #1);*
6. *Approval of the location of two Menards signs on U.S. 23 frontage – consider internal or down lighting;*
7. *Recommend continued discussion on the location of Creekside Drive with ODOT and the County Engineer;*
8. *Disapproval of flat roofs for PC uses;*
9. *Addition of street trees along Creekside Drive and a common landscape treatment along U.S. 23 frontage.*

Commission / Public Comments

Tom O'Neil of Menard was present.

Mr. Andrian asked if the Menards store was a reality or if it were a speculative project. Mr. O'Neil stated that from their perspective it was a reality.

There was extensive general discussion about the road network and schedule.

Mr. Gladman stated that the Corduroy Drive and Graphics Way must be in place before any construction permits can be given. Mr. O'Neil said that construction would "tear up" the roads and requests that a temporary road be permitted. Mr. Gladman said it would be up to the Fire Chief to determine if a temporary road would be sufficient for construction of the Menards store.

Mr. Gunderman asked if the stormwater detention could be moved to the two questionable lots south of Creekside Drive. Mr. Sanders explained that the County Engineer does not like drainage on the ravine. Mr. Gunderman questioned the timing of the traffic study. Mr. O'Neil stated that it had been conducted and is in the final review process. It should be distributed shortly.

Mr. Andrian made a motion to recommend Conditional Approval of case#04-11 ZON, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

05-11 ZON Staff recommends **Conditional Approval** of the rezoning request by Highdev, Inc./Menards for **27.806 acres from FR-1 to PI** to the DCRPC, Orange Twp. Zoning Commission, and Orange Twp. Trustees, *subject to the following*:

1. *Approval of 04-11 ZON to the west;*
2. *Consideration of no-disturb areas where mature tree growth would benefit from protection;*
3. *Submission of a conceptual stormwater management report and consideration of how that might impact the layout;*
4. *Add sidewalks to arterial roads and leisure paths based on the township's plan;*
5. *Disapproval of the divergence to allow concurrent construction of the building and roads – continue to work with the township and County Engineer on development options, improvements should be completed first;*
6. *Disapproval of the divergence to allow wall signs to exceed 15 feet to a height of 32 feet and suggest a compromise*

- based on the building design;*
7. *Disapproval of the divergence for overall signage square footage to exceed 300 square feet to 626.4 square feet. The additional signs are excessive and don't fit the character of the development along U.S. 23;*
 8. *Disapproval of the divergence to allow trailer and boat parking within the setbacks of the district and recommend limiting the area to specific locations, if at all;*
 9. *Approval of the setback divergence request;*
 10. *Disapproval of the divergence to allow light pole height to increase from 20' to 30' throughout the site, although it would be appropriate for the poles closest to the building;*
 11. *Provide additional information on the fencing to be used around the outdoor storage;*
 12. *Reduce curb cuts on Graphics way from four to three;*
 13. *Consider placing delivery on the north side of the building based on projected truck routes;*
 14. *Check labeling on sheet CT3.*

Commission / Public Comments

Mr. Tom O'Neil with Menard was present. He explained that the building is 162,000 square feet with an overhang on the north side for the garden center and the east side for the lumber storage. They will continue to work with the Township regarding the fence detail. They propose to display 7-10 flat bed and pull behind trailers on the property for sales. Mr. O'Neil agreed to look at reducing the curb cuts along Graphics Way as suggested by Mr. Sanders.

Mr. Fischer agrees with staff's suggestion of looking into "flipping" the building and outdoor storage area to better serve incoming deliveries. Mr. O'Neil agreed to take a look at this suggestion. He mentioned that with more traffic in the future on Corduroy, the delivery trucks would most likely use Creekside Drive and they would look into a better alignment with the south entrance.

Mr. Fischer asked if there was the "standard sign package" for a Menards store. Mr. O'Neil stated that it was. Mr. Andrian asked what the total length of the building was. Mr. O'Neil stated that the front of the building is 1600' (552 wide and 30'6' high). Mr. Andrian asked if the 300' maximum sign square footage is related to a particular building size. Mr. Gladman explained that the Orange Twp. code allows 3 square feet for each linear foot of building up to a maximum and there were more specifics in the code.

Chairwoman Foust asked if Menards sells boats (as listed in item #8 of staff comments). Mr. O'Neil said no, it was recommended to list that.

Mr. Shoaf made a motion to recommend Conditional Approval of case #05-11 ZON, subject to staff comments. Mr. Stites seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Orange Twp. and Mr. O'Brien). Motion carried.

06-11 ZON Staff recommends **Conditional Approval** of the rezoning request by Evans Capital Investments, Ltd. for **92.551 acres from FR-1 to PI** to the DCRPC, Orange Twp. Zoning Commission, and Orange Twp. Trustees, *subject to the following*:

1. *Approval of 04-11 ZON and 05-11 ZON to the west;*
2. *Consideration of no-disturb areas where mature tree growth would benefit from protection;*
3. *Explore preservation of the 18-acre woods at the southeast corner of the site;*
4. *Submission of a conceptual stormwater management report and consideration of how that might impact the layout;*
5. *Add sidewalks to arterial roads and leisure paths based on the township's plan;*
6. *Disapproval of the setback divergence request as premature at this point in the process;*
7. *Additional detail needed regarding the phasing plans for road construction;*
8. *Disapproval of the divergence to allow trailer and boat parking within the setbacks of the district and recommend limiting the area to specific locations, if at all;*
9. *Approval of the divergence request to allow the approval period extend from three years to five years;*
10. *Clarify the tree setback as either four feet or six feet.*

Commission / Public Comments

Mr. Jack Brickner with Planned Communities was present to represent the applicant. He explained that he included “boat trailers” so as not to exclude any type of possible sales.

Mr. Shoaf made a motion to recommend Conditional Approval of case# 06-11 ZON, subject to staff comments. Mr. Brown seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.

07-11 ZON Glen Reese – Berkshire Twp. – 2.5 acres from A-1 to FR-1

I. Request

The applicant Glen Reese, is requesting a 2.5-acre rezoning from A-1 to FR-1 to allow a new residential lot.

II. Conditions

Location: 1650 N. SR 61, Sunbury

Present Zoning: Agricultural (A-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): One single-family house

Proposed Use(s): Two single-family house lots

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 1.95 acres

School District: Big Walnut Local School District

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

Critical Resources: stream along northern border

Surrounding land uses: Residential lots

Soils: PwA Pewamo Silty Clay Loam 0-1% slope

AmD2 Amanda Silt Loam 12-18 % slope

CaC2 Cardington Silt Loam 6-12 % slope

CaB Cardington Silt Loam 2-6 % slope

III. Issues

This is a straight district rezoning, so no development plan is required although a survey has been provided. The land is currently undeveloped with no structures built on the site being rezoned although the current parcel does include a house. The proposed rezoning will be followed by an NPA Lot Split request for a new 2.5-acre lot with 349.54' of frontage and an 11.534-acre residual lot. The residual lot appears to meet the standards of a flag lot, which requires only 60' of frontage. The lot is approximately 523' feet wide, more than the 300' required.

The access for both driveways shall be shared at a point where the existing driveway meets the road. On the NPA application, this needs to be referenced as a "Shared Access Point." The new lot and residual acreage will have to meet zoning requirements for setbacks and lot size.

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

The 2008 Berkshire Township Comprehensive Plan shows the proposed site as Residential on 2-acre lots without sewer, or 1.25 units per acre if sewer is extended.

IV. Staff Recommendations

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

Mr. Sedlacek made a motion to recommend Approval of the request by Mr. Reese. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

08-11 ZON Genoa Township Zoning Commission – zoning map amendments

I. Introduction

On February 14, 2011, the Genoa Township Zoning Commission initiated a number of map amendments to bring the map into compliance with recent changes to the Zoning Resolution. The Resolution amendment renamed several districts, which resulted in the new map using the new acronyms PRD, PCD, LI, and PID.

Secondly, the township designated certain parcels as Light Industrial with the Planned Industrial overlay, based on the history of each parcel.

Third, the map rezones the Eastlawn Memory Garden from Planned Commercial to Rural Residential, where cemeteries are a conditional use. As an existing use, no further approvals would be needed for the property. This is intended to better reflect the actual use of properties on the zoning map.

Based on the number of parcels being rezoned, the township used a general notice for this map amendment but has informed the affected lot owners as well.

II. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** for Genoa Township Zoning Map amendments to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees, *subject to notice being provided to all landowners prior to the hearing.*

Commission / Public Comments

There were no public comments.

Mr. Andrian made a motion to recommend Conditional Approval of the Genoa Twp. zoning map amendments, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS (none)

VI. OTHER BUSINESS

- Consideration of expenditure: Dell Marketing, \$1,801.21
- Consideration of expenditure: ESRI, \$3047.00

Mr. Clase made a motion to approve both the Dell and ESRI expenditures as presented. Mr. Brown seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Director Evaluation

Chairwoman Foust presented the Commission with the Executive Committee comments on the annual evaluation for Mr. Sanders. She stated that he achieved all the goals set for him during last year's review. He scored at "Proficient/Meets Expectations" in all categories except for two which he scored "Exceeds expectations" (including effective execution and ethical practice). The goals for 2011 include visiting City of Delaware and encourage joint planning efforts

between City, County and Townships, meet with Delaware County political subdivisions to investigate the need for and encourage comprehensive plan updates. The Committee further complimented him on adapting well to staffing reductions and applauds his dedication and efforts.

Mr. Brown commended Mr. Sanders on all the work he did on the three Orange Township cases this month.

VII. POLICY / EDUCATION DISCUSSION

- Note: Community profiles recently distributed during township and village visits have been posted to the website along with other current information. Go to the dcrpc.org website and click on Land Use Analysis

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

Having no further business, Mr. Gladman made a motion at 8:30 p.m. to adjourn the meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, March 31, 2011, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant