



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

Minutes

Thursday, April 25, 2013 at 7:00 PM

Delaware County Commissioners, 101 N. Sandusky St., Conference Room,
Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of March 28, 2013 RPC Minutes
- Executive Committee Minutes of April 17, 2013
- Statement of Policy

II. VARIANCES *(none)*

III. ZONING MAP/TEXT AMENDMENTS

06-13 ZON	JR Touchstone Ltd. – Concord Twp. – 13.17 acres from FR-1 to PCD
07-13 ZON	Michael Jones – Trenton Twp. – 30.582 acres from FR to RR
08-13 ZON	Genoa Marketplace Group LLC – Genoa Twp. – 3.55 acres from RR to PCD
09-13 ZON	Joe Ciminello – Berkshire Twp. – 208.17 acres from A-1 to PCD
10-13 ZON	TLK Development LLC – Liberty Twp. – 35.59 acres from FR to PR
11-13 ZON	Murphy Boxer Assoc. – Liberty Twp. – 36.52 acres from FR to PR
12-13 ZON	Evans Capital Investments – Orange Twp. – 25.844 acres from FR-1 to SFPRD

IV. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
07-13	Highland Lakes North, Section 5, Part 4	Genoa	02 lots / 0.98 acres

Preliminary/Final *(none)*

Final *(none)*

T=TABLED, W=WITHDRAWN

V. EXTENSIONS *(none)*

VI. OTHER BUSINESS

- Consideration for Approval: \$1,145.11, Traci Aquara, OEPA grant work

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairman O’Brien called the meeting to order at 7:00 p.m.

▪ **Roll Call**

Representatives: Jeff George, Susan Kuba, Ric Irvine, Fred Fowler, Ken O’Brien, Steve Burke, John Trainer, Dave Stites, Holly Foust, Tom Farahay, Robert Taylor, Bill Thurston, Jim Sherman, Teresa Watkins, Charlie Callender, Bonnie Newland, and Mike Dattilo. Alternates: Doug Riedel and Larry Witt. Arrived after roll call: Joe Clase (R). Staff: Scott Sanders, Da-Wei Liou, and Stephanie Matlack.

▪ **Approval of the March 28, 2013 RPC Minutes**

Mr. Farahay made a motion to Approve the minutes from the March 28, 2013 RPC meeting, seconded by Mr. Sedlacek. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **April 17, 2013 Executive Committee Minutes**

1. **Call to order**

Chairman O’Brien called the meeting to order at 8:45 a.m. Present: Ken O’Brien, Tiffany Jenkins, Susan Kuba, Dave Stites, and Jeff George. Staff: Scott Sanders and Stephanie Matlack.

2. **Officer Organization**

Mr. Stites made a motion to Approve Officers as follows: Mr. O’Brien Chairman, Mr. Stites, Vice Chair, Mrs. Kuba 2nd Vice Chair, Mrs. Jenkins and Mr. George Members-At-Large. Mr. George seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **Approval of Executive Committee Minutes from March 20, 2013**

Mrs. Kuba made a motion to Approve the minutes from the last meeting as presented, seconded by Mrs. Jenkins. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. **New Business**

- Financial / Activity Reports for March 2013

REGIONAL PLANNING RECEIPTS		March	YTD TOTAL
General Fees (Lot Split)	(4201)	\$710.00	\$1,325.00
Fees A (Site Review)	(4202)	\$300.00	\$600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$700.00
Membership Fees	(4204)	\$183,169.00	\$222,922.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$502.43
Assoc. Membership	(4206)		
General Sales	(4220)		\$46.79
Charges for Serv. A (Prel. Appl.)	(4230)	\$5,061.30	\$42,051.50
Charges for Serv. B (Final. Appl.)	(4231)		\$6,700.00
Charges for Serv. C (Ext. Fee)	(4232)		\$150.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)		\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$300.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)		
Soil & Water Fees	(4243)	\$725.00	\$1,975.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$206.40
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$90.00	\$110.80
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$190,655.30	\$277,889.92

Balance after receipts	\$524,273.20
Expenditures	- \$ 33,172.58
End of March balance (carry forward)	\$ 491,100.62

After discussion of the financial reports, Mrs. Jenkins made a motion to approve the financial reports as presented. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mrs. Matlack noted the jurisdictions with unpaid dues: Orange Twp. (arrived day of meeting), City of Delaware, Sunbury, Powell and Ashley.

- March RPC Preliminary Agenda
 - 1.) Site Review: None
 - 2.) Rezoning:
 - JR Touchstone Ltd. – Concord Twp. – 13.17 acres from FR-1 to PCD
 - Michael Jones – Trenton Twp. – 30.582 acres from FR w/expired Conservation overlay to RR
 - Genoa Marketplace Group LLC – Genoa Twp. – 3.55 acres from RR to PCD
 - Joe Ciminello – Berkshire Twp. – 208.17 acres from A-1 to PCD
 - TLK Development LLC – Liberty Twp. – 35.59 acres from FR-1 to PR
 - Murphy Boxer Assoc. – Liberty Twp. – 36.52 acres from FR-1 to PR
 - Evans Capital Inv. (arrived day of EC meeting) – Orange Twp. – 25.844 acres from A-1 to SFPRD
 - 3.) Variance: none
 - 4.) Preliminary:
 - Highland Lakes North, Section 5, Part 4 – Genoa Twp. – 02 lots / 0.98 acres
 - 5.) Preliminary/Final: none
 - 6.) Final: none
 - 7.) Extension: none

- Director’s Report
 - 1.) Attended the Delaware & Franklin Summit meeting presented by MORPC.
 - 2.) Attended the Del. Co. Commissioners hearing regarding the County Zoning Code adoption.
 - 3.) Sunbury – continuing work on Comp. Plan update, close to Recommendations section.
 - 4.) OEPA grant – continuing work, 1st landowner meeting was 4/16/13.
 - 5.) Convention and Visitors Bureau – assisted in the update of their website.
 - 6.) Safe Routes to Schools – working with the Delaware General Health District to create a prioritized wish list and how to obtain funding.

- 7.) GIS online – spoke with Mr. Kaitsa and new GIS Manager, they have offered to share licensing in order for RPC to share and update its data.
- 8.) Subdivision Regulation amendments – waiting for Jennifer Walraven/Tim Hansley to set a date for the Commissioner agenda. Mr. Sanders to attend meeting to represent the Commission on the amendments.
- 9.) Zoning Inspector meeting – to be held Monday, April 22nd at 8:00 a.m. in our conference room.
- 10.) Summons regarding CAD easement lawsuit – Spoke with several members of the County Prosecutor’s office along with Pete Griggs, Loveland & Brosius. Mr. Griggs suggested staff send a letter stating RPC consents and are not seeking monetary compensation. Mr. Rohrer submitted an agreed order to dismiss.
- 11.) Annual Report – continuing to work on, almost complete.

5. Old Business (*none*)

6. Other Business

- 1.) Consideration for recommendation for Approval: \$1,145.11, Traci Aquara, OEPA grant work

Mrs. Jenkins made a motion to recommend Approval of the \$1,145.11 expenditure, seconded by Mr. Stites. VOTE: Unanimously For, 0 Opposed. Motion carried.

7. Personnel (*none*)

8. Adjourn

Having no further business, Mr. Stites made a motion to adjourn the meeting at 10:45 a.m. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, May 22, 2013 at 8:45 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

06-13 ZON JR Touchstone Ltd. – Concord Twp. – 13.17 acres from FR-1 to PCD

I. Request

The applicant/optionee, Doug Loudenslager, is requesting a 13.17-acre rezoning from FR-1 to PCD to allow the development of a 45,000 sq. ft. dealership facility housing service, parts, sales and administrative offices for Evolution Ag, LLC. The property will also accommodate a separate 12,000 sq. ft. warehouse for storage of agricultural and lawn care equipment. The site plan shows outdoor display of equipment, including some on elevated berms or mounding. Access is proposed from both Concord Road and from U.S. 42.

II. Conditions

Location: 6063 U.S. Highway 42 S., Concord Township

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Planned Commercial and Office (PCD)

Present Use(s): Agricultural

Proposed Use(s): Agricultural equipment sales, service, and administrative

Existing Density: 1 du / 1.5 acres

Proposed Density: NA

School District: Buckeye Valley

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

Critical Resources: none

Soils: BoA Blount Silt Loam 0-2% slope

GwB Glynwood Silt Loam 2-6% slope

PwA Pewamo Silty Clay Loam 0-1% slope

III. Process

The Concord Township Zoning Resolution provides for the filing of a Development Plan at the time of rezoning. This is a one-step process and all required detail should be submitted to the Township. The application includes numerous drawings, elevations, and other detail, but does not specifically respond in textual form to “Section 19.07 – Development Standards.” Providing such a text is not only beneficial to the Zoning Commission and Trustees in determining the appropriateness of the rezoning, but also allows some flexibility for future expansion or redevelopment of the site. Without it, the owner is only allowed to develop the site exactly as proposed.

IV. Use

The Permitted Uses in the PCD allow “commercial and office establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.” The proposed use is a permitted use in the district. Because there is no accompanying text, the assumption is that the proposed use is the only use anticipated on the site. The Zoning Commission needs to determine if any of the other permitted uses listed in the current text should be prohibited for this particular Development Plan.

V. Comprehensive Plan

The 2004 Concord Township Comprehensive Plan did not anticipate non-residential uses along S.R. 42 when the plan was developed. This was based on the idea that excessive commercial development would slow traffic and increase accidents along the two-lane 55 MPH highway. It was also based on a residential and open space development that was proposed for the area. That plan did not proceed through the approval process and has since been abandoned.

However, the text of the Plan does reference that, in the future, if treatment is provided and proper access

management can be achieved, commercial and industrial development would be appropriate. In the time since the plan was completed, the new Lower Scioto treatment plant has been built and development pressures have been building in Union County to the west. Considering these issues, it is unlikely that residential uses would ever be contemplated along S.R. 42. Therefore, this use is appropriate for the site. The Township has been discussing updating its Comprehensive Plan and representatives have repeatedly noted that the proposed non-commercial land use along the S.R. 42 corridor should be revisited. Concord Township is limited in its non-residential tax base and this corridor provides opportunity for such development.

VI. Issues

Access

The plan shows a main access coming from Concord Road approximately 300 feet south of S.R. 42. The plan indicates improvements that may be required on Concord Road, including the removal of a culvert and ditch improvements. No letter from the County Engineer is included, but the Concord Road issues will be determined at the time of platting and development.

Access is also shown directly on S.R. 42, although there is no reference to ODOT or a letter stating that access can be obtained. If access is granted, an easement should be provided to the adjacent lot to the northeast so that the access could be shared. This could be the start of a frontage or backage road, either of which would typically be expected in the Comprehensive Plan, should this corridor be proposed for commercial use. This arrangement would meet the Access Management goals referenced in the existing Comprehensive Plan.

Stormwater

A stormwater management pond is located in the southeast corner of the site, which is the lowest part of the site. A storm easement is proposed from U.S. 42 through the parking area and to the pond. Additional collection is provided along the setback areas on the eastern and southern edge of the site. The Township should ensure that the calculations are appropriate for the size of the drainage area. A general feasibility letter should be included from the County Engineer's office.

Sewage Treatment

Treatment is shown in an area adjacent to the detention pond near the southeastern corner of the site. As a commercial site, this will be under the permitting authority of the EPA unless it was under 1,000 gpd. There is no letter included from the EPA or the Health District regarding the site. Appropriate accommodations should also be made to connect to sewer when it becomes available via appropriate easements.

Signage

No signage plan is included in the package. A ground sign is shown on the Development Plan at the corner of 42 and Concord Road and the renderings indicate it might be an appropriate height. Ideally, minimal signage should be approved. The building itself will be easily visible from the highway and additional ground signs will be distracting and add clutter along the road.

Utilities

No utility letters are provided.

Plat

The proposed development includes portions of land taken from two larger parcels. These will need to be split from the existing land and combined. The zoning code requires platting in accordance with the Subdivision Regulations. Based on the commercial usage and the number of easements and improvements to the site, it is appropriate for platting. The plat will provide additional assurances to the Township that many of the issues raised in this report are complied with.

VII. Staff Recommendations

Staff recommends **Conditional Approval** of the application by JR Touchstone Ltd., for the rezoning of 13.17 acres from FR-1 to PCD to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees, *subject to the following:*

- 1.) *Submission of letters from ODOT and the County Engineer stating approval of access and conceptual improvements necessary for development of the site.*
- 2.) *Letter from Delaware General Health District showing feasibility of on-lot treatment at the site.*
- 3.) *Submission of a signage package.*
- 4.) *Submission of textual response to the specific requirements in the Planned Commercial and Office District.*

Commission / Public Comments

Mr. Terry Shank, Project Manager with Clouse Construction was present to represent the applicant.

Mr. Stites made a motion to recommend Conditional Approval of the rezoning of 13.17 acres, subject to Staff Recommendations. Mr. Clase seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

07-13 ZON Michael Jones – Trenton Twp. – 30.582 acres from FR w/expired Conservation overlay to RR

I. Request

The applicant/owner, Michael R. Jones, seeks to rezone a 30.582-acre parcel from Farm Residential to Rural Residential. The current FR Zoning District includes a portion of a Planned Residential Conservation District overlay with an expired Development Plan. The minimum lot size of the underlying FR district is 5 acres and the minimum lot size of the RR district is 3 acres. The site has 744 feet of frontage on the eastern end of the property.

II. Conditions

Location: 11969 Trenton Rd., Trenton Township
Present Zoning: Farm Residential with expired Conservation overlay (FR)
Proposed Zoning: Rural Residential (RR)
Present Use(s): vacant
Proposed Use(s): Single-family subdivision
Existing Density: 1 du / 5 acres
Proposed Density: 1 du / 3 acres
School District: Big Walnut Local School District
Utilities Available: Del-Co Water and private on-lot treatment systems
Critical Resources: stream across northern portion near property line
Soils: SsA Smother Silt Loam, 0-2% slopes
 SsB Smothers Silt Loam, 2-4% slopes

III. Process

The request is for rezoning to a “straight” district. Although no Development Plan is required, nor is one adopted as part of the rezoning, the applicant has chosen to supply one. This is provided to show the feasibility of developing the site under the proposed zoning district regulations. That plan shows a single entry from Trenton road, travelling north to an intersection with a second road headed west. From that intersection, a Common Access Driveway would continue north to serve three lots to the north. Additional land outside this rezoning

request is shown to the west, accessed with the extension of the second road.

IV. Comprehensive Plan

The 2004 Trenton Township Comprehensive Plan recommends most of the township to be developed as 1 unit per 3 acres without sanitary sewer service or Conservation Subdivisions at .3 units per acre. The proposal generally conforms to the Comprehensive Plan, although the Conservation Subdivision is the desired approach.

Staff comment: Based on the physical limitations of the site and the need for a public road to provide access to the entire site, the road network is similar to the originally-approved Conservation Subdivision. This suggests that the costs of the proposed infrastructure will be comparable to the costs of the previous plan. Staff believes that based on the zoning options in the Township (5-acre and 3-acre lots) and the development details that can be resolved through the subdivision platting process; this is a reasonable request for rezoning. Staff would prefer the applicant “reactivate” the Conservation Subdivision proposal and complete an initial phase to test the market for the lots in the previous layout.

V. Issues

The applicant has worked with various county agencies in creating the proposed layout. This proposal will be platted in accordance with the Subdivision Regulations. This process will require appropriate improvements to be made along Trenton Road and that stormwater be managed appropriately. On-lot sewage treatment will be required for each site. In 2006, 37 lots were approved through the Preliminary Plan process for the overall acreage. The Common Access Driveway proposed is in an area that was not required for connection to the north in the previous proposal.

VI. Staff Recommendations

Staff recommends **Conditional Approval** of the application by Michael Jones, for the rezoning of 30.582 acres from FR to RR to the DCRPC, Trenton Twp. Zoning Commission and Trenton Twp. Trustees, *subject to the following:*

- 1.) *That the Township encourage the applicant to develop this as an initial Section with the previous Conservation Subdivision design, if still feasible. Otherwise, a zoning to three-acre lots is recommended as a more efficient use of land than a development with five-acre lots.*

Commission / Public Comments

No one was present to represent the applicant.

Mrs. Kuba made a motion to recommend Conditional Approval of the 30.582 acre rezoning, subject to Staff Recommendations. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Trenton Twp.). Motion carried.

08-13 ZON Genoa Marketplace Group LLC – Genoa Twp. – 3.55 acres from RR to PCD

I. Request

The applicant Genoa Marketplace Group LLC, is requesting a 3.55-acre rezoning from RR to PCD to allow the construction of a 13,225 sq. ft. CVS /Pharmacy fronting on Big Walnut Road.

II. Conditions

Location: 6921 Big Walnut Rd., Genoa Township

Present Zoning: Rural Residential District (RR)

Proposed Zoning: Planned Commercial and Office District (PCD)

Present Use(s): structure with pond

Proposed Use(s): CVS / Pharmacy

Existing Density: 1 du / 2 acres

Proposed Density: NA

School District: Olentangy Local School District

Utilities Available: Del-Co Water and sanitary sewer

Critical Resources: pond/wetlands

Soils: BeA Bennington Silt Loam 0-2% slope

PwA Pewamo Silty Clay Loam 0-1% slope

Surrounding Land Uses: West: Single family homes in Walnut Grove Estates Section 1; East: S.R. 3, Genoa Township Fire and Police Department; North: undeveloped land; South: Veterinary complex

III. Process

This is a rezoning request for 3.55 acres of a 10.09-acre site to a planned district with a proposed Development Plan. The development plan includes a single structure intended for use as a CVS Pharmacy. The remainder of the site is to be used for a preservation area and as stormwater management. A single access is proposed to Big Walnut Road. No access is proposed to SR 3, a limited access highway.

IV. Comprehensive Plans

The Genoa 2008 Comprehensive Plan places this tract on the edge of Planning Area V and recommends as summarized:

- Single family residential uses on lots of two acres or greater for land not served by centralized sanitary sewer service...
- Single-family residential development in Planned Conservation Subdivisions in the Rural Residential District (PRRCD) at a density of three quarters of a dwelling unit (0.75 unit) per net developable acre with centralized sanitary sewer service or at a density of six tenths of a dwelling unit (0.6 units) per net developable acre with on-site sewage disposal systems.
- Residential development in an approved Planned Residential District at a density of 1.1 units per net developable acre, or a maximum of 1.35 units per net developable acre in a [PRD] with Conservation Development Standards.
- A 2009 Update to the plan indicated Limited Neighborhood commercial uses might be appropriate in specific areas.

Staff comment: *The Township Zoning Commission should consider that the location is directly west of the Township's Fire Station and directly north of a Veterinary clinic, as well as being impacted by State Route 3 and Big Walnut Road, either of which will be widened over time. The plan indicates that the impact of the site will be reduced through the dedication of a conservation area to the north and west, as well as buffering to the west.*

V. Development Plan Issues

The applicant has submitted a development plan and text as required by the Zoning Resolution. In addition, plans are provided for general development standards including, landscaping, lighting, signage and elevations. The following items need further consideration:

Provisions for utilities and drainage

- a.) Sanitary sewer – A sewer letter is enclosed acknowledging an existing 8” sewer on the south side of Big Walnut Road. Capacity is available for the estimated proposed use (defined as 2.16 residential units). This is an estimate and only valid for one year from the date of the letter (which is June 21, 2012).
- b.) Water – Del-Co water is available through a 16” water line along Big Walnut Road according to a letter provided by Del-Co Water Company.
- c.) Storm water – A retention area is proposed just west of the site. The conceptual stormwater plan was reviewed by the County Engineer’s office. A review letter states that staff concurs with the conceptual layout.
- d.) Other Utilities – AEP, Frontier, and Suburban Natural Gas have all provided a letter of service.

Proposed Traffic Patterns and their relationship to existing conditions-

- a.) The plan proposes a single access to Big Walnut Road. No access is proposed for SR 3. If commercial zoning is desired in the future for lands north of this site, it would be logical to seek a connection to be provided through this site. However, such a connection may be provided through lands to the west and therefore, no connection is recommended in this case.
- b.) The applicant has submitted a Traffic Impact Study. The study recommends an exclusive east bound left turn lane and continued monitoring of future growth to determine whether a westbound right turn lane is required.
- c.) Plan shows a proposed bike path along Big Walnut Road, in accordance with local plans and allowing for connection to the Genoa Trail on the east side of S.R. 3.

Additional development standards/plans:

- a.) Architectural design/renderings – Elevation details have been provided for the CVS building which indicates a residential style that should blend with the veterinary clinic across Big Walnut and fit with the character of the area. The design would benefit from additional windows or other architectural features to break up blank areas, particularly on the south and east elevations.
- b.) Landscaping – A landscaping plan has been provided. Perimeter trees are proposed along the west and north property lines. A visual barrier (minimum 5 ½ feet) is shown as required along the western property line.
- c.) The plan proposes to conserve the remaining 6.54 acres of land to the north and west and preserve it in its current state, while leaving it zoned Rural Residential. There does not appear to be a specific way to do that noted within the proposal. The Township should ensure that the land is either platted as open space or otherwise limited with a conservation easement.

VI. Divergence requests

The applicant has asked for four divergences:

- 1.) Divergence from the minimum parcel size of five acres for this zoning classification.
Staff comment: *This is appropriate – the applicant is proposing to conserve a large area which brings the entire proposal to 10 acres. The minimum parcel regulation is typically intended for multi-use projects.*
- 2.) Divergence from the 100 foot minimum building setback along the south property line. This divergence will provide for future expansion of the road as required by the County.
Staff comment: *The edge of the building appears to be 97 feet from the southern property line. This is a reasonable request, but the building could easily be shifted north a few feet. The plan seems to maintain a 75-foot green strip along the northern boundary, which is also unnecessary given the large conservation area to the north.*
- 3.) Divergence from the 5 ½ foot visual barrier along the northern property line as the property to the north will be maintained in its natural state.
Staff comment: *This is reasonable, given the conservation area to the north.*
- 4.) Divergence from the total number of signs allowed. The code allows two signs and three are proposed.
Staff comment: *The plan indicates a ground sign at the entrance and two wall signs within the face of the eaves facing south and west. Lettering appears to be sized appropriately to the building. Staff questions whether a monument sign is necessary for business identification, but notes that it will be used for changeable copy inserts.*

VII. Staff Recommendations

Staff recommends **Conditional Approval** of the application by Genoa Marketplace Group LLC, for the rezoning of 3.55 acres from RR to PCD to the DCRPC, Genoa Twp. Zoning Commission and Genoa Twp. Trustees, *subject to the following:*

- 1.) *Consideration of additional windows along the southern and eastern face of the building;*
- 2.) *Consider requiring the entire 10-acre parcel to be platted, adding an extra safeguard to ensure the area is preserved. Otherwise, the Township may consider a conservation easement across that portion of the property.*

Commission / Public Comments

Mr. Jack Reynolds, attorney with Smith & Hale, was present. He stated that they support the Staff Recommendations.

Mrs. Foust asked if the applicant platted the additional acreage as a conservation easement would that protect it? Mr. Reynolds stated the applicant proposed to either plat it or split it and grant the easement to a body that would hold the easement in perpetuity. They have talked with the Township Trustees about groups in Delaware County that might accept the easement.

Mr. Farahay made a motion to recommend Conditional Approval of the application by Genoa Marketplace Group LLC, subject to Staff Recommendations. Mr. Callender seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

09-13 ZON Joe Ciminello – Berkshire Twp. – 208.17 acres from A-1 to PCD

I. Request

The applicant Joe Ciminello, is requesting a 208.17-acre rezoning from A-1 to PCD for the construction of an outlet mall on approximately 50 acres, as well as additional future commercial and office uses on the remaining land.

II. Conditions

Location: south side of SR 37/US 36, between S. Galena Rd. and I-71, Berkshire Township

Present Zoning: Agricultural (A-1)

Proposed Zoning: Planned Commercial and Office District (PCD)

Present Use(s): vacant

Proposed Use(s): Commercial/ Retail and Office

Existing Density: 1 du / 5 acres

Proposed Density: NA

School District: Big Walnut Local School District

Utilities Available: Del-Co Water and sanitary sewer

Critical Resources: wetlands, ponds, streams

Soils: BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

CaB Cardington Silt Loam, 2-6% slope

CaC2 Cardington Silt Loam, 6-12% slope

SnA Sloan Silt Loam, till substratum, 0-2% slopes, occasionally flooded

III. Process

The Berkshire Township Zoning Resolution allows an applicant to file a Preliminary Development Plan which requires basic detail to be provided while initiating the rezoning process. If approved, the applicant will subsequently file a Final Development Plan which provides additional detail defining how and when the site will be developed.

IV. Comprehensive Plan

The 2008 Berkshire Township Comprehensive Plan designates this area for future Planned Commercial uses. Recognizing that the convergence of I-71 and U.S. 36/S.R. 37 provided a prime location for commercial and industrial development, the Plan places potential non-residential uses on both sides of the Interstate from the old weigh station north. If the proper infrastructure can be built and in place, the proposal generally conforms to the plan.

V. Road Network and Access

The Development Plan indicates that the project will be accessed via a road through the Goodshall property directly to U.S. 36/S.R. 37. This access is provided adjacent to a possible road entering the Northstar property to the north. This northern road has not, to date, been part of a development plan for lands to the north. In 2010, ODOT completed an Access Management Plan which looks at current access configurations and projects future access points based on the classification of 36/37. Based on that AMP, full intersection spacing is one-half mile and the distance between the existing Wilson Road and S. Galena is slightly more than one-half mile (3,600 feet or .6 mile). ODOT may allow a right-in/right-out only, but according to the AMP, a full intersection will not be permitted.

If allowed, this road may need to travel directly south, with the western leg creating a four-way intersection at the location of the 90-degree turn. This will allow for the future extension of the road(s) to the south and/or east, as

development occurs. Also, other east/west roads providing access to other parcels will be required, based on access management of the County Engineer's office.

The plan also shows the construction of north/south Wilson Road as it passes through the site. The Wilson Road extension is shown on the Berkshire Township Comprehensive Plan and has been identified for some time as a necessary connection through this large "superblock" of undeveloped land connecting 36/37 to Cheshire Road. Additionally, the Wilson Road extension has become an important piece of the overall proposed network, should a new bridge be constructed to the south of the existing 36/37 bridge.

If the interchange improvements are made on the south side of 36/37, the new bridge will likely tie into a major east/west route that would continue east toward Sunbury. For this reason, this road has appeared on several planning documents as "Sunbury Parkway" and is projected to be a five-lane section. This road is conceptually located just south of this rezoning plan but is not acknowledged in the rezoning proposal. This road and its relationship with the existing overpass could impact this site and require right-of-way, depending on the ultimate location of the roadway system.

Although the extension of Wilson Road between this site and 36/37 is referenced in the plan, there is no documentation provided to suggest that the applicant has the ability to extend the road to the highway, thus providing a more direct access.

The Zoning code asks for a Traffic Impact Analysis, which uses general classifications of land use to project the traffic patterns for the site. Such an analysis would suggest what improvements would be necessary on 36/37, as well as define the lane and right-of-way needed for internal streets. The township should expect some additional information on the timing and commitment of the developer to building these roads, particularly at the Final Development Plan phase. The platting process will ensure that appropriate infrastructure is in place prior to construction or occupancy.

VI. Utilities

Utilities are referenced and a service letter is included from both the Regional Sewer District and Del-Co Water.

Sanitary Sewer: The Regional Sewer District's letter states that service and capacity are available via a 15" line located on the property north of the site. The letter references only the 40 acres proposed for the outlet site. This will require easements and agreements with other landowners.

Del-Co Water: A letter from Del-Co notes that water service is available for the 40-acre mall site, served from an existing 12-inch water line at S.R. 37 and Wilson Road. This will also require either ownership of, agreements with, or easements across properties to the north, if none exist at this time.

VII. Design

The application indicates a central building surrounded by a racetrack perimeter road. Surrounding that core is parking accessed with a road which crosses the extension of Wilson Road, then making a turn to the north until ultimately connecting to 36/37. The road forms out-lots and areas of future development, although there are no details provided for that area.

The outlet mall itself is oriented toward the Interstate. Based on the architectural drawings, the outlet structure is a collection of individual buildings bisected with pedestrian walkways. Portions of these walkways are covered with an open roof, creating an atrium. The effect is an outdoor mall protected from weather. Several landscaped plazas create entry points into the site. Service areas are provided between the loop road and the building, shielded from the parking area with landscape berms and walls. Although decorative, these walls appear to be featureless, with

the entries to all stores coming from inside the structure or from the plazas.

Parking lot design and general layout

Ample parking is provided but at this scale and level of detail it is difficult to know if it is sufficient or excessive. The Zoning Code requires 5 spaces per 1,000 s.f. of leasable space. It is clear that this is a building in the center of a sea of parking, a model that current non-outlet retail trends seem to be moving away from. From a design standpoint, it would be preferable if the out-lots were configured in a way that integrated them into the design, possibly along the spine road leading to the entrance, rather than forcing them out to the edge of the parking lot.

From an environmental standpoint, the stormwater system appears to take all collected water from the parking lot and roof and deposit it into the large conceptual detention pond. This site has the potential to utilize best management practices when it comes to stormwater management. Bio-retention areas and other forms of pretreatment, as well as different pavement types could be used to create a model location for Low Impact Design approaches.

The parking lot is 20 feet from the peripheral boundary on three sides of the development. While this meets the technical requirements of the code, it results in a minimal strip of land on which to landscape and buffer.

General Walkability/Health Impact

The application indicates that 4-foot sidewalks and street trees will be provided along all public road right-of-ways. The landscape design indicates street trees along the private entrance road but no specific reference for sidewalks along the private entrance road. All network roads should have sidewalks. Ideally the sidewalk on one side of the larger arterial roads would be a wider (6-foot) multi-use path separated from the road. County and Township plans indicate a need for east/west bikeway connections which would be difficult to achieve along 36/37 or Cheshire Road.

Internally, the parking plan does not indicate any unique features for gathering pedestrians and delivering them safely to the main entrances. Such routing would align with well-marked crosswalks and ADA-compliant ramps near the main entrances.

Outlots and Future Development

This application proposes to rezone the entire 208 acres, including future development to the east. It will be critical that this future development relate to the mall property in a walkable, pedestrian-friendly way, rather than being developed as individual out lots with single uses on each property. Also, this future development appears to be outside the Sewer Service Area. The Township may need to consider whether the eastern portion of the site, which is outside the service area, is premature for rezoning. The access road “Road A” does not necessarily depend upon the land being rezoned.

Woods

The design indicates that a portion of the site is a wooded area with a potential wetland in the southwest corner of the site along the Interstate. The site plan indicates that no existing trees are retained on the site. It is unfortunate that there appears to be no consideration given to retaining any of the natural vegetation of the site, since Central Ohio is not blessed with significant topography and other natural features. The Zoning Code requires that for the purposes of buffering, natural foliage shall be retained where practicable. The developer may be required to mitigate the wetland area, based on size and type.

Signage

A signage plan is included, and divergences (noted below) have been requested for the number and location of signs. It is reasonable that the applicant would not have a complete signage plan, since so much of the signage is

dependent on the location of the new road accesses. The Township should avoid permitting additional tall signs, requiring natural materials and non-white backgrounds to reduce glare. Staff encourages ground signs. The applicant should note that off-premise signs (except for billboards as permitted) are prohibited.

The elevations indicate a certain number of signs on the face of the buildings, similar to individual brand signs that are a familiar feature of multi-tenant malls. The plans also reference, in text and elevation drawings, a band of signs that extends above the building, presumably to allow placement of such branding. Staff strongly recommends against such signs, noting that they project from the roof of the building, which is prohibited in the code. The zoning code also defines the maximum height of signs (except for lollipop signs) as 15 feet.

Stormwater

The proposed development site sits at a high point between the Alum Creek watershed and the Big Walnut watershed and carries very little off-site water through it. It forms the headwaters of the drainage area and the treatment of the drainage there is a critical part of the health of both watersheds. Preliminary engineering indicates that the site drains exclusively toward Big Walnut. This will need to be studied further, as the DALIS topo indicates that some of the area may drain to the west.

Stormwater management has been mentioned elsewhere in this report. The design shows one large pond, which is conceptual in nature. (There is no letter from the County Engineer's office acknowledging that the conceptual location and size is appropriate.) A detention area (or areas) may need to be provided to the west, if the site indeed drains to two watersheds. This issue will need further study as the development proceeds and specific engineering will be required through the County Engineer's process. The site appears to have ample additional land on which to place detention areas, should they need to be moved.

VIII. Divergences

Four divergences have been requested from the Preliminary Plan requirements:

- 1.) Divergence requested from the Maximum Impervious surfaces requirements, from 50 percent of the net developable area to 72 percent of the net developable area. **Staff comment:** *This is a drastic difference. Given the associated property to the east, it would seem that additional adjacent property could be utilized as open space to offset the proposed impervious areas.*
- 2.) Divergence requested from the Perimeter Landscape Requirement along the west property line to maximize the visual presence and appearance along Interstate 71. All other requirements are committed. **Staff comment:** *The landscaping requirements are fairly minimal for such a large site. It is difficult to imagine that the typical landscaping plan would reduce the visual presence along the Interstate. It would take several years of growth before landscaping would impact the site. If the number of trees is reduced, all other landscaping requirements along the western border should be met. The amount of landscaping material not provided along the western border should be redistributed to other areas of the site.*
- 3.) Divergence requested from the signage package with reference to the unique proposal based on the typical PCD developments. Applicant references a Site Identity and Wayfinding signage package at the time of Final Development Plan application. **Staff comment:** *The details of the signage plan will be handled during the Final Development Plan process. The Zoning Commission should work with the applicant to ensure that the site is visible while minimizing sign clutter. Staff doesn't support additional lollipop signs at the interchange, but recognizes that it is allowed to a limited extent in the Zoning Resolution. The on-site signage should take into consideration the overall square footage of signage, including any freestanding highway signage. Staff does not support the signs that appear to project above the building line of the actual mall structure.*
- 4.) Divergence requested for an extension of the Preliminary Development Plan approval period. The code

allows for one year and the applicant is requesting two years of approval before a Final Development Plan would be required. **Staff comment:** *This is a valid request, given the significant nature of this proposal and the complex issues related to it, such as interchange modification and road design and construction.*

IX. Platting

In accordance with Section 15.09(G) of the Zoning Resolution and ORC 711.001, this project will require platting in accordance with the Subdivision Regulations. This process will ensure that the proper infrastructure is in place in a timely fashion prior to development being completed. Typically, zoning and building permits are not issued until the recording of the subdivision plat.

X. Staff Recommendations

Staff recommends **Conditional Approval** of the application by Joe Ciminello, for the rezoning of 208.17 acres from A-1 to PCD to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, *subject to the following:*

1. *Removing from the rezoning application the approximately 158 acres east of the proposed location of Wilson Road as this area is outside of the sewer service area.*
2. *Determine the availability and feasibility of sewer service and water service, with regard to agreements across affected property not related to this application.*
3. *Adjust layout to allow for possible right-of-way for the potential new bridge and road south of the site.*
4. *Requested divergence for additional impervious surface should be denied.*
5. *Requested divergence from the landscaping requirements should be adjusted as noted in the staff report.*
6. *Requested divergence from the sign code should be adjusted as noted in the staff report – no signs should project from the roof of the buildings.*
7. *Requested divergence for time extension of an additional year is reasonable.*

Further, based on the significance of this application, the Zoning Commission particularly should consider the following when reviewing the Final Development Plan, in addition to all other requirements:

1. *Addition of pedestrian facilities within parking lots and along any other new private streets.*
2. *Submission of a complete landscape and lighting plan.*
3. *Minimize signage and prohibit signs that extend above the roofline of the structures.*
4. *Consideration of Best Management stormwater practices to reduce and pretreat stormwater runoff.*
5. *Continued involvement with the County Engineer's office and ODOT for right-of-way and easement needs which are in the process of being developed.*

Commission / Public Comments

Mr. Joe Ciminello was present along with John Villapiano representing the Simon Property, Jim Maniace representing Simon/Tanger, landowner Larry Gilbert.

Mr. Glen Dugger, attorney for the property owners to the south, asked if the applicant had provided a traffic study as required for this type of application. He had received a copy of the application from the Zoning Office and it did not include the traffic study. Mr. Maniace stated that in addition to the traffic studies that have already been done on similar projects that would have access to South Galena Road, they are going to provide a traffic study before the Township hearing.

Ms. Allison Smith, a Berlin Twp. resident asked which location for the bridge does the applicant prefer. Mr. Maniace stated that the northern location is preferable.

Mr. Dugger asked why the application was accepted without the traffic study if it is a requirement. Mr. Maniaci

stated that he did not feel this meeting was the time to debate the application's deficiencies. He appreciated RPC staff comments and recommendations to the Township.

Mr. Stites commended Mr. Sanders for the staff report. He asked if Mr. Sanders was amending recommendation #1 to include the comment about the acreage outside the sanitary sewer service area be considered for exclusion unless a letter could be provided. Mr. Sanders clarified his recommendation. He stated that there are areas in the County that are in a sewer service area and currently able to be served. There are areas that are in the future sewer service areas that are able to be served with a number of additional steps that would have to happen. Then there are areas outside of the future sewer service area. This is not outside of the conceptual idea that it could be served on the east side, it's just that there aren't any improvements there now. That is the risk the developer takes.

Mr. Farahay asked if there is cooperation for extending Wilson Road through the neighboring property. Mr. Sanders stated that both this applicant and the competing applicant (from March agenda) had both referenced the road but neither had a specific plan on how it would be accomplished.

Mr. O'Brien confirmed this is a two-step process and that this is the first step. Mr. Sanders agreed. Mr. O'Brien commented that if it is zoned in the first step and the applicant doesn't have sewer for the remaining 158 acres, the applicant would only get final approval on that which is serviced by sewer. Mr. Sanders said that the preliminary only lasts for a certain time. The developer would run the risk of the preliminary no longer being valid.

Mr. Farahay asked how much acreage actually has a proposed plan in this application. Mr. Sanders stated 40 for the mall site, 50 including land to the other side of Wilson Road.

Mrs. Foust made a motion to recommend Conditional Approval, subject to all Staff Recommendations with #1 amended such that adequate acreage be rezoned, regardless of sewer service area, to meet the impervious lot coverage requirements so that no divergence for lot coverage is needed; and that if a letter is received from the County Sanitary Engineer's office confirming that future sanitary service can be provided to the additional acreage, along with whatever improvements would need to be constructed, the entire area should be considered for rezoning. Ms. Foust also concurred that the Zoning Commission should consider the five other recommendations for final development plan approval. Mr. Farahay seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.

10-13 ZON TLK Development LLC – Liberty Twp. – 35.59 acres from FR to PR

I. Request

The applicant, TLK Development, LLC, is requesting a 35.59-acre rezoning from FR to PR for the development of Harvest Point, a 38-lot single-family subdivision.

II. Conditions

Location: 7270 Steitz Road, Liberty Township

Present Zoning: Farm Residential (FR)

Proposed Zoning: Planned Residential (PR)

Present Use(s): One single-family house, agriculture buildings

Proposed Use(s): Single-Family Residential (Harvest Point subdivision)

Existing Density: 1 du/acre

Proposed Density: 1.1 du/acre

School District: Olentangy Local School District
Utilities Available: Del-Co Water and sanitary sewer
Critical Resources: pond, wetlands
Soils: PwA Pewamo Silty Clay Loam 0-1% slope
BoA Blount Silt Loam, 0-2% slope
GwB Glynwood Silt Loam, 2-6% slope

III. Project Description

The applicant, Rockford Homes, Inc. on behalf of the owner, TLK Development LLC, is proposing 35.59-acre rezoning to allow 38 single-family lots with access from Steitz Road. The development, proposed to be named “Harvest Point,” includes 16.4 acres of open space, or 46% of the gross area. The plan shows a single access to Stietz Road, two roads branching off this road – one to the south and one to the north. The southern road ends in a cul-de-sac and the northern stubs to adjacent property to the north. Lots are generally 90 feet wide at the building setback line, or 13,500 square feet (1/3 of an acre). A retention area is provided in the southwest corner of the site.

IV. Conformance with the Comprehensive Plan

The 2006 Liberty Township Comprehensive Plan recommends residential at a density of 1.25 units per net developable area when sewer is available. The Township’s zoning resolution defines Net Developable Acreage by subtracting wetlands, slopes greater than 20%, rivers, floodplain, and rights-of-way. The development plan shows that after subtracting those areas, the resulting developable acreage is 30.91, which generates a maximum 38.63 units. The Plan also recommends the consideration of Conservation Subdivisions with 50% open space in this area. The current zoning code does not include the designation for a Conservation Subdivision, but the developer proposes to include 46% recommended in the Plan. Much of this open space is adjacent to open space within the Scioto Reserve subdivision.

V. Divergences

Four divergences are being requested from the Zoning Code

1. Divergence requested for a 12.5-foot side yard setback for both the principle structure and any accessory structure.
Staff comment: *This request has been made on other developments. A 25-foot separation is typically desired. The township should consult with the Fire Chief regarding this request. This request appears to be reasonable.*
2. Divergence requested to allow two free-standing signs at the entrance, allowing a symmetrical identification landscape feature at the entrance.
Staff comment: *As long as all features are outside of the sight triangle, this appears to be reasonable.*
3. Divergence to allow construction of up to two Model Homes/Sales Offices to be operational as long as sales are ongoing within the community. Hours are restricted and signage is specifically described in the application.
Staff comment: *This is a reasonable, as long as the applicant commits to a certain percentage of completion for the subdivision that will trigger closing the sales office. It should be noted, however, that since the applicant is the same in both the current zoning case and the one that follows, it is unlikely that two model homes are needed for each development. The Township may wish to consider only one divergence rather than both.*
4. Divergence requested to allow entry way fencing that would exceed 42 inches in height, with a maximum height of 6 feet. Fencing will help characterize the community and extend the entry feature aesthetic.
Staff comment: *The proposal shows a fence height of 5 feet. It is unclear the full extent of the location of this fence. This*

is probably reasonable, but the Zoning Commission should ensure that it appears on the Development Plan.

VI. Other issues

Access

The design shows an access as previously stated. A traffic analysis (enclosed) indicates that based on the proposal and the existing road conditions, no turn lane is warranted. The road is shown as a Major Collector on the Thoroughfare Plan. Current right-of-way appears to be approximately 25 feet from centerline and the application is showing 30 feet from centerline as the end result.

Staff Comment: *The applicant may need to provide a road stub to the 11.74-acre parcel to the south, which is also owned by TLK.*

Paths and sidewalks

The application shows 4-foot sidewalks within the subdivision as well as an 8-foot multi-use path along Steitz Road. Street trees are also indicated. Staff concurs.

Utilities

Utility letters are included from Columbia Gas, Time Warner, and Del-Co. The letter from the Regional Sewer District indicates that permission would need to be granted from the Scioto Reserve developer (Don Kenney) to connect to the treatment system there. Additionally, the facility there currently has capacity for an additional 36 lots. The Sewer District is currently defining and executing improvements in the service area to address the need for additional capacity. When improvements are completed, treatment capacity will be available for the proposed development. Improvements are not needed in the conveyance system, however.

Staff Comment: *The text within the application makes reference to this specific letter as well as the improvements noted in the letter but does not indicate when or if these improvements will be completed. The letter notes that the developer is proceeding at his own risk with the understanding that capacity is not guaranteed until necessary improvements are made.*

VII. Section 11.06 - Required findings for Approval of Planned Districts

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

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

Staff Finding: *Generally. The density is within the maximum allowed in the zoning code and the general standards have been met. Divergences have been requested and reviewed elsewhere in this report.*

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

Staff Finding: *Yes. The proposal is generally in conformance with the 2006 Liberty Township Comprehensive Plan recommendation both in use and density.*

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

Staff Finding: *Yes. By conserving open space, preserving a significant agricultural structure and maintaining the rural character of the area as a part of the development, the application generally advances the welfare of the township and vicinity if the issues raised by the Regional Sewer District can be met.*

VIII. Staff Recommendation

DCRPC staff recommends **Conditional Approval** of the application by TLK Development LLC, for the rezoning of 35.59 acres from FR to PR to the DCRPC, Liberty Township Zoning Commission and Liberty Township Trustees *subject to resolving the sewer capacity limitations raised by the Regional Sewer District; and subject to the divergence responses within the report.*

Commission / Public Comments

Mr. Tom Hart was present along with Mr. Bob Yoakum. Mr. Hart concurred with staff recommendations.

Mr. Farahay made a motion to recommend Conditional Approval of the rezoning for TLK Development, subject to Staff Recommendations. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

11-13 ZON Murphy Boxer Assoc. – Liberty Twp. – 36.52 acres from FR to PR

I. Request

The applicant, Murphy Boxer Associates, is requesting a 36.52-acre rezoning from FR to PR for the development of Harvest Curve, a 38-lot single family subdivision.

II. Conditions

Location: west side of Steitz Road, south of Hyatts Road
Present Zoning: Farm Residential (FR)
Proposed Zoning: Planned Residential (PR)
Present Use(s): Agricultural buildings
Proposed Use(s): Single Family Residential (Harvest Curve subdivision)
Existing Density: 1 du/acre
Proposed Density: 1.04 du/acre
School District: Olentangy Local School District
Utilities Available: Del-Co Water and sanitary sewer
Critical Resources: two ponds
Soils: PwA Pewamo Silty Clay Loam 0-1% slope
 BoA Blount Silt Loam, 0-2% slope
 GwB Glynwood Silt Loam, 2-6% slope

III. Project Description

The applicant, Rockford Homes, Inc. on behalf of the owner, Murphy Boxer Associates, is proposing 36.52-acre rezoning to allow 38 single-family lots with access from Steitz Road. The development, proposed to be named “Harvest Curve,” includes 18 acres of open space, or 49% of the gross area. The plan shows a single access to Steitz Road, ending in a T intersection. To the north, a road ends in a cul-de-sac. To the south, the road curves into Scioto Reserve, creating a continuation of Vista Walk Lane. Another road is shown travelling south before stubbing into undeveloped property. Lots are generally 90 feet wide at the building setback line, or 13,500 square feet (1/3 of an acre). A retention area is provided in both the southwest and northwest corners of the site.

IV. Conformance with the Comprehensive Plan

The 2006 Liberty Township Comprehensive Plan recommends residential at a density of 1.25 units per net developable area when sewer is available. The Township’s zoning resolution defines Net Developable Acreage by subtracting wetlands, slopes greater than 20%, rivers, floodplain, and rights-of-way. The development plan shows

that after subtracting those areas, the resulting developable acreage is 31.02, which generates a maximum 38.775 units. The Plan also recommends the consideration of Conservation Subdivisions with 50% open space in this area. The current zoning code does not include the designation for a Conservation Subdivision, but the developer proposes to include 49% open space, close to that recommended in the Plan.

V. Specific Areas of Divergence are being requested from the Zoning Code

1. Divergence requested for a 12.5-foot side-yard setback for both the principle structure and any accessory structure.
Staff comment: This request has been made on other developments. A 25-foot separation is typically desired. The township should consult with the Fire Chief regarding this request. This request appears to be reasonable.
2. Divergence requested to allow two free-standing signs at the entrance, allowing a symmetrical identification landscape feature at the entrance.
Staff comment: As long as all features are outside of the sight triangle, this appears to be reasonable.
3. Divergence to allow construction of up to two Model Homes/Sales Offices to be operational as long as sales are ongoing within the community. Hours are restricted and signage is specifically described in the application.
Staff comment: This is a reasonable request, as long as the applicant commits to a certain percentage of completion for the subdivision that will trigger closing the sales office. It should be noted, however, that since the applicant is the same in both the previous zoning case and this one, it is unlikely that two model homes are needed for each development. The Township may wish to consider only one divergence rather than both.
4. Divergence requested to allow entry way fencing that would exceed 42 inches in height, with a maximum height of 6 feet. Fencing will help characterize the community and extend the entry feature aesthetic.
Staff comment: The proposal shows a fence height of 5 feet. It is unclear the full extent of the location of this fence. This is probably reasonable, but the Zoning Commission should ensure that it appears on the Development Plan.
5. Divergence to allow the ability to locate driveways within the setback areas to accommodate side-load garages.
Staff comment: This is a reasonable request and staff concurs with the applicant in the fact that this creates architectural diversity within the community. The Township should create a pavement setback, which is usually in zoning codes, to a distance of perhaps 6 feet.

VI. Other issues

Access

The design shows an access as previously stated. A traffic analysis (enclosed) indicates that based on the proposal and the existing road conditions, no turn lane is warranted. The road is shown as a Major Collector on the Thoroughfare Plan. Current right-of-way appears to be approximately 25 feet from centerline and the application is showing 30 feet from centerline as the end result.

Paths and sidewalks

The application shows 4-foot sidewalks within the subdivision as well as an 8-foot multi-use path along Steitz Road. Street trees are also indicated. Staff concurs.

Utilities

Utility letters are included from Columbia Gas, Time Warner, and Del-Co. The letter from the Regional Sewer District indicates that permission would need to be granted from the Scioto Reserve developer (Don Kenney) to connect to the treatment system there. Additionally, the facility there currently has capacity for an additional 36 lots. The Sewer District is currently defining and executing improvements in the service area to address the need

for additional capacity. When improvements are completed, treatment capacity will be available for the proposed development. Improvements are not needed in the conveyance system, however.

Staff Comment: *The text within the application makes reference to this specific letter as well as the improvements noted in the letter but does not indicate when or if these improvements will be completed. The letter notes that the developer is proceeding at his own risk with the understanding that capacity is not guaranteed until necessary improvements are made.*

VII. Section 11.06 - Required findings for Approval of Planned Districts

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

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

Staff Finding: *Generally. The density is within the maximum allowed in the zoning code and the general standards have been met. Divergences have been requested and reviewed elsewhere in this report.*

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

Staff Finding: *Yes. The proposal is generally in conformance with the 2006 Liberty Township Comprehensive Plan recommendation both in use and density.*

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

Staff Finding: *Yes. By conserving open space, preserving a significant agricultural structure and maintaining the rural character of the area as a part of the development, the application generally advances the welfare of the township and vicinity if the issues raised by the Regional Sewer District can be met.*

VIII. Staff Recommendation

DCRPC staff recommends **Conditional Approval** of the application by Murphy Boxer Associates for 36.52 acres from FR to PR to the DCRPC, Liberty Township Zoning Commission and Liberty Township Trustees *subject to resolving the sewer capacity limitations raised by the Regional Sewer District; and subject to the divergence responses within the report.*

Commission / Public Comments

Mr. Tom Hart and Mr. Bob Yoakum were present. Mr. Yoakum stated that it would not be their intension to build model home in both locations but there could be two separate builders so they wanted to keep that availability.

Mr. Clase made a motion to recommend Conditional Approval of the rezoning by Murphy Boxer Associates subject to Staff Recommendations. Mr. Farahay seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

12-13 ZON Evans Capital Investments – Orange Twp. – 25.844 acres from FR-1 to SFPRD

I. Request

The applicant Evans Capital Investments, Ltd., is requesting a 25.844-acre rezoning from FR-1 to SFPRD for Meadows at Lewis Center/Evans, a 38-lot single family lot subdivision.

II. Conditions

Location: terminus of Bryn Mawr Drive, Orange Township

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Single Family Planned Residential (SFPRD)

Present Use(s): vacant

Proposed Use(s): Single Family Residential

Existing Density: 1 du / 2 acres

Proposed Density: 1.47 du/acre

School District: Olentangy Local School District

Utilities Available: Del-Co Water and sanitary sewer

Critical Resources: wetland, stream

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

BoA Blount Silt Loam, 0-2% slope

GwB Glynwood Silt Loam, 2-6% slope

III. Description

The proposed subdivision is an extension of both the existing Meadows at Lewis Center and Bryn Mawr at Delaware. Meadows at Lewis Center is a subdivision of quarter-acre lots with full access from Lewis Center Road and Bryn Mawr is a development of lots that are generally half-acre in size which has two access points on South Old State Road.

The proposal, referred to as Meadows at Lewis Center/Evans, indicates 38 single-family lots gaining access from both Bryn Mawr Drive and Ludington Drive to the south. Lot sizes range from one-third acre to one-half acre, with most having 95-100 feet of frontage. The proposal serves as a transition between the smaller lots of Meadows and the larger lots of Bryn Mawr. A large retention pond is located on the northern end of the site, sized at 5.17 acres, or 20%.

IV. Process

The Orange Township Zoning Code requires the submission of a Development Plan with a rezoning to the SFPRD zoning designation.

V. Issues

The applicant has submitted the requirements of the zoning resolution and is asking for no divergences. Based on the time-frame of this proposal, preliminary discussions with various county offices have not taken place. These discussions may have an impact on the design of the proposal. First, a street connection to the north may be logical, without driving additional traffic through the existing developments. Such a connection may actually alleviate through traffic. Staff understands that there are proposed uses for the land to the east and north of this site that may cause conflicts if such connections are made. Staff concurs with this concern, but until such uses are approved by the township, such connection may need to be planned. Other internal geometry may also need to be revised based on County Engineer comments.

Second, the Bryn Mawr access to South Old State Road may need to be improved. Currently there is a north-

bound left turn lane at the northern access (Prairie Drive). The Bryn Mawr Drive intersection has a south-bound drop lane but no north-bound left turn lane. Based on the new number of total lots, this turn lane may need to be added.

The availability as well as the necessary capacity of sanitary sewer has been confirmed verbally by the Regional Sewer District office.

VI. Staff Recommendations

Staff recommends **Conditional Approval** of the application by Evans Capital Investments Ltd., for the rezoning of 25.844 acres from FR-1 to SFPRD to the DCRPC, Orange Twp. Zoning Commission and Orange Twp.

Trustees, *subject to the following:*

- 1.) *Continue working with the County Engineer's office and Regional Planning staff to determine the appropriateness of an additional connection to the north as it may affect the proposed Development Plan.*
- 2.) *Applicant should work with the County Engineer to determine whether improvements are needed at the intersection of Bryn Mawr and South Old State, an issue which will not impact the proposed Development Plan.*

Commission / Public Comments

Mr. Tony Eyerman was present on behalf of Evans Capital Investments.

Mr. Stites made a motion to recommend Conditional Approval of the application by Evans Capital Investments Ltd. subject to Staff Recommendations. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

07-13 Highland Lakes North, Section 5, Part 4 – Genoa Twp. - 02 lots / 0.98 acres

I. Conditions

- Applicant:** South Delaware Investments
- Subdivision Type:** Single Family Residential
- Location:** north and south side of Augusta Drive, east of proposed Sanctuary Drive
- Current Land Use:** Vacant
- Zoned:** Planned Residential District
- Utilities:** Del-Co water and public sanitary sewer
- School District:** Olentangy Local Schools
- Engineer:** Watcon Engineering

II. Staff Comments

This proposal extends August Drive approximately 100 feet from its current terminus. This extension will allow for the future development and connection of this property to the Sanctuary at the Lakes subdivision which has received Preliminary Plan approval. The proposed plat includes two residential lots on both sides of the street.

A technical review was held on April 16, 2013, after which the applicant has addressed all of the required

changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **Highland Lakes North, Section 5, Part 4** to the DCRPC.

Commission / Public Comments

Mr. Jack Brickner of Planned Communities was present to represent the applicant.

Mr. Farahay made a motion for Preliminary Approval of Highland Lakes North, Section 5, Part 4. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (*none*)

CONSENT AGENDA

Final (*none*)

V. EXTENSIONS (*none*)

VI. OTHER BUSINESS

- Consideration for Approval: \$1,145.11, Traci Aquara, OEPA grant work

Mr. Clase made a motion to approve the \$1145.11 expenditure, seconded by Mr. Sedlacek. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION (*none*)

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

Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 8:20 p.m. Seconded by Mr. Sedlacek. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, May 30, 2013, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.