



# Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## \*MINUTES\*

Thursday, November 29, 2012 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 October 25, 2012 RPC Minutes
- Executive Committee Minutes of November 21, 2012
- Statement of Policy

### II. VARIANCES *(none)*

### III. ZONING MAP/TEXT AMENDMENTS

- 14-12 ZON James & Betty Immel – Harlem Twp. – 2.149 acres from AR-1 to FR-1
- 15-12 ZON Genoa Twp. Zoning Commission – text amendments
- 16-12 ZON Harlem Twp. Zoning Commission – text amendments (HCVR-1)
- 17-12 ZON Cugini & Capoccia – Liberty Twp. – 5.147 acres from PC to PR
- 18-12 ZON Green Earth Farm LLC – Marlboro Twp. – 1.193 acres from FR-1 to PC

### IV. SUBDIVISION PROJECTS

#### Preliminary

		Township	Lots/Acres
08-12	Sanctuary at the Lakes	Genoa/Orange	165 lots / 95.92 acres
09-12	Orangepoint Commerce Park, Lot 2955, Div.#1	Orange	2 lots / 20.78 acres

#### Preliminary/Final

10-12	Olentangy Crossings, Sec. 2, Lot 7523, Div. #2	Orange	1 lot / 1.503 acres
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#### Final

06-07	Sorrento at Highland Lakes	Genoa	1 lot / 30.207 acres
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**T=TABLED, W=WITHDRAWN**

### V. EXTENSIONS *(none)*

### VI. OTHER BUSINESS

- Consideration for Approval: 2013 RPC Budget
- Consideration for Approval: 2013 RPC Meeting Schedule
- Consideration for Approval: 4 hours paid time off for Christmas Eve (8:00 am – 12:00 pm.)
- Reduction of Appropriation: Grant (Org. 76270702-5301)- \$13,720

### VII. POLICY / EDUCATION DISCUSSION

### VIII. RPC STAFF AND MEMBER NEWS

- Appointment of Nominating Committee for Executive Committee member election

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairman Burke 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, Tiffany Jenkins, Sharon Hough, Gary Gunderman, Tom Hopper, Joe Clase, Dave Stites, Holly Foust, Hal Clase, Tom Farahay, Bill Thurston, Charlie Callender, Bill Metzler, Bonnie Newland, and Mike Dattilo. *Alternates:* John Piccin. *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the October 25, 2012 RPC Minutes**

*Mrs. Hough made a motion to Approve the minutes from the last meeting as presented. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **November 21, 2012 Executive Committee Minutes**

**1. Call to order**

Chairman Burke called the meeting to order at 8:45 a.m. Present: Steve Burke, Ken O'Brien, Susan Kuba and Dave Stites. Tiffany Jenkins arrived after roll call. Staff: Scott Sanders and Stephanie Matlack.

**2. Approval of Executive Committee Minutes from October 17, 2012**

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

**3. New Business**

a. Financial / Activity Reports for October 2012

REGIONAL PLANNING RECEIPTS		October	YTD TOTAL
General Fees (Lot Split)	(4201)	\$510.00	\$4,815.00
Fees A (Site Review)	(4202)	\$300.00	\$1,800.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$2,500.00
Membership Fees	(4204)		\$292,309.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$657.25
Assoc. Membership	(4206)		
General Sales	(4220)	\$10.00	\$26.20
Charges for Serv. A (Prel. Appl.)	(4230)	\$2,400.00	\$27,857.00
Charges for Serv. B (Final. Appl.)	(4231)	\$1,700.00	\$21,013.90
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$750.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$2,100.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$900.00	\$3,000.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$240.00
Soil & Water Fees	(4243)	\$400.00	\$2,225.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			\$100.00
Other Misc. Revenue (GIS maps)	(4730)	\$2.00	\$397.00
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		\$4,815.00
<b>TOTAL RECEIPTS</b>		<b>\$6,772.00</b>	<b>\$360,590.35</b>

**Balance after receipts** **\$329,513.23**  
**Expenditures** - \$ 22,782.49  
**End of October balance (carry forward)** **\$306,730.74**

*After discussion of the financial reports, Mr. O'Brien made a motion to approve the financial reports as presented. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

b. November RPC Preliminary Agenda

- 1.) Site Review: None
- 2.) Rezoning:
  - 14-12 ZON James & Betty Immel – Harlem Twp. – 2.149 acres from AR-1 to FR-1
  - 15-12 ZON Genoa Twp. Zoning Commission – text amendments
  - 16-12 ZON Harlem Twp. Zoning Commission – text amendments (HCVR-1)
  - 17-12 ZON Cugini & Capocia – Liberty Twp. – 5.147 acres from PC to PR
- 3.) Variance: None
- 4.) Preliminary:
  - Sanctuary at the Lakes – Genoa/Orange Twp. – 165 lots / 95.92 acres
  - Orangepoint Commerce Park, Lot 2955, Div. #1 – Orange Twp. – 2 lots / 20.78 acres
- 5.) Preliminary/Final:
  - Olentangy Crossings, Sec. 2, Lot 7523, Div. #2 – Orange Twp. – 1 lot / 1.503 acres
- 6.) Final:
  - Sorrento at Highland Lakes – Genoa Twp. – 1 lot / 30.207 acres
- 7.) Extension: None

c. Director's Report

- 1.) Sunbury – attended kick off meeting
- 2.) Liberty Twp. – zoning code revisions may be complete by end of this year
- 3.) Rural Zoning Code – hoping to initiate in December
- 4.) Concord Twp. – informal review of zoning code

d. Discussion of By-Laws – postponed discussion to December EC meeting

e. Discussion of Subdivision Regulation amendments – Mr. Sanders presented a draft including comments from the Prosecutor's office. More discussion to follow.

f. 2013 Budget Discussion –

- 1.) ARC GIS license – Mr. Sanders reminded the Committee about the possibility of working with other County agencies to obtain a license. He found that with the RPC being its own entity that sharing would not work. He explained the possibility of hosing maps for RPC members and using the income from that service to help offset costs of the licensing. More discussion to follow.
- 2.) Mr. Sanders explained that the County Commissioners voted 2-1 to include a 2.25% salary increase in the 2013 budget. The majority of the Committee agreed that the .25% would be a minimal impact on the RPC Budget.

***Mr. Stites made a motion to recommend Approval of a 2.25% salary increase for RPC staff. Mrs. Kuba seconded the motion. VOTE 4 For, 0 Opposed, 1 Abstained (Mr. O'Brien). Motion carried.***

*Following the meeting, Mrs. Matlack prepared a cost estimate for this .25% increase. It would be an additional \$578.00 expense to the Budget presented at the October RPC meeting.*

- g. 2013 Meeting Schedule – presented at the October EC meeting.
- h. Consideration for Approval: 4 hours paid holiday for Christmas Eve 2012 (Recently approved by Del. Co. Commissioners) – Mr. Sanders explained that the County Commissioners approved a resolution paying non-essential employees for 4 hours on 12/24/12 as paid time off. The other 4 hours on Christmas Eve will remain as paid holiday time. This would “allow employees additional personal and family time as a gesture of appreciation”, (as noted in Resolution No. 12-1150).

***Mr. Stites made a motion to recommend Approval of the paying RPC staff for 4 hours of paid time off on 12/24/12. Mrs. Jenkins seconded the motion. VOTE: 4 For, 0 Opposed, 1 Abstained (Mr. O'Brien). Motion carried.***

- i. Reduction of Appropriation: Grant (Org. 76270702-5301)- \$13,720  
Mr. Sanders stated that the OEPA grant was given an extension to complete work to 05/30/13. Since no funds will be paid out for the remainder of 2012, the Commission is required to reduce the appropriation by \$13,720.00.

***Mr. O'Brien made a motion to recommend Approval of the reduction of Appropriation of the OEPA grant by \$13,720.00. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

#### 4. Old Business *(none)*

#### 5. Other Business –

- a. Mr. Burke explained that he would not be retiring from the Health Department in December but would be leaving the Executive Committee at the end of the year. Discussion included appointing a Nominating Committee at the November RPC meeting and Mr. O'Brien performing Chairperson duties as he is the Vice-Chairman.

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

## 7. Adjourn

*Having no further business, Mr. O'Brien made a motion to adjourn the meeting at 10:30 a.m., seconded by Mr. Stites. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next regular Executive Committee meeting will be Wednesday, December 12, 2012 at 8:45 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.*

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### • **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**

### 14-12 ZON James & Betty Immel – Harlem Twp. – 2.149 acres from AR-1 to FR-1

#### I. Request

The applicants James and Betty Immel, are requesting a 2.149-acre rezoning from A-1 to FR-1 to allow the lot to be split into two residential lots.

#### II. Conditions

**Location:** 3883 Miller Paul Rd., Galena

**Present Zoning:** Agricultural (A-1)

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

**Present Use(s):** One single-family house and barn

**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:** none

**Soils:** BeA Bennington Silt Loam 0-2% slope

PwA Pewamo Silty Clay Loam 0-1% slope

#### III. Issues

This is a straight district rezoning, so no development plan is required but one was submitted. This current parcel has 325 feet of frontage on Miller-Paul Road, and the township's frontage requirement for FR-1 is 175' for lots at least two acres in size but smaller than three, 210' for lots at least three acres and smaller than four and 250' for lots between four and five acres in size. The applicant indicates that 2.149 acres will be split utilizing a 60-foot access strip. The proposed lot widens to 163 feet which does not appear to meet the

requirements of the zoning code. The lot configuration would have to be approved by the Township Zoning office before being submitted to the RPC office for Lot Split approval.

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

The 2006 Harlem Township Comprehensive Plan supports FR-1 development where sewer is not available. It does not recommend minimum acreage.

Surrounding land uses include scattered single-family homes along Miller-Paul Road on large lots. FR-1 zoning would be in character with the area, if on-lot treatment can be designed for the second lot.

#### **IV. Staff Recommendations**

Staff recommends **Conditional Approval** of the Rezoning request by James and Betty Immel for 2.149 acres from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees., *subject to ensuring that the lot will conform to FR-1 zoning since the only area being zoned is the new parcel.*

#### **Commission / Public Comments**

No one was present to represent the applicant.

*Mr. Gunderman made a motion to recommend Conditional Approval of the rezoning request by James and Betty Immel, subject to ensuring that the lot will conform to FR-1 zoning since the only area being zoned is the new parcel. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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### **15-12 ZON      Genoa Twp. Zoning Commission – text amendments**

#### **I. Request**

The Genoa Township Zoning Commission has initiated changes to its Zoning Code in several areas. The following is a brief summary of those changes:

Amending “Section 1603: Corner Lots” to clarify that the front setback shall apply to both frontages and the side yard setback shall apply to all other property lines.

**Staff’s comment:** *Check the impact this might have on unusually-shaped lots, rather than assume these lots would be square, suburban-type lots.*

Amending “Section 1505: Required Standards” within the Light Industrial District to change the requirement for a visual and mechanical barrier, a minimum of 5.5 feet in height to specify an opaque wood or composite fence, stone or brick wall of eight feet in height.

**Staff’s comment:** *Text seems to prefer an opaque wall over a heavily landscaped wall or mounding.*

Amending “Section 1608: Architectural Projections into Required Yards” to add patios to the list of items that can project a maximum of 10 feet into those areas.

**Staff's comment:** *Probably a good change in that it answers the question of how patios are handled in the text. Township should confirm how this will be enforced – will a permit be required with a fee?*

Amending “Section 1609: Accessory Structures” to allow accessory buildings in front of a principal building as long as it complies with the required setback for the principal building.

**Staff's comment:** *This is probably a good idea but is in the General Standards section. Maybe add language that this would not apply in certain Zoning Districts. Some concern over letter E), which removes the maximum size of accessory structures and allows them to be any size as long as the maximum permitted building coverage is not exceeded.*

Amending “Section 608: Minimum Floor Area Requirements” to remove the word “attached” when referring to the requirements for a two-car garage.

**Staff's comment:** *Staff concurs with this as it allows more flexibility with new construction as well as with redevelopment on older lots.*

## **II. Staff Recommendations**

Staff recommends **Conditional Approval** of the text amendments by the Genoa Township Zoning Commission to the DCRPC, Genoa Twp. Zoning Commission and Genoa Twp. Trustees, *subject to the staff comments listed within the report.*

### **Commission / Public Comments**

*Hearing no public or Commission comments, Mrs. Jenkins made a motion to recommend **Conditional Approval** of the text amendments by the Genoa Township Zoning Commission, subject to the staff comments listed within the report. Mr. Fowler seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## **16-12 ZON      Harlem Twp. Zoning Commission – text amendments (HCVR-1)**

### **I. Request**

The Harlem Township Zoning Commission has initiated a change to its Zoning Map for the purpose of applying the Harlem and Center Village District (HCVR-1) designation to specific, defined areas of the township.

### **II. Issues**

In November of 2011, the RPC reviewed a new zoning district proposed by Harlem Township which is intended to apply to the older platted village centers of Harlem Village (intersection of Harlem Road and Gorsuch Road) and Center Village (intersection of Center Village Road and State Route 605). The intention of the district is to bring small lots that are currently zoned R-2, C-2, and PCD into conformance with the code and to allow for greater flexibility in the redevelopment of those areas.

The new district was eventually adopted by the Harlem Township Zoning Commission and Trustees. However, neither the language within the Zoning Code nor the action of adopting the amendment caused the district to be directly applied it to any parcel or change the Zoning Map. The hearing scheduled for December 3, 2012 is intended to apply the standards of the district to the 1849 Harlem Town Plat, the 1848 Center

Village plat and the 1853 Center Village Additions. Specific notice has been sent to all affected property owners, where the ORC only requires general printed notification.

### **III. Staff Recommendations**

Staff recommends **Conditional Approval** of the HCVR-1 map amendments by the Harlem Township Zoning Commission to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to ensuring that the language of the Zoning Commission motion specifically states that the HCVR-1 zoning will apply to the parcels as listed in the application.*

### **Commission / Public Comments**

*Mr. Gunderman made a motion to recommend **Conditional Approval** of the HCVR-1 map amendments by the Harlem Township Zoning Commission, subject to ensuring that the language of the Zoning Commission motion specifically states that the HCVR-1 zoning will apply to the parcels as listed in the application. Mrs. Foust seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## **17-12 ZON      Cugini & Capoccia – Liberty Twp. – 5.147 acres from PC to PR**

### **I. Request**

The developer, CCBI (Cugini & Capoccia Builders Inc.) is requesting a 5.147-acre rezoning from PC to PR to allow a 16 unit, single-family condominium community called the Dogwood Preserve.

### **II. Conditions**

**Location:** west of Sawmill Parkway, north of North Hampton Drive

**Present Zoning:** Planned Commercial (PC)

**Proposed Zoning:** Planned Residential (PR)

**Surrounding land uses:**

**East:** Dairy Mart, east side of Sawmill Parkway

**South:** Mount Carmel Medical Center

**West:** Wedgewood subdivision, single family, zero lot line homes

**North:** Liberty Township fire station

**Present Use(s):** vacant

**Proposed Use(s):** 16-unit condominium project

**Existing Density:** N/A

**Proposed Density:** 3.2 du/acre

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and public sanitary sewer

**Critical Resources:** some slope, stream drainage

**Soils:** GwB Glenwood Silt Loam 2-6% slope

PwA Pewamo Silty Clay Loam 0-1% slope

### **III. Background**

Wedgewood Commercial Center was a large, 345-acre rezoning in 1991 resulting in a mix of commercial and multi-family residential uses including the first extension of Sawmill Parkway into the county. Over the years, a significant portion of the original plan has been built, leaving a few isolated undeveloped areas. RPC data indicates that there was an allowance for 555 residential units within the overall zoning. According to DALIS,



there are approximately 719 residential units in numerous “pods” of development. This difference is the result of numerous amendments over the years.

In 2005, the RPC reviewed a development plan amendment for this parcel and the land immediately north of it at a total of 13.661 acres for the development of 20 office buildings in this area. That plan was ultimately approved by the township and nine of those office buildings have been built, all of which are on the north side of the entrance boulevard. This development has occurred through the filing of condominium plats, essentially creating the subject 5.147 acres.

The Development Plan shows a single entrance at the private boulevard which is shared with the office development to the north. The internal private street is a loop street, providing access to 15 single-family detached condominiums, with an additional area for a 16<sup>th</sup> unit. The center features an open space area with a walking path.

#### **IV. Issues**

**Density** – The issue of density is difficult to assess. The Comprehensive Plan offers no guidance as this area is recognized as currently zoned on the map. The resolution allows up to 6 units per acre through the zoning code. The density of 3.2 units per gross acre does not take into consideration the existing open space/drainage area to the west, which was a part of the 2005 Development Plan approval. It also does not consider the other open space provided throughout the larger Wedgewood Commerce Center. If the proposal meets a market need in the community, it is probably a reasonable use and density. Ultimately, it is a question of sanitary service.

**Sewer** – A sanitary availability letter is included which states that there is capacity in the system for these units. The larger area utilizes the Leatherlips Pump Station adjacent to Riverside Drive which is nearing capacity. There are currently more requests than there is capacity available at this pump station. The letter goes on to state that “there is a risk that the current sewer capacity may not be available when you are ready to enter into a subdivider’s agreement.” Capacity is not “reserved” until construction is ready to begin and a subdivider’s agreement is completed. This issue should be addressed by the applicant and the Zoning Commission as this will potentially impact all future development within the pump station’s service area.

**Access/Circulation** – The Development Plan shows access via the boulevard entrance that was built for the office condominiums to the north. This is a private road that aligns with Presidential Parkway (public) to the east and includes a signalized intersection. The office park plan indicated that accesses to the south would be located at the same median breaks as the driveways to the north. The current plan indicates that there will be a new cut in the private median for a single entrance to the south. Staff recommends that this access be moved to the west to align with the entrance to the north, removing the need to cut the median and providing more stacking distance to the intersection. The proposed Development Plan indicates there would be 180 feet of stacking distance. Moving the drive to the western end of the median would provide about 250 feet.

The application indicates a proposed access easement which would be needed to provide the proposed development to utilize the existing driveway. Staff concurs with the need to provide such an easement and recommends that it be moved to align with any changes that the Zoning Commission may recommend for the access.

When the office development to the north was proposed, the plan included an emergency access to the land to the south. Mt. Carmel Health System owns the 15-acre parcel to the south and currently operates a 31,600-s.f. facility on the southern end of their site. Over time, this facility will likely expand and would benefit from an access from this property.

**Walkway** – The proposal shows no pedestrian facilities. The 2005 RPC minutes included a recommendation for a pedestrian walkway along either the north or south side of the access boulevard to connect to a future path along Sawmill Parkway. This is particularly important if this site is residential in nature. Recently, handicap-accessible ramps were placed by the County at the four corners of the intersection.

**Lot issue** – Related to the comments in the introduction, the subject “parcel” may need to be created in order to be deeded to a different entity. This can be accomplished with the filing of a condominium plat, or by Subdividing Lot 2966 of Wedgewood Commerce Center Section 3. The Auditor’s website currently shows ownership of this parcel has been transferred. However, if the rezoning is approved, the developer will be required, by the Liberty Township Zoning Code, to plat this parcel in conformance with the approved Development Plan.

### **Divergences**

- a. **Model Home** – The plan proposes to construct one building to be used as a model and sales office during the development of the site. **Staff’s comment:** *No objection.*
- b. **Setbacks** – The application states that the 75-foot setback from the right-of-way of Sawmill Parkway is consistent with the Regulations. Applicant notes that front setbacks shall be 20 feet from the edge of the internal street, or 31 feet from the centerline. Three units have slightly smaller setbacks and these are noted in the application. Rear yard setbacks will comply with the 50-foot setback requirement, except for the setbacks along the detention basin, which is 15 feet. **Staff’s comment:** *No objection.*
- c. **Building Separation** - Structure separation is requested for 13 feet with some having a 20-foot separation. Any structures closer than 25 feet are required to be masonry with no openings or windows. The plan indicates that no buildings would be less than 11 feet apart, measured at the roof overhang. **Staff’s comment:** *Buildings that are closer than 25’ must have a masonry wall, which is proposed in the text.*

*This is a recurring request and could easily be remedied with the reduction of units, or with some alterations in the building arrangement. As stated in the previous requests for this divergence, a minimal separation may be acceptable in a limited number of instances, but placing five units in a row with 11-foot separation creates a concern for fire suppression.*

**Lot 16** – The application indicates 16 lots in the text but the Development Plan shows a layout for 15 lots and an additional “Buildable Area for Unit 16.” The applicant should explain why this unit is not being shown.

### **V. Required Findings for PR**

That the proposed development is consistent in all respects with the purpose, intent, and general standards of this zoning resolution, that the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply, and that the proposed development advances the general welfare of the township and the immediate vicinity.

***DCRPC Staff Finding:*** *Generally, except for the noted divergences, the plan is in compliance with the resolution and based on surrounding development can be said to be in compliance with the comprehensive plan. If consideration is made to addressing the access issues, increasing the building spacing and creating pedestrian connections, the plan would advance the general welfare of the township and vicinity.*

**VI. Staff Recommendations**

Staff recommends **Conditional Approval** of the Rezoning request by Cugini & Capoccia for 5.147 acres from PC to PR to the DCRPC, Liberty Twp. Zoning Commission and Liberty Twp. Trustees, *subject to the following:*

1. *Confirm that the development schedule will fall within the time limits of the sanitary availability letter;*
2. *Consider reducing the density by removing one or two units;*
3. *Spread the buildings to increase the building spacing for health and safety reasons;*
4. *Reconfigure the layout so that the entrance is at the western end of the median;*
5. *Provide an easement for future potential emergency access to the parcel to the south.*
6. *Provide a pedestrian access from the entrance to the existing facilities at the intersection.*

**Commission / Public Comments**

Mr. Paul Cugini was present. He stated that he was not opposed to more spacing between the units.

Mr. Ron Leonard with Pomeroy & Associates was also present. He stated that they were not opposed to the emergency access to the south provided it could be straight to the south. He felt that moving the entrance further west would make it harder to turn into the project.

Mr. Gunderman asked if the applicant had issues with the pedestrian access to Sawmill Road. Mr. Leonard said no, it could be provided.

*Mr. O'Brien made a motion to recommend **Conditional Approval** of the Rezoning request by Cugini & Capoccia for 5.147 acres, subject to staff recommendations #1-6. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Liberty Twp.). Motion carried.*

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**18-12 ZON      Green Earth Farms, LLC – Marlboro Twp. – 1.193 acres from FR-1 to PC**

**I. Request**

The applicant, Green Earth Farms, LLC, is requesting a 1.193-acre rezoning from FR-1 to PC to allow the expansion of an existing business.

**II. Conditions**

**Location:** 8153 US 23 North  
**Present Zoning:** Farm Residential (FR-1)  
**Proposed Zoning:** Planned Commercial (PC)  
**Present Use(s):** agricultural  
**Proposed Use(s):** expansion of current business  
**Existing Density:** N/A  
**School District:** Buckeye Valley Local School District  
**Utilities Available:** Del-Co Water and well water  
**Critical Resources:** none  
**Soils:** BoA Blount Silt Loam 0-2% slope  
PwA Pewamo Silty Clay Loam 0-1% slope

**III. Issues**

In October of 2009, the applicant rezoned .45 acres from FR-1 to Planned Commercial for the purpose of

establishing a business for the sale and outdoor display of outdoor storage structures. The current application seeks the additional rezoning of 1.193 acres to Planned Commercial. This will allow the current barn to be used as part of the business and will also provide storage in the area to the west of the barn. The structure will serve as a visual buffer from U.S. 23. A farm fence will be installed around the area. The plan also requests that other related outdoor furniture, such as Adirondack chairs, gliders and picnic tables, be added to the list of items that can be displayed and sold, a detail that is not in the current Development Plan. The access does not change and all signage is temporary, with individual units having banners.

#### **IV. Staff Recommendations**

Staff recommends **Approval** of the rezoning of 1.193 acres from FR-1 to PC for Green Earth Farms, LLC, to the DCRPC, Rural Zoning Commission, and the Delaware County Commissioners.

#### **Commission / Public Comments**

No one was present to represent the applicant.

*Mrs. Kuba made a motion to recommend Approval of the rezoning of 1.193 acres from FR-1 to PC for Green Earth Farms, LLC. Mr. O'Brien seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Fowler). Motion carried.*

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## **IV. SUBDIVISION PROJECTS**

### **Preliminary**

08-12                    **Sanctuary at the Lakes - Genoa/Orange Twp.'s - 165 lots / 95.92 acres**

#### **I. Conditions**

**Applicant:** M/I Homes

**Subdivision Type:** Single-Family Residential

**Location:** 6525 Africa Road

**Current Land Use:** Single Family Residence, agricultural

**Zoned:** Planned Residential in both Orange and Genoa Townships

**Utilities:** Del-Co water and public sanitary sewer

**School District:** Olentangy Local School District

**Engineer:** Watcon Engineering

#### **II. Staff Comments**

The main entrance to the development is on Africa Road near the existing LaVeque home, called Sanctuary Drive. New roads, Katherine's Way, Birkdale Court and Winged Foot Drive, are accessed by this new main drive. All other internal roads are extensions of existing road stubs, including Royal County Down Court, Tralee Lane, Augusta Drive, and Somerset Avenue. A new loop street, Royal Melbourne Drive, is created off Somerset Avenue and creates lots in Genoa and Orange Townships. Common Open Space of 28.6 acres is provided throughout the site. Some of this open space includes stormwater ponds, but much of it is located along the existing streams and floodplains that lead to Alum Creek to the west.

The site is one of the last remaining large tracts in the Highland Lakes area. It includes rolling hills, woods, rivers and floodplains. The 5,600-s.f. LeVeque home, which the County Auditor's site lists as having been

built in 1830, as well as several other outbuildings including an old schoolhouse are located on the site. The land has been and is used for agriculture.

An area of smaller lots known as Enclave at the Lakes, is not being presented for Preliminary Subdivision review at this time, but it was considered for traffic calculations and road geometry for this development. Lot sizes are generally 11,500-s.f. to 15,200-s.f., with frontages ranging from 80 feet to 90 feet. There are some larger lots on the western cul-de-sac. Open space reserve areas total 24.95 acres, or approximately 26% of the overall acreage.

*A technical review was held on November 20, 2012, after which the applicant has addressed most of the required changes, except as noted in the “conditions” below.*

### **III. Staff Recommendation**

Staff recommends *Conditional Preliminary Approval* of **Sanctuary at the Lakes** to the DCRPC, *subject to:*

1. *Clarifying which flood zone (AE) is referenced by the following note: “a zone described as 100 year flood plain on flood insurance rate map” or removing the note entirely. The recommended text should read “Zone AE: area subject to flooding by the 1% annual chance flood; Zone X: area determined to be outside of the 0.2% annual chance floodplain.” Also, the following phrase should be added: “All development within the special flood hazard area shall comply with the Delaware County Flood Damage Prevention Regulations.”*
2. *One copy of the revised Preliminary should be submitted to the RPC office no later than two weeks from the RPC meeting date.*

### **Commission / Public Comments**

Mr. Jim Watkins of Watcon Engineering along with Mr. Jack Brickner of Planned Communities was present.

*Mrs. Hough made a motion for Conditional Preliminary Approval of Sanctuary at the Lakes, subject to:*

1. *Clarifying which flood zone (AE) is referenced by the following note: “a zone described as 100 year flood plain on flood insurance rate map” or removing the note entirely. The recommended text should read “Zone AE: area subject to flooding by the 1% annual chance flood; Zone X: area determined to be outside of the 0.2% annual chance floodplain.” Also, the following phrase should be added: “All development within the special flood hazard area shall comply with the Delaware County Flood Damage Prevention Regulations.”*
2. *One copy of the revised Preliminary should be submitted to the RPC office no later than two weeks from the RPC meeting date.*

*Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*

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09-12                    **Orangepoint Commerce Park, Lot 2955, Div.#1 – Orange Twp. - 2 lots / 20.78 acres**

**I. Conditions**

**Applicant:** Orangepoint, LLC  
**Subdivision Type:** Commercial  
**Location:** west side of Graphics Way, south of Orangepoint Drive  
**Current Land Use:** Vacant  
**Zoned:** Planned Commercial and Office (PC)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** EMH & T

**II. Staff Comments**

The applicant seeks to split a platted lot in Orangepoint Commerce Park for the purpose of 125,000-s.f. tire distribution warehouse. The subdivision will create an 8.979-acre lot for the proposed business and an 11.802-acre lot for future use. These lots will share a common access point on Orangepoint Drive and the warehouse will have a secondary driveway on Graphics Way. An existing drainage easement will be removed and a significant drainage and detention area will be built as part of the development. No public improvements are required on the existing public roads.

*A technical review was held on November 20, 2012, after which the applicant has addressed all of the required changes.*

**III. Staff Recommendation**

Staff recommends *Preliminary Approval* of **Orangepoint Commerce Park, Lot 2955, Div.#1** to the DCRPC.

**Commission / Public Comments**

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

*Mr. O'Brien made a motion for Preliminary Approval of Orangepoint Commerce Park, Lot 2955, Div.#1. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.*

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**Preliminary/Final**

10-12                    **Olentangy Crossings, Sec. 2, Lot 7523, Div. #2 – Orange Twp. - 1 lot / 1.503 acres**

**I. Conditions**

**Applicant:** Continental Olentangy Crossings, LLC  
**Subdivision Type:** Commercial  
**Location:** east side of US 23, north of Lewis Center Rd.  
**Current Land Use:** vacant  
**Zoned:** Planned Commercial and Office (PC)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** Michael Wanchick, CT Consultants

**II. Staff Comments**

Olentangy Crossings, Section 2, Lot 7523 was subdivided in 2009 for the purposes of building a Dairy Queen and other retail space. The residual 5.617 acres is now being split to create a 1.503-acre lot for a Car Wash Depot. The lot includes two accesses to Pullman Drive (private) with no direct access to US 23. Circulation is provided around the site and a fire access connection to both the north and the south are required by the township. These must be built to the property line.

*A technical review was held on November 20, 2012, after which the applicant has addressed all of the required changes.*

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

**III. Staff Recommendation**

Staff recommends *Preliminary and Final Approval* of **Olentangy Crossings, Sec. 2, Lot 7523, Div. #2** to the DCRPC.

**Commission / Public Comments**

Mr. Sean Culling with Continental was present to answer questions from the Commission.

*Mr. Hal Clase made a motion for Preliminary and Final Approval of Olentangy Crossings, Sec. 2, Lot 7523, Div. #2. Mr. Joe Clase seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp). Motion carried.*

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## CONSENT AGENDA

### Final

06-07 Sorrento at Highland Lakes – Genoa Twp. - 1 lot /30.207 acres

#### I. Conditions

**Applicant:** Romanelli & Hughes Building Company

**Subdivision Type:** Condominium

**Location:** North side of Highland Lakes Drive, east of Worthington Rd.

**Current Land Use:** single-family home

**Zoned:** Planned Residential District (PRD)

**Utilities:** Del-Co Water, sanitary sewer

**School District:** Westerville School District

**Engineer:** Kevin Kershner, Stantec Consulting Service, Inc.

#### II. Staff Comments

Sorrento at Highland Lakes is a development of 42 single-family detached condominiums on 30 acres. No public road is being dedicated, so the plat is creating ingress/egress easements and utility easements. It also dedicates additional right-of-way along Worthington Road. The entrance is located across from Temperance Point and a fire access will be provided at the end of the cul-de-sac, aligning with Highland Lakes Place.

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

#### III. Staff Recommendation

Staff recommends *Final Approval* of Sorrento at Highland Lakes to the DCRPC.

#### Commission / Public Comments

No one was present to represent the applicant.

*Mr. Gunderman made a motion for Final Approval of Sorrento at Highland Lakes. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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#### V. EXTENSIONS *(none)*

#### VI. OTHER BUSINESS

- Consideration for Approval: 2013 RPC Budget  
Mr. Sanders explained that the Executive Committee recommended approval of an amendment to the proposed budget that included a 2.25% salary increase for the three staff. This was due to the County Commissioners approving that number to be used for county budgeting purposes.



*Mr. Gunderman made a motion to Approve the 2013 budget including the amended 2.25% salary increase for staff. Mr. Stites seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. O'Brien). Motion carried.*

- Consideration for Approval: 2013 RPC Meeting Schedule

*Mr. O'Brien made a motion to Approve the 2013 RPC meeting schedule as presented. Mrs. Foust seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- Consideration for Approval: 4 hours paid time off for Christmas Eve (8am-12pm)  
Mr. Sanders explained that as a gesture of goodwill, the Delaware County Commissioners approved paying 4 hours of paid time off for all non-essential staff for Monday, December 24, 2012, Christmas Eve. This was previously a 4 hour paid holiday (12-5pm).

*Mr. Irvine made a motion to approve the 4 hours paid time off for all three RPC staff for 12/24/12. Mrs. Jenkins seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (MR. O'Brien). Motion carried.*

- Reduction of Appropriation: Grant (Org. 76270702-5301)- \$13,720

Mr. Sanders explained that due to not spending the full amount of the grant that was budgeted the Auditor's office has asked that the Grant appropriation be reduced.

*Mr. O'Brien made a motion to reduce the OEPA Grant appropriation by \$13,720.00. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

Mr. Sanders explained that by staff error the OEPA Grant for 2013 had not been presented to the Executive Committee for recommendation for Approval. The proposed budget was handed out to the Commission for review.

*Mrs. Foust made a motion to Approve the OEPA Budget as presented. Mr. Gunderman seconded the motion.*

*Mrs. Foust made a motion to Amend her previous motion to include waiving the time period set forth in the By-Laws regarding budget approval. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**VII. POLICY / EDUCATION DISCUSSION** *(none)*

**VIII. RPC STAFF AND MEMBER NEWS**

- Appointment of Nominating Committee for Executive Committee member election

Mr. Burke explained that at the end of 2012 he would be resigning from the Executive Committee, although he would continue to serve on the Commission. He stated that he was originally going to retire at the end of the year but has agreed to continue at the Health District to assist the new Health Commissioner.

Mr. Burke appointed Fred Fowler, Joe Clase and Tom Farahay as the Nominating Committee. If anyone is interested in serving on the Executive Committee, please contact one of them. The Executive Committee meets once a month during the day at the RPC office, typically the Wednesday one week prior to the RPC meeting. The nominations will be heard at the December 20<sup>th</sup> RPC meeting.

*Having no further business, Mr. Irvine made a motion to adjourn the meeting, seconded by Mr. O'Brien. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, December 20, 2012, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

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Steve Burke, Chairman

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Stephanie Matlack, Executive Administrative Assistant