



# DELAWARE COUNTY REGIONAL PLANNING COMMISSION

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

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

**\*MINUTES\***

**Thursday, March 30, 2006 at 7:00 PM**

**Delaware Hayes Services Building,**

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

**I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of February 23, 2006 RPC Minutes
- Executive Committee Minutes of March 22, 2006
- Statement of Policy

**II. POLICY / EDUCATION DISCUSSION**

- Consideration for approval of Resolution #01-06 2006 Subdivision Regulations

**III. VARIANCES *(none)***

**IV. PUBLIC CONSTRUCTION PROJECTS *(none)***

**V. ZONING MAP/TEXT AMENDMENTS**

- 13-06 ZON T Lonnie Evans – Trenton Twp. – 3 acres from FR to RR
- 14-06 ZON Berlin Twp. Zoning Commission (re: Crownover Farms) – Comprehensive Plan amendment
- 15-06 ZON Orange Twp. Zoning Commission – Text amendments (adult entertainment, mixed-use districts)

**VI. SUBDIVISION PROJECTS**

**Preliminary**

			<b>Township</b>	<b>Lots/Acres</b>
27-05	T	Timberline Estates	Concord	02 lots / 07.10 acres
02-03.2		Walnut Grove, Section 2	Genoa	36 lots / 28.62 acres
07-06		Old State Woods	Orange	07 lots / 05.00 acres
01-06	T	Westbrook Farms	Oxford	28 lots / 68 acres

**Preliminary/Final *(none)***

**Final**

06-04.1	T	Summerwood Lakes, Section 1	Berkshire	35 lots / 28.41 acres
---------	---	-----------------------------	-----------	-----------------------

**T=TABLED, W=WITHDRAWN**

**VII. EXTENSIONS**

26-04		Fairways at Blue Church	Kingston	243 lots / 605 acres
07-05		Nelson Farms, Sections 1-3	Liberty	150 lots / 154.3 acres

**VIII. OTHER BUSINESS**

- Consideration of Approval: Insurance deductible to HAS Claims \$2,500.00
- Consideration of Approval: Loveland & Brosius \$3,765.71
- Executive Committee member election

**IX. RPC STAFF AND MEMBER NEWS**

- Phil Laurien farewell

**ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

Chairwoman Foust called the meeting to order at 9:30 p.m.

▪ **Roll Call**

*Representatives:* Rick Sedlacek, Robert Hedrick, Fred Fowler, Jim Ward, Kris Jordan, Gary Gunderman, David Andrian, Holly Foust, Charles Heimlich, Dick Gladman, Larry Crile, Bill Thurston, Marvin Miller, Lloyd Shoaf, Tom Brown, Linda Castner, Robert Jones, Bonnie Newland, Mike Datillo, Larry Starling.  
*Alternates:* Bob Carpenter, Gary Spanner, Dusty Gurney, Pat Blayney, Dan Basham, and Eric Fischer.  
*Staff:* Phil Laurien, Scott Sanders, Paul Deel, Joe Clase, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the February 23, 2006 RPC Minutes**

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

▪ **March 22, 2006 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes**

**February 15, 2005 – Mr. Gladman made a motion to approve the minutes of the last meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

3. **Old Business**

- a. **Contract updates** – Mr. Laurien presented the Committee with an updated contract and project status sheet. He explained that the requested work for Etna Twp., Licking County, is complete. They may wish to enter into a contract later this year for a Comprehensive Plan.

4. **New Business**

a. **Financial / Activity Reports for February 2006**

REGIONAL PLANNING RECEIPTS		FEBRUARY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,025.00	\$2,195.00
Fees A (Site Review)	(4202)	\$100.00	\$500.00
Insp. Fees (Lot Line Transfer)	(4203)		\$60.00
Membership Fees	(4204)	\$21,189.00	\$214,300.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$6,456.75	\$8,640.90
Associate Membership Fees	(4206)	\$1,500.00	\$1,500.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$60.81	\$534.81
Charges for Serv. B (Final. Appl.)	(4231)		\$36,244.00
Charges for Serv. C (Ext. Fee)	(4232)		\$2,542.63
Charges for Serv. D (Table Fee)	(4233)	\$300.00	\$1,050.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$800.00
General Sales	(4220)		\$300.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		

Soil & Water Fees	(4243)		\$8,660.00
MISCELLANEOUS REVENUE			\$5,852.00
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)	\$15.00	\$15.00
Other Misc. Revenue (GIS maps)	(4730)	\$2.00	\$6.75
Misc. Non Revenue Receipts	(4733)	\$300.50	\$541.50
Sale if Fixed Asset	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$31,549.06</b>	<b>\$283,742.59</b>

<b>Balance after receipts</b>		<b>\$278,427.01</b>
<b>Expenditures</b>	<b>-</b>	<b>\$ 55,834.74</b>
<b>End of January balance</b>		<b>\$222,592.27</b>

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

- b. **2006 Membership Dues:** Mrs. Matlack stated that only three entities are unpaid as of March 22<sup>nd</sup>. A second notice will be mailed out today.
  - c. **March RPC Preliminary Agenda** – Includes 3 rezoning / text amendments, 4 Preliminary applications, 1 Final application and 2 extension requests. The Subdivision Regulations along with 2 expenditure requests would also be heard.
  - d. **Subdivision Regulations** – Mr. Laurien stated that he believes the proposed amendments to the Subdivision Regulations are ready for Commission approval. He attended a meeting regarding the proposed amendments March 2<sup>nd</sup> with representatives from Marlboro, Radnor and Thompson Townships, land owners and developers in the area and at the conclusion of the meeting heard a consensus of agreement to the amendments.
  - e. **Consideration of Approval: Insurance deductible to HAS Claims \$2,500.00 –**  
*Mr. Gladman made a motion to recommend approval of the Insurance deductible for \$2,500.00 to HAS Claims. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*
  - f. **Consideration of Approval: Loveland & Brosius \$3,765.71 -**  
*Mr. Ward made a motion to recommend approval of the legal fees to Loveland and Brosius for \$3,765.71. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*
6. **Other Business (none)**
7. **Personnel**
- a. **Phil Laurien** - Mr. Laurien thanked the Committee for 8 wonderful years. He explained that he has enjoyed his time with the RPC and feels that the staff is competent to continue the good work the RPC has become known for. Chairwoman Foust stated that she was sorry to see Mr. Laurien go but wished him all the best.

8. **Adjourn**  
*Having no further business, Mr. Gladman made a motion to adjourn the meeting at 10:15 a.m. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next regular Executive Committee meeting will be Wednesday, April 19, 2006 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015*

- **Statement of Policy**

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

**II. POLICY /EDUCATION DISCUSSION**

- Consideration for approval of Resolution #01-06 2006, Subdivision Regulations  
*\*\*No action from the Commission was taken on this issue.\*\**

**III. VARIANCES (none)**

**IV. PUBLIC CONSTRUCTION PROJECTS (none)**

**V. ZONING MAP/TEXT AMENDMENTS**

**13-06 ZON T Lonnie Evans – Trenton Twp. – 3 acres from FR-1**

*\*\* This application has been tabled by the Township.\*\**

-----

**14-06 ZON Berlin Twp. Zoning Commission (Re: Crownover Farms, Ltd.) – Berlin Twp. – Comprehensive Plan amendment**

**I. Request**

The Berlin Township Zoning Commission has requested the DCRPC to review the Berlin Township Comprehensive Plan east of Africa Road and north of Sherman Road for 87.82 acres (parcels no. 41814001020000, 41814001050000 and 41814001051000) currently owned by Crownover Farms, Ltd. This request is pursuant to a rezoning request seeking additional residential density (R-2) for this acreage that was heard by DCRPC in February 2006 (see DCRPC case # 11-06 ZON).

**II. Staff Comments**

1. The 1999 Berlin Township Comprehensive Plan recommended single-family residential development at 1 unit per acre for this property. This would comply with the permitted density of the Farm Residential District (FR-1) in which the property is currently zoned. This recommendation also allows for use of the Planned Residential District (PRD) at the FR-1 density to allow for smaller lot sizes and a preservation of open space. The requested R-2 density would allow for a minimum lot size of 29,600 square feet or a maximum of 1.25 dwelling units per net developable acre in an R-2 development using the PRD overlay.
2. The adjacent Estates at Sherman Lakes to the southwest is planned to be developed at a net density of 1 unit per acre to comply with the comprehensive plan. The other adjacent single-family residential developments Sherman Lakes to the west and Ravines at Alum Creek to the north were permitted

higher densities pursuant to a court order. Berlin Township has been consistent in their desire to retain the Africa Road corridor as a lower density core of the Township. A PRD development at the SE corner of Sherman Rd. and 3 B's & K Rd. was approved for an FR-1/PRD at a net density of 1 unit per acre in 2003 (see RPC#43-04 ZON).

3. Since adjacent lands are recommended for a maximum residential density of 1 unit per acre on the comprehensive plan, this proposed R-2 density would not be in character with the area and would not be compatible to surrounding FR-1 areas along Sherman Road, and large lots along Africa Rd. The Comprehensive Plan is intended to be a 5 to 10 year vision for the Township's future. Staff believes the densities on the current Comprehensive Plan are valid and continue to represent the township's vision for this area.

### **III. Staff Recommendations**

Staff recommends **Denial** of the request for amendment to the Berlin Comprehensive Plan for Crownover Farms Ltd. to the DCRPC, Berlin Township Zoning Commission and Trustees.

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

Mr. Tony Eyerman was present to represent the application. He stated that he is aware of the way the higher densities on the two sides of this property occurred but to the west there is a net density of 2.33 units / acre in the Sherman Lakes development. There is a net density of 2.25 units / acre to the north and on the north eastern side there is a net density of 5 units per acre (commercial). The request is for a net density of 1.34 units / acre which the client feels is a reasonable transition between the higher density on the north and the lesser densities on the south.

Mr. Rick Gemienhardt (881 Africa Rd.) stated that there have been well documented discussions with the residents on Africa and Sherman Roads and they concur with the staff comments. At the zoning meeting earlier this month, he indicated that the residents were amenable to working with Mr. Eyerman so he could get 6 additional lots from what he already has proposed to plat in the straight FR district.

***Mr. Gunderman made a motion to recommend denial of the request for amendment to the Berlin Twp. Comprehensive Plan for Crownover Farms, based on staff recommendations. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

-----

**Applicant: Orange Township Zoning Commission**

**Request:** Review and make recommendations on Township zoning amendments to permit mixed uses in the Planned Commercial and Office Districts within the Lewis Center Area, and to create a new set of adult entertainment regulations.

**Case 15-06 A- ZON**

**I. General -Case 15-06A- Mixed Uses in PCD**

The 2001 Orange Township Comprehensive Plan recommended a mixed use town center in Sub Area 15 (Historic Lewis Center). Current zoning would require multiple divergences from multiple planned districts to build a Traditional Neighborhood Design town center. The inclusion of new language to permit mixed uses within the PCD will simplify future town center rezoning within sub area 15.

The amendment to Section 14.06 is printed below. NEW LANGUAGE IS CAPITALIZED

**SECTION 14.06 - PROCEDURE:** In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone property to this district shall follow the procedures hereinafter set forth:

- (a.) (11.) Specific statements of divergence from the development standards in Articles XXI, XXII and/or this Article, or existing county regulations or standards, and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.

IN DEVELOPMENT PLANS PERTAINING TO PROPERTY WITHIN SUB AREA 15 LEWIS CENTER OF THE ORANGE TOWNSHIP COMPREHENSIVE PLAN 2001, AS DEPICTED IN THE ORANGE TOWNSHIP COMPREHENSIVE PLAN ADOPTED MAY 1, 2001, THE STATEMENTS OF DIVERGENCE MAY ALSO INCLUDE AN ALLOWANCE OF MIXED USES, EXCLUDING INDUSTRIAL USES, AND THE STANDARDS, DETAILS AND JUSTIFICATION THEREFOR. UNLESS SUCH A DIVERGENCE AS TO MIXED USES IS STATED IN A DEVELOPMENT PLAN AND SPECIFICALLY APPROVED, THE USE LIMITATIONS OTHERWISE PROVIDED IN THIS ARTICLE FOR THIS ZONING DISTRICT SHALL BE COMPLIED WITH.

**II. Comments**

1. DCRPC Staff concurs with the intention to amend the PCD district to permit mixed uses, but “mixed uses” is not defined. A new definition should be added to the Orange Township Zoning Resolution that specifically defines what is meant by the term “mixed uses”.
2. By designating the territory eligible for mixed uses within Sub Area 15 on the comprehensive plan, this may be interpreted by some attorneys as being adopted pursuant to ORC 519.021 (C) despite the resolution stipulating it as pursuant to 510.021 (A). It also confers authority on the Comprehensive Plan that is statutorily reserved for a zoning map. There may be a better way to accomplish this.

**III. Staff Recommendation**

Staff recommends **Conditional Approval** of the Orange Township Zoning text amendments to Section 14.06 to the DCRPC, the Orange Township Zoning Commission, and the Orange Township Trustees, subject to a new definition being added to the Orange Township Zoning Resolution that specifically defines what is meant

by the term “mixed uses”. DCRPC staff also suggests that further consideration be given as to the method of designation of territory eligible for this amendment.

**Commission / Public Comments**

Mr. Ward made a motion to deny case#15-06 A ZON. Mr. Basham seconded the motion. HAND VOTE: 9 For denial, 11 Opposed to denial. Motion failed.

Mr. Starling made a motion to recommend conditional approval of case#15-06 A ZON, subject to staff comments. Mr. Spanner seconded the motion. VOTE: Majority For. Motion carried.

**Case 15-06 B ZON -Adult Entertainment**

**I. General** - A new Article XVIII is added that describes where adult entertainment is permitted and with what restrictions. DCRPC staff participated in the writing of these amendments. Two versions were offered; the Zoning Commission decided which version to adopt.

In this amendment, a distinction is made between “mainstream media” shops (which may sell up to 10% of their inventory as “hard core” material) and “adult book stores” or entertainment establishments that derive a “significant proportion” of their income from sale of “sexually explicit materials”.

1. Mainstream media shops are defined as follows:

“Media shop or store, mainstream, means a general term, identifying a category of business that sells and displays publicly various forms of media, at least 90% of which is not hard core material. A maximum of 10 % of the products sold may constitute hard core material, provided that any hard core materials are placed within an enclosed space, where entrance is limited to adult patrons only and where the hard core material is not displayed publicly.”

2. Mainstream media shops would be permitted in Planned Commercial or Planned Industrial Districts provided that no more than 10 percent of their gross floor area may be devoted to hard core material and they separate the hard core material as follows:

Section 18.02 a.)

- 1.) Hard core material shall be physically and visually separated from main stream media, and shall not be displayed publicly as defined in Article IV.
- 2.) Separation shall be by a solid opaque-walled enclosure at least eight feet high or reaching to the ceiling.
- 3.) Inventory marketed to and predominantly consumed by minors shall not be displayed within 15 feet of the entrance to the hard core material section.
- 4.) Access to the hard core material section shall be controlled by electronic or other means to provide assurance that a person under age 18 will not obtain access, and the general public will not accidentally enter this section.
- 5.) The hard core material section shall provide signage at its entrance warning that persons

under the age of 18 are not permitted inside.

- 6.) No adult arcades are permitted in mainstream media stores.
- 7.) No more than one designated area for sexually oriented merchandise per store.
- 8.) There shall be no exterior signs that advertise hard core or XXX media.

3. Adult entertainment establishments are defined as follows:

“Adult arcade means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.”

“Adult bookstore, adult novelty store, or adult video store means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- 1) Hard core material.
- 2) Adult novelties, instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

“Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- 1) Persons who appear in a state of nudity or semi-nudity;
- 2) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- 3) Films, motion pictures, video cassettes, slides, or other photographic reproductions, which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.”

“Adult entertainment means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.”

“Adult entertainment establishment or “Sexually Oriented Business” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater,

lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment."

“Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, or any other media, that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.”

“Adult theater means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.”

4. Adult Entertainment Establishments, with the exception of "touching businesses", would be permitted in the Planned Industrial district, but they shall not be permitted within 1000 feet (measured from the closest property line of each use) of:
  - (a) A religious institution;
  - (b) A kindergarten -12<sup>th</sup> grade school;
  - (c) A park or playground;
  - (d) A residence within a residential zoning district;
  - (e) A library;
  - (f) A day care center; or
  - (g) Another adult entertainment establishment.
5. Only one adult entertainment establishment (i.e. adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment) is permitted in a single building. No co-location of adult entertainment establishments is permitted within one building. It is not permissible to co-locate an adult bookstore with an adult theater, for example.
6. Hard core material is not permitted to be displayed publicly, as defined.
7. No adult entertainment establishment shall be permitted to open for business prior to 10:00 a.m. or later than 11:00 p.m.
8. Viewing booths shall not be used in conjunction with any "touching business" that results in the touching of clients by employees or employees by clients.

9. Adult entertainment stores that sell both mainstream media and hard core material shall physically and visually separate hard core material from main stream media using the standards in Section 18.02 a) 1) through 8).
10. Prohibited Adult Entertainment Establishments- "Touching businesses" such as non-therapeutic massage, lap dancing, and nude modeling that involves employee-client touching would not be permitted in Orange Township, since these are not protected by the first amendment to the U.S. Constitution.

## **II. Comments**

1. Orange Township is relying on studies of “adverse secondary effects” of similar adult entertainment uses in other communities to establish that certain precautions need to be taken to prevent adverse secondary effects on residences in residential areas, K-12 schools, churches, parks, libraries and day care centers. This has been previously upheld, but some very recent court decisions have recognized a new category of adult entertainment use- that of the mixed media store that sells less than 40% of its inventory as hard core material. A Florida federal appeals court refused to allow the city of Daytona Beach to rely on old studies that did not discern between such mixed media stores and adult entertainment establishments. Orange Township may someday have to recognize such mixed media outlets and provide for them, or do a study of the adverse secondary effects of such mixed media outlets in order to be allowed to regulate them.
2. In order to restrict adult entertainment to a district, there must be adequate land in the “relevant real estate market” to locate such adult entertainment. Currently Orange Township has 437.45 acres zoned Planned Industrial (PI) along US Route 23, a four-lane federal highway that bisects the township. The PI district would be the most appropriate location for adult entertainment establishments in Orange Township provided they can meet the 1000 foot separation requirement in Section 18.02 (2)(a).
3. Of the 437.45 acres currently zoned PI there are 234.61 acres that can meet the 1000 foot separation requirement for adult entertainment establishments. The 234.61 acres are within developed areas with roads and utilities. They are accessible from U.S. 23, Polaris Parkway (SR750, a six-lane state route), and Orange Road (a two-lane township road). The 234.61 acres of PI zoning that can meet the 1000 foot separation standard represent 1.4% of the township's total acreage, and 53.63% of the township's Planned Industrial acreage. In addition to currently zoned PI districts, there are currently 243.24 additional acres proposed for future Planned Industrial zoning on the Township comprehensive land use plan that could also conform to the 1000 foot separation requirement. DCRPC staff believes that this meets the test established by Renton Washington.
4. If other communities adopt similar adult entertainment regulations, they must do the geographic analysis to be sure there really is adequate land in the relevant real estate market to locate adult entertainment establishments.

## **III. Recommendation**

DCRPC staff recommends **Approval** of the Orange Township Zoning text amendments to include a new Article XVIII, Adult Entertainment, to the DCRPC, the Orange Township Zoning Commission, and the Orange Township Trustees.

**Commission / Public Comments**

**Mr. Blayney made a motion to recommend approval of case# 15-06 B ZON. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

-----

**VI. SUBDIVISION PROJECTS**

**Preliminary**

**27-05 T Timberline Estates – Concord Twp. - 02 lots / 07.10 acres**

**Applicant:** Kathleen Quick

**Consultant:** Patridge Surveying

**I. Staff Comment**

The applicant has requested a 90-day tabling of Timberline Estates. This will be the second tabling request.

**II. Staff Recommendation**

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

**Commission / Public Comments**

**Mr. Ward made a motion to approve the 90-day table request of Timberline Estates, seconded by Mr. Gunderman. VOTE: Unanimously For, 0 Opposed. Motion carried.**

-----

**02-03.2 Walnut Grove, Section 2- Genoa Twp. - 36 lots / 28.62 acres**

**Applicant:** Walnut Grove Estates, Inc.

**Subdivision Type:** Single-family Residential

**Location:** East side of Worthington Rd, north side of Big Walnut Rd, Genoa Twp.

**Current Land Use:** Single-family residential

**Zoned:** Planned Residential District, (PD-1), with conservation standards

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

**School District:** Olentangy

**Engineer:** RD Zande

**I. Staff Comments**

Walnut Grove Estates originally received preliminary approval in January 2003 for 56 lots on 51.3 acres. Section 1 was platted in October 2004 and contained 42 lots on 36.35 acres. The developer has since acquired 13.5 acres to the north and seeks to amend the western portion (unplatted) of the subdivision. Section 2 now contains 36 lots on 28.62 acres. The new design moves the entrance from Worthington Road north to align with the proposed access to Mansard Estates to the west. Mahogany Drive will be extended from Section 1 into this section and will continue north then east where it will stub to the east boundary for potential adjacent development. An existing house at the northwest corner will remain but will take access from the new entrance road rather than directly from Worthington Road. This section

includes 6.11 acres of open space in 3 reserve lots. The 3.2 acre open space lot to the south will be utilized as a park and tot lot. A detention pond will be provided in the 2.18 acre open space lot to the east. Minimum lot size will be 10,400 s. f. and all lots will be served by Del-co water and County sewer.

The site is surrounded by residential land use, including Walnut Grove Estates Section 1 to the east, future Mansard Estates to the west and Jardin Estates to the north. There are also large road frontage lots of 1+ acre along Worthington Road (to the west) and Big Walnut Road (to the south). The overall PD-1 development plan was amended in late 2005 (RPC # 28-05 zon).

*A technical review was held on February 14, 2006, after which the applicant has addressed all of the required changes.*

## **II. Staff Recommendation**

Staff recommends *Preliminary approval* of the **Walnut Grove Estates, Section 2** to the RPC.

### **Commission / Public Comments**

Mrs. Lenell Sniechowski of RD Zande was present to represent the applicant.

*Mr. Blayney made a motion for Preliminary approval of Walnut Grove Estates, Section 2. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

---

## **07-06 Old State Woods – Orange Twp. - 07 lots / 05.00 acres**

### **I. Conditions**

**Applicant:** RLG Builder Inc. (c/o Jeffrey Weingarten)

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

**Location:** East side of S Old State Rd, about ¾ mile north of Orange Rd, Orange Twp.

**Zoning:** Single Family Planned Residential District (SFPRD)

**Existing Land Use(s):** Wooded lot w/ single-family residence

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and County Sanitary Sewer

**Critical Resources:** Drainage swale

**Surrounding land uses:** Glen Oak & Alum Crossing to the west, Del-Co Water to the north and east, Olde State Farms Subdivision to the south.

**Engineer:** Mike Williamson, Cornerstone Engineering

### **II. Staff Comments**

The applicant is proposing a six lot Low-Volume Low-Density (LVLD) private street off the east side of South Old State Road. This road will align with Ashcreek Avenue in Glen Oak Subdivision on the west side of South Old State Road. The applicant is proposing to retain the existing residence with a shared access point with Del-Co Water Co. to the north. Average lot size is one third of an acre with just over an acre of passive open space. The southern open space lot will be primarily used for storm water detention. The applicant is dedicating a 10 foot wide bike path easement on the east side of South Old State Road and proposing to construct sidewalks along both sides of the proposed private street.

A technical review was held on March 21<sup>st</sup>, 2006, after which the applicant has addressed all of the required changes.

**III. Staff Recommendations**

Staff recommends Preliminary *approval* of **Old State Woods** to the RPC.

**Commission / Public Comments**

Mr. Mike Williamson of Cornerstone Engineering was present to answer questions from the Commission.

*Mr. Shoaf made a motion to for Preliminary approval of Old State Woods. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

-----

**01-06 T Westbrook Farms – Oxford Twp. - 28 lots / 68 acres**

**Applicant:** Anthony Antronica, Countrytyme Land Specialists

**Engineer:** Mark Hadak, E.I., R.D. Zande & Associates, Inc.

**II. Staff Comments**

The applicant has requested a 90 day tabling of Westbrook Farms in order resolve Technical Review issues.

**III. Staff Recommendations**

Staff recommends approval of the 90-day tabling of Westbrook Farms Subdivision to the RPC.

**Commission / Public Comments**

*Mr. Andrian made a motion to approve the 90-day tabling of Westbrook Farms. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

-----

**Preliminary/Final** (none)

**CONSENT AGENDA**

**Final**

**06-04.1 T Summerwood Lakes, Section 1 – Berkshire twp. - 35 lots / 28.41 acres**

**Applicant:** Homewood Corporation  
**Consultant:** Floyd Browne Group

**I. Staff Comments**

The applicant is requesting a 90-day tabling of the Final Plat for Summerwood Lakes, Section 1 in order to complete a land transfer for a small portion of the subdivision.

**II. Staff Recommendation**

Staff recommends *approval of the 90-day tabling of Summerwood Lakes, Section 1* to the RPC.

**Commission / Public Comments**

*Mr. Ward made a motion to approve the 90-day tabling of Summerwood Lakes, Section 1. Mr. Andrian seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Kingston Twp.). Motion carried.*

-----

**VII. EXTENSIONS**

**26-04 Fairways at Blue Church – Kingston Twp. - 243 lots / 605 acres**

**Applicant:** Robert Weiler, c/o Siemer Land LLC  
**Consultant:** Floyd Browne Group

**I. Staff Comments**

The applicant is requesting a 6-month extension of the Preliminary approval of the Fairways at Blue Church due to delays in obtaining downstream sanitary approvals which is affecting submission of engineering plans. This subdivision received conditional preliminary approval April 28, 2005. If approve this extension will expire in October 2006.

**II. Staff Recommendation**

Staff recommends approval of the 6-month extension for the **Fairways at Blue Church** to the DCRPC.

**Commission / Public Comments**

*Mr. Ward made a motion to approve the 6-month extension for the Fairways at Blue Church. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

-----

**07-05 Nelson Farms, Sections 1-3 – Liberty Twp. - 150 lots / 154.3 acres**

**Applicant:** Nelson Farms Associates LLC  
**Consultant:** EMH&T

**I. Staff Comments**

The applicant is requesting a 6-month extension of the Preliminary approval of the Nelson Farms subdivision in order to allow for the sanitary sewer alignment serving the development to be resolved. Preliminary approval was granted March 31, 2005.

## **II. Staff Recommendation**

Staff recommends approval of the 6-month extension for **Nelson Farms, Sections 1-3** to the DCRPC.

### **Commission / Public Comments**

**Mr. Ward made a motion to approve the 6-month extension for Nelson Farms, Sections 1-3. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

-----

## **VIII. OTHER BUSINESS**

- Consideration of Approval: Insurance deductible to HAS Claims \$2,500.00  
**Mr. Blayney made a motion to approve the payment to HAS Claims for \$2,500.00. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**
- Consideration of Approval: Loveland & Brosius \$3,765.71  
**Mr. Ward made a motion to table the consideration of payment for legal fees. Mr. Andrian seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**
- Executive Committee member election  
**Mr. Gunderman made a motion to nominate Holly Foust, Dick Gladman, Steve Burke, and Lloyd Shoaf to the Executive Committee for 2006-2007. Mr. Jones seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

## **IX. RPC STAFF AND MEMBER NEWS**

- **Phil Laurien's farewell** – Chairwoman Foust announced that this was Mr. Laurien's last RPC meeting. Mr. Laurien thanked the Commission for the privilege of serving the Commission for the last 8 years. He said that he has been working in planning for 32 years and this has been the most fun he's ever had. It's been the best job he's ever had, and best staff he's ever had. Chairwoman Foust presented Mr. Laurien with a gift from the Commission, staff and Executive Committee. She also invited the Commission to a farewell reception for Mr. Laurien from 2-4 p.m. (3/31/06).

**Mr. Shoaf made a motion to adjourn the meeting at 10:15 p.m. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

***The next meeting of the Delaware County Regional Planning Commission will be Thursday, April 27, 2006, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G35, Delaware, Ohio 43015.***

---

*Kolly Foust, Chairperson*

---

*Stephanie Mallack, Executive Administrative Assistant*