

THE LICKING COUNTY PLANNING COMMISSION
MEETING MINUTES
Dec. 20, 2010

The Licking County Planning Commission meeting was called to order by Ronda Saunders at 7:00 p.m. on Monday, Dec. 20, 2010, in the Donald D. Hill County Administration Building, Meeting Room A, 20 South Second Street, Newark, Ohio.

MEMBERS PRESENT

Larry Ball	Chad Berginnis	Jim Bradley	Tim Bubb	Brad Feightner
Jim Fullen	Chet Geiger	Stephen Holloway	Jim Kiracofe	Larry Parr
Ronda Saunders				

MEMBERS ABSENT

Jim Bidigare	Mike Foran	Dave Lang	Doug Smith	Rod Osborne
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STAFF PRESENT

Jerry Brems	Kim Christian	Ryan Edwards	Brad Mercer
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OTHERS PRESENT

Connie Klema	Gary Burkeholder	Pat Bishop	Richard Field	David Cole
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ROLL CALL AND SEATING OF ALTERNATE MEMBERS

Licking County Planning Commission member Jim Bradley led the Pledge of Allegiance. Roll call was taken and all members were seated.

APPROVAL OF LCPC MEETING MINUTES, WITH OR WITHOUT CORRECTIONS

Jim Bradley moved to approve the Nov. 15, 2010 LCPC meeting minutes. Chad Berginnis seconded the motion. A voice vote was called and the motion passed unanimously.

SWEARING-IN/AFFIRMING OF PUBLIC

Ronda Saunders asked the public to rise and be Sworn-In or Affirmed if they were planning to comment on any of the issues presented at the meeting. Individuals wishing to speak were Sworn-In or Affirmed.

ANNOUNCEMENTS OF THE DIRECTOR

None.

ANNOUNCEMENTS OF COMMISSION MEMBERS

Chad Berginnis announced that he would be resigning from the Planning Commission Board effective this month, as he would be moving to Madison, Wisconsin in January for a career opportunity. He expressed his appreciation to the board and to the planning staff. Ms. Saunders thanked Mr. Berginnis for his years of service.

RECOGNITION OF JIM BRADLEY'S YEARS OF SERVICE

Tim Bubb said he wished to recognize Jim Bradley's years of service to the county and the Planning Commission Board, and presented him with a plaque and certificate of appreciation from the Board of County Commissioners and the Planning Commission. Mr. Bubb said Mr.

Bradley was being awarded the title “Licking County Planning Commission Member Emeritus” by the Board of County Commissioners.

Jerry Brems said over the years as the staff has gone through the process of updating and amending the subdivision regulations, Mr. Bradley has always been there to support the staff and push for what he felt was right. Mr. Brems said he spoke for himself and the staff in saying that they appreciate the support. Mr. Bradley said the Planning Commission has had good staff over the years, and the department has come a long way.

Mr. Bubb said that when a seat becomes available on the board, the Commissioners typically look to alternates with the most seniority and experience to fill a voting spot. Mr. Bubb said that Larry Ball would be filling Mr. Bradley’s spot.

OLD BUSINESS

None.

NEW BUSINESS

A. APPROVAL OF MOTIONS

Jim Bradley moved to approve the Dec. 20, 2010 motion list. Larry Ball seconded the motion. A voice vote was called and the motion passed unanimously.

B. SUBDIVISION REVIEW, VARIANCES AND ZONING RECOMMENDATIONS

1. 2010-017-Z
Text Amendment, Section 910: Professional-Research-Office District (PRO) and Section 912: General Business District (GB)
Township: Etna
Applicant: Etna Township Zoning Commission

Motion: To make a recommendation to Etna Township to approve the proposed text amendment.

Brad Mercer said The Etna Township Zoning Commission is proposing to amend the Etna Township Zoning Resolution to remove North American Industry Classification System Code 561730: Landscaping Services from Section 910: Professional Research Office District, and inserting it into Section 912: General Business District.

Mr. Mercer said the purpose is to move Landscaping Services from a use deemed to be more closely aligned to retail sales to the GB District rather than the PRO District. The township believes Landscaping Services was a “misplacement of a commercial, retail, or wholesale landscaping uses in Professional Research Office developments”, and is more compliant with the commercial uses in the GB district. Mr. Mercer said the proposal is in accordance with the current Etna Township Comprehensive Plan.

STAFF RECOMMENDATION: Staff recommends the Licking County Planning Commission make a recommendation to Etna Township to **approve** the proposed text amendment.

Jim Bradley called the question. A vote was called and the motion passed unanimously.

2. 2010-018-Z
Map Amendment: AG to PMUD
Township: Etna
Applicant: Connie Klema/JBW Properties, LLC.

Motion: To make a recommendation to Etna Township to approve the proposed map amendment.

Ryan Edwards said JBW Properties owns parcels located on both the east and west sides of State Route 310 in Etna Township. These lots are situated directly to the north and east of the Cumberland Trails subdivision, and to the south of the Cameron Chase subdivision. The applicant's proposal is to create a mixed-use development consisting of a range of residential options, retail establishments and professional offices. The zoning tool the developer wishes to use is Planned Unit Development. The Etna Township Zoning Resolution has three PUD options; one of the options is Planned Mixed Use Development. This zoning tool is different than straight zoning in that the township and the developer work together to establish the regulations for each particular development within the criteria set forth in the PMUD section of the Etna Township Zoning Resolution. The applicant wishes to rezone the property in question from its current Agricultural designation to the PMUD designation.

Mr. Edwards said in October of 2010, the State Route 310 Corridor Focus Area section of the Etna Township Comprehensive Plan was approved by the Licking County Commissioners after approval recommendations for that document were endorsed by both the Etna Township Board of Trustees and the Licking County Planning Commission. The Ohio Revised Code Section 519.02 outlines that township trustees can enforce a range of land use controls in the interest of the public health and safety as long as they are in accordance with a comprehensive plan.

The lots proposed for rezoning are located in three different land use categories as outlined in this plan. The area proposed for development on the west side of the road is identified as Mixed Use – Local Business/Conservation Subdivision, and the area proposed for development on the east side of the road is identified as Mixed Use Professional Research Office/Conservation Subdivision and also Conservation Subdivision.

Mr. Edwards said the idea behind designating the large piece of land on the southwest corner of State Route 310 and Refugee Road is to fend off annexation to Pataskala. The future land use map of Pataskala directly across Refugee Road calls for a mixed-use office, retail, residential district. The land owner, if unsatisfied with the future land use plan of Etna Township, could easily annex into Pataskala, and develop according to their zoning rules. The hope is that through the density incentives and flexibility of the PUD process, developers and landowners will choose to stay in the township and develop these areas according to that method.

Mr. Edwards said the area included in this district along US Route 40, located on the west side of Smoke Road, is a particular concern due to the future site of the new high school. This area is currently zoned as a general business district, which allows for uses such as beer and liquor establishments, which some feel is an inappropriate use so close to a school. By encouraging and incentivizing developers to develop this area as a Planned Unit Development in a Local Business and Residential fashion, the township can refer to the permitted uses of the Local Business District, which are much more limited and well defined than the broad uses allowed in the GB-1 District. Mr. Edwards said this is not to suggest that a place that serves alcohol is prohibited from all Local Business District lots, however the PUD states that the applicant for a

PMUD may apply for a combination of permitted uses within their development as long as they are in keeping with the intent of the township and will not adversely affect the adjacent property and/or the public health, safety and general welfare. The discretion to decide what uses are allowed within these developments will be in the hands of the township zoning commission and township board of trustees. It is the opinion of the current planning committee that development adjacent to schools should be appropriate for school-age children.

Mr. Edwards said a conservation subdivision would require that at least 50 percent of the project be preserved as permanent open space. The open space would be developed in large contiguous blocks and would be available and accessible to everyone in the township. The development pattern of homes would be clustered and in closer proximity to one another than what would be found in typical subdivisions. To make this type of development attractive to potential developers, the density allowed in the PRD should be higher than the density in the Agricultural District and the same as the density found in the Residential (R-1) District. Lot sizes in these developments will not be consistent from project to project. The allowed development unit per acre, as well as the required open space, will determine the size of the lots in each development. These projects will be done through the Planned Unit Development process, where the township will have the ability to review each plan and have the power to decide if the proposal meets the intent of the Planned Residential Conservation District of the Etna Township Zoning Resolution.

Developments that occur in this manner will be required to include multi-use bike paths along the existing streets that they border. Setbacks for this district will be 150 feet from the street centerline to maintain a rural feel. The multi-use bike paths will be located within dedicated easements in these setbacks.

Mr. Edwards said staff is concerned about the density of the residential development that is proposed within the various levels of housing proposed in this plan. The SR 310 Corridor Focus Area document proposes that the type of residential development that occurs on each side of the road behind retail and office developments follow the conservation subdivision style of development. That plan suggests that the Planned Residential Conservation District regulations of the Etna Township Zoning Resolution should be followed when residential development occurs in those areas in the future.

Mr. Edwards said staff is mostly concerned with the conflict between the density allowed in a conservation subdivision, as recommended in the comprehensive plan, in comparison with the density proposed by the applicant. Mr. Edwards said if you split this proposal into two parts, the west side and east side of State Route 310, and ignore the retail and office land use designations, there is approximately 28.6 acres of proposed residential development on the west side of SR 310 and 11.3 acres of proposed residential development on the east side of SR 310. According to the PRCD regulations of the Etna Township Zoning Resolution, the permitted density is one unit per net developable acre. Per those guidelines, the number of residential units allowed on the west side of the road in the proposed residential areas would be approximately 29, and the number allowed on the east side of the road would be approximately 12. Mr. Edwards said this contrasts greatly with the density proposed by the applicant. In their proposal, the 28.6 acres of various kinds of residential development on the west side of State Route 310 would allow a maximum of 126 units, while the 11.3 acres of planned residential development on the east side of the road would allow for approximately 45 units. The level of density proposed by the applicant is well above the amount that is recommended in the SR 310 Corridor Focus Area of the Etna Township Comprehensive Plan. Mr. Edwards said staff would encourage the Etna Township

Zoning Commission and the applicant to work toward a density solution for these areas that is more in line with the recommendations of that document.

Mr. Edwards said the amount of open space proposed in comparison to that suggested in the PRCD section of the Etna Township Zoning Resolution is in conflict. That section of the zoning resolution requires that at least fifty percent of the gross tract acreage shall be designated as permanent open space. Staff would contend that the applicant does a better job in providing adequate open space for the residential areas on the west side of State Route 310 than on the east side. Mr. Edwards said when you add the 28.6 acres of planned residential development on the west side of the road with the planned open space on that side of the road, you get approximately 39.9 acres. There are approximately 13.9 acres that are to serve as open space on that side of the road; that would be approximately thirty-five percent of the gross tract acreage of that section of this plan. On the east side however, the proposed open space that serves the 11.3 acres of planned residential development would only be fifteen percent.

Mr. Edwards said another item of interest is the statement within the residential area consisting of 7.0 acres on the west side of State Route 310 that says "No vehicle access will be extended from Cumberland Trail to or through the development. If required by the West Licking Joint Fire District, access will be permitted from Cumberland Trail strictly for emergency access purposes." The Licking County Subdivision Regulations will require that this new development connects to or provides stub streets in order to connect with current or future developments on neighboring properties. This statement should be eliminated from the text for this section of the plan, as it will not comply with current Licking County regulations.

Also important to note is the location of the shown road right of way. Mr. Edwards said it may be prudent to eliminate this from the rezoning request, as it may not accurately depict where a future road would be located to serve this development. Licking County Access Management Regulations, as well as Ohio Department of Transportation Regulations, will help determine locations that will best serve the health and safety of the Etna Township Community.

Additionally, mentioned within this plan are restrictions on housing and other developments relating to age and building materials. With regard to age restrictions, staff would encourage the Etna Township Zoning Commission to review these types of limitations with the Licking County Prosecutor's Office. With regard to building materials, it is within the right of the township to establish architectural standards based upon aesthetic look, but not on specific materials. Staff would suggest that the Etna Township Zoning Commission work with the applicant to establish a certain type of look that they would like to see for that area.

STAFF RECOMMENDATION: Staff recommends the Licking County Planning Commission make a recommendation to Etna Township to **deny** the proposed map amendment.

Stephen Holloway asked if multiple exits were preferred with this type of development. Mr. Edwards said this is merely a rezoning request, and access management may dictate that the roads are located elsewhere or in another manner.

Larry Parr asked why it was staff's belief that the densities were too great for the single and multi family residential portions. Mr. Edwards said staff got a lot of public input for the SR 310 plan, and one development unit per acre is much different than six development units per acre.

Jim Kiracofe asked if farmland preservation is part of the comprehensive plan. Mr. Edwards said in the SR 310 section that has been approved it is not, but the full plan is still being updated and there is a lot of future agricultural area included in the map. Mr. Edwards said staff would encourage things such as farmland preservation, which would be outlined in the text.

Mr. Parr asked about the density of Cumberland Trails. Mr. Edwards said he didn't know offhand.

Connie Klema said she represents the landowner. Ms. Klema said the applicant has been working on this for over a year, and she has met with several landowners in the area. She said the density at Cumberland Trails is four units per acre, and at Cameron Chase it's five to six units per acre. Ms. Klema said she and the applicant started looking at elderly care facilities and restricted condominiums with 55 and 65 and over age restrictions, which is legal under the Ohio Revised Code. This excited the people at Cumberland Trails as it meant fewer kids going to school and homeowners that would probably be coming and going. Ms. Klema said few people would want to design for residential development next to retail businesses and have large lot homes, and four units per acre was agreed as an acceptable density.

Ms. Klema said in regard to open space, she believes there is 58% open space on the west side. In addition, the text states that any time land that is residentially zoned is developed, 10% of acreage has to be added. There is also a wetland maintained in the residential subdivision next to Cumberland Trails; that makes a little over 17 acres of green space. On the east side, there is a little over 30% of open space.

Ms. Klema said she realized that this is in conflict with the future land use plan in regards to density, but this was a result of numerous discussions with residents about what they want. Ms. Klema said elderly care facilities aren't under that density qualification, as they're considered a local business. Ms. Klema said beneficial design features of this plan include required bike and walking trails, 85% of lots have to be facing open space, shade trees must be planted along internal roads, and pedestrian circulation systems must be done. Ms. Klema said the applicant is trying to figure out what would work best for the area and incorporate the conservation design.

Ms. Klema said regarding the connectors, the residents preferred a walking trail connector to Cumberland Trails rather than a roadway. Ms. Klema said she explained to people that if there is an issue with this they would likely have to address it with the LCPC board.

Jim Bradley asked how Ms. Klema contacted the adjacent owners. Ms. Klema said she took all the people she would have to notify for the zoning change and added on. Mr. Bradley asked how many people showed up to these meetings. Ms. Klema said at the first meeting there were probably 38 people, with 20 people at the second meeting and 10 people at the final meeting.

Mr. Holloway asked Mr. Edwards about his thoughts regarding the density issue. Mr. Edwards said the main theme throughout developing the comprehensive plan was that the township wants to remain rural. He said this area was obviously an important part of the process, and on the private plan that was done separately it was identified as conservation subdivision. Mr. Edwards said along the way people talked about wanting some services and opportunities for employment growth in this area, and the committee liked the conservation subdivision concept and wanted to incorporate it.

Chad Berginnis said it sounds as if there's a substantial amount of compliance with the exception of density, and the PMUD seems to allow that kind of possibility. He asked the staff about the

rules when there is conflict such as this. Jerry Brems said there is no set answer, which is a reason why proposals such as this will come before the LCPC board and the township. Mr. Brems said if the comprehensive plan showed a higher density in this area, staff's recommendation would be to approve, and the main concern is what the residents said they wanted in terms of density.

Gary Burkeholder said he lives in Cumberland Trails. Mr. Burkeholder said he is also the president of the Cumberland Trails Homeowners Association, and said there was considerable opposition to higher densities along this corridor. In March of 2010, there was a meeting with well over 100 people that expressed concerns about the density and impact on infrastructure. The Cumberland Trails Homeowners Association Board voted unanimously to support the MSI plan that called for residential conservation in this area.

Mr. Burkeholder said recently the Etna Township Zoning Commission discussed the new mixed planned unit development. He said he is a former Etna Township Trustee, and he was an advocate of bringing PMUD tools back so that better developments could be built. At the meeting last week, it was apparent that the plan as currently submitted lacks the details of the current mixed planned unit development. Mr. Burkeholder said he supported the staff's recommendation of denial, and said the Homeowners Association opposes any attempts to connect vehicular traffic to Cumberland Trails.

Tim Bubb said he didn't recall anything about connections in the staff report, and thought this was just a concept in terms of zoning. Mr. Bubb asked Mr. Edwards if staff made any recommendation in terms of connections; Mr. Edwards said he did not. Mr. Bubb said as he understood it the details would come about in the development stage. Mr. Burkeholder said in Cumberland Trails things were laid out ahead of time so everyone knew what would end up in the final development. He said the property going up to Refugee Road was also planned for commercial, and ingress and egress of these properties would still connect to a residential subdivision. Mr. Burkeholder said it's better to determine these things now rather than after the fact, especially for the fire department.

Stephen Holloway asked what the next step in the process would be if this were approved, and asked if this would come back before the LCPC; Mr. Edwards said it would. Mr. Bradley said the board would be approving a density different than that which is in the plan.

Mr. Parr said this is just a footprint of how the owner would see the property developing, and staff would still have a lot of work to do. Mr. Edwards said it's very important in this kind of PUD text-driven rezoning to consider that if this is approved, that type of density would be allowed within that new zone in Etna Township. Mr. Parr said he's never seen a density of four per acre before with multi-family in Licking County, and said this is quite generous. Mr. Edwards said the zoning needs to be in accordance with the township's comprehensive plan, and this isn't the kind of density the community is asking for.

Larry Ball asked if the board would be approving usage or density. Mr. Brems said the board would be approving both, and the two cannot be separated.

Mr. Berginnis asked if the board was approving the overall percentage of open space. Mr. Edwards said the applicant has come up with their own open space guidelines, and the conservation subdivision of the township zoning resolution would require 50% open space. The developer and the zoning commission would have that negotiation power. Ms. Klema said there is

58% open space on the west side; on the east side there is a 30% requirement in the conservation residential portion and a required 30% open space in the professional area.

Ms. Klema said each area of this plan gives very specific information as to what has to be done. She said the density may change before it gets to the township trustees, and if they approve the text it doesn't mean they approve the plan. Ms. Klema said the specifics aren't known now, and those types of things will be established when someone comes in with a final development plan, and then the plan will have to be reviewed in regards to the county subdivision regulations.

Mr. Kiracofe asked if all this discussion could be mute if the developer worked with Pataskala and developed to totally different standards; Ms. Klema said that was correct.

Mr. Berginnis asked Mr. Burkeholder where you draw the line regarding the flexibility of the PUD process. Mr. Berginnis asked why you would have a PUD district without some allowances. Mr. Burkeholder said sometimes a minor alignment or geographical impediment could be cause for adjustments. He said he didn't believe all the preliminary plan and zoning requirements have been met according to the new PUD. Mr. Burkeholder said Cumberland Trails didn't have a homeowner's association, protective covenants or a grievance in place. He said he'd like to see more detail with this, and it was his understanding that this could only be up for referendum 30 days after the township passes a rezoning. The details of this development come later and are considered an administrative act. Mr. Burkeholder said he wished the citizens had the ability to see the final details and have some recourse through referendum.

Mr. Bubb said there seems to be some agreement that the density is acceptable in the PMUD. He asked how close this concept is to the comprehensive plan. Mr. Edwards said in his opinion this density is very far off from what is stated in the comprehensive plan.

Brad Feightner asked who owned the open lot. Mr. Edwards said this is owned by a different property owner.

Mr. Bradley asked if a conditional approval could be proposed with a stipulation that these problems with density be resolved. Ms. Saunders said this board is just providing a recommendation. Mr. Bubb asked if a condition would be appropriate. Mr. Bradley said the board often makes conditions part of the recommendation. Mr. Edwards said the density is really the sticking point for staff.

Mr. Ball said the board should consider that density is also a cost factor, and said he agreed with Mr. Bradley on recommending a condition regarding density.

Jim Fullen moved to amend the motion to read "to conditionally approve the proposed map amendment, the condition being the township work out an appropriate density with the developer." Jim Bradley seconded the motion.

Chet Geiger called the question to amend the motion. A vote was called and the motion passed unanimously.

Chet Geiger called the question on the amended motion. A vote was called and the motion passed unanimously.

3. 2010-032-V
Section 8.13: Major Collector, 400' Access/Driveway Spacing
Township: Liberty
Applicant: Michael and Patricia Bishop

Motion: To approve the requested variance.

Brad Mercer said the applicants currently own an 83.2-acre lot of record with an existing home and outbuildings located upon the lot. The applicants are preparing a life estate parcel to encompass the existing home on a 3.129-acre lot. The remaining 80.071-acres will be conveyed to a family trust. The existing lot has two existing driveways that access Northridge Road that are located approximately 240' apart. Northridge Road is classified as a major collector within the county subdivision regulations, therefore the applicants are requesting a variance of 160' to allow them to maintain both existing driveways.

Mr. Mercer said due to the fact that the applicant is subdividing the existing 83.2-acre lot of record, thus requiring access for the remainder to be granted either through its own approved access location or through a shared access, the applicant is required to bring the non-conforming access features into compliance with the subdivision regulations.

The intent of the subdivision regulations is to provide and manage access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. Mr. Mercer said the existing situation does not uphold this standard because it does not comply with the spacing standard. Additionally, the lot owner has the area to meet the spacing standards by closing one of the existing access locations.

Mr. Mercer said the applicant does have the ability to create a shared access that would meet the spacing standard. This may be accomplished by utilizing internal circulation on the site to access the lots and structures. One option is to eliminate the existing gravel driveway at the southern portion of the proposed lot and to utilize the existing paved driveway at the northern end as a shared access. These access drives are currently connected and allow for reasonable connectivity and access. The only additional cost to the landowner would be the removal of the existing gravel access and associated culvert, and to establish a lawn in its place.

Mr. Mercer said that by denying the variance and requiring a shared access, the lot owner would not be denied reasonable access, public health, safety and welfare would not be endangered, and the applicant would not be caused undue hardship.

STAFF RECOMMENDATION: Staff recommends **denial** of the requested variance.

Larry Ball asked if both driveways would remain active; Mr. Mercer said the applicant wishes to maintain both driveways.

Chet Geiger asked how much road frontage the lot has total. Mr. Bradley asked if this were a problem because both of these are on one lot. Jerry Brems said the regulations state that when a lot split occurs that the driveway be brought into compliance with the regulations. Mr. Bradley asked if this would be a problem if you were to move the upper driveway; Mr. Mercer said you'd still need a variance for spacing.

Mr. Geiger asked if there were anywhere on the existing lot where you could locate the drive. Mr. Mercer said the existing lot has 1,472 feet of frontage; the proposed lot will have 328 feet of frontage. Mr. Geiger asked if it would be possible to have access somewhere else along Northridge Road. Mr. Mercer said this was correct.

Chad Berginnis asked if it were true that unless you close one of the driveways on the new parcel, you couldn't put access on the new parcel without a variance; Mr. Mercer said this was correct.

George Schweitzer said he was with Geo Graphics Engineering. He said the applicants' intent is to create a homestead parcel with a life estate and family trust. The applicants' attorney has advised them to create two separate parcels. Mr. Schweitzer said both of these driveways are paved, the drive to the south is the primary access, and the applicants are not in a position to close or not use this. The driveway to the north is an additional 600 feet, which is nothing more than an agriculture driveway. Mr. Schweitzer said the applicant is willing to write into the legal description that on such time as there is a building permit or any construction of any type on this lot, the driveway will be brought into conformance.

Jim Kiracofe asked about the distance from the south driveway; Mr. Schweitzer said this is about 900 feet.

Tim Bubb said at some point there would probably be two owners, and this road has gone from rural to a busy highway. He said the new standard represents a safety improvement that can't be ignored, and wondered if a different arrangement of the driveways could be agreed upon. Mr. Schweitzer said a different arrangement could be agreed upon sometime in the future when and if there's a change here, and said this should be written into the legal description as a future condition.

Jerry Brems said the suggestion of tying the new drive to a change of use or any development was a good idea, with the stipulation that this will be brought into compliance for driveway spacing if and when this happens. Mr. Brems said this will be put in the deed and into LCPC records. Mr. Edwards said in the past this could also be platted.

Mr. Bubb said his concern was not to create a hardship for the family, but that the standards be enforced for the future. Mr. Schweitzer said if language could be incorporated it would solve this problem.

Jim Bradley asked how often the northern road was used, and for what purpose. Mr. Schweitzer said it was a former campground, but it hasn't been used for that in years. Currently it is used for farm equipment to get in and out.

Mr. Mercer said if you go with having a future driveway, he would recommend doing this by plat, as the engineers office doesn't look at the deed restrictions.

Chad Berginnis moved to amend the motion to conditionally approve the requested variance, the conditions being that this be platted, and should there be any development or change of use on the remaining 84 acres that the northern-most driveway would be closed and appropriately spaced. Tim Bubb seconded the motion.

Jim Fullen called the question. A vote was called and the motion passed unanimously.

Pat Bishop said her son will inherit this farm after she and her husband are gone, and he has no intentions of changing this.

Chet Geiger called the question on the amended motion. A vote was called and the motion passed unanimously.

4. 2010-033-V
Section 8.13: Major Collector, 400' Access/Driveway Spacing
Township: Harrison
Applicant: Richard Field

Motion: To conditionally approve the requested variance, the conditions being:

- 1. The common access is established at the common lot line between the two proposed lots.**
- 2. The applicant construct the common access at the time the existing home is in contract. The portion of the common access that will connect to the existing home site shall be constructed outside the future road right-of-way.**
- 3. The existing access shall be removed from the edge of pavement on Outville Road to the point where the access connects to the new shared access. This shall require all pavement to be removed and appropriate soils to establish a grassed lawn, and a grass lawn shall be located in the pavement's place.**
- 4. A plat restriction shall be established limiting access to the shared access location only, and no other direct access to Outville Road shall be permitted. Additionally, said plat shall establish the future road right-of-way in accordance with Section 8.13.**
- 5. A cross access agreement shall be established between the lots in accordance with Section 8.31: Joint and Cross Access.**

Brad Mercer said this item was on the agenda last month, and after discussion with the board the applicant withdrew his application to discuss his options with staff. The property is located off of Outville Road in Harrison Township. The applicant is proposing to create a two-acre lot with the existing house, and there will be 13 acres remaining out of a 15-acre parcel. Mr. Mercer said the last proposal was to maintain the existing driveway and establish another driveway that would not meet the spacing standards. After discussion with staff, the applicant has agreed to do a shared access at the lot line and the property will be platted. When there is a buyer for the two-acre piece, he will construct the shared access and bring the driveway over; the existing drive will then be removed.

STAFF RECOMMENDATION: Staff recommends **conditional approval** of the requested variance, the conditions being:

1. The common access is established at the common lot line between the two proposed lots.
2. The applicant construct the common access at the time the existing home is in contract. The portion of the common access that will connect to the existing home site shall be constructed outside the future road right-of-way.
3. The existing access shall be removed from the edge of pavement on Outville Road to the point where the access connects to the new shared access. This shall require all pavement

to be removed and appropriate soils to establish a grassed lawn, and a grass lawn shall be located in the pavement's place.

4. A plat restriction shall be established limiting access to the shared access location only, and no other direct access to Outville Road shall be permitted. Additionally, said plat shall establish the future road right-of-way in accordance with Section 8.13.
5. A cross access agreement shall be established between the lots in accordance with Section 8.31: Joint and Cross Access.

Jim Bradley called the question. A vote was called and the motion passed unanimously.

5. 2010-015-SDR
Replat of Stillmeadow Heights
Township: Newark
Applicant: Betty Walker Murdock

Motion: To conditionally approve the requested replat, the conditions being:

1. **The 30' roadway easement on record (O.R. Volume 530, Page 124), located behind the applicant's property, is vacated before the replat can be completed.**
2. **A variance approval from the Licking County Planning Commission Board from the requirement that all lots be located on a publicly dedicated road.**

Ryan Edwards said the applicant currently owns a portion of Lot 17 of Stillmeadow Heights Subdivision, consisting of .4986 acres. The lot as shown on the tax map was split in 1963 from a 2.5-acre lot that was split from the platted Lot 17 in 1960. The original plat of Stillmeadow Heights was created in 1954, but none of the subsequent land divisions were completed via the platting process. Mr. Edwards said over time, eight lots have been split out from the original Lot 17 of Stillmeadow Heights. None of these lots would be conforming today as they do not meet the lot size requirement of the Newark Township Zoning Resolution, nor do they have any public road frontage. All of these lots gain their frontage on Pool Avenue, which is not a publicly dedicated road, but rather a platted ingress and egress easement. In 1960, roadway easements were recorded around the front and back of each of the lots that were split from the original Lot 17 of the Stillmeadow Heights Subdivision. Mr. Edward's said to the best of staff's knowledge, these easements have never been vacated and are still in existence today.

The applicant intends to buy .038 acres from the adjacent non-platted lot located directly behind their lot, owned by Donald and Janet Slee. They wish to combine it with their existing lot to create Lot 17-A of Stillmeadow Heights Subdivision, consisting of 0.550 acres. The applicant has an outbuilding on their lot that encroaches on their rear lot line. The purpose of this replat is to correct the encroachment. The neighbor directly behind the applicant has agreed to sell them a portion of their property to resolve the encroachment.

STAFF RECOMMENDATION: Staff recommends **conditional approval** of the requested replat, the conditions being:

1. The 30' roadway easement on record (O.R. Volume 530, Page 124), located behind the applicant's property, is vacated before the replat can be completed.
2. A variance approval from the Licking County Planning Commission Board from the requirement that all lots be located on a publicly dedicated road.

Jim Kiracofe called the question. A vote was called and the motion passed unanimously.

6. 2010-034-V
Section 3.11 (1): Public Road Frontage
Township: Newark
Applicant: Betty Walker Murdock

Motion: To approve the requested variance.

Ryan Edwards said this is a variance for public road frontage for the previous replat.

STAFF RECOMMENDATION: Staff recommends **approval** of the requested variance.

Chet Geiger called the question. A vote was called and the motion passed unanimously.

PUBLIC COMMENTS

None.

DIRECTOR'S COMMENTS

Jerry Brems said the state is finally considering legislation for transfer of development rights; this will allow townships to keep certain areas and open space agricultural and provide for higher density and development standards elsewhere in the township. Mr. Brems wished the board a Merry Christmas.

Chet Geiger moved to adjourn. Chad Berginnis seconded the motion. All were in favor and the meeting adjourned at 8:45 p.m.

NEXT MEETING: MONDAY, JAN. 24, 2011

Respectfully submitted,

Corinne C. Johnson