



Delaware County Regional Planning Commission

109 North Sandusky Street
P.O. Box 8006, Delaware, Ohio 43015
740-833-2260 fax 740-833-2259
www.dcrpc.org

Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, January 27, 2011 at 7:00 PM

**Frank B. Willis Building, 2079 US 23 North, Conference Room,
Delaware, Ohio 43015**

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of November 18, 2010 and December 16, 2010 RPC Minutes
- Executive Committee Minutes of December 8, 2010 and January 19, 2011
- Statement of Policy

II. VARIANCES

- 20-05.V Portland Co. - Clear Creek Subd. – Orange Twp. – requesting variance from Sec. 102.03 & 204.04 –additional extension of Preliminary plan approval
- 19-02.2B.V Rockford Homes - Alum Crossing Section, 2, Phase B – Orange Twp. - requesting variance from Sec. 102.03 & 204.04 –additional extension of Preliminary plan approval

III. ZONING MAP/TEXT AMENDMENTS

- 01-11 ZON Alexander & Julie Andrews – Scioto Twp. – 5.001 acres from FR-1 to PC
- 02-11 ZON Genoa Twp. Zoning Commission – Zoning Resolution text amendments

IV. SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u> <i>(none)</i>			
<u>Preliminary/Final</u>			
03-10	Vet Clinic	Genoa	02 lots / 01.47 acres

Final *(none)*

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

- 20-05 Clear Creek Subd. – Orange Twp. – 4 lots / 85.425 acres - requesting 1 year extension
- 19-02.2.B Alum Crossing, Section 2, Phase B – Orange Twp. – 25 lots / 10.512 acres – requesting 1 year extension

VI. OTHER BUSINESS

- Consideration for approval: Refreshments including water/cooler (\$500 annual max.)
- Consideration for approval: Legal assistance retention for 2011: Loveland & Brosius
- Consideration for approval: Contract for Shawnee Hills Comprehensive Plan update
- Discussion of court recorder for variance hearings

VII. POLICY / EDUCATION DISCUSSION *(none)*

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

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Jeff George, Susan Kuba, Ric Irvine, Fred Fowler, Ken O’Brien, Tiffany Jenkins, Tom Hopper, Joe Clase, Dave Stites, Holly Foust, Dick Gladman, Bill Thurston, Lloyd Shoaf, Tom Brown, Charlie Callender, Bill Metzler, Bonnie Newland, and Mike Datillo. Alternates: Ray Armstrong, Steve Ruckman, and Doug Riedel. Staff: Scott Sanders, Da-Wei Liou, and Stephanie Matlack.

▪ **Approval of the November 18, 2010 RPC Minutes**

Mr. Shoaf made a motion to approve the minutes from the November 18, 2010 RPC meeting. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **Approval of the December 16, 2010 RPC Minutes**

Mr. Shoaf made a motion to approve the minutes from the December 16, 2010 RPC meeting. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **December 8, 2010 Executive Committee Minutes**

1. Call to order

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

2. Approval of Executive Committee Minutes from November 10, 2010

Mr. Gladman made a motion to approve the minutes from the last meeting. Mr. Shoaf seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. O’Brien). Motion carried.

3. New Business

a.) Financial / Activity Reports for November 2010

REGIONAL PLANNING RECEIPTS		September	YTD TOTAL
General Fees (Lot Split)	(4201)	\$300.00	\$2,145.00
Fees A (Site Review)	(4202)		\$1,500.00
Insp. Fees (Lot Line Transfer)	(4203)	\$500.00	\$2,600.00
Membership Fees	(4204)		\$273,204.84
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,630.74	\$11,688.46
Assoc. Membership	(4206)		
General Sales	(4220)		\$132.50
Charges for Serv. A (Prel. Appl.)	(4230)	\$547.10	\$2,847.10
Charges for Serv. B (Final. Appl.)	(4231)	\$547.10	\$18,908.30
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$1,500.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$2,221.25

Charges for Serv. F (Planned District Zoning)	(4235)		\$1,500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$1,500.00
Soil & Water Fees	(4243)	\$325.00	\$1,275.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$170.00
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)		\$619.79
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$4,749.94	\$321,812.24

Balance after receipts **\$152,388.31**
Expenditures **- \$ 22,854.88**
End of November balance **\$129,533.43**

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

- b.) December RPC Preliminary Agenda
 - 1.) Site Review: Deseret Amended – Liberty Twp. – 15 lots / 39.81 acres
 - 2.) Variance & Extension requests: Clear Creek and Alum Crossing, Sec. 2, Ph. B – Orange Twp.
 - 3.) Preliminary / Final: Vet Clinic – Genoa Twp. – 2 lots / 1.471 acres
- c.) Director's Report
 - 1.) Contract billing

Twp.	Contract amount	Free hours remaining	Billed to date (11/30/10)	Remaining on contract
Berlin	(2010) \$5,000	12.87	\$4,246.27	\$753.73
Kingston	\$8,000.00	10.25	\$7,062.33	\$937.67
Orange	\$18,000.00	55.3775	\$9,071.75	\$8,928.25

4. Director's End-of-Year Report – December 8, 2010

Financial

2010 Dues projected and actual: \$281,275

Projected development and contract income at: \$39,750

Actual development and contract income to date: \$46,190

Projected expenses

Actual expenses (with projected December) \$279,486

\$269,146

Contract Work

Completed work on Orange and Berlin Township Comprehensive Plans

Complete work on Kingston Zoning Code overall amendment (ZC hearing December 9)

Began working on the contract language with Shawnee Hills for Comp Plan update to start in March.

Community Visits

Made contact and visited with (and/or performed significant work for) the following jurisdictions: Berkshire Twp, Berlin Twp, Brown Twp, Concord Twp, Genoa Twp, Harlem Twp, Kingston Twp, Marlboro Twp, Orange Twp, Oxford Twp, Radnor Twp, Thompson Twp, Trenton Twp, Shawnee Hills, Sunbury, Galena. More are scheduled for this year with others early 2011. Italics indicate that December figures are not included.

Zoning Reviews

	2003	2004	2005	2006	2007	2008	2009	2010
Zoning Cases	55	58	54	41	25	16	13	8
Acres Reviewed	1300	3619	1795	1302	508	100	256	101

Subdivision Activity

	2003	2004	2005	2006	2007	2008	2009	2010
Preliminary Non-Residential	5	8	18	32	17	19	21	2
Preliminary Residential	1221	1634	1602	996	110	140	43	5
Final Non-Residential	12	12	3	33	18	26	20	1
Final Residential	1622	858	928	1007	185	115	56	152
Total lots reviewed	2860	2512	2551	2068	330	300	140	160

NPA Splits and Transfers

	2003	2004	2005	2006	2007	2008	2009	2010
Transfers reviewed	69	63	89	46	35	53	21	25
Transfer acres	104	156	244	180	117	372	84	51
Splits (new lots)	54	57	65	83	33	22	9	8
Splits (existing)	16	20	19	21	11	8	7	1
Total Splits	70	77	84	104	44	30	16	9

Building Permits in Unincorporated Areas

	2003	2004	2005	2006	2007	2008	2009	2010
Residential Building Permits	2180	1903	1311	835	683	444	358	378
Commercial Building Permits				50	40	43	27	29

Most of the higher-growth townships saw an increase this year over last year (Berlin, Concord, Genoa, Liberty, and Orange).

Current Active Subdivisions

Clear Creek (Comm.), Olentangy Crossings, Sherwood Hills, Orange Centre Drive (Comm.), Stirling Lakes, Estates of Glen Oak, Meadows of Lewis Center, Cheshire Woods, Estates of River Run, Cheshire Woods Estates, Summerwood Lakes, Loch Lomond Residence Village, Derby Glen Farms, Greyland Estates, North Star, Hidden Creek, Fairways at Blue Church, Olentangy Falls, Nelson Farms, Glen Oak, Fiddler’s Creek, Alum Crossing, Sorrento at Highland Lakes, Sage Creek and Estates at Sherman Lakes.

Other projects

Bikeways and Trails – combining major communities’ bikeway plans with existing facilities map, provide resources for smaller communities to tie in. Several stakeholder meetings have taken place. Liberty is currently updating information on route preferences. When complete, the map and document should be posted.

Chairwoman Foust noted that Liberty Township has recently adopted their bikeway plan.

Land Use Analysis – Assemble and present countywide data that is usually limited to township and village comprehensive plans. (Demographics, Transportation, Emergency Services, Education, Economic Development Tools). Same format as Bikeways plan.

Jurisdiction Section – Present a two-page profile of each jurisdiction with tax receipts, land use mix, land values, and comprehensive plan build out numbers. Early draft has been well received during community visits. Same format as Bikeway Plan and Land Use Analysis.

Continued workshop/training hosting in the coming year, including plans for a Zoning Inspector meeting.

Other involvement

Olentangy Balanced Growth Partnership, Upper Scioto Balanced Growth Partnership, Big Walnut Balanced Growth Partnership, Central Ohio Greenways, County Planning Directors Association of Ohio (Secretary), Wellness Collaborative (DCHD), Obesity Prevention Committee (DCHD), United Way Community Impact Committee, attended Ohio Land Use Conference (OSU), Economic Development group.

5. **Old Business** *(none)*
6. **Other Business** *(none)*
4. **Personnel** – Mrs. Matlack will forward last year’s Director review along with a blank review form to all Executive Committee members for discussion at the January 19, 2011 Executive Committee meeting.
5. **Adjourn** – *Mr. Burke made a motion to adjourn the meeting at 10:30 a.m. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, January 19, 2011 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.

▪ **January 19, 2011 Executive Committee Minutes**

1. Call to order

Chairwoman Foust called the meeting to order at 8:35 a.m. Present: Holly Foust, Dick Gladman, Ken O'Brien and Lloyd Shoaf. Steve Burke was absent. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from December 14, 2010

Mr. Gladman made a motion to approve the minutes from the December meeting. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

a.) Financial / Activity Reports for December 2010

REGIONAL PLANNING RECEIPTS		December	YTD TOTAL
General Fees (Lot Split)	(4201)		\$2,145.00
Fees A (Site Review)	(4202)		\$1,500.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$2,900.00
Membership Fees	(4204)		\$273,204.84
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$68.25	\$11,756.71
Assoc. Membership	(4206)		
General Sales	(4220)		\$132.50
Charges for Serv. A (Prel. Appl.)	(4230)		\$2,847.10
Charges for Serv. B (Final. Appl.)	(4231)		\$18,908.30
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$1,650.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$2,521.25
Charges for Serv. F (Planned District Zoning)	(4235)		\$1,500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$1,500.00
Soil & Water Fees	(4243)		\$1,275.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$170.00
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$108.00	\$727.79
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$926.25	\$322,738.49

Balance after receipts	\$130,459.68
Expenditures	- \$ 28,319.93
End of December balance (carry forward)	\$102,139.75

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

b.) January RPC Preliminary Agenda

- 1.) Site Review: no site reviews for January
- 2.) Variance & Extension requests: 2 variance applications carried forward from December RPC agenda

- Clear Creek
- Alum Crossing, Section 2, Phase B
- 3.) Rezoning/Text amendments:
 - Alexander & Julie Andrews – Scioto Twp. – 5.001 acres from FR-1 to PC
 - Genoa Twp. – Zoning Resolution text amendments
- 4.) Preliminary or Final: 1 Preliminary carried over from December RPC agenda
 - Vet Clinic

c.) Director’s Report

1.) Contract billing

Twp.	Contract amount	Free hours remaining	Billed to date (12/30/10)	Remaining on contract
Berlin	(2010) \$5,000	12.87	\$4,246.27	\$753.73
Kingston	\$8,000.00	8.25	\$7,167.82	\$832.17
Orange	\$18,000.00	55.3775	\$9,071.75	\$8,928.25

- Berlin Twp – adopted their Comprehensive Plan on January 10, 2011
- Orange Twp. – staff has completed its work on their Comprehensive Plan
- Kingston Twp. – the Zoning Resolution update was passed by the Zoning Commission in December and now will be presented to the Trustees
- Went to Delaware and Troy Township meetings this week
- Liberty Twp. – working with David Anderson on a Trails map, assigned Da-Wei the task of cleaning up the trails/paths layer countywide
- Applied for a grant with FLOW – Protecting Olentangy Riparian Corridors – if granted then RPC to prepare maps and oversee disbursement of funds (\$27,000). Along with maps, a manual would be prepared to assist local governments to respond to zoning within these areas. Other agencies involved include Delaware and Franklin County SWCD, OSU NEMO Project, Heart of Ohio RC & D, Olentangy Watershed Alliance, City of Delaware and two stormwater firms.

d.) Discussion of By-Laws regarding Alternates to the RPC – Mr. O’Brien stated that Aric Hochstetler with the County Prosecutors office gave an opinion that the Commissioners are an “agency” and therefore can have an alternate. The Commissioners appointed County Administrator Tim Hansley as alternate.

e.) Consideration for approval: Refreshments including water/cooler (\$500 annual max.) –

Mrs. Foust made a motion to recommend approval up to \$500 for refreshments including water/cooler for 2011. Mr. O’Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

f.) Consideration for approval: Legal assistance retention for 2011, Loveland & Brosius

Mrs. Foust made a motion to recommend approval of retaining Loveland & Brosius for legal assistance for 2011 at the following increased rates: \$195/hr Partner, \$175/hr Senior, \$150/hr Associate, \$90/hr law clerk. Mr. O’Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

g.) Consideration for recommendation of approval: Shawnee Hills Comprehensive Plan update

Mr. O’Brien made a motion to recommend approval of the contract between Shawnee Hills and the RPC to update their Comprehensive Plan. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- h.) Discussion requirement of Court Recorder for Variance hearings – Mr. Sanders stated that after discussions with attorney Pete Griggs, the RPC is not required to have a court recorder for variance applications as long as the hearing is recorded by some other means. It was noted that the RPC Secretary tape-records all RPC meetings with a variance application. Mr. O'Brien stated that the applicant is always welcome to bring their own court recorder to meetings. Chairwoman Foust suggested looking into the system that Liberty Township uses to record meetings. Their system is digital for a longer lasting record than what the RPC is currently using (cassette tapes). The Committee agreed to continue with the court recorder at the January meeting and recommend that the Commission vote on this issue for future meetings.

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

5. **Other Business**

- a.) **Community Reinvestment Area (CRA)** – Mr. O'Brien questioned whether the RPC had appointed two persons to the CRA Board and how involved they have been. Mr. Sanders stated that he and one other member was appointed several years ago but had not been aware of any meetings. After some research, the Regional Planning Commission had appointed Mr. Sanders and Mr. Kim Cellar to the CRA Board on January 31, 2008.

6. **Personnel**

- a.) **Director evaluation** – The Committee agreed to discuss the evaluation at the next meeting since not all members were in attendance.

7. **Adjourn**

The next regular Executive Committee meeting will be Wednesday, February 16, 2011 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.

• **Statement of Policy**

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

II. VARIANCES

20-05.V Portland Co. - Clear Creek Subd. – Orange Twp. – requesting variance from Sec. 102.03 & 204.04 –additional extension of Preliminary plan approval

I. Request

The Portland Company, c/o Brad Block is requesting a variance to allow a 12-month extension beyond the time limit allowed in the Subdivision Regulations for the Clear Creek subdivision in Orange Township.

The proposed subdivision is located on the west side of U.S. 23 at the intersection with Home Road. It is a commercial subdivision that would include retail uses along U.S. 23, office uses to the west and condominiums adjacent to the existing condominiums to the south. The subdivision includes the future relocation of Home Road and the extension of Gooding Boulevard to an intersection with Home Road.

II. Facts

1. The Subdivision Regulations require that a final plat application for the initial phase of a subdivision be submitted within 2 years of the approval of the Preliminary Plan;
2. The Regulations allow for an approved Preliminary Plan to request extensions up to a total of one year;
3. Clear Creek received a revised Preliminary approval on December 20, 2007, and received a one-year extension on December 17, 2009 to expire December 16, 2010;
4. The applicant seeks an additional one-year extension by variance.

III. Criteria For a Variance

The burden is on the applicant to demonstrate in writing, each of the following:

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.
- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

Applicant's Response: "We are asking for an extension due to current market conditions as the developer continues to diligently search for users for this development. The granting of this variance is sought due to extremely difficult economic conditions and because of the fact that no matter the effort spent to market and sell this property, users and buyers have been scarce for the owners. This property has been discussed among several potential buyers, but none have yet come to fruition. At this time, no changes are anticipated to the approved development. We are just requesting more time to allow this development to occur. Adhering to the strict letter of the current regulations would require time and money for re-submittals of unchanged documents due to the economic times. This variance would not vary the provision of applicable

zoning regulations or other guidelines nor impair the intent of the regulations. For these reasons, we respectfully request the variance and extension request be granted.”

Staff comments: *Comments are reasonable since commercial buyers are typically reluctant to invest in unimproved commercial sites. There have been no improvements made to the site. There have been no changes based on surrounding development. First variances have typically been granted by the Commission, especially in this economy.*

IV. Staff Recommendation

DCRPC staff recommends that based on market and economic conditions, the variance request from Sec. 102.03 & 204.04 for **Clear Creek** be *Approved*.

Commission / Public Comments

Mr. Jim Schmidt, consultant for the project, stated that the company that owns the property has had two serious efforts to develop the property but both unfortunately have fallen through. They are working now on a new marketing plan.

Mr. Brown made a motion to approve the variance request and the one-year extension request. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The Final application for Clear Creek must be approved by January 27, 2012 or it will expire.

**19-02.2.B.V Rockford Homes - Alum Crossing Section, 2, Phase B – Orange Twp. -
requesting variance from Sec. 102.03 & 204.04 –additional extension of
Preliminary plan approval**

I. Request

Rockford Homes, c/o Corey Theuerkauf is requesting a variance to allow a 12-month extension beyond the time limit allowed in the Subdivision Regulations to complete the platting of a subdivision (five years after the first plat is recorded) in the Alum Crossing, Section 2, Phase B subdivision in Orange Township.

The proposed subdivision is located on the west side of South Old State Road, north of Ashcreek Ave. The subdivision proposes 25 lots on 10.512 acres.

II. Facts

1. The Subdivision Regulations require that a Subdivision be completely platted within five years of the first Section being recorded;
2. Alum Crossing Sections 1 and 2 received a combined Preliminary approval on October 31, 2002.
3. Section 1 was recorded December 2005, giving the remaining sections until December 2010 to be recorded.
4. The developer amended only Section 2, Phase A in July and recorded that section in November.
5. The applicant seeks an additional one-year extension for the remainder of the subdivision by variance.

III. Criteria For a Variance

The burden is on the applicant to demonstrate in writing, each of the following:

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.
- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

Applicant's Response: *Due to the current economic trends the lot absorption has not met expectations and the specified section listed above [204.4] in the Subdivision Regulations. The project is fully engineered and recently we revised the preliminary plat to create two sections within the original last phase of development, Section 2 Phase A & B. Phase A was recorded on November 17th, 2010. Phase B remains to be developed, it is our anticipation if house sales increase to develop Phase B in winter of 2011, however it is all contingent on house sales.*

Staff comments: *Comments are reasonable and there has been recent progress with the platting of Section 2 Phase A. There have been no changes based on surrounding development.*

IV. Staff recommendation

DCRPC staff recommends that based on market and economic conditions, the variance request from Sec. 102.03 & 204.04 for **Alum Crossing, Section 2, Phase B** be *Approved*.

Commission / Public Comments

Mr. Bob Yoakum with Rockford Homes was present. He stated that if the Commission would agree to a two-year extension, then it would save the applicant from possibly coming back in a year for another variance request.

Mr. Brown questioned whether the Commission could grant a two-year extension. Mr. Sanders stated that he feels a variance opens the door to anything the Commission agrees upon. Mr. George said that at least a one-year extension gives the Commission the ability to check the status of the project and any changes that might have occurred around the project.

Mr. Shoaf made a motion to approve the variance request and a one-year extension for Alum Crossing, Section 2, Phase B. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The Final application for Alum Crossing, Section 2, Phase B must be approved by January 27, 2012 or it will expire.

III. ZONING MAP/TEXT AMENDMENTS

01-11 ZON Alexander & Julie Andrews – Scioto Twp. – 5.001 acres from FR-1 to PC

I. Request

The applicants, Alexander and Julie Andrews, is requesting a 5.001-acre rezoning from Farm Residential (FR-1) to Planned Commercial (PC) for an antique store and café. The new commercial use would be located in an existing historic home, built circa 1858. The house is on a 5-acre lot with frontage on Fontanelle Road, across from the entrance to Preservation Park's Blues Creek Preserve.

II. Conditions

Location: 9716 Fontanelle Rd., Ostrander

Present Zoning: Farm Residential District (FR-1)

Proposed Zoning: Planned Commercial (PC)

Present Use(s): residence and rental home

Proposed Use(s): antique store and café

Existing Density: 1 du / 2 acres

Proposed Density: N/A

School District: Buckeye Valley School District

Utilities Available: well and on-site septic system

Critical Resources: none

Surrounding land uses: residential and Blues Creek Preserve

Soils: GwB Glynwood Silt Loam 2-6% slope

GwC2 Glynwood Silt Loam 6-12% slope

LyD2 Lybrand Silt Loam 12-18% slope

RsA Rossburg-Sloan Complex 0-2% slope

III. Introduction

This rezoning was reviewed by the Regional Planning Commission in October 2010 as a rezoning to Neighborhood Commercial. The Township Trustees subsequently denied that request after a positive recommendation by the Zoning Commission. During the discussion, there was general support for the project, but under a Conditional Use, which would limit future conversion of the project, should the proposed use fail or the ownership change.

Therefore, this request is for a Planned Commercial designation, which will establish a Development Plan, which must be followed on the site.

The proposed use is identical to the previous request. The existing historic building and a more recent addition will be maintained and used. Historic buildings are typically difficult to maintain and redevelop, leading some to fall into disrepair, so any effort to do so in an economically feasible way should be commended.

IV. Issues

Comprehensive Plan – The adopted Scioto Township Comprehensive Plan addresses some future commercial uses along S.R. 36 near Ostrander, but like most plans, it doesn't go into specific detail about small, neighborhood commercial uses. The plan does reference this particular property as the only historic site in the township for which additional information exists. One of the goals of the plan is to retain and preserve historic and agricultural structures where possible. This proposal meets that goal as long as the other standards in the zoning resolution are

closely followed.

Access – Access will be via the existing driveway, which proceeds on an up-grade from the road. The previous application stated the intention to widen the drive from its existing 13 feet to a width of 20 feet as required in the text or request a variance. Staff recommends that this standard be met as applicants also intend to make the driveway gravel where the code calls for asphaltic material or cement. Staff also recommends that care be taken to ensure that the applicants prevent water or gravel from going onto the roadway.

Health District – A letter is included from the DGHD dated November 23, 2010, noting that the installed system is consistent with what is on file with the county and was satisfactory at the time of inspection. In addition, the private water system was also found within acceptable drinking water quality standards.

Signage – A single sign will be located 15 feet from the edge of pavement and will conform to the standards in the zoning resolution.

Other issues, such as **parking, landscaping, and setbacks** appear to meet the standards in the code.

V. Criteria for Approval

- 1.) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.
Staff comment: Generally, yes.
- 2.) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
Staff comment: Yes - although not specifically noted on the plan map, the text of the plan encourages reuse and redevelopment of historic and significant structures, which can often only be accomplished by converting their use.
- 3.) If the proposed development advances the general welfare of the Township and the immediate vicinity.
Staff comment: Generally yes. This low-impact use will be appropriate within the context of the immediate vicinity and potentially add to the township's non-residential tax base.

VI. Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning case from FR-1 to PC by Alexander and Julie Andrews to the DCRPC, Scioto Township Zoning Commission and Scioto Township Trustees, *subject to resolving the driveway issue noted in the report.*

Commission / Public Comments

Mr. Andrews was present.

Mr. Stites questioned how the development plan stops the concern that in the future, should something happen to the existing proposal, that the site couldn't become something that the neighborhood doesn't want. Mr. Sanders explained that it wouldn't stop it but when you change that development plan, it goes through the process again, though it may not be referendable.

Mr. Gladman made a motion to recommend Conditional Approval, subject to staff comments. Mr. Shoaf seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Brown). Motion carried.

02-11 ZON Genoa Twp. Zoning Commission – Zoning Resolution text amendments

I. Introduction: Last year, the Genoa Township Zoning Commission and Trustees adopted a Zoning Resolution, which restructured the township’s zoning document. At the time, no substantial changes were made. The Township has now initiated a process of revising many areas of the Resolution. These include minor changes to the codes planned districts and the addition of a new Alternative Energy Systems district. The following is a list, which was provided by the township along with the marked-up draft. The full draft is available in the RPC offices. RPC staff comments are in *italics*.

1. Clarified Zoning Permit versus Certificate of Compliance;
2. Deleted references to the BZA’s “Substantially Similar Uses”;
This phrase allowed the BZA to determine if a use that was not specifically mentioned in the code was substantially similar to one that was. This was problematic for the township. The additional language in the LI and PID districts deal with this issue.
3. Deleted language about prior-zoned commercial and industrial land;
Based on the fact that previous changes to the Zoning Resolution caused some existing commercial uses to no longer be in compliance, the existing resolution referenced that these uses would be treated as Planned Commercial or Planned Industrial. This has been problematic for the township, since the old Commercial zoning didn’t require a Development Plan while the new one did. This has been taken care of under item #13 below.
4. Added requirement for other permits and licensures;
For example, if an Adult Home or Day Care Center would need external licensing to operate, the township can require that license to be filed with the township before receiving a zoning permit.
5. Updated references to Development and Zoning Office;
6. Added reference to Board alternates;
7. Modified variance section to reflect practical difficulty;
*This change better reflects the standard test for a dimensional variance.
(Check 307.01 for an extra word “hardship” that needs to be deleted)*
8. Added a reference to www.dictionary.com;
9. Amended definitions;
10. Added definitions;
(Check whether the word “cowling” is used in the wind turbine section)
11. Modified district names;
PD-1 to PRD, PD-2 to PCD, PD-3 to PID
This brings the code into greater similarity with other townships.
12. Added PRD-V, a new planned district with standards for Planning Area V from the Comp Plan;
*This is a new district known as the Lower-Density Planned Residential District and is at a density of 1.1 - 1.35 du/nda, depending on whether conservation standards are met or not. In addition, 40% of the gross acreage shall be reserved as open space.
(Check 1003.01 for the word “areas” instead of “acres” and “total” instead of “sum”)*
13. Added LI, Light Industrial, and made a PID overlay (519.021 C) to address properties without approved plans;
14. Modified the process for the official zoning map;
15. Modified PRRCD to apply to lands west of the Hoover Reservoir only;
During the Comprehensive Plan process, there was concern that applying the PRRCD on the east side of the reservoir would encourage development at densities above the comfort level of existing residents. This could have been remedied with

*larger lot sizes or a slightly lower density. (Current density allowed is 0.75 dwelling units per net developable acre.)
However, the proposed language brings the code into similarity with the Comprehensive Plan.*

16. Increased acreage requirement for PRRCD to 25 acres;
17. Removed SR development plan language;
Existing language took a “straight” district (SR) and required items that would normally be demonstrated on a Development Plan.
18. Required tree inventory and lighting plan in PRDs;
19. Reduced the number required for application copies to ten;
20. Allowed service and retail businesses in PCD;
Again, this clarifies the uses allowed in the PCD and removes the need for the “substantially similar” language under #2.
21. Modified General Development Standards for window wells, accessory structures, drainage, firewood storage, and boarded-up windows and doors;
22. Added regulations for retaining walls;
23. Added wind turbine regulations.
Uses a model very similar to the one used by the RPC with other townships.

II. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** for the proposed text amendments in the Genoa Township Zoning Resolution to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees, *based on the comments in this report.*

Commission / Public Comments

There were no questions from the public.

Mr. O’Brien asked what was the density proposed for the east versus the west side of the reservoir. Mr. Clase stated that in late 2009 the Trustees adopted an amendment to the Comprehensive Plan that specified 2-acres on the east side of the Hoover Reservoir and .75 - 2.2 du/acre on the west side. The 2.2 du/acre designation is south of Big Walnut.

Mr. Shoaf asked about the wind turbine regulations. Mr. Clase said that they used model language proposed by the Logan Union Champaign Regional Planning Commission since they had been dealing with the issue. It would regulate anything smaller than 5 megawatts, requires a fall zone setback from adjoining properties and regulates placement in comparison to each other.

Mr. Gladman made a motion to recommend Conditional Approval of the proposed text amendments to the Genoa Township Zoning Code. Mr. Stites seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Clase). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary *(none)*

Preliminary/Final

03-10 Vet Clinic – Genoa Twp. - 02 lots / 01.47 acre

Applicant: Marquin Properties LLC and Romanelli Schrock Road Investments LLC
Subdivision Type: Division of a commercial lot
Location: 7140 State Route 3, Westerville, Ohio
Current Land Use: Tuffy Muffler on the eastern lot and vacant/parking on the western lot
Current Zoning: PD-2
Utilities: Del-Co Water and County Sewer
School District: Westerville City School District
Engineer: Ed Miller, EMH & T

I. Staff Comments

The applicant is requesting to plat two lots which have been previously split to allow two commercial uses. One lot includes an existing Tuffy Muffler and the second lot to the west would allow the construction of the Nash Animal Hospital. The lots will be accessed by a shared access easement along an existing drive. There is also an entrance from the development to the south. Most improvements were made when the existing building was constructed, including a majority of the parking. Some of the pavement for parking will be reworked, and a new 3,000 s.f. office and veterinary clinic will be constructed.

Surrounding uses include a retail commercial center in Westerville to the south, a UDF and in-line retail across S.R. 3 to the east and Eastlawn Cemetery to the north and west.

The technical review committee reviewed the Preliminary Plan on December 4, 2010, and there were no requested changes.

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

II. Staff Recommendation

Staff recommends *Preliminary and Final Approval* of the **Vet Clinic**, to the RPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Gladman made a motion for Preliminary and Final approval of the Vet Clinic. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

CONSENT AGENDA

Final (none)

V. EXTENSIONS

20-05 Clear Creek Subd. – Orange Twp. – 4 lots / 85.425 acres - requesting 1 year extension

Applicant: Portland Company LLC – Brad Block

Engineer: Floyd Browne Group

Preliminary approval: 12/20/07

Extensions granted: 12/17/09 to 12/17/10

I. Staff Comments

The applicant is requesting a 12-month extension of the **Clear Creek Subdivision** due to current economic conditions.

II. Staff Recommendation

Staff recommends *Approval* of a 12-month extension for the **Clear Creek Subdivision** to the RPC, *subject to a Variance being granted.*

Mr. Brown made a motion to approve the variance request and the one-year extension request. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The Final application for Clear Creek must be approved by January 27, 2012 or it will expire.

19-02.2.B Alum Crossing, Section 2, Phase B – Orange Twp. – 25 lots / 10.512 acres – requesting 1 year extension

Applicant: Rockford Homes – Corey Theuerkauf

Engineer: Sands Decker CPS – Mark Cameron

Preliminary approval: 10/31/02

Extensions granted: 10/30/03, 4/29/04, 9/30/04

I. Staff Comments

The applicant is requesting a 12-month extension of the **Alum Crossing, Section 2, Phase B** due to current economic conditions.

II. Staff Recommendation

Staff recommends *Approval* of a 12-month extension for the **Alum Crossing, Section 2, Phase B** to the RPC, *subject to a Variance being granted.*

Commission / Public Comments

Mr. Shoaf made a motion to approve the variance request and a one-year extension for Alum Crossing, Section 2, Phase B. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The Final application for Alum Crossing, Section 2, Phase B must be approved by January 27, 2012 or it will expire.

VI. OTHER BUSINESS

- Consideration for approval: Refreshments including water/cooler (\$500 annual max.)

Mr. Shoaf made a motion to approve the purchase of Refreshments up to \$500 for 2011. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for approval: Legal assistance retention for 2011: Loveland & Brosius

Mr. O'Brien made a motion to retain Loveland & Brosius as legal counsel for the Regional Planning Commission for 2011. Mr. Riedel seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for approval: Contract for Shawnee Hills Comprehensive Plan update

Mr. Gladman made a motion to approve the contract for Shawnee Hills Comprehensive Plan update. Mr. Thurston seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Discussion of court recorder for variance hearings

Chairwoman Foust explained that legal counsel has said that the RPC is not obligated to have a court recorder present at every variance hearing. She further stated that there is always an option to have one present if a case is considered controversial. Staff does keep a recording of each meeting and the applicant has the option of bringing their own court recorder. The Executive Committee recommended leaving the decision for hiring a court recorder in staff's hands or discussing the need with the Executive Committee. Staff recently purchased a new digital recording device due to the old cassette tape recorder not recording as clear as needed.

Mr. Gladman said that he had been told in years past that if a case goes to court and there is no verbatim recording the judge would not hear it. Chairwoman Foust stated that the recording done by staff could be transcribed if needed.

Mr. Stites feels that it is a cost effective move and agrees with the Executive Committee and made a motion to leave the need for a court recorder up to staff. Mr. Thurston seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Armstrong). Motion carried.

VII. POLICY / EDUCATION DISCUSSION

- DATA luncheon / work session – Mr. Clase invited the Commission to a luncheon / workshop at the new Delaware Area Transit Authority office at 119 Henderson Court in Delaware on Friday, January 28th from 12:00 – 2:00 pm. The event includes lunch, a tour of the new facility, and transit information. Mr. Clase explained that 70,000 rides were taken this past year. The fixed route goes from Delaware City to Crosswoods but also offer demand pick up at your doorstep to your destination for \$2.

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

Having no further business, Mr. Shoaf made a motion to adjourn the meeting at 7:45 p.m. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, February 24, 2011, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant