



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, February 23, 2012 at 7:00 PM
Delaware County Commissioners Conference Room, 101 N. Sandusky Street,
Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of January 26, 2012 RPC Minutes
- Executive Committee Minutes of February 15, 2012
- Statement of Policy

II. VARIANCES

07-07.V Mansard Estates, Sec. 1, Lot# 7451, Div. #1 – Genoa Twp. – requesting approval of recording after 15 month time period

III. ZONING MAP/TEXT AMENDMENTS

02-12 ZON Strait Real Estate LLC 1, Ltd. – Orange Twp. – 15.749 acres from FR-1 to PC

IV. SUBDIVISION PROJECTS

	Township	Lots/Acres
<u>Preliminary</u>		
18-04.3 T Olentangy Falls, Section 3	Liberty	31 lots / 32.536 acres

Preliminary/Final (*none*)

Final (*none*)

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

07-07 Mansard Estates, Sec. 1, Lot # 7451, Div. #1 Genoa 04 lots / 09.228 acres

VI. OTHER BUSINESS

- Director Evaluation
- 2012 Development Trends report is now available on the DCRPC website.
- Appointment of the Nominating Committee for Executive Committee elections

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Susan Kuba, Fred Fowler, Tommy Thompson, Ken O'Brien, Steve Burke, Tiffany Jenkins, Gary Gunderman, Tom Hopper, Joe Clase, Dave Stites, Holly Foust, Hal Clase, Tom Farahay, Bill Thurston, Lloyd Shoaf, Charlie Callender, and Bill Metzler. Alternates: Doug Riedel. Arrived after roll call: Jeff George, Rick Sedlacek, and Mike Dattilo. Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the January 26, 2012 RPC Minutes**

Mr. Ken O'Brien made a motion to approve the minutes as presented from the January RPC meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **February 15, 2012 Executive Committee Minutes**

1. Call to order

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

2. Approval of Executive Committee Minutes from January 18, 2012

Mr. O'Brien made a motion to approve the minutes as presented for 1/18/12, seconded by Mr. Shoaf. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

a. Financial / Activity Reports for January 2012

REGIONAL PLANNING RECEIPTS		January	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$615.00
Fees A (Site Review)	(4202)		
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$100.00
Membership Fees	(4204)	\$37,813.00	\$37,813.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$52.95	\$52.95
Assoc. Membership	(4206)		
General Sales	(4220)		
Charges for Serv. A (Prel. Appl.)	(4230)		
Charges for Serv. B (Final. Appl.)	(4231)		
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$150.00
Charges for Serv. D (Table Fee)	(4233)	\$400.00	\$400.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$300.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		
Soil & Water Fees	(4243)		

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$60.00	\$60.00
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$39,790.95	\$39,790.95

Balance after receipts		\$204,798.33
Expenditures	-	\$ 20,317.77
End of January balance (carry forward)		\$184,480.56

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

b. February RPC Preliminary Agenda

- 1.) Site Review: None
- 2.) Rezoning:
 - Strait Real Estate LLC 1, Ltd. – Orange Twp. – 15.749 acres from FR-1 to PC
- 3.) Variance:
 - Mansard Est., Sec. 1, Lot 7451, Div. #1
- 4.) Preliminary:
 - Olentangy Falls, Section 3
- 5.) Final: None
- 6.) Extension:
 - Mansard Est., Sec. 1, Lot 7451, Div. #1

c. Director’s Report

- 1.) Shawnee Hills – Adopted the Comprehensive Plan in December 2011.
- 2.) Liberty Twp. – meeting with the Zoning Commission tonight.
- 3.) Delaware County Rural Zoning Commission – held first meeting last week to review the Zoning Code.
- 4.) Sunbury – attending a Zoning Commission meeting to discuss comprehensive plan update at the end of February.

4. Old Business

- a. Plat note enforcement – Mr. Stites asked the status of the plat note enforcement. Mr. Sanders explained that after the RPC meeting in January he sent the County Prosecutors office the meeting minutes along with a letter to Mr. Hansley seeking support from the Commissioners. Mr. O’Brien said that Mr. Hansley had distributed the letter to the Commissioners. Mr. Sanders was directed to seek input from Mr. Hansley on the next step, whether it is attending a Commissioners hearing to get their input. The Executive Committee agreed to attend in support of Mr. Sanders at a Commissioners hearing.

5. Other Business

- a. Office location – Mr. O’Brien questioned whether the RPC was considering alternative office

arrangements. The Committee agreed that the current office arrangements were ideal and there was no need or desire to consider alternative office space at this time.

6. Personnel

- a. Director evaluation – Mr. Sanders and Mrs. Matlack excused themselves at 10:45 a.m. to allow the Executive Committee to finalize the Director evaluation.

7. Adjourn

Having no further business, Mr. Shoaf made a motion to adjourn the meeting at 11:10 a.m. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

There will be a Special Executive Committee meeting held February 23, 2012 at 6:15 p.m. at the Commissioners meeting room prior to the regular RPC meeting.

The next regular Executive Committee meeting will be Wednesday, March 21, 2012 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

07-07.V Mansard Estates, Sec. 1, Lot# 7451, Div. #1 – Genoa Twp. – requesting Variance from Section 205.05, approval of recording after 15 month time period

I. Request

Mr. Scott Gillis is requesting a variance to allow the approved subdivision plat to be recorded after the 15-month approval period.

Mansard Estates, Section 1, Lot #7451, Division #1 is a proposed 4-lot subdivision of 9.228 acres. Access to this site was originally from Worthington Rd., just north of where Braymoore Drive now intersects. The old drive has been removed and access is now from Braymoore Dr. This new drive will be utilized as a Common Access Driveway (CAD). Lot 7451 will be divided into 4 lots, ranging from 1.04 to 2.67 acres.

II. Facts

1. Section 205.05 of the Subdivision Regulations require that a final plat be recorded within 15 months of the Commission approval;
2. Mansard Estates, Sec. 1, Lot# 7451, Div. #1 received Final approval on November 29, 2007;
3. Final Plat should have been recorded by February 29, 2009.
4. The applicant seeks a three-month 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: *“Per our various conversations concerning the lapse of time over 15 months for recording the stamped and signed mylars for my property in Mansard Estates Section 1, Lot 7451 Division 1, please find attached a check in order to get scheduled for RPC review [...] I do apologize for this oversight, if it was indeed my fault, but I thought I was just doing what I was told by the auditor and the map room in 2007 to go get new addresses. Regardless, thank you in advance for your kind assistance and cooperation in helping me to finally get this plat recorded.”*

Staff comments: *The purpose of a specific time-frame for recording plats is to ensure that projects are not “grandfathered” indefinitely and that other agreements and plat commitments are made and finalized. Staff is in possession of the plat mylar and has reviewed it. We have also confirmed that there have been no changes from the perspective of township zoning, the Engineer’s Map Department or the County Engineer. The CAD was built appropriately and paved at the time the plat was approved. The CAD appears to still be in excellent shape.*

IV. Staff Recommendation

DCRPC staff recommends that based on staff the report, the variance request from Sec. 205.05 for **Mansard Estates, Sec. 1, Lot #7451, Div. #1** be *Approved*.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Shoaf made a motion for Approval of the Variance request for Mansard Estates, Sec. 1, Lot #7451, Div. #1. Mr. O’Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

02-12 ZON Strait Real Estate LLC 1, Ltd. – Orange Twp. – 15.749 acres from FR-1 to PC

I. Introduction

The applicant/owner Strait Real Estate LLC, is requesting rezoning of 15.749 acres from FR-1 to PC for an assisted living facility in a single building (Inn at South Old State). The facility would house no more than 101 residents with approximately 25 total employees.

II. Conditions

- Present Zoning:** Farm Residential District (FR-1)
- Proposed Zoning:** Planned Commercial and Office District (PC)
- Present Use:** vacant
- Proposed Use:** Assisted Living facility
- Existing Density:** 1 unit per acre
- Proposed Density:** 6 units per acre
- School District:** Olentangy Local School District
- Utilities Available:** Del-Co Water, Delaware County Sanitary Sewer
- Soils:** BoA Blount Silt Loam 0-2% slope
GwB Glynwood Silt Loam 2-6% slope

III. Project Description

The Inn at South Old State will be a facility that will replicate a similar facility on U.S. 23 and Corduroy Road in Orange Township. This facility has been selling well and suggests that there is a strong market for this type of development.

The development plan indicates a boulevard entrance at a single intersection with South Old State Road and a secondary gated emergency entrance off South Old State as well. The building has a residential character, with shingled roofs, natural stone details and numerous gables. The plans for the interior of the building shows single rooms as well as suites, with other amenities such as lounges, a dining area, kitchen, multi-purpose rooms, a chapel, and other features. Additional services are provided in the rear of the building near a grouping of “Special Care” rooms.

The text of the development plan limits the use to the proposed facility only. Any future changes would require rezoning per the Orange Township Zoning Resolution.

The developer intends to dedicate or transfer 5 acres of open space along the eastern end of the property. This parcel would form a buffer for the homes that are closest to this development and would also be adjacent to a small 2.9-acre open space parcel within Walker Woods. Ample landscaping is provided around the site as well as within the courtyard and entry area.

The surrounding uses include Little Bear Village and Golf Course to the west, Walker Wood to the north and east with some undeveloped property along South Old State Road, and undeveloped land to the south with Oak Creek East beyond.

IV. Issues

Location: The Comprehensive Plan recommends Planned Single Family residential at this location at a density of 2 units per acre. Thus, the residential nature of the proposal is warranted but the specific product is not specified

in the Comprehensive Plan. Like many Comprehensive Plans, the township's plan does not specify locations for unusual housing types.

Access/Circulation: As noted in the introduction, the facility has access to South Old State Road directly across from the entrance to Little Bear Village (Bear Trail). Planning for future improvements to South Old State Road is underway by the County Engineer. The current roadway includes a north-bound left turn lane. The improvement plans indicate South Old State will be a four-lane section with a median that would accommodate a turn lane and median. Additionally, this intersection is intended to be served with a traffic signal when final improvements are made.

A traffic analysis is submitted with the application indicating that a southbound left turn lane is warranted. Sufficient pavement exists to allow a left turn lane to be striped at the entrance and the applicant intends to proceed with that approach. Additional improvements will take place when South Old State is fully upgraded through the County's project.

As noted above, there is a single main access with an emergency access on the northern side of the site. The 6.04-acre parcel to the north and the three parcels to the south, which combined equal 19 acres, are currently developed as large-lot single family residential. There is a potential for these lands to redevelop at higher densities in the future. In particular, the land to the south would benefit from the ability to access the signal at Bear Trail. The entrance could easily be designed so that a small portion is public. Future development could then access the intersection.

The land to the north would benefit from a similar connection as well, but the private nature of the proposal complicates that connection. Both of these should be discussed with the township, the County Engineer, and RPC staff as this proposal goes forward.

Density: Age-restricted developments will continue to be a growing issue in the county, as demographics change and individuals desire to "age in place." This has caused considerable discussion and some controversy in communities where age-restricted and assisted-living facilities have been proposed. Unfortunately, the density numbers that have been regularly used in Comprehensive Plans and zoning reviews have based those density recommendations on statistics for traffic, utility use and student generation based on single-family residential developments.

For example, the average single-family unit generates approximately 10 trip ends per day while "assisted living" generates 2.6-2.7 trip ends per day (per unit) and 4 per day per employee (*source: Institute of Transportation Engineers*). For sewage use, an institutional residential unit can use a fourth of the average single-family residence (*source: EPA*). Delaware County calculates one-bedroom facilities at 60% per unit versus that of a single-family home.

The traffic analysis provided with the application indicates 286 total trips per day, with 14 at morning peak and 22 at evening peak. A single-family development on this site could generate approximately 25-30 single-family units, resulting in 250-300 trips per day. This indicates that the traffic impact is comparable between single family and assisted living uses.

While these numbers cannot be consistent in every case, it is fair to consider different density considerations for age-restricted uses than those identified on the typical Comprehensive Plan. If a senior housing related application can 1.) be limited through zoning and/or deed to be age-restricted, 2.) take employees into account for traffic purposes, 3.) justify that the use fits the location, and 4.) meet all other design standards, it can be appropriate to grant a higher density than the one noted on the Comprehensive Plan. This is only acceptable if such density number was originally based on the impacts of single-family residential uses.

V. Other issues

1. Buffering: The site plan indicates a landscape buffer along the south and north property lines, as well as along South Old State Road. These features are intended to lessen the impact this development will have to its neighbors and limit its visibility from the street.

Staff Comment: While the land immediately north of this site is the highest elevation in the township, the area around the site is generally flat. The landscaping strips on the north and south sides should be enhanced with mounding, assuming appropriate drainage can be maintained. Also, the buffering appears to benefit the undeveloped land to the north and south without allowing any buffering toward the Walker Wood to the northeast or directly east. These areas should be buffered as well with landscaping and mounding if necessary.

2. Lighting: The lighting plan indicates cut-off fixtures with “down lights” which should limit light on adjacent properties.

Staff Comment: Additional mounding and buffering as noted above will assist in limiting lighting to the site.

3. Phasing: Although the site will be developed in a single phase, the initial building will include space for 77 residents. A second “wing” will allow for 24 additional residents.

Staff Comment: There is no timeline given and the developer will likely see how quickly the market absorbs the initial units before building more. This is one area, however, that the township may wish to consider the difference in impacts between the initial phase and the full build-out. If the township approves that this use is logical at this site, based on comparable impacts, the township may choose to limit development to the first phase.

4. Plat Required: A subdivision plat will be required.

Staff Comment: RPC will review a subdivision plat including easements and public improvements.

5. Drainage: A conceptual detention pond is located in the southeast corner of the site.

Staff Comment: The drainage design for this property will continue to change as this development goes through review by the County Engineer.

VI. Criteria for Approval

In approving an application for a Planned Commercial and Office District the reviewing authorities shall determine:

1. If the proposed development is consistent in all aspects with the purpose, intent, and general standards of this Zoning Resolution.
2. If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
3. If the proposed development advances the general welfare of the township and the immediate vicinity.

Staff comment: Generally, if the conditions noted below can be worked out between the developer and applicant, then these criteria can generally be met.

VII. DCRPC Staff Recommendation

Staff recommends **Conditional Approval** of the application by Strait Real Estate LLC 1, Ltd. from FR-1 to PC to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to:*

1. *The entrance and access to South Old State Road should be designed with a public portion to allow the land to the south to access it if and when it redevelops. The applicant and township should also continue discussions with the County Engineer regarding access for the land to the north of this site as well;*
2. *Additional buffering should be provided toward the northeast and east of the site. Mounding may also be needed to provide adequate buffering;*
3. *If the use is deemed to be appropriate to the location but the intensity is not, the township may consider discussing whether it is feasible to construct only the first phase of the building;*
4. *Drainage appears to be conceptual and will continue to be reviewed by the County Engineer.*
5. *Determine the commitment, use and ownership of the open space.*

Commission / Public Comments

Mr. Page Vornbrock was present to represent the applicant. He explained that the similar project on US 23 has had tremendous success. It was the 19th facility this company has done and opened May 15, 2011. Although they usually estimate a year and a half for sell out, that facility was full by the end of 2011. It has a positive impact on schools with no children added, minimal traffic, and a significant tax impact. The meetings with surrounding residents of the proposed site have been very favorable.

Mr. Gunderman asked if the project is proposed at one story. Mr. Vornbrock stated yes.

Mr. Vornbrock added that 12-13 of the 19 facilities are in a residential zoning district. This is only 1 of 3-4 that are in a Planned Commercial zoning district (per Orange's code).

Chairwoman Foust asked how the open space would be transferred. Mr. Vornbrock stated that it would be offered to the Township, County or the adjoining community. The Walker Wood Home Owners Association owns adjacent land so this open space could be used for expansion of theirs.

Mr. O'Brien was concerned with the traffic and entrance. Mr. Riedel explained that conceptually this has been discussed. There would be more engineering required before approval. Mr. Vornbrock stated they have always had an expectation that there would be a light with a connection.

Mr. Thompson made a motion to recommend Conditional Approval of the application by Strait Real Estate LLC 1, Ltd., subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

18-04.3 T Olentangy Falls, Section 3 – Liberty Twp. - 31 lots / 32.536 acres

Applicant: Crown Ridge Investments LLC

Engineer: Floyd Browne Group

II. Staff Comments

The applicant is requesting a 90-day tabling to resolve issues raised at the Tech Review meeting.

III. Staff Recommendation

Staff recommends *Approval* of a 90-day tabling of **Olentangy Falls, Section 3** to the DCRPC.

Commission / Public Comments

There was no one present to represent the applicant.

Mr. Clase made a motion to Approve the 90-tabling for Olentangy Falls, Section 3. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (*none*)

CONSENT AGENDA

Final (*none*)

V. EXTENSIONS

07-07 Mansard Estates, Sec. 1, Lot# 7451, Div. #1 – Genoa Twp – 04 lots / 09.228 acres

Applicant: Jay Scott Gillis

Engineer: EMH & T

Preliminary approval: 07/26/07

Final approval: 11/29/07

I. Staff Comments

The applicant is requesting a 3-month extension of **Mansard Estates, Sec. 1, Lot# 7451, Div. #1** in order to record the final plat.

II. Staff Recommendation

Staff recommends *Approval* of a 3-month extension for **Mansard Estates, Sec. 1, Lot# 7451, Div. #1** to the RPC, *subject to a Variance being granted.*

Commission / Public Comments

Mr. Shoaf made a motion for Approval of the 3-month extension from today's date for Mansard Estates, Sec. 1, Lot #7451, Div. #1. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

▪ Director Evaluation

Chairwoman Foust explained that the Executive Committee had completed Mr. Sander's evaluation and has recommended a 2% pay increase effective 1/1/12. The Committee commended Mr. Sanders on his accessibility and availability on short notice and providing timely information to members. His staff reports are well-researched, well thought out and unbiased. They appreciate his dedication and efforts.

Goals for 2012: 1.) Continue relationship building efforts through participation on committees related to development of Delaware County. 2.) Visit at least 2 municipal councils or boards of trustees per month to determine needs and explain benefits of being an RPC member. 3.) Identify reasons for discontinued participation in the RPC and propose solutions.

Mr. Gunderman made a motion to Approve the 2% raise for Mr. Sanders effective 1-1-12. Mr. Clase seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Mr. Liou has completed the annual **Development Trends** report which tracks zoning, subdivision, and building permit trends in unincorporated areas over the last decade. It is available at www.dcrpc.org/files/dvtrend2012.pdf.

▪ **Nominating Committee for the Executive Committee election.**

Chairwoman Foust appointed Mr. Fowler, Mr. Clase, and Mr. Farahay to the Nominating Committee. If you are interested in serving on the Executive Committee for 2012-2013, please contact one of these members.

VII. POLICY / EDUCATION DISCUSSION *(none)*

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

Having no further business, Mr. Shoaf made a motion to adjourn the meeting at 7:30 p.m. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, March 29, 2012, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.