



# Delaware County Regional Planning Commission

109 North Sandusky Street  
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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## *\*MINUTES\**

Thursday, March 25, 2010 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 February 25, 2010 RPC Minutes
- Executive Committee Minutes of March 17, 2010
- Statement of Policy

### II. VARIANCES *(none)*

### III. ZONING MAP/TEXT AMENDMENTS

05-10 ZON Porter Twp. Zoning Commission – Zoning Resolution review  
06-10 ZON Berlin Twp. Zoning Commission – text amendments

### IV. SUBDIVISION PROJECTS

#### Preliminary

		Township	Lots/Acres
01-10	Loch Lomond Residence Village	Liberty	01 lot / 08.046 acres

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

#### Final

24-05.2	Little Bear Village, Section 2	Orange	45 lots / 24.062 acres
	<b>T=TABLED, W=WITHDRAWN</b>		

### V. EXTENSIONS

08-07	Sherwood Hills	Scioto	75 lots / 269.491 acres
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### VI. OTHER BUSINESS

- Executive Committee member election

### VII. POLICY / EDUCATION DISCUSSION

- Delaware County Development Trends
- Planning and Zoning Workshop
- Census 2010

### 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, Rick Sedlacek, Mike Jones, Fred Fowler, Tommy Thompson, Ken O'Brien, Steve Burke, Tiffany Jenkins, Sharon Hough, Joe Clase, Dave Stites, Holly Foust, Carolyn VanBrimmer, Bill Thurston, Marvin Miller, Eric Fischer, Lloyd Shoaf, Tom Brown, Bill Metzler, Bonnie Newland, and Mike Dattilo. Alternates: Pat Blayney, Dave Jackson, Thomas Farahay, and Charlie Cooperider. Staff: Scott Sanders, Da-Wei Liou, and Stephanie Matlack.

▪ **Approval of the February 25, 2010 RPC Minutes**

*Mr. Miller made a motion to approve the February 25, 2010 RPC minutes, seconded by Mr. Sedlacek. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **March 17, 2010 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from February 17, 2010**

*Mr. Shoaf made a motion to approve the minutes from February 17, 2010. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. **New Business**

a. Financial / Activity Reports for February 2010

REGIONAL PLANNING RECEIPTS		FEBRUARY	YTD TOTAL
General Fees (Lot Split)	(4201)		
Fees A (Site Review)	(4202)	\$300.00	\$300.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$700.00
Membership Fees	(4204)	\$52,893.84	\$253,011.84
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$988.22	\$2,709.53
Assoc. Membership	(4206)		
General Sales	(4220)		\$120.00
Charges for Serv. A (Prel. Appl.)	(4230)		
Charges for Serv. B (Final. Appl.)	(4231)	\$1,800.00	\$7,200.00
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$300.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)		
Charges for Serv. F (Planned District Zoning)	(4235)		\$300.00
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)	\$100.00	\$100.00
Soil & Water Fees	(4243)	\$125.00	\$125.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		
Other Reimbursements A			

Other Misc. Revenue (GIS maps)	(4730)		\$30.00
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		\$56,807.06	\$264,896.37

**Balance after receipts** \$ 296,174.70  
**Expenditures** - \$ 20,734.23  
**End of February balance** \$ 275,440.47

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

- b. March RPC Preliminary Agenda - includes 1 zoning/text amendment, 1 preliminary, 1 final and 1 extension request.
- c. March Sketch Plans
  - 1.) Red Tail Ranch – 5 lots/ 18.9 acres, Concord Twp.
- d. Director’s Report
  - 1.) Contract billing to date:

Twp.	Contract amount	Free hours remaining	Billed to date (02/28/10)	Remaining on contract
Berlin	(2010) \$5,000	23	\$5,000.00	\$5,000.00
Kingston	\$8,000.00	14	\$3,947.32	\$4,052.68
Orange	\$18,000.00	92.50	\$7,690.05	\$10,309.95

- 2.) Attended kick-off of the MORPC Balanced Growth Initiative – introduction of process, discussion of meeting/input format;
- 3.) Attended several zoning/development-related sessions at the Ohio Township Association. Two were led by Pete Griggs;
- 4.) United Way site visits – Mr. Sanders is on a sub-committee to review grant applications in the housing/essential services sector and the sub-committee had two site visits this month, one at the Red Cross and one at the Salvation Army headquarters;
- 5.) Informal site review for project in Liberty Township;
- 6.) Begun compiling information for a Zoning handbook for Zoning Commissions and BZA’s using materials from Pete Griggs and Don Brosius;
- 7.) Land Use Analysis – assembling the background data from the Comp. Plans into a single analysis document;
- 8.) Set a tentative date for a Zoning Workshop for May 15<sup>th</sup> at the Willis Building, more information to follow.

**4. Old Business (none)**

**5. Other Business**

- 1.) Discussion of office space – Mr. Sanders explained that he has sent an email and placed a follow up call to Dave Cannon on an offer for use of office space. Mr. Cannon has not responded as of yet.

**6. Personnel**

- 1.) Exempt status of employees – Mrs. Matlack explained that she received a call from the Payroll Department after submitting the employee action form for salary increase with regard to employee status of the Executive Administrative Assist. The Payroll Department would like clarification on the exempt/nonexempt status of that position. After some discussion, the Executive Committee requested staff contact the HR Department for their interpretation of the Fair Labor Standards Act test on the position. They also would like the HR Department to review the position descriptions to make sure they meet ADA regulations.

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

*The next regular Executive Committee meeting will be Wednesday, April 14, 2010 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** (none)

III. **ZONING MAP/TEXT AMENDMENTS**

**05-10 ZON Porter Twp. Zoning Commission – Zoning Resolution review**

**I. Description**

The Porter Township Zoning Commission initiated an amendment of its code on March 11, 2010. This is the end of a long process that included a prior review by Regional Planning staff. After the RPC's previous review, the County Prosecutor Staff made a number of recommendations. Most of these related to consistency issues, topographical issues or internal and external (ORC) references.

It also resolves the currently litigated issue of whether a township has the authority to zone based on Health Safety and Morals (and/or General Welfare) by using the following language after Purpose: "To promote and protect the purposes of township zoning established in ORC 519.02."

**II. DCRPC Staff Recommendation**

Staff recommends **Approval** for the proposed text changes in the Porter Township zoning code to the DCRPC, the Porter Township Zoning Commission and the Porter Township Trustees.

**Commission / Public Comments**

*Mr. Blayney made a motion to recommend Approval of the text changes to the Porter Township zoning code. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**06-10 ZON      Berlin Twp. Zoning Commission – text amendments**

**I. Description**

The Berlin Township Zoning Commission has initiated several amendments to its code. These include:

- Removing language that suggests the BZA can revoke permits for a non-compliant Conditional Use. This language is changed so that such non-compliant uses are zoning violations.
- Merge NAICS codes from the Planned Commercial and Office district and put them into the Planned Industrial District.
- Add NAICS Code 532120 Truck and Utility Trailer Rental and Leasing to the Planned Commercial and Office District.
- Make the following changes to the Limited Home Occupation and Expanded Home Occupation articles as follows. Limited Home Occupation is a Permitted use in several residential districts and Expanded Home Occupation is a Conditional use based on the additional intensity as described in the code. The township is responding to residents who have voiced frustration over the current limitations on these uses.

The entire text is presented here for the benefit of other interested jurisdictions:

**SECTION 21.15: Limited Home Occupation**

A limited home occupation (business) shall be permitted within a permitted dwelling in all residential zoning districts (not in detached garages or pole barns) in accordance with the following provisions:

A. The home occupation does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit or two hundred (200) square feet, whichever is larger.

B. Requirements:

1. The appearance of the structure shall not be altered or the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or unauthorized signs. A home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes.
2. There are no non-resident employees.
3. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, computers, wireless phones or hand held wireless transmitting devices off the premises, or causes fluctuations in line voltage off the premises.
4. There shall be no outside storage of any kind.
5. Specialized instruction or tutoring shall be limited to one (1) individual at a time.
6. No traffic shall be generated in substantially greater volumes than would be generated by a single-family home.
7. No direct, face to face sales to the public on site.
8. There shall be no signs permitted.

## **SECTION 21.16: Expanded Home Occupation (business)**

It is recognized that there may be some Home Occupations which do not meet the criteria of Section 21.15 but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use Permit procedure conducted by the Board of Zoning Appeals (BZA). Deviation from any of the following standards may be reason for the BZA to deny the application or limit the number of non-resident employees.

Prior to any approval for a conditional use permit, the BZA shall determine that because of the location and orientation of the residence and property in question, the proposed business use will not become a detriment to the existing residential character of the property or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals. The conditional use permit applies to the applicant and will expire upon sale of said property.

A business plan outlining the specifics of said business such as hours, traffic and other potential detrimental or enhancing values to surrounding properties and neighbors shall be submitted for review. The BZA may deny the application or limit the number of employees if the plan indicates that the business will be unreasonably detrimental to the existing, prevailing residential character of the neighborhood. This plan shall be used to help evaluate the following items.

- A. The home occupation shall be carried on within the confines of the residential structures within zoning districts that specifically list an Expanded Home Occupation as a Conditional Use and/or within architecturally compatible accessory buildings, which are customarily associated with the residential use and character of the neighborhood.
- B. There can be up to three non-resident employees as determined by the Board of Zoning Appeals. The BZA determination will be based on the following criteria and their potential impact on the neighborhood:
  - a. Property size and shape, and layout of proposed business and parking,
  - b. Building and parking setbacks from property lines, and distance from surrounding properties.
  - c. No non-resident employees shall be allowed for properties less than three-quarters (3/4) of an acre in size.
- C. No outside storage of any kind associated with a home occupation conditional use shall be permitted unless it is totally screened from the adjacent residential lots and the abutting street.
- D. Only one sign may be erected advertising the home occupation. The sign may be mounted flat against a building or on a pole in the front yard. The sign shall be of a design compatible with the residential character, shall not be animated or lighted, and shall comply with the requirements as specified in Article XXII Section 22.02B.
- E. All parking demands created by the conduct of a home occupation shall be met with parking located off the street and other than in a front yard. Off-street parking may be permitted in a side yard or rear yard, but shall not be located any closer to the street than the required setback line. Parking surface shall be consistent with the materials used for the surfaces of parking and driveways of the surrounding properties. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)

- F. No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers, computers, hand held wireless devices or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- G. Solid or liquid waste materials shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
- H. No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- I. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty percent of the floor space of any garage or accessory building.
- J. No traffic shall be generated in substantially greater volumes than would be generated by a single family home.

## **II. DCRPC Staff Recommendation**

Staff recommends **Approval** for the proposed text changes in the Berlin Township zoning code to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees.

### **Commission / Public Comments**

Mr. Burke asked that section (G) include the proper name of the Delaware General Health District.

***Mr. Miller made a motion to recommend Approval of the Berlin Township zoning code with the additional comment from Mr. Burke. Mrs. Hough seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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#### IV. SUBDIVISION PROJECTS

##### Preliminary

01-10 Loch Lomond Residence Village – Liberty Twp. - 01 lot / 08.046 acres

##### I. Conditions

**Applicant:** Cromwell Corporation  
**Subdivision Type:** Planned Elderly Residential Community  
**Location:** 10410 Olentangy River Rd.  
**Current Land Use:** Vacant, former agricultural with barn and house  
**Zoned:** Planned Elderly or Retirement Residential Community  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Olentangy  
**Engineer:** Sands Decker CPS

##### II. Staff Comments

Loch Lomond Residence Village is a one-lot plat to allow for the construction of a single building with a 33,124 square foot footprint. Access includes a full movement drive at Manning Parkway and a right-in/right-out at State Route 315. Two existing communications towers are located along the western edge of the property will remain, with improved access via a new service drive. Construction will cause the relocation of an active sanitary line through the site. Stormwater will be handled via a wet retention pond to the south of the site. Existing structures will be removed from the site, except that some small buildings and walls may be used for landscaping purposes.

*A technical review was held on March 16, 2010, after which the applicant has addressed all of the required changes.*

##### III. Staff Recommendation

Staff recommends *Preliminary Approval* of Loch Lomond Residence Village to the DCRPC.

##### Commission / Public Comments

No one was present to represent the applicant.

Mr. Fischer expressed concerns with the traffic flow on SR 315. He asked if a left turn (center) lane had been discussed. Mr. Sanders said that it would be ODOT's call and could be looked at during final engineering.

Mr. Brown questioned whether the Commission had already reviewed this site for a similar project in 2008. Chairwoman Foust said that the applicant has reduced the number of beds (by approximately 20) and changed the design of the building.

Mr. Jones concurred with the concerns of traffic flow.

*Mr. Miller made a motion for Preliminary Approval of Loch Lomond Residence Village. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**Preliminary/Final** (none)

**CONSENT AGENDA**

**Final**

24-05.2            **Little Bear Village, Section 2 - Orange Twp. - 45 lots / 24.062 acres**

**I.            Conditions**

**Applicant:** Little Bear Development, LLC

**Subdivision Type:** Golf Course community with single family and multi family residences

**Location:** west side of South Old State Road, approx. 3,000 feet south of Orange Rd.

**Current Land Use:** Former agriculture, improved public infrastructure

**Zoned:** Single Family Planned Residence District (SFPRD)

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

**School District:** Olentangy

**Engineer:** EMH & T

**II.            Staff Comments**

Section 2 completes the Little Bear Village development. Overall, Little Bear Village includes 94 lots, 58 multi-family units, a 10-hole golf course and a clubhouse. The layout includes the completion of Little Bear Loop through the site, with connections to Oak Creek to the west and Villages of Oak Creek to the north. The plat includes 4.5 acres for future condominium construction.

The site is surrounded to the north by residential uses, by commercial and office uses to the northwest, undeveloped land directly to the west and the county's Olentangy Environmental Control Center across S.R. 315 to the east.

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

**III.            Staff Recommendation**

Staff recommends *Final Approval* of Little Bear Village, Section 2 to the DCRPC.

**Commission / Public Comments**

***Mr. Blayney made a motion for Final Approval of Little Bear Village, Section 2. Mr. Miller seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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## V. EXTENSIONS

08-07 Sherwood Hills – Scioto Twp. - 75 lots / 269.491 acres

**Applicant:** Amity Carter Ltd.

**Engineer:** Ryan Badger, ADR & Assoc.

**Preliminary approval:** 03/27/08

### I. Staff Comments

The applicant is requesting a 1-year extension of the Sherwood Hills subdivision due to the “unfortunate downturn in the current economy”. This is the project’s first extension.

### II. Staff Recommendation

Staff recommends Approval of the 1-year extension for **Sherwood Hills** to the DCRPC.

### Commission / Public Comments

*Mr. Miller made a motion for Approval of a 1-year extension for Sherwood Hills. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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## VI. OTHER BUSINESS

### ▪ Executive Committee member election

Mr. Fowler stated that the Nominating Committee of Tom Brown, Tom Farahay and himself did not receive and volunteers or nominations. They did speak with all the current members, who all agreed to serve another year.

The Nominating Committee nominates Holly Foust, Dick Gladman, Lloyd Shoaf and Steve Burke to the Executive committee.

Mr. Blayney moved to close the nominations. Mr. Sedlacek seconded the motion. **VOTE: Unanimously For, 0 Opposed. Motion carried.**

*Mr. Clase made a motion to appoint Holly Foust, Dick Gladman, Lloyd Shoaf and Steve Burke to serve on the Executive Committee for 2010-2011. Mr. Fischer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

## VII. POLICY / EDUCATION DISCUSSION

- Delaware County Development Trends – The statistics of subdivision and rezoning to 12/2009 can be found on the DCRPC website at [www.dcrpc.org/RESOURCES/development.htm](http://www.dcrpc.org/RESOURCES/development.htm)
- Planning and Zoning Workshop – the date has been set for the next Planning and Zoning Workshop. It will be Saturday, May 15<sup>th</sup> at the Frank B. Willis building from 8:30 a.m. – 12:00 p.m. More information will be provided soon.
- Census 2010 – Census Day is April 1<sup>st</sup>. So be sure to encourage your communities to complete and

return their form by then. An interesting map of response rates is available at [www.2010.census.gov/2010census/take10map](http://www.2010.census.gov/2010census/take10map)

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

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, April 22, 2010, 7:00 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

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

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*Holly Foust, Chairperson*

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*Stephanie Matlack, Executive Administrative Assistant*