



Delaware County Regional Planning Commission

109 North Sandusky Street
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www.dcrpc.org

Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, June 24, 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 May 27, 2010 RPC Minutes
- Executive Committee Minutes of June 16, 2010
- Statement of Policy

II. VARIANCES

19-05.V Ravines at Meadow Ridge – Berlin Twp. - requesting additional extension (Sec. 204.04)

III. ZONING MAP/TEXT AMENDMENTS *(none)*

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary *(none)*

Preliminary/Final *(none)*

Final *(none)*

T=TABLED, W=WITHDRAWN

V. EXTENSIONS *(none)*

VI. OTHER BUSINESS

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

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, Rick Sedlacek, Fred Fowler, Todd Hanks, Ken O'Brien, Gary Gunderman, Joe Clase, Dave Stites, Holly Foust, Dick Gladman, Marvin Miller, Lloyd Shoaf, Charlie Callender, Bonnie Newland, and Mike Dattilo. Alternates: Jack Smelker, Doug Riedel and Tom Zawleski. Staff: Scott Sanders and Stephanie Matlack.

▪ **Approval of the May 27, 2010 RPC Minutes**

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

▪ **June 16, 2010 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from May 19, 2010**

Mr. Shoaf made a motion to approve the minutes from May 19, 2010. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

a. Financial / Activity Reports for May 2010

| REGIONAL PLANNING RECEIPTS | | MAY | YTD TOTAL |
|---|--------|----------|--------------|
| General Fees (Lot Split) | (4201) | | |
| Fees A (Site Review) | (4202) | | \$300.00 |
| Insp. Fees (Lot Line Transfer) | (4203) | \$200.00 | \$1,100.00 |
| Membership Fees | (4204) | | \$273,183.84 |
| Planning Surcharge (Twp. Plan. Assist.) | (4205) | \$562.93 | \$4,784.63 |
| Assoc. Membership | (4206) | | |
| General Sales | (4220) | | \$131.50 |
| Charges for Serv. A (Prel. Appl.) | (4230) | | \$1,200.00 |
| Charges for Serv. B (Final. Appl.) | (4231) | | \$12,561.20 |
| Charges for Serv. C (Ext. Fee) | (4232) | \$150.00 | \$1,050.00 |
| Charges for Serv. D (Table Fee) | (4233) | | |
| Charges for Serv. E (Appeal/Var.) | (4234) | | |
| Charges for Serv. F (Planned District Zoning) | (4235) | \$300.00 | \$600.00 |
| OTHER DEPT. RECEIPTS | | | |
| Health Dept. Fees | (4242) | | \$100.00 |
| Soil & Water Fees | (4243) | | \$250.00 |
| MISCELLANEOUS REVENUE | | | |
| Other Reimbursements | (4720) | \$160.00 | \$170.00 |
| Other Reimbursements A | | | |

| | | | |
|--------------------------------|--------|------------|--------------|
| Other Misc. Revenue (GIS maps) | (4730) | \$30.00 | \$177.00 |
| Misc. Non Revenue Receipts | (4733) | | |
| Sale of Fixed Assets | (4804) | | |
| TOTAL RECEIPTS | | \$1,402.93 | \$295,608.17 |

Balance after receipts **\$255,936.61**
Expenditures **- \$ 19,269.36**
End of May balance **\$236,667.25**

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. June RPC Preliminary Agenda – includes 1 variance request.
- c. Director’s Report
 - 1.) Contract billing to date:

| <i>Twp.</i> | <i>Contract amount</i> | <i>Free hours remaining</i> | <i>Billed to date (05/31/10)</i> | <i>Remaining on contract</i> |
|-------------|------------------------|-----------------------------|--------------------------------------|------------------------------|
| Berlin | (2010) \$5,000 | 12.87 | \$455.97 | \$4,544.03 |
| Kingston | \$8,000.00 | 6.75 | \$5,024.64 | \$2,975.36 |
| Orange | \$18,000.00 | 65.25 | \$8,635.77 | \$9,364.23 |

- 2.) Berlin Twp. – nearing end of work, 1 more meeting of recommendations. The township may use the Neighborhood Design Center to study the Village of Cheshire.
- 3.) Kingston Twp. – currently reviewing the last few zoning districts
- 4.) Orange Twp. – the Zoning Commission adopted the plan last night, now it will be up to the township Trustees.
- 5.) Galena – used some free hours for GIS mapping services
- 6.) Liberty Twp. – creating a bikeway map at the request of Dave Anderson for an open house in the Township
- 7.) Mr. Sanders stated that he has performed community visits with Harlem Twp., Berkshire Twp., Village of Shawnee Hills and Concord Twp.
- d. Consideration for approval: Refreshments including water/cooler (\$500 annual max., includes reimbursement for refreshments at the Planning and Zoning Workshop).

Chairwoman Foust made a motion to recommend approval of food and water expenditures up to \$500 for 2010. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. Old Business - none

5. Other Business

- a. The State Auditors have completed their work in the office. They found no violations for the 2008-2009 years. They noted that the annual Financial Statement sent by the County Auditor’s staff was not consistent in their recordings from 2008 to 2009 and spoke with their staff on adjustments for a consistent recording system. The final report should be received in early July.

6. Personnel – none

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

The next regular Executive Committee meeting will be Wednesday, July 21, 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

19-05.V Ravines at Meadow Ridge – Berlin Twp. - requesting additional extension (Sec. 204.04)

I. Request

Ravines at Meadow Ridge is a three-lot subdivision between Africa and South 3 Bs and K Roads. The development plan indicates 44 condominium buildings, each with four units, totaling 176 dwelling units. The plan includes a public street stubbing to the east and a paper right-of-way to undeveloped land to the north. The application is requesting an additional extension.

II. Facts

1. The Subdivision Regulations currently allow an approved Preliminary Plan to be valid for two years.
2. The Regulations allow an expiring Preliminary Plan to request extensions (usually for 6 months) up to a total of one year;
3. Ravines at Meadow Ridge received a Preliminary approval on June 30, 2005 and received 6-month extensions on June 29, 2006, December 21, 2006, June 28, 2007 and December 20, 2007;
4. The six-month extension granted in December 2007 was approved “with the understanding that this would be the last extension approved by the RPC for this project”;
5. A variance was granted June 26, 2008 to allow the Preliminary Plan to be extended for an additional 1 year;
6. A variance was granted May 28, 2009 to allow the Preliminary Plan to be extended for an additional 1 year;
7. The applicant seeks a third variance for one-year extension, based on unprecedented market conditions;
8. This request for time variance was denied in April, leading to this request for reconsideration.

III. Applicant Statement

(June 1, 2010) “As you know, the Ravines at Meadow Ridge is a condominium development in Berlin Township. Because Village Communities has not started construction, the preliminary plan is set to expire. Village Communities asked for a one-year extension to allow for economic conditions to improve before building units they cannot sell. Village Communities spent approximately \$300,000.00 in engineering costs to prepare the preliminary plan. Village Communities does not want to let the plan expire and then have to spend additional funds to re-engineer the site. Such additional costs will only result in an economic model that will prohibit construction from ever occurring.”

“The variance for the extension was denied at the April Regional Planning Commission meeting, due, at least in part, to the fact that I was unaware that the meeting location had changed and I was late to the meeting. As a result, there was no representative of the applicant present to address the issue.”

“Village Communities is asking that the matter be reconsidered at the June Regional Planning Commission meeting. A representative of Village Communities will be present at the meeting to present more information

regarding the request for the variance.”

IV. 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.
 - “By granting this variance, there will be no negative impact to the health, welfare or safety of the public. The current conditions of the site do not pose a public threat, and granting this variance to extend the preliminary plan will only prolong the current site conditions.”
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
 - “The existing site consists of several deep ravines that contain jurisdictional waterways, as well as wetlands that require an authorization permit from the Army Corps of Engineers prior to the start of construction. This permit took almost 2 (two) years to obtain due to the complications of the site and the nature of the grading taking place. Due to the longevity of the review times by the Army Corps, we were forced to request several extensions of the Preliminary Plan from DCRPC. The permit from the Army Corps was received in August of 2007. Since that time, residential market conditions have steadily declined. Therefore, the developer is requesting this variance be approved in order to postpone the time in which the final plat needs to be submitted to DCRPC. This will in turn, postpone the requirement for the developer to construct (or bond) the improvements and record the final plat.”
- 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.
 - “See [#2] above.”
- 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.
 - “By granting this variance, this plan will not vary from the applicable zoning regulations of Berlin Township, nor compromise the intent of the Subdivision Regulations. This site received Berlin Township Zoning Commission approval in February 2008.”

Staff Comment: *Staff agrees that this is an unprecedented market, at least when compared to the previous decade. With this project receiving Preliminary Approval in June of 2005 and extending for another year would bring the Preliminary Plan’s time period (after this extension) to 6 years. The Subdivision Regulations have established time-periods for the purpose of ensuring that any changes in other regulations (stormwater, zoning, road connectivity) and any surrounding development can be accommodated, if necessary, in a future amendment to the original Preliminary Plan. A number of permits have been approved related to this project and the applicant is likely concerned that allowing the preliminary to “lapse” could impact those approvals. An additional Variance would set a precedent that would suggest that deadlines have no purpose.*

It should be noted that expiration of this Preliminary does not impact its current zoning, which is valid until February, 2011. Expiration also does not require re-engineering of the site, including engineering costs associated with the current approved plan.

Staff noted in the 2008 variance review that the developer is not truly out of options: If a Final Plat of one Section were to be approved and signed today, the applicant would have 15 months or until September of 2012, to record the Final Plat. During that time, improvements could either be made or bonded through the County Engineer. Once that plat was recorded, the remainder of the project would be considered “active” for five years.

V. Staff Recommendation

DCRPC staff recommends that the variance request to extend the Preliminary Plan approval until June 2011 for the **Ravines at Meadow Ridge** be denied.

If the variance is approved, staff recommends that the project be extended to the expiration date of the current zoning development plan, which is February of 2011. Also, a separate Extension request will need to be filed and placed on the July, 2010 RPC agenda.

Commission / Public Comments

Mr. Joe Thomas of Village Communities was present. He explained that homes sales are at a record low (38%). He stated that Village Communities has spent \$300,000.00 in engineering costs and does not want to spend any more money on this site until the market picks back up.

Mr. Gunderman asked if they reapply would anything change (design wise). Mr. Thomas stated that the design would not change but they would have to resubmit all the routine filing fees.

Mr. Gunderman asked what has been done in the past regarding multiple variance requests. Mr. Sanders stated that there have been a lot of variance requests for a first time extension, a few second extension variance requests but this is the first third extension variance request.

Chairwoman Foust stated that financial repercussions have not been a reason for a variance in the past. Mr. Thomas stated that this market is unprecedented and the regulations should be changed to accommodate them.

Mr. Reidel asked what happens when the zoning expires (Feb. 2011). Mr. Sanders stated that the applicant could ask for an extension of their development plan at the Township or re-apply. Mr. Hanks asked if they could lose the zoning. Mr. Sedlacek stated that it is possible.

Mr. Shoaf made a motion to deny the variance request for Ravines at Meadow Ridge. Mr. Gunderman seconded the motion. VOTE: Majority For Denial, 2 Opposed (Mr. Hanks and Mr. George), 2 Abstained (Mr. O’Brien and Mr. Sedlacek). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS (none)

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS (none)

VI. OTHER BUSINESS

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

Mr. Gladman made a motion to approve the 2010 purchases of refreshments including water and cooler expenses as budgeted (\$500 annual max.). Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION (none)

VIII. RPC STAFF AND MEMBER NEWS (none)

Having no further business, Mr. Miller made a motion to adjourn the meeting at 7:25 p.m. Mr. Hanks seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, July 29, 2010, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant