

MINUTES

Thursday, June 27, 2013 at 7:00 PM Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

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- Call to order
- Roll Call
- Approval of May 30, 2013 RPC Minutes
- Executive Committee Minutes of June 19, 2013
- Statement of Policy

II. VARIANCES/EXTENSIONS

13-08.V	Sage Creek, Section 5 – Berkshire Twp. – requesting additional extension of Prel. Approval
01-05.V	Cheshire Woods, Sec.'s 2-4—Berkshire Twp.—requesting additional extension of Prel. Approval

III. ZONING MAP/TEXT AMENDMENTS

17-13 ZON **WD** Northstar Commercial Development LLC – Berkshire Twp. – 99.29 acres – FR-1 to PCD

IV.	SUBDIV	ISION PROJECTS	Township	Lots/Acres	
Prelin	<u>ninary</u>				
10-13	T	Glenmead, Section 1 & 2	Berlin	65 lots / 67.763 acres	
09-13		Robin Haven, Lot 2191, Div. #1	Liberty	02 lots / 01.598 acres	
Preliminary/Final (none)					
Final	4			45.1 / 24.440	
08-12.	1	Sanctuary at the Lakes, Section 1	Orange	45 lots / 31.418 acres	
09-12		Orangepoint Commerce Park, Lot 2955, Div. #1	Orange	02 lots / 20.78 acres	

T=TABLED, W=WITHDRAWN

V. OTHER BUSINESS

Subdivision Regulations

VI. POLICY / EDUCATION DISCUSSION

VII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

Call to Order

Chairman O'Brien called the meeting to order at 7:00 p.m.

Roll Call

Representatives: Rick Sedlacek, Susan Kuba, Ric Irvine, Fred Fowler, Ken O'Brien, Steve Burke, Gary Gunderman, Tom Hopper, Jon Trainer, Dave Stites, Holly Foust, Tom Farahay, Bill Thurston, Charlie Callender, Bonnie Newland, Mike Dattilo, and Doug Price. *Alternates*: Jack Smelker, and Doug Riedel. *Arrived after roll call*: Joe Clase (R). *Staff*: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

Approval of the May 30, 2013 RPC Minutes Mrs. Kuba made a motion to Approve the minutes as presented. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

■ June 19, 2013 Executive Committee Minutes

1. Call to order

Chairman O'Brien called the meeting to order at 8:50 a.m. Present: Ken O'Brien, Susan Kuba, and Dave Stites. Absent: Tiffany Jenkins and Jeff George. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from May 22, 2013 Mr. Stites made a motion to Approve the minutes from May 22nd as presented. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

• Financial / Activity Reports for May 2013

REGIONAL PLANNING RECEIPTS		MAY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$2,555.00
Fees A (Site Review)	(4202)	\$900.00	\$1,500.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$1,100.00
Membership Fees	(4204)	\$4,284.00	\$264,753.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$564.43
Assoc. Membership	(4206)		
General Sales	(4220)		\$64.49
Charges for Serv. A (Prel. Appl.)	(4230)	\$900.00	\$43,551.50
Charges for Serv. B (Final. Appl.)	(4231)	\$8,878.10	\$15,578.10
Charges for Serv. C (Ext. Fee)	(4232)		\$150.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$1,500.00	\$3,600.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$100.00
Soil & Water Fees	(4243)	\$525.00	\$2,625.00
MISCELLANEOUS REVENUE			

Sale of Fixed Assets TOTAL RECEIPTS	(4804)	\$17,792.10	\$337,026.72
Misc. Non-Revenue Receipts	(4733)		
Other Misc. Revenue (GIS maps)	(4730)		\$178.80
Other Reimbursements A			
Other Reimbursements	(4720)		\$206.40

Balance after receipts \$530,433.38
Expenditures - \$29,507.72
End of May balance (carry forward) \$500,925.66

After discussion of the financial reports, Mrs. Kuba made a motion to approve the financial reports as presented. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- June RPC Preliminary Agenda
 - 1.) Site Review:
 - Northstar, Section 3 Kingston Twp. 59 lots / 76 acres
 - Glenmead, Section 1 & 2- Berlin Twp. -65 lots / 67.763 acres
 - 2.) Rezoning:
 - Northstar Commercial Development LLC Berkshire Twp. 99.29 acres FR-1 to PCD
 - 3.) Variance:
 - Sage Creek, Section 5 Berkshire Twp. requesting additional extension of Prel. Approval
 - Cheshire Woods, Sec.'s 2-4—Berkshire Twp.—requesting additional extension of Prel. Approval
 - 4.) Preliminary:
 - Glenmead, Section 1 & 2- Berlin Twp. -65 lots / 67.763 acres (**Tabled**)
 - Robin Haven, Lot# 2191, Div. #1- Liberty Twp. 02 lots / 01.598 acres
 - 5.) Preliminary/Final: none
 - 6.) Final:
 - Sanctuary at the Lakes, Section 1- Orange Twp. 45 lots / 31.418 acres
 - Orangepoint Commerce Park, Lot 2955, Div. #1 Orange Twp. 02 lots / 20.78 acres
 - 7.) Extension:
 - Sage Creek, Section 5 Berkshire Twp. 06 lots / 37.70 acres
 The Executive Committee recommends approval of a 6 month extension
 - Cheshire Woods, Sections 2-4-Berkshire Twp. 271 lots / 228.68 acres
 The Executive Committee recommends approval of a 1 year extension and would not support any further requests.
- Director's Report
 - 1.) Participating in the Go Healthy bus tour today
 - 2.) Liberty Twp. continuing work on the Zoning code
 - 3.) Sunbury continuing work on the Comp. plan update
 - 4.) Concord Twp. will start meetings in the summer, doing some prep work

4. Old Business (none)

- 5. Other Business (none)
- 6. Personnel (none)
- 7. Adjourn

Having no further business, Mr. Stites made a motion to adjourn the meeting at 10:00 a.m. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, July 17, 2013 at 8:45 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/EXTENSION

13-08.V Sage Creek, Section 5 – Berkshire Twp. – requesting additional extension of Prel. Approval

Applicant: JIMBA Ltd.

Consultant: Mark Cameron, Sands Decker CPS

<u>I. Request</u>

Sage Creek, Section 5 is a 6-lot CAD subdivision on 37.7 acres. A variance is requested from Section 205.05 of the Subdivision Regulations, which requires that an approved Final Plat must be recorded within 15 months of approval.

II. Facts

- 1. Sage Creek, Section 5 received Final Plat Approval from the RPC on April 30, 2009, having secured the signatures of the various plat-signing agencies;
- 2. The Regulations allow 15 months to record an approved Final Plat, in this case to July, 2010;
- 3. After Final Plat approval, the applicant must construct the Common Access Driveway, certify it to the RPC, and allow RPC staff to confirm that the drive has been built;
- 4. The applicant received a Variance and one-year extension of the Final Plat in July, 2010 to July, 2011;
- 5. The applicant received a second Variance and two year extension of the Final Plat July, 2011 to July 2013;
- 6. The applicant now seeks a third Variance for a 150-day (five-month) extension to record the Final Plat;
- 7. The lots are larger than 5 acres there is no zoning development plan at risk of expiration.

"205.05 Recording and Distributing Copies of Plat. The subdivider shall follow all applicable procedures for recording the Final plat including, without limitation, those promulgated by the Delaware County Engineer.

A Final Plat that has not been recorded within 15 months of Commission approval shall expire..."

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 Statement: "This letter is a formal request for an extension of the recording of the final plat of the previously approved Sage Creek, Section 5 Subdivision. This request is in compliance with Sections 102.03 and 205.05 of the Subdivision Regulations of Delaware County. The Sage Creek, Section 5 subdivision consists of six building sites.

"In April of this year we contacted the Delaware County Engineer's Office to schedule a Pre-construction Conference meeting to begin construction of the Common Access Driveway (CAD). We were subsequently informed the project had gone beyond one year from the plan approval date and that it would be necessary to re-submit the plans for review. Del-co water had similar issues. Plans have been resubmitted to both agencies and additional fees have been paid. Once the review process is complete construction will begin.

"The unexpected delays have caused our contractors to move from this project to other jobs. Consequently it is unlikely that the CAD will be completed in time to allow the final plat to be recorded by July 31, 2013. We are therefore requesting a 150 day extension of the recording of the final plat.

"Granting of this request will not vary the provisions of the zoning regulations, comprehensive plans, or other existing guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations or the desirable development of the neighborhood and community. Also it will not be detrimental to the public health, safety and welfare and not be injurious to other property. Further the conditions upon which this variance request is based are unique to the property for which this variance is sought. And further, 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.

Staff comment: This is an unusual request to extend the time limit on recording approved subdivisions. Staff has received a copy of the County Engineer's comments on the Final Engineering for the site. This should allow the applicant's engineer to make any required changes to the plans, make the improvements within the right-of-way of Sunbury Road, and build the CAD within the 150 days requested.

Staff recommends that the applicant understand that no further variances or extensions will be recommended in the future.

IV. Staff Recommendation

Staff recommends <u>Approval</u> of the variance from Section 205.05, Final plat approval period and a 150-day extension, for **Sage Creek, Section 5** to the RPC. Staff also recommends that this be the final variance and extension approved for Sage Creek, Section 5.

Commission / Public Comments

Mr. Mark Cameron with Sands Decker CPS was present along with the applicant.

Mrs. Foust asked if there were any Berkshire Township Zoning Code amendments in the works that would affect this project if extended. Mr. Sanders this is a 5 acre zoning and they are not working on their Code as far has he knows. Also, these lots are all 7 acres or more.

Mr. Price made a motion for Approval of the Variance request along with Approval of a 5-month extension. Mr. Sedlacek seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Smelker). Motion carried.

01-05.V Cheshire Woods, Sec.'s 2-4-Berkshire Twp.-requesting additional extension of Prel. Approval

I. Request

Homewood Corp. and Sotseks II are requesting a variance to allow a 2-year extension beyond the time limit allowed in the Subdivision Regulations for the Cheshire Woods subdivision in Berkshire Township.

The proposed subdivision is located on the south side of Cheshire Road, about 2000 feet east of I-71.

II. Facts

- 1. The Subdivision Regulations state that "the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded."
- 2. Cheshire Woods, Section 1-4 received Preliminary approval on January 27, 2005, and received a six-month extension on January 26, 2006 to expire July 27, 2006;
- 3. Cheshire Woods, Section 1 was recorded June 20, 2006, which would hold the Preliminary approval until June 2011;
- 4. The applicant received a Variance and two-year extension of the remaining lots in June, 2011 to June 2013.
- 5. The applicant seeks a second two-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: "To date, only Section 1 has been developed and the Final Plat recorded. There are in excess of twenty lots available in Section 1 and it is not anticipated to develop future sections for another year. The future sections account for 186 lots and considerable open space. All four sections have been engineered and there is no reason to believe that the development will not ultimately be built according to plan. Currently Phase 2 is having the engineering reviewed for updated standards."

"Due to the declining housing market and general economic conditions, Homewood respectfully requests a variance to section 102.03 to allow for an extension of two years."

"The granting of this variance would not be detrimental to the public health, safety and welfare to other parties. The conditions of which this variance is sought are unique to this property due to the scope and size of the overall project. A considerable hardship would occur to not only the owner of the property, but to existing homeowners who have purchased within the subdivision should the Preliminary Plan expire. The Preliminary Plan will continue to be followed and no other variances are being sought to vary any other provision of the original approval."

Staff comments: Because of the recent economic conditions, it is reasonable to allow a longer period where the Preliminary is active and this has recently been allowed on other projects as long as progress is being made. The applicant has received comments from the Engineer's office related to the engineering plans for the next proposed phase. However, staff recommends a 1-year extension, to be re-evaluated annually.

IV. Staff Recommendation

DCRPC staff recommends that based on current market and economic conditions, the variance request from Sec. 102.03 & 204.04 and a one-year extension for **Cheshire Woods, Sections 2-4** be *Approved.* Staff also recommends that this be the final variance and extension approved for Cheshire Woods, Sections 2-4.

Commission / Public Comments

Mr. Tom Tolbert with Homewood Corp. was present to represent the applicant.

Mr. Irvine made a motion for Approval of the variance and a 1 year extension of Cheshire Woods, Sections 2-4. Mrs. Foust seconded the motion. Mrs. Foust asked if the development plan would still be valid during the length of the extension period. Mr. Tolbert stated he was unsure. Mrs. Foust was concerned with not knowing this information.

Mr. Irvin rescinded his motion for approval in light of the new information. Mrs. Foust rescinded her second.

Mr. Stites made a motion for Approval of the Variance and Extension requests for Cheshire Woods, Sections 2-4 with the extension being for 1 year. Mr. Stites also discouraged any further requests for this project. Mr. Clase seconded the motion. Hand VOTE: 15 For Approval, 4 Opposed. Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

17-13 ZON WD Northstar Commercial Development LLC – Berkshire Twp. – 99.29 acres – FR-1 to PCD

On June 24, 2013 the applicant has requested to withdraw the application from the DCRPC agenda in order to obtain additional letters of approval.

IV. SUBDIVISION PROJECTS

Preliminary

10-13 T Glenmead, Section 1 & 2 – Berlin Twp. - 65 lots / 67.763 acres

I. Conditions

Applicant: Makapa LLC **Engineer:** CT Consultants

II. Staff Comments

The applicant has request a 60-day tabling for this application in order to resolve engineering design items.

III. Staff Recommendation

Staff recommends *Approval of the 60-day table request* for **Glenmead Subdivision, Sections 1 & 2** to the DCRPC.

Commission / Public Comments

No one was present for this application.

Mr. Price made a motion for a 60-day tabling for Glenmead Subdivision, Sections 1 & 2. Mr. Fowler seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

09-13 Robin Haven, Lot 2191, Div. #1 – Liberty twp. - 02 lots / 01.598 acres

I. Conditions

Applicant: Mark O'Dell

Subdivision Type: Single Family Residential

Location: north side of Rutherford Rd., approximately 800 feet west of Liberty Rd.

Current Land Use: vacant **Zoned:** Farm Residential (FR-1)

Utilities: Del-Co water and public sanitary sewer

School District: Olentangy

Engineer: Scioto Land Surveying Service

II. Staff Comments

Robin Haven is a two-lot platted subdivision recorded in 1994. The subdivision includes a 1.598-acre lot to the east and 1.127-acre parcel to the west. This plat was created during a time when there was a limit on lots that could be created with the No Plat process, ORC 711.131.

Section 102.07 of the Subdivision Regulations requires that lots created by a Plat may only be split using the Platting process. The Regulations also state that "property owners within the plat proposed to be changed shall receive notice of the Commission meeting and be afforded an opportunity to appear at the time of consideration of the Preliminary Plan for the purpose of showing if they are "injuriously affected" by the proposed plat amendment or change..."

The proposal is to split the 1.598-acre lot into two parcels, one at .848 acres and one at .750 acres. Because the current FR-1 zoning requires a minimum lot size of one acre, the applicant went before the Liberty Township Board of Zoning Appeals and received approval to create the lots as proposed.

A similar two-lot plat is located directly west of this plat (Grove Subdivision), recorded in 1992 and including a .831-acre lot and a .832-acre lot. A 3.53-acre lot is located east of the site. To the north, within the City of Powell, is the Woods of Powell North Phase 1, with lots generally half-acre in size. To the south is an assortment of lots at various sizes in similar plats recorded in 1975, 1981, and 1989.

A technical review was held on June 18, 2013, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends Preliminary Approval of Robin Haven, Lot 2191, Div. #1 to the DCRPC.

Commission / Public Comments

Mrs. Karen Coffman with Scioto Land Surveying Service was present to represent the applicant.

Mr. Sam Ramondelli, 2970 Rutherford Rd., Powell, Ohio 43065, the property owner to the west of this proposal was present to express his concern over drainage if this proposal is approved. He explained that he has already lost several pine trees due to the development of the surrounding area. He is concerned about additional drainage flowing over his property in the location of his septic system and the problems that may occur due to that water flow. He said his home is the lowest elevation in the area.

Mr. Gunderman questioned the availability of central sewer. Mrs. Coffman stated that a 6" line is already in place and will be utilized. Mr. Gunderman questioned whether that line could be shared. Mr. Smelker agreed

that it is allowed. Mr. Smelker clarified that Mr. Ramondelli would connect to a lateral to his north when he chose to.

Mrs. Coffman stated that she has reviewed the topography for the new home site and the drainage should flow to the front of the home.

Mr. Riedel assured Mr. Ramondelli that the County Engineer's office would address the drainage issue, especially knowing his concern.

Mrs. Kuba made a motion for Preliminary Approval of Robin Haven, Lot 2191, Division #1. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final

08-12.1 Sanctuary at the Lakes, Section 1 – Orange Twp. - 45 lots / 31.418 acres

I. Conditions

Applicant: M/I Homes

Subdivision Type: Single Family Residential

Location: East side of Africa Road, approx. 3,500 feet south of Big Walnut Road

Current Land Use: vacant

Zoned: SFPRD (Single Family Residential) **Utilities:** Del-Co Water, Sanitary sewer

School District: Olentangy Engineer: Watcon Engineering

II. Staff Comments

The first section of Sanctuary at the Lakes includes the main entrance on Africa Road. Sanctuary Drive enters from Africa and extends east into the site, giving access to 18 home sites. Katherine's Way is a cul-de-sac to the west which accesses seven large lots in addition to the existing Leveque home. A second road, Royal Birkdale Drive, travels east to west and provides frontage for 19 lots. Open space areas include a .7-acre area on the south side of the entrance, a 2.414-acre area in the center of the development and a 1.026-acre area along the stream to the northwest. Two stubs are provided for connection to future sections 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 Sanctuary at the Lakes, Section 1 to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Sanctuary at the Lakes, Section 1. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

09-12 Orangepoint Commerce Park, Lot 2955, Div. #1 - Orange Twp. - 02 lots / 20.78 acres

I. Conditions

Applicant: Orangepoint LLC **Subdivision Type:** Commercial

Location: west side of Graphics Way, south of Orangepoint Drive

Current Land Use: Vacant

Zoned: Planned Commercial and Office (PC) **Utilities:** Del-Co water and public sanitary sewer

School District: Olentangy

Engineer: EMH&T

II. Staff Comments

The applicant seeks to split a platted lot in Orangepoint Commerce Park. The subdivision will create an 8.979-acre lot for a proposed commercial development and an 11.802-acre lot for future use. These lots will share a common access point on Orangepoint Drive and the eastern lot will have a secondary driveway on Graphics Way. An existing drainage easement is being removed and a significant drainage and detention area is in the process of being built as part of the development. No public improvements are required on the existing public roads.

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 Orangepoint Commerce Park, Lot 2955, Div. #1 to the DCRPC.

<u>Commission / Public Comments</u>

Mr. Price made a motion for Final Approval of Orangepoint Commerce Park, Lot 2955, Div. #1. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. OTHER BUSINESS

VI. POLICY / EDUCATION DISCUSSION

• The County Commissioners approved the recent Subdivision Regulations changes on June 20, 2013.

VII. RPC STAFF AND MEMBER NEWS

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

The next meeting of the Delaware County Regional Planning Commission will be Thursda. July 25, 2013, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, 43015.		
Ken O'Brien, Chairman	Stephanie Matlack, Executive Administrative Assistant	