

MINUTES

Thursday, July 26, 2012 at 7:00 PM Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

www.dcrpc.org

- Call to order
- Roll Call
- Approval of June 28, 2012 RPC Minutes
- Executive Committee Minutes of July 18, 2012
- Statement of Policy

II. VARIANCES

06-07.V Sorrento at Highland Lakes – Genoa Twp. – variance from Sections 102.03 and 204.04

III. ZONING MAP/TEXT AMENDMENTS

06-12 ZON The Estates of Richard & Ora Opal Baggs – Orange Twp. – 7.181 acres from FR-1 to PC

IV.	SUBDIVISION PROJECTS	Township	Lots/Acres
Prelimi	nary		
04-12	D & S Bower CAD	Brown	01 lot / 55.524 acres

Preliminary/Final (none)

Final

07-05.1.A.3 Nelson Farms, Section 1, Phase A, Part 3 Liberty 10 lots / 10.67 acres

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

06-07 Sorrento at Highland Lakes – Genoa Twp. – requesting 1 year extension

VI. OTHER BUSINESS

• Consideration for Approval: Fiscal Authorization Form

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

Call to Order

2nd Vice-Chairman Dave Stites called the meeting to order at 7:05 p.m.

Roll Call

Representatives: Susan Kuba, Ric Irvine, Fred Fowler, Tiffany Jenkins, Gary Gunderman, Joe Clase, Dave Stites, Holly Foust, Tom Farahay, Mike Watkins, Bill Metzler, Bonnie Newland, and Mike Dattilo. Alternates: Ray Armstrong, Mike Rogich, Doug Riedel, Larry Witt, James Hatten, James Gauldin and Charlie Cooperider. Arrived after roll call: Jeff George and Ken O'Brien.

Approval of the June 28, 2012 RPC Minutes Mrs. Kuba made a motion to approve the minutes from the June 28th meeting. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

July 18, 2012 Executive Committee Minutes

1. Call to order

Chairman Burke called the meeting to order at 8:45 a.m. Present: Steve Burke, Tiffany Jenkins, Dave Stites and Susan Kuba. Mr. O'Brien was absent. Staff present: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from June 20, 2012

Mr. Stites made a motion to Approved the minutes from June 20th as presented. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

a. Financial / Activity Reports for June 2012

REGIONAL PLANNING RECEIPTS		June	YTD TOTAL
General Fees (Lot Split)	(4201)	\$205.00	\$3,280.00
Fees A (Site Review)	(4202)	\$300.00	\$1,200.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$1,800.00
Membership Fees	(4204)		\$292,309.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$657.25
Assoc. Membership	(4206)		
General Sales	(4220)		\$16.20
Charges for Serv. A (Prel. Appl.)	(4230)	\$12,600.00	\$23,657.00
Charges for Serv. B (Final. Appl.)	(4231)	\$4,400.00	\$1,300.00
Charges for Serv. C (Ext. Fee)	(4232)		\$300.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$1,500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$125.00
Soil & Water Fees	(4243)	\$400.00	\$1,375.00

TOTAL RECEIPTS		\$18,513.00	\$329,974.45
Sale of Fixed Assets	(4804)		
Misc. Non-Revenue Receipts	(4733)		
Other Misc. Revenue (GIS maps)	(4730)	\$8.00	\$355.00
Other Reimbursements A			\$100.00
Other Reimbursements	(4720)		
MISCELLANEOUS REVENUE			

Balance after receipts \$399,048.48
Expenditures - \$28,203.73
End of June balance (carry forward) \$370,844.75

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

- b. July RPC Preliminary Agenda
 - 1.) Site Review: none
 - 2.) Rezoning:
 - Addison Place Orange Twp. 7.181 ac. From FR-1 to PCD
 - 3.) Variance:
 - Sorrento at Highland Lakes
 - 4.) Preliminary:
 - D & S Bower CAD
 - 5.) Preliminary/Final: none
 - 6.) Final:
 - Nelson Farms, Sec. 1, Ph. A, Pt. 3
 - 7.) Extension:
 - Sorrento at Highland Lakes
- c. Director's Report
 - 1.) Liberty Twp. Zoning Commission and the Rural Zoning Commission had meetings on the same day this month. Liberty Twp. agreed that they could meet without Mr. Sanders assistance. Therefore, he attended the RZC meeting and completed the second draft review. After a few minor changes, Mr. Sanders will forward on to the RZC for review by Mr. Chris Betts at the County Prosecutors office.
 - 2.) Working on downtown maps for the Tourism board
 - 3.) DATA Bus working on creating a fixed route map for the DATA bus service routes for use during a presentation and possibly in future brochures
 - 4.) Health District Built Environment and how it relates to the residents health seminar
 - 5.) Hosted a group of County Planning Directors officers at the RPC office
- d. Discussion of By-Laws Mr. Sanders explained that he had made a few minor revisions from the last draft given at the May Executive Committee meeting. He would send the draft to the EC members prior to the August 22nd meeting.

4. Old Business (none)

5. Other Business

a. Fiscal Authorization Form – as requested by the County Auditor, a new form needs to be submitted. "In an effort to improve the county's internal control procedures to prevent errors and fraudulent activates, the Auditor's office will require a separation of duties for the approval of financial transactions. Generally, this means that the preparer of bi-weekly payroll worksheets/payroll adjustments and/or payments to vendors cannot approve those same transactions. A Board may grant signature authority to their Director and Elected Officials may perform both duties."

Mr. Stites recommended that Mr. Sanders be granted the authority to sign both bi-weekly payroll worksheets/payroll adjustments and/or payments to vendors. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. Personnel (none)

7. Adjourn

Having no further business, Mrs. Jenkins made a motion to adjourn the meeting at 9:50 a.m., seconded by Mr. Stites. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, August 22, 2012 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

06-07 Sorrento at Highland Lakes – Genoa Twp. – variance from Sections 102.03 and 204.04

Applicant: Romanelli & Hughes Building Company

Consultant: Kevin Kershner, Stantec

I. Request

Sorrento at Highland Lakes is a proposed condominium development on a 30.57-acre tract. Forty-two detached, single-family-style condominiums are proposed. Main access is from Highland Lakes Avenue, with an additional emergency access from Worthington Road. The applicant is requesting a third variance for an additional 1-year extension to the Preliminary Plan.

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 up to a total of one additional year.
- 3. Sorrento at Highland Lakes received Preliminary approval on July 26, 2007 and received 1-year extension on July 30, 2009, along with an additional 1-year extension granted by variance July 29, 2010 and again on July 28, 2011.
- 4. The applicant seeks a Variance for a third one-year extension.
- 5. Genoa Township granted a one-year zoning extension of the zoning development plan on February 7, 2011.
- 6. The developer has "instructed Stantec to get final plans approved so construction can start summer of 2012."
- 7. Relevant sections of the Subdivision Regulations:

"102.03 Expiration or Extension of Subdivision Plat Applications. Failure to comply within stated time periods of these Regulations as provided in Section 204.04 shall result in the expiration of the application. Before expiration as provided in Section 204.04, the subdivider may submit a written request for an extension and proper extension fee, indicating the status of the project, stating why the time periods cannot be met, and specifying time length of extension being requested for each extension request, with the-maximum total extensions not to exceed one year. Extensions may be considered by the DCRPC; their issuance is discretionary. The subdivider is solely responsible for knowledge of, and compliance with, applicable expiration dates. The requested extension shall be forwarded with a written Staff Report and Recommendation to the Commission for action. In granting an extension, the project may be required to comply with new regulations or standards in effect at the time of the extension."

"204.04 Commission Action and Expiration. Staff shall provide a Preliminary Plan report and recommendation to the Commission. Commission Preliminary Plan approval or conditional approval shall not constitute Final Plat approval, but shall provide an endorsement of the layout and intent of the proposal, and govern the preparation of the Final Plat. The Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval. However, 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. A Preliminary Plan shall be void upon expiration of the approval period."

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: "On behalf of Romanelli & Hughes Building Company we [Stantec Consulting Services Inc.] are requesting a one year extension of the Preliminary Plan for the above referenced project, formerly known as Preserve at Highland Lakes. The project received Preliminary Plan approval on July 26, 2007, a one-year extension in July 2009, one-year extension July 7, 2010 [correct date is 7/29/10], and a third extension in July 2011. Construction has been delayed due to the current market conditions; however, Vince Romanelli has instructed Stantec to get the final plans approved so constriction can start summer of 2012. The project received approval from the County to complete the tree clearing on site which was completed in May.

We are requesting a variance to section 102.03 of the Delaware County Regional Planning Subdivision Regulations since the total length of extension will exceed one year, and to Section 204.04 to prevent the Preliminary Plan from expiring since a Final Plat application will not be submitted within two years of Preliminary Plan approval."

Staff Comment: Staff agrees that the current market conditions have made it a challenge to meet the existing time limits in the Subdivision Regulations. 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. No changes appear to have occurred in the surrounding development to raise additional concerns for the extension of this plan.

IV. Staff Recommendation

Staff recommends <u>Approval</u> of the variance from Sections 102.03 and 204.04, extension of Preliminary Plan approval for **Sorrento at Highland Lakes** to the RPC.

Commission / Public Comments

Mr. Kevin Kershner with Stantec was present to represent the applicant. He explained that tree clearing has started along with preliminary grading. They have obtained County Engineer and Del Co water signatures on the plat. It is now awaiting Sanitary Engineer signature.

Mr. Gunderman made a motion to Approve the Variance request for Sorrento at Highland Lakes as recommended by RPC staff. Mr. Gauldin seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

06-12 ZON The Estates of Richard & Ora Opal Baggs – Orange Twp. – 7.181 acres from FR-1 to PC

I. Request

Metro Development on behalf of The Estates of Richard and Ora Opal Baggs, is requesting a 7.181-acre rezoning from FR-1 to PC for "Addison Place," a 148-unit residential hotel with pool, clubhouse and four 8-bay garage buildings. The application notes that a residential hotel is a commercial structure with apartment-style suites. They are intended to serve as interim housing for those on temporary work assignment or for individuals who are relocating their primary residence. Guests are required to stay a minimum of thirty days.

The Ohio Revised Code specifically defines this use in Chapter 3731 as one of three types of hotels. This particular type must have both "dwelling unit features for non-transient [permanent] residence purposes and all of the transient residential occupancy features of a transient hotel."

The layout indicates five individual structures, two with 24 units each, two with 36 units each, and one with 28 units. Elevations indicate the units will be accessed with open breezeways between units. Four garage structures are shown, each with space for 6 cars. A substantial two-story clubhouse with adjacent pool will be located along the Powell Road frontage.

II. Conditions

Location: 3780 East Powell Road

Present Zoning: Farm Residential (FR-1)

Proposed Zoning: Planned Commercial and Office District (PC) **Present Use(s):** one single-family residential home and vacant ground

Proposed Use(s): 148 unit residential hotel with pool, clubhouse and 4 8-bay garages

Existing Density: 1 unit per 1.98 acres

Proposed Density: Commercial use, at 20 units per acre

School District: Olentangy Local School District Utilities Available: Del-Co Water, sanitary sewer Critical Resources: archeological site, streams

Surrounding land uses: large lot residential to the north, with former Polaris Amphitheater to the south, private pre-school to the east with a small PC site across Powell Rd.

Soils: AmE Amanda Silt Loam 18-25% slope CaC2 Cardington Silt Loam 6-12% slope CaB Cardington Silt Loam 2-6% slope

UdB Udorthents, Clayay-Urban Land Complex, Undulating

III. Issues

1. The **Orange Township Comprehensive Plan** map shows this area as FR-1, or a continuation of the development type that is currently to the north. The recommendation is 1 unit per acre without sewer or 2 units per acre with sewer.

Staff Comment: The proposal does not comply with the recommendations shown on the map. However, the text of the plan notes that existing single-family parcels along the south side of Powell Road are adjacent to land that has been annexed into Columbus as part of the Polaris development. Since Columbus has had the ability to annex north to Powell Road, a general assumption has been that any redevelopment of these areas would annex as well, so the map did not consider such development within Orange Township.

As to the USE of the site, the proposal can be considered a transitional use between the single-family homes to the north and the future development of the amphitheater site. There are no details for how the Columbus land to the south will develop, and the recent update to the Far North Plan did not indicate any level of detail for the area. There is some information that the area will be a mix of uses, likely similar to the Polaris development on the west side of I-71, but perhaps with some residential features. Therefore, if the appearance of these units (as noted below) are of a high quality and buffered from the existing residential lots to the north, this is an acceptable land use.

2. **Access and road network:** The proposal shows a single access to E. Powell Road with private circulation throughout the site.

Staff Comment: The County Engineer's office has approved the Traffic Impact Study for the site, which indicates that a fair share contribution for future improvements to the Bale Kenyon/E. Powell Road intersection will be provided by the developer to the Engineer's office. The Study also indicates that a westbound left turn lane is warranted at the access point to the site.

3. **Connectivity:** The internal drives are only accessible from Powell Road.

Staff Comment: Not knowing the nature of the development to the south, it is difficult to judge whether connectivity is needed. It is logical that at least a pedestrian connection may be beneficial based on how that land develops. The topography suggests that an actual road would not be feasible.

4. **Materials:** The proposed materials indicate mostly natural materials, with muted colors. This should blend with the neighboring residential uses.

Staff Comment: Additional architectural details and/or mounding and buffering should be provided on the garages which face the single-family lots to the north

5. **Utilities:** Major utility letters are provided, except for stormwater management.

Staff Comment: The stormwater management structure/pond detail shows a large pond very close to the southern property line. The configuration of this structure may not work, based on the existing topography of the site. Suggest continued consultation with the County Engineer's office by the township and applicant before finalizing a development plan.

Also, a letter of sewer availability and capacity is included, indicating that both are available for the proposal. However, the capacity letter was based on the project being a standard hotel and not a residential hotel, which presumably includes kitchens and could impact the capacity. Recommend consultation with the Sanitary Engineer's office as part of the rezoning process.

6. **Lighting:** No lighting plan is included in the application.

Staff Comment: Lighting should conform to the standards of the township by using shielded "cut-off" fixtures and lower poles as this is adjacent to existing development.

7. **Divergences**: The applicant has requested several divergences from the Zoning Resolution:

i.) Divergence to allow a 25-foot setback from the adjacent residential development to the north where a 100-foot setback is required. This will allow the construction of single-story garage structures.

Staff comment: This is a reasonable request and will allow the garages to buffer the existing single-family homes from the larger three-story dwellings. However, the landscape plan shows little vegetation shielding the surface of the buildings and the renderings show a lack of detail in the building faces. Additional landscaping with some mounding and improved detail on the back side of the garages will make this divergence have a less negative impact.

ii.) Divergence to allow residential development within the Planned Commercial. The applicant states that these facilities are required to obtain hotel licensure and are constructed as commercial structures built to hotel standards and therefore are best suited for a commercial zoning district.

Staff comment: If the use is acceptable, then this divergence is reasonable. The circumstances in this particular case lend themselves to this unusual approach.

IV. Staff Recommendations

Staff recommends <u>Conditional Approval</u> of the rezoning by Metro Development LLC to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to the following*:

- 1. Consider allowing for future pedestrian connectivity to the south, based on how that site develops;
- 2. Consider additional architectural detail and buffering on the north side of the site;
- 3. Clarify stormwater feasibility with the County Engineer and Sanitary capacity with the Sanitary Engineer;
- 4. Recommend submission of a lighting plan showing minimal impact to the existing development;
- 5. Recommend approval of both divergences, assuming increased buffering to the north.

Commission / Public Comments

Ms. Jill Tangemen with Vorys, Sater, Seymour and Pease was present to represent the applicants. She explained that this project is next to C-4 zoning in Columbus. They have seen a need for this type of service in this area. The lighting plan is now complete and will be provided to the Township. Ms. Tangemen agreed with a bugger to the residential area to the north and would work with the Township.

Mr. Todd Foley with Faris Planning & Design responded to Mr. Gunderman regarding setbacks. He explained that Orange Twp. requires 6' parking setbacks and 25' for garages, all residential buildings would be a minimum of 100'.

Mr. O'Brien made a motion to recommen	nd Conditional Approval of the rea	oning by Metro
Development subject to staff comments.	Mr. Irvine seconded the motion.	VOTE: Unanimously For,
0 Opposed. Motion carried.		•

IV. SUBDIVISION PROJECTS

Preliminary

04-12 D & S Bower CAD – Brown Twp. - 01 lot / 55.524 acres

I. Conditions

Applicant: David and Sherrie Bower

Subdivision Type: Single Family Residential

Location: West side of Veley Rd., north of Kelly McMaster Rd.

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

Utilities: Del-Co water and on-site sewer

School District: Buckeye Valley Engineer: P & L Systems Inc.

II. Staff Comments

Brown Township zoning requires full frontage for all lots with an allowance to create lots with less frontage (or flag lots) as long as such lots are accessed with a Common Access Driveway. The subject property is a 55-acre parcel that was created as a remainder when No-Plat lot splits and other lots that are larger than 5 acres that do not require review were created. The land has two 60-foot accesses to Veley Road. Therefore, the applicant is building a Common Access Driveway for the purpose of building one single-family home. The entire acreage will be platted and the CAD will be built to the standards in the Subdivision Regulations.

A technical review was held on July 17, 2012, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **D & S Bower CAD** to the DCRPC.

Commission / Public Comments

Mr. Robert Giuliani was present on behalf of the applicants.

Mrs. Foust expressed her concern over approving a 55 acre 1 lot CAD. She asked if the applicant had been to the Brown Twp. BZA to ask for a divergence from the frontage requirement. Mr. Giuliani stated that the applicant had not applied for a divergence since they were told that it was unlikely for one to be approved. Mr. Sanders explained that the CAD requirements allow for specific conditions including unique tract shape or small tract size.

	a motion for Preliminary A TE: Majority For, 2 Oppose		
nzonon cumeu.		 	-

Preliminary/Final (none)

CONSENT AGENDA

Final

07-05.1.A.3 Nelson Farms, Section 1, Phase A, Part 3 – Liberty Twp. - 10 lots / 10.67 acres

I. Conditions

Applicant: Nelson Farms Association, LLC. **Subdivision Type:** Single Family Residential

Location: West side of Olentangy River Road, approx. 4,300 feet north of Home Road

Current Land Use: vacant
Zoned: PR (Planned Residential)
Utilities: Del-Co Water, sanitary sewer

School District: Olentangy Engineer: EMH & T

II. Staff Comments

This section of Nelson Farms extends Shale Run Drive 767 feet to the west, creating frontage for 10 buildable lots. Lots range in size from .75 acres to 1.165 acres. The lots on the north side of the road include substantial drainage and conservation easements as well as a no-build zone, both required to maintain a ravine and stream that feeds toward the Olentangy River.

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 Nelson Farms, Section 1, Phase A, Part 3 to the DCRPC

Commission / Public Comments

Mr. Dave Thomas of EMH & T was present to represent the applicant.

Mrs. Foust made a motion for Final Approval of Nelson Farms, Section 1, Phase A, Part 3. Mr. O' Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. EXTENSIONS

Applicant: Romanelli & Hughes

Engineer: Stantec

Preliminary approval: 07/26/07

Previous Extensions: 07/30/09 to 07/29/10, 07/29/10 to 07/28/11 (via variance), 07/28/11 to

07/26/12 (via variance)

I. Staff Comments

The applicant is requesting a third one-year extension for Sorrento at Highland Lakes, based on the economic downturn.

II. Staff Recommendation

Staff recommends *Conditional Approval* of a 1-year Extension for the **Sorrento at Highland Lakes** to the RPC, subject to approval of the variance request.

Commission / Public Comments

Mr. Gunderman made a motion for Approval of the 1-year Extension for the Sorrento at Highland Lakes. Mr. Gauldin seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

• Consideration for Approval: Fiscal Authorization Form

Mr. Clase made a motion for Approval that Mr. Sanders be granted the authority to sign both bi-weekly payroll worksheets/payroll adjustments and/or payments to vendors. Mr. Gunderman 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. Clase made a motion to adjourn the meeting at 7:35 p.m., seconded by Mr. Gunderman. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 30, 2012, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Dave Stites, 2nd Vice-Chairman	Stephanie Matlack, Executive Administrative Assistant	