

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, Susan Kuba, Ric Irvine, Fred Fowler, Steve Burke, Tiffany Jenkins, Sharon Hough, Gary Gunderman, Dave Sites, Holly Foust, Hal Clase, Dick Gladman, Bill Thurston, Eric Fischer, Lloyd Shoaf, Charlie Callender, Bill Metzler, Bonnie Newland, Mike Dattilo.
 Alternates: Doug Riedel. Staff: Scott Sanders, Da-Wei Liou, Stephanie Matlack.

▪ **Approval of the July 28, 2011 RPC Minutes**

Mr. Shoaf made a motion to approve the minutes from the July RPC meeting, seconded by Mr. Sedlacek. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **August 17, 2011 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from July 20, 2011**

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

3. **New Business**

a. Financial / Activity Reports for July 2011

REGIONAL PLANNING RECEIPTS		July	YTD TOTAL
General Fees (Lot Split)	(4201)	\$410.00	\$2,870.00
Fees A (Site Review)	(4202)	\$300.00	\$600.00
Insp. Fees (Lot Line Transfer)	(4203)		\$700.00
Membership Fees	(4204)		\$281,623.32
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$2,823.92
Assoc. Membership	(4206)		
General Sales	(4220)		\$828.18
Charges for Serv. A (Prel. Appl.)	(4230)		\$2,488.00
Charges for Serv. B (Final. Appl.)	(4231)		\$7,688.00
Charges for Serv. C (Ext. Fee)	(4232)	\$300.00	\$1,200.00
Charges for Serv. D (Table Fee)	(4233)		\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$600.00	\$2,100.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$2,100.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$580.00
Soil & Water Fees	(4243)	\$200.00	\$700.00
MISCELLANEOUS REVENUE			

Other Reimbursements	(4720)		\$124.82
Other Reimbursements A			\$0.00
Other Misc. Revenue (GIS maps)	(4730)		\$587.17
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$1,810.00	\$307,213.41

Balance after receipts	\$277,191.51
Expenditures	- \$ 27,170.36
End of July balance (carry forward)	\$250,021.13

After discussion of the financial reports, 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. August RPC Preliminary Agenda
 - 1.) Site Review: none for August
 - 2.) Rezoning: Scioto Twp. text amendments
 - 3.) Variance: Estates at Sherman Lakes
 - 4.) Preliminary: none for August
 - 5.) Final: Glen Oak, Sec. 5, Ph. B
 - 6.) Extension: Estates at Sherman Lakes and Estates at Cheshire
- c. Director's Report
 - 1.) Shawnee Hills – almost complete with Comprehensive Plan update
 - 2.) Liberty Twp. – meeting next week regarding Zoning Code update
 - 3.) Completed Affordable Housing review for Economic Development Director
 - 4.) Watching progress of Regional Sustainability project by MORPC

4. Old Business (*none*)

5. Other Business

- 1.) Mr. O'Brien stated that he would continue discussion of County Zoning Code update possibilities with other Commissioners.
- 2.) Consideration for recommendation of approval: Reimbursement of \$1,163.18 for Da-Wei Liou ESRI conference expenses and purchase of two battery back-up units.

Mr. Gladman made a motion to recommend Approval of the \$1,163.18 expenditure. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. Personnel (*none*)

7. Adjourn

Having no further business, Mr. Gladman made a motion to adjourn the meeting at 9:20 a.m. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, September 14, 2011 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

05-05.V The Estates at Sherman Lakes – Berlin Twp. – variance to Sec. 102.03 and 204.04

Applicant: T & R Properties, Inc.
Consultant: Floyd Browne Group

I. Request

The Estates at Sherman Lakes is a proposed 39-lot single-family residential subdivision on 40.71 acres in Berlin Township. The approved Preliminary is revised from an earlier plan and received approval in August, 2006. There are two passive open space reserve areas totaling 16.285 acres, or 40% of the site. The surrounding single-family subdivisions include Sherman Lakes, Section 1, to the south and Sherman Lakes, Section 2, to the west. The Estates at Sherman Lakes access will align with Sherman Lakes, Section 2, across Africa Road.

II. Facts

1. The Subdivision Regulations allow an approved Preliminary Plan to expire if a plat of at least one Section is not submitted within two years.
2. An approved Preliminary Plan may be extended up to a total of one additional year;
3. The Estates at Sherman Lakes (revised) received a Preliminary approval on August 31, 2006, which was valid until August of 2008. The proposal received a 12-month extension on August 28, 2008 to expire August 28, 2009;
4. The Commission granted a variance on August 27, 2009 to allow the Preliminary extension of Estates at Sherman Lakes until August, 2010 and again on August 26, 2010 until August 26, 2011;
5. The applicant seeks a third variance to allow the Preliminary extension of Estate at Sherman Lakes to August, 2012.

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: "This development was originally approved in August 2006, due to economic conditions, has not moved forward. This project is currently moving forward and final engineering plans have been submitted to the County for their initial review. We are requesting a twelve (12) month extension."

IV. Staff comments

The staff review presented during the previous request noted that there were many available lots in the general area. The area has seen activity, with many of the lots (most notably in Sherman Lakes, Section 1 to the south) having been sold to individuals.

Directly to the west is The Sherman Lakes, Section 2 which platted 82 lots, with approximately 29 owned by the developer or a builder. The Commission has recently approved variances for an additional year as well as a second additional year. Conditions surrounding the development have not changed. The applicant is working through the County Engineer's office to receive Final Engineering Approval for this subdivision and has indicated that improvements may start this fall.

V. Staff Recommendation

DCRPC staff recommends that based on current market and economic conditions, the variance request from Sec. 102.03 & 204.04 for **The Estates at Sherman Lakes** be *Approved*.

Commission / Public Comments

Mr. Ron Sabatino of T & R Properties was present. He stated that they are hopeful to finish the final platting process this year. He explained that there are some storm water adjustments that need to be made due to a surrounding project not proceeding.

Mr. Gladman made a motion to Approve the variance request for The Estates at Sherman Lakes as recommended by staff. Mr. Shoaf seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

15-11 ZON Scioto Twp. Zoning Commission – text amendments

I. Introduction

On August 8, 2011, the Scioto Township Zoning Commission initiated a number of amendments to its Zoning Resolution. The Township has scheduled a Public Hearing for the proposed amendments for September 12, 2011.

II. Staff Comments

The proposed amendments are the result of substantial research by the Zoning Commission into the definitions and statutory requirements for **Adult Care Facility**, **Adult Family Homes**, **Adult Group Homes**, and **Residential Facilities**. In each case, the definitions simply refer to the appropriate section of the ORC 3722.01 and 5123.19.

Adult Family Homes are Permitted uses (with 1-mile spacing requirements) in the FR-1, PRD, PRCD, C-1, C-2, PC and A-1 districts.

Adult Group Homes and **Residential Facilities** are Prohibited in the PRD, PRCD, C-1, C-2, PC and A-1 districts.

Group Homes or **Residential Care Facilities** are Conditional Uses in the FR-1 and PRD districts.

RPC staff provided some model language that had been circulated among various county planning directors during recent years but this proposed text appears to do a concise job in reflecting the various statutory requirements. While it is wise to reference the ORC directly, the Commission may want to include a minimal amount of detail for each separate use (such as referencing “no more than 5 unrelated individuals”) for the average reader of the resolution.

Other minor changes include the “**majority vote of trustees**” to overturn a decision by the Zoning Commission and some grammatical changes.

For **Non-Conforming Uses**, additional language is added to the Restoration section, stating that when a house has been “damaged by fire, *explosion, flood, wind, earthquake, or other calamity outside the control* of the owner...to the extent that the cost of restoration exceeds 60% of the value” it shall not be restored, unless it can be restored in conformity with the Resolution or a conditional use permit is granted. Such conditional use permit shall essentially only be valid for *ninety days [unless the restoration] has been diligently continued until completion.*

This appears to give the owner of such non-conforming use ample time to restore damage, while providing a path for the township to bring such properties into compliance.

The township has indicated that they have submitted these proposed changes to the County Prosecutor’s office.

III. Staff Recommendation

Staff recommends *Approval* of **Zoning Resolution Text Changes** to the Scioto Township Zoning Commission, the Scioto Township Trustees and the DCRPC.

Commission / Public Comments

Mr. Shoaf made a motion to recommend Approval of the Scioto Twp. Zoning Resolution text changes, seconded by Mr. Gunderman. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final

09-02.5.B Glen Oak, Section 5, Phase B – Orange Twp. - 13 lots / 11.897 acres

I. Conditions

Applicant: Dominion Homes Inc.
Subdivision Type: Single-Family Residential
Location: West side of South Old State Road approximately 400 feet south of Blue Holly Drive
Current Land Use: Vacant, pond
Zoned: SFPRD (Single Family Planned Residential)
Utilities: Del-Co Water, Sanitary Sewer
School District: Olentangy
Engineer: Kevin Kershner, Stantec Consulting Services, Inc.

II. Staff Comments

Glen Oak, Section 5, Phase B completes Marigold Street between two existing stubs. It includes 11 buildable lots, a .515-acre open space parcel and a 6.732-acre open space parcel including a 200' power line easement with high-tension lines and towers extending across the parcel. Typical lot size is 9,600 s.f. with 80'-90' of frontage. This phase also provides connection to Trillium Drive in Summerfield Village to the south.

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 **Glen Oak, Section 5, Phase B** to the DCRPC.

Commission / Public Comments

Mr. Sedlacek made a motion for Final Approval of Glen Oak, Section 5, Phase B. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

V. EXTENSIONS

21-04 Estates at Cheshire – Berkshire Twp. – requesting 1-year extension

Applicant: South Galena Road Development Company LLC.

Engineer: Bischoff & Associates

Preliminary approval: 08/26/04

I. Staff Comments

The applicant is requesting a 1-year extension of Estates at Cheshire “to avoid expiration of the approval per code section 204.04” (five years after the first section is recorded). This is an extension as allowed in Sub. Regs. 102.03, with the first Section (19 buildable lots) of the subdivision having been recorded in August of 2006. In the approved Preliminary, 20 additional lots are shown extending to the west, ending in a cul-de-sac with open space buffering the former weigh station. The Subdivision Regulations state that such extensions are discretionary, and allow the Commission to determine whether new regulations or standards are in effect at the time of the extension.

In this situation, there are significant changes proposed to the area surrounding the subdivision. ODOT is currently in the process of studying the I-71/U.S. 36/S.R. 37 interchange. ODOT has been reviewing alternatives and is close to choosing a preferred alignment for the improvements. One potential option shows a “South” interchange including an additional bridge and ramps that would impact the remaining section of the Estates at Cheshire subdivision. These proposed interchange improvements will also change the proposed alignment of the southern extension of Wilson Road from U.S. 36/S.R. 37 extending south to Cheshire Road. The applicant was made aware of these issues last month in a meeting with the County Engineer’s staff and RPC staff. At the time, the applicant stated that there is no intention to proceed with the subdivision until 2012.

ODOT has scheduled a stakeholder meeting for September 19, 2011, with a public meeting scheduled for October 12, 2011. It is hoped that by the end of 2011, a conceptual alignment for the improvements to the interchange will be determined by ODOT and that connector roads, such as Wilson Road, can also roughly be determined. If there are no improvements to the south of the existing I-71/U.S. 36/S.R. 37 interchange, the subdivision can likely be built as proposed. If there are improvements made south of the existing I-71/U.S. 36/S.R. 37 interchange, at minimum, the cul-de-sac would need to be shortened so that there is ample space for the extension of Wilson Road. The applicant has noted that if significant improvements occurred adjacent to Estates at Cheshire, it is unlikely he would proceed with the current proposed configuration.

II. Staff Recommendation

Staff recommends *Conditional Approval* of a 1-year extension for **Estates at Cheshire** to the RPC, *subject to the applicant not proceeding until the alignment of the interchange improvements and related connector roads is known. If those improvements and/or related connector roads are proposed south of the existing interchange in a way that requires altering the layout of this subdivision to provide sufficient area for any proposed roads, the owner of this property at that time will be required to submit a new preliminary plan reflecting necessary adjustments to the layout, which may include a reduction in lots and a change in the streets. If the interchange improvements are not known by the time this one-year extension expires, the applicant will need to return to the RPC with a request for additional extension of time.*

Commission / Public Comments

Mr. Paul Coppel with South Galena Road Development Company was present and stated that he agreed with staff comments. He explained that they hope the interchange does go to the south. If it does this section may not be residential at all in which case they would have to rezone the property. He explained that Schottenstein Homes has sold a couple of the lots in the Estates at Cheshire, Section 1 this month.

Mr. Fischer expressed his concerns of putting residential in between an arterial road and industrial. He would rather see the industrial area be extended down through this parcel. Mr. Fischer asked Mr. Riedel what the likelihood of the arterial coming down in some form. Mr. Riedel said it is likely.

Mr. Fischer questioned the age of this project (7 years) and asked how many other projects would be coming forward to request an extension. Mr. Sanders explained that he has a list of project and when they are due to expire. Mr. Fischer said he would be interested in seeing the list and due to the current state of the economy, the RPC would likely see more requests and questioned how long they should continue. Mr. Sanders said that the feeling of the Commission has been as long as they get a look at them every year, they would look at them on a case by case basis and should not expect an automatic year extension. This would be the projects first extension.

Mr. Shoaf made a motion to deny the 1 year extension request. Mr. Fischer seconded the motion. Hand vote: 6 for Denial, 14 Opposed to Denial. Motion failed.

Mr. Stites made a motion for Conditional Approval of the 1 year extension of Estates at Cheshire, subject to staff comments. Mr. Clase seconded the motion. Vote: Majority For, 1 Abstained (Berkshire Twp.). Motion carried.

05-05 The Estates at Sherman Lakes – Berlin Twp. – requesting 1-year extension

Applicant: T&R Properties, Inc.

Engineer: Floyd Browne Group

Preliminary approval: 08-31-06

Extensions: 08-28-08 to 08-28-09, 08-27-09 to 08-27-10 (via variance),
08-26-10 to 08-26-11 (via variance)

I. Staff Comments

The applicant is requesting a 12-month extension of **The Estates at Sherman Lakes** subdivision due to economic downturn.

II. Staff Recommendation

Staff recommends *Conditional Approval* of a 12-month extension for **The Estates at Sherman Lakes** to the RPC, *subject to a Variance being granted.*

Commission / Public Comments

Mr. Gladman made a motion for Approval of the 1 year extension for The Estates at Sherman Lakes. Mr. Shoaf seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.

VI. OTHER BUSINESS

- Consideration for Approval – Da-Wei Liou, \$1,066.20 - ESRI Conference reimbursement

Mr. Shoaf made a motion for Approval of the \$1,066.20 conference reimbursement for Mr. Liou. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION

- **Extension policy discussion –**

Mr. Shoaf requested that the Executive Committee look at the extension regulations. He explained that he doesn't mind one extension but does not like the ones that "drag on and on". Mr. Fischer agreed that it is problematic to have projects go on for 7-10 years. When so much has changed in that time it alters the course of plans in general and causes long term problems. Mr. Stites said that there is another side to that issue (as in Estates at Cheshire) when the developer is developing the first half and appears to be ready to start on the second half. Wilson Road has now come into play and at least they are sitting back and looking at what is going to happen with the road before they move forward.

Chairwoman Foust agreed some discussion needs to occur on the issue of repeated extensions but believes it should be done as a whole Commission as opposed to just the Executive Committee. Most agreed that the extensions should be looked at on a case-by-case basis and evaluated.

VIII. RPC STAFF AND MEMBER NEWS

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

The next meeting of the Delaware County Regional Planning Commission will be Thursday, September 29, 2011, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant