



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, October 27, 2011 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 September 29, 2011 RPC Minutes
- Executive Committee Minutes of October 19, 2011
- Statement of Policy

II. VARIANCES

06-05.V Cheshire Woods Estates – Berkshire Twp. –from Section 102.03 and 204.04

III. ZONING MAP/TEXT AMENDMENTS

16-11 ZON Genoa Twp. Zoning Commission – rezoning of parcels south of Big Walnut Road from RR to SR

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary (none)

Preliminary/Final (none)

Final (none)

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

06-05 Cheshire Woods Estates – Berkshire Twp. – requesting 2 year extension

VI. OTHER BUSINESS

- Consideration for discussion – 2012 Budget
- Demographic Package

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, Susan Kuba, Fred Fowler, Tommy Thompson, Ken O’Brien, Steve Burke, Tiffany Jenkins, Sharon Hough, Gary Gunderman, Joe Clase, Dave Stites, Holly Foust, Dick Gladman, Marvin Miller, Lloyd Shoaf, Charlie Callender, Bill Metzler, Bonnie Newland, Mike Dattilo, Doug Price. *Alternates:* Ray Armstrong, Doug Riedel, Larry Witt, and James Hatten. *Staff:* Scott Sanders, Da-Wei Liou, Stephanie Matlack.

▪ **Approval of the September 29, 2011 RPC Minutes**

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

▪ **October 19, 2011 Executive Committee Minutes**

1. **Call to order**

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

2. **Approval of Executive Committee Minutes from September 21 and 29, 2011**

Mr. Gladman made a motion to approve the minutes from the September 21st and 29th Executive Committee meetings. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

a. Financial / Activity Reports for September 2011

REGIONAL PLANNING RECEIPTS		September	YTD TOTAL
General Fees (Lot Split)	(4201)		\$2,870.00
Fees A (Site Review)	(4202)		\$600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$200.00	\$1,100.00
Membership Fees	(4204)		\$281,623.32
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$590.60	\$3,414.52
Assoc. Membership	(4206)		
General Sales	(4220)		\$828.18
Charges for Serv. A (Prel. Appl.)	(4230)		\$3,188.00
Charges for Serv. B (Final. Appl.)	(4231)	\$2,400.00	\$11,588.00
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$1,650.00
Charges for Serv. D (Table Fee)	(4233)		\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$2,400.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$2,100.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$1,300.00
Soil & Water Fees	(4243)		\$825.00

MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$124.82
Other Reimbursements A			\$0.00
Other Misc. Revenue (GIS maps)	(4730)	\$10.00	\$597.17
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$3,350.60	\$314,409.01

Balance after receipts		\$239,088.52
Expenditures	-	\$ 19,024.88
End of September balance (carry forward)		\$220,063.64

After discussion of the financial reports, Mr. O'Brien made a motion to approve the financial reports as presented. Mr. Burke seconded the motion. **VOTE: Unanimously For, 0 Opposed. Motion carried.**

- b. October RPC Preliminary Agenda
 - 1.) Site Review: none for October
 - 2.) Rezoning: Genoa Twp. Zoning Comm. – Zoning map amendment
 - 3.) Variance: Cheshire Woods Estates
 - 4.) Preliminary: None for October
 - 5.) Final: None for October
 - 6.) Extension: Cheshire Woods Estates – requesting 2-year extension

- c. Director's Report
 - 1.) Shawnee Hills – finished the Comprehensive Plan
 - 2.) Liberty Twp. – progressing on the Zoning code, will send proposed contract to Mr. Anderson for continuance of work
 - 3.) ODOT – meeting last week regarding 36/37 and I-71 Interchange, no commitment from ODOT as to location
 - 4.) Rural Zoning Code – Mr. O'Brien asked Mr. Sanders to contact Fred Fowler, Code Compliance, to discuss zoning code amendment assistance

- d. 2012 Budget – Proposed Budget review
 - 1.) Mr. Sanders presented the proposed budget including:
 - Projected carry forward into 2012: \$150,713
 - Projected revenue for 2012: \$338,895
 - Proposed expenditures for 2012: \$277,407 (without salary increases), \$281,707 (with a proposed 2% increase)
 - 2.) No major expenses for 2012 anticipated.
 - 3.) Proposed expenses include: State Audit (\$2500), ESRI conference expenses (\$1,100), Software licenses (\$4,741). Health Insurance rates to remain the same at 2011.
 - 4.) Membership Dues: There was some discussion as to a possible Dues reduction if carry forward into 2013 is sufficient. Committee members discussed a credit of dues of the difference in the amount of the last increase which was \$0.12. (2008 Dues = \$0.92 per capita, 2009 Dues = \$1.04 per capita.) This would be credited to the 2013 Dues invoice. This would be for all current members. Mr. Sanders was directed to come up with specific language to be discussed at the October RPC meeting.
 - 5.) The Committee agreed to discuss the Budget further at the October 27th RPC meeting. A vote would take place of the November 17th RPC meeting.

- e. 2012 Meeting Schedule – Mrs. Matlack presented the Committee with the proposed meeting schedule. As with the current year April, July and October meeting locations may move from the Willis Building to the Commissioners conference room if the Board of Elections needs the space for election use. Members would be notified if this is the case.

4. **Old Business** (none)
5. **Other Business** (none)
6. **Personnel** (none)
7. **Adjourn** – *Mr. Burke made a motion to adjourn the meeting at 10:00 a.m. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*
The next regular Executive Committee meeting will be Wednesday, November 9, 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

06-05.V Cheshire Woods Estates – Berkshire Twp. – from Section 102.03 and 204.04

I. Request

On behalf of the owner, C&J Land Development, Planned Communities Inc. is requesting a variance to allow a 2-year extension beyond the time limit allowed in the Subdivision Regulations for the Cheshire Woods Estates subdivision in Berkshire Township.

The proposed subdivision is located on the west side of Rome Corners Road and south of Cheshire Road. It is a residential subdivision for 50 single-family house lots on 139 acres.

II. Facts

1. Cheshire Woods Estates received Preliminary approval on January 27, 2005;
2. The overall plan received a 1-year extension January 2006;
3. Section 1 was recorded October 2006 which would hold the Preliminary approval until October 2011;
4. The applicant seeks a 2-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: *"The variance request is needed in that a one-year extension was previously granted and thus for consideration of a second extension a variance is needed. We submit that:*

- 1) *The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other parties.*
- 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.*

If the variance request is approved, the applicant would then like to request a two-year extension to the approved preliminary plan. With the current market conditions we feel this extension is warranted and hopefully things will turn such that another extension request is not needed in the future."

Staff comments: *Cheshire Woods Estates is part of and linked to the Cheshire Woods subdivision to the west, which has access to Delaware County Sanitary Sewer. Significant portions of both subdivisions have been built, including a connector road to Rome Corners Road, providing access for the lots in the Cheshire Woods side as well. The only open space parcel on the Cheshire Woods Estates side, including stormwater management, has been built and platted. The township would like to see this subdivision continue to be built, as future sections include an additional connection to Rome Corners Road. Staff recommends that the extension be for one year.*

IV. Staff Recommendation

DCRPC staff recommends that based on market and economic conditions, the Variance request from Sec. 102.03 & 204.04 for **Cheshire Woods Estates** be *Approved*.

Commission / Public Comments

Mr. Jack Brickner, Director of Development with Planned Communities was present.

Mr. Miller made a motion to Approve the Variance request for Cheshire Woods Estates. Mr. Clase seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

16-11 ZON Genoa Twp. Zoning Commission – rezoning of parcels south of Big Walnut Road from RR to SR

I. Introduction

Over the years, Genoa Township’s Zoning Resolution has evolved, similar to the evolution of many other jurisdictions’ codes. One of the changes that took place several years ago was an increase in minimum parcel size within the Rural Residential designation. Unfortunately, when the lot size was increased to 2 acres, many existing, Rural Residential-zoned properties became non-conforming. Over the ensuing years, this has caused difficulty for those owners when they wish to expand or add a deck or accessory buildings, based on differences in setbacks.

In accordance with the Ohio Revised Code, the Genoa Township Zoning Commission initiated the rezoning of all properties south of Big Walnut Road from Rural Residential (RR) to Suburban Residential (SR). The change will be considered by the Zoning Commission at their Nov. 14th meeting. The township states that this change is to help over 200 properties, less than 2 acres in size become conforming with setback and lot size regulations. It also includes 50 or so parcels over 2 acres that may be better served by being zoned SR. In total, 288 rezoning notices were mailed to individual property owners. Each property owner was given the ability to “opt out” of this rezoning by responding in writing to the township.

The township provided following chart to help explain the major differences between the RR and SR districts and included a short form for feedback. This change is intended to help property owners by giving them more rights on their own property through less-restrictive setback standards which are more consistent with their neighbors. However, it could limit their ability to establish uncommon uses (such as foster homes, adult family homes, kennels and a few other uses listed below) that aren’t likely to be desirable in this area.

This rezoning will eliminate the need for individual rezonings, normally costing property owners at least \$750, in addition to other costs for surveying, engineering, and assistance in the application process.

II. Comparison of Major differences between the RR & SR Districts

	RR District	SR District
Land Uses:		
Conservation subdivisions (PRRCD) – 25 acre minimum	Permitted	Prohibited
Foster homes	Permitted	Prohibited
Adult family homes	Permitted	Prohibited
Group home	Prohibited	Conditional
Child day care	Permitted	Conditional
Kennels – 5 acre minimum	Conditional	Prohibited
Private landing fields	Conditional	Prohibited
Hospitals, sanitariums, retirement centers or homes for children	Conditional	Prohibited
Cemeteries	Conditional	Prohibited
Area Standards:		
Minimum Allowable Lot Size (square feet)	87,120	20,000
Minimum Front Yard Setback (feet)	75	50
Minimum Side Yard Setback (feet)	25	12
Minimum Rear Yard Setback (feet)	50	50
Minimum Lot Frontage (feet)	150	85
Maximum building coverage (% of lot)	10%	20%
Maximum impervious (building, pavement, etc.) coverage (% of lot)	25%	35%

III. Public Response and Staff Comments

The township reports that public response has been generally positive but some have voiced concern that some rural character might be lost should the parcels that are larger than 2 acres develop. Staff notes that there are only a few large parcels that, based on configuration and road frontage, could easily be developed under the SR designation and those that could be developed would still need to gain sewer service and follow the Subdivision Regulations.

To avoid this possibility, the township could choose to only rezone lots that are currently 2 acres or smaller. However, there are many parcels that are larger than 2 acres that are still non-conforming based on the shape and other environmental constraints. Short of rezoning only those lots that are currently non-conforming (which would take a tremendous amount of research), the township must rezone all the lots to be consistent.

IV. Staff Recommendation

Staff recommends *Approval* of the rezoning of parcels south of Big Walnut Road from RR to SR to the RPC, Genoa Township Zoning Commission, and Genoa Township Trustees.

Commission / Public Comments

There were no comments from the public or Commission.

Mr. Gladman made a motion to recommend Approval of rezoning parcels south of Big Walnut Road from RR to SR. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS

06-05 Cheshire Woods Estates – Berkshire Twp. – requesting 2 year extension

Applicant: Planned Communities
Engineer: Hockaden & Associates
Preliminary approval: 01/27/05
Extensions: 01/26/06 to 07/27/06
Recorded Sections: Section 1 recorded 10/18/06

I. Staff Comments

The applicant is requesting a 2-year extension of **Cheshire Woods Estates** due to the “declining housing market conditions”.

II. Staff Recommendation

Staff recommends *Conditional Approval* of a 1-year extension for **Cheshire Woods Estates**, *subject to the variance being granted*, to the RPC.

Commission / Public Comments

Mr. Brickner of Planned Communities was present to represent the applicant.

Mr. Gunderman made a motion to Approve a 1-year extension for Cheshire Woods Estates. Mr. Armstrong seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

- Consideration for discussion – 2012 Budget (see Executive Committee minutes on page 3)
 - Projected carry forward into 2012: \$150,713
 - Projected revenue for 2012: \$338,895
 - Proposed expenditures for 2012: \$277,487 (without salary increases),
\$281,787 (with a proposed 2% increase)
 - Projected carry forward into 2013: \$207,000

During budget discussions, the Executive Committee considered potential adjustments to the dues structure, given the current economic environment. For the last two years, the RPC has established a consistency in its expenses, based on current staffing. The carry-over into 2011 was slightly more than \$100,000 and the projected carryover into 2012 is \$150,000. While a carryover is necessary to ensure a smooth transition from year to year, once that carryover “cushion” is consistently projected, the Commission should seek ways to keep a balance between revenues and expenditures, rather than adding to that carryover each year.

Unless larger expenses are anticipated (putting money back for purchase of an office building was one example), it is recommended that we maintain a reasonable carryover balance at the end of each year, equal to at least 6-12 months of expenses.

In 2009, the per capita fee was changed from \$.92 to \$1.04 per person, a difference of \$.12 per person. If the RPC's balance remains stable throughout 2012 and no unforeseen expenses occur, the Executive Committee would like the Commission to consider the possibility of applying a credit to each jurisdiction's fees in the amount of \$.12 per person, to the extent that the total credited does not reduce the RPC's balance below the amount needed to provide a carryover into 2013 at least equivalent to 6 months of expenses. This credit would be based on the 2012 population calculation, and must be applied to the 2013 per capita fee. Staff calculates that this could be an aggregate total credit of \$31,043 "returned" to member jurisdictions. Only communities which are current with 2012 dues would be offered the credit.

Chairwoman Foust explained that this is the first draft of the Budget. If the Commission has any comments or suggestions to be incorporated into the Budget this is the time for discussion. She asked if the Commission would like to vote on including a 2% salary increase for staff.

Mr. Armstrong made a motion to include a 2% Salary increase for the 2012 Budget, seconded by Mr. Dattilo. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. O'Brien). Motion carried.

The 2012 Budget would be presented at the November 17th RPC meeting for approval.

▪ **Demographic Package**

The 2011 Demographic Report has been completed and is available at www.dcrpc.org/RESOURCES/demographics.htm.

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. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, November 17, 2011, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.