



Delaware County Regional Planning Commission

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Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, November 17, 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 October 27, 2011 RPC Minutes
- Executive Committee Minutes of November 9, 2011
- Statement of Policy

II. VARIANCES

09-07.V Fiddler's Creek – Concord Twp. – variance from Sec. 102.03 and 204.04

III. ZONING MAP/TEXT AMENDMENTS

17-11 ZON Harlem Twp. Zoning Commission – Zoning Code amendments

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary (none)

Preliminary/Final (none)

Final (none)

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

09-07 Fiddler's Creek – Concord Twp. – requesting a 2 year extension

VI. OTHER BUSINESS

- Consideration for Approval of Expenditure: SWCD \$825.00, Health Dept. \$1,300.00
- Consideration for Approval: 2012 Budget
- Consideration for Approval: 2012 RPC Meeting Schedule

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

- Formation of a Nominating Committee for Executive Committee member nomination

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairwoman Foust called the meeting to order at 7:00 p.m.

▪ **Roll Call**

Representatives: Rick Sedlacek, Susan Kuba, Fred Fowler, Ken O’Brien, Steve Burke, Tiffany Jenkins, Gary Gunderman, Dave Stites, Holly Foust, Dick Gladman, Eric Fischer, Lloyd Shoaf, Charlie Callender, Bill Metzler, and Mike Dattilo. *Alternates:* William Holtry, Doug Riedel, and Dave Jackson. *Arrived after roll call:* Karl Gebhart (A).

▪ **Approval of the October 27, 2011 RPC Minutes**

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

▪ **November 9, 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, Lloyd Shoaf. Mr. O’Brien was absent. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from October 19, 2011**

Mr. Shoaf made a motion to approve the minutes as presented. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

a. Financial / Activity Reports for October 2011

REGIONAL PLANNING RECEIPTS		October	YTD TOTAL
General Fees (Lot Split)	(4201)		\$2,870.00
Fees A (Site Review)	(4202)		\$600.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$1,500.00
Membership Fees	(4204)		\$281,623.32
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$2,060.91	\$5,475.43
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)		\$11,588.00
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$1,800.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$400.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$2,700.00
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)	\$2.80	\$599.97
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$3113.71	\$317,522.72

Balance after receipts		\$223,177.35
Expenditures	-	\$ 22,787.39
End of October balance (carry forward)		\$200,389.96

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. November RPC Preliminary Agenda
 - 1.) Site Review: none for November
 - 2.) Rezoning: none as of 11/9/11
 - 3.) Variance: Fiddler’s Creek
 - 4.) Preliminary: None for November
 - 5.) Final: None for November
 - 6.) Extension: Fiddler’s Creek – requesting 2 year extension
- c. Director’s Report
 - 1.) Rural Zoning Code – meeting with Fred Fowler next week to discuss options for updating the Code.
 - 2.) Olentangy Watershed meeting to be held today.
- d. 2012 Budget – 2nd Budget review

Since the rates for Dental Insurance will not be out until March 2012, the Committee recommended including a 7% increase for Dental Insurance. A few typographical errors were also noted.

Mr. Burke made a motion to recommend Approval of the 2012 Budget as proposed with the changes discussed at today’s meeting, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. Old Business

5. Other Business

- a. Mr. Gladman explained that he would be retiring from the Commission at the end of the year. Chairwoman Foust stated that a nominating Committee would be organized at the November RPC meeting.
- b. Consideration for Approval for Fees collection distribution:
 - 1.) Health Department – \$1300.00
 - 2.) SWCD - \$825.00

Mr. Shoaf made a motion to recommend Approval of the fee disbursement for SWCD \$825.00 and Health Dept. \$1300.00. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

6. Personnel (none)

7. Adjourn

Having no further business, 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, December 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

09-07.V Fiddler’s Creek – Concord Twp. – variance from Sec. 102.03 and 204.04

I. Request

As of November 2, 2011 the new owners of the land proposed as Fiddler’s Creek are The Park National Bank (“Park”). The former owner was Whisper Trace, LLC c/o Bill Adams. Park is requesting a variance to allow a 2-year extension beyond the time limit allowed in the Subdivision Regulations for the Fiddler’s Creek subdivision in Concord Township.

The proposed subdivision is located south of Home Road between S.R. 745 and Concord Road. It is proposed as a Conservation Subdivision with 29 lots on 42.5 acres and 50% open space. Access is from Home Road and Concord Road. There is no sewer service available to the site. Because the lots are clustered, a communal leaching system with constructed wetlands is planned.

II. Facts

1. The Subdivision Regulations require that a final plat application for the initial phase of a subdivision be submitted within 2 years of the approval of the Preliminary Plan;
2. The Regulations also allow for an approved Preliminary Plan to request extensions up to a total of one year;
3. Fiddler’s Creek received Preliminary approval on November 29, 2007 and received a one-year extension on November 19, 2009 to expire November 19, 2010;
4. Previous owners received approval for a Variance and 1-year extension to November 18, 2011;
5. The current applicant (new owner) seeks an additional two-year extension by variance.
6. The development was not rezoned, but utilizes a Development Plan approved through the Concord Township Zoning Commission.

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 existing deadline of November 18, 2011 (which is the last day of the previous extension) to submit the subdivision plat application cannot be met due to the imminent change in ownership of the property [letter was written prior to the property transfer on November 2]. The purchaser will need time to evaluate the property and to determine the way in which the purchaser desires to use the property. It seems in these circumstances that it would be beneficial to all involved to build on a preliminary plan that has already been submitted rather than incur the additional cost of starting from scratch."*

Staff comments: *This is Fiddler's Creek's second Variance request for a time extension, which during the current economic conditions, has typically been granted. Staff encourages the Conservation Subdivision concept and supports this variance and extension. It should be noted, however, that the Ohio EPA would approve the onsite combined sanitary treatment and require that the system be maintained through an agreement with either Delaware County or with a non-public entity or utility. The Ohio EPA has submitted to the Regional Planning Commission an updated list of items to be addressed to demonstrate such a commitment. This does not represent a new condition, as third-party management of the system was a requirement with the original approval. This information shouldn't preclude approval of another year's extension.*

As in previous cases, staff is recommending a 1-year extension, as allowed by the Subdivision Regulations, so that a review can take place annually.

IV. Staff Recommendation

DCRPC staff recommends that based on market and economic conditions, the variance request to extend the Preliminary Plan approval to November 2012 for **Fiddler's Creek** be *Approved*.

Commission / Public Comments

No one was present to represent the applicant.

Mr. George asked if the extension request was for marketing reasons (since they most likely wouldn't be the ones to develop the property). Mr. Sanders said that they were requesting it so they could pass the approved plan on to the buyers. Chairwoman Foust explained that in the past the Commission has granted extensions to try to help builders out even though they are speculating but she did not see the value in granting an extension to a bank. Mr. O'Brien expressed his concern over the sewer issue. Mrs. Jenkins wasn't sure of the County's feeling but she was not keen on taking on another small package plant. She did state she was not aware of the history of this project. Mr. Burke explained that it does not fall under the General Health District's jurisdiction because it's a combined system. He contacted the OEPA and they want it controlled by a public entity (usually a Sanitary Engineer's office), when it's not it can be another public entity. Mr. Burke's concern was if the Commission approves the extension the applicant may still have trouble finding a public entity to take it on, but it's possible. Mr. O'Brien explained that if the applicant was present to state how they were going to

accomplish these concerns, he might agree with the recommendation. Mr. George asked if the denial of this extension would affect them in any way. Mr. Sanders stated that as long as the zoning was still active, another preliminary application and fee could be submitted (approximately \$3,400).

Mr. Shoaf made a motion to deny the variance as requested. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

**Toward the end of the meeting, Mr. Scott Green with Park National Bank arrived and apologized for not being present during discussion of the variance request and asked the Commission to reconsider their vote. Mr. Gunderman asked if the Commission could hear comments from Mr. Green to determine if a reconsideration of the vote is what the Commission would like to do.

Mr. Green stated that Park National Bank recently took over ownership of the land proposed for Fiddler's Creek. They have had some interest in the property since taking it over but the variance and extension would allow more time to secure a buyer.

Mr. Fischer asked what Park estimates the valuation change if there is no plan associated with the property. Mr. Green stated that as vacant ground it has been appraised at \$15,000/acre.

Mr. O'Brien expressed his concern with the onsite sewage treatment.

Chairwoman asked the Commission if there is a motion to reconsider the denial vote on the variance request and the extension. There was none.

III. ZONING MAP/TEXT AMENDMENTS

17-11 ZON Harlem Twp. Zoning Commission – Zoning Code amendments

I. Introduction

On November 7, 2011, the Harlem Township Zoning Commission initiated a process to make changes to its zoning resolution. The changes include the following:

- Article X (PUD) – Changing the phrase “insure safety of residents” to “promote safety of residents” in reference to lighting.

Staff comment: Good clarification.

- Section 21.14 – Adding a two-paragraph section on Lighting which applies to all proposed development except AR-1 and FR-1.

Staff comment: Logical addition.

- Article XIX – Adding a new “Harlem and Center Village Residential District (HCVR-1)”

Staff comment: This section is written to apply to the 1849 Harlem Town Plat and 1848 Centerville Town Plat as well as its 1853 Addition. In those areas, most of the residential lots are zoned FR-1 but are smaller than the current 2 net acre requirement. Additionally, many of these lots do not meet the current FR-1 setbacks, making them legal non-conforming lots but causing problems when additions and alterations are made. Applying this district to the three entire plats will bring the lots into greater conformance. Permitted

uses are generally the same, except for agricultural uses which can be regulated in platted areas. The following table shows a comparison of some of the features. Blank areas indicate that an item is not listed as either Permitted or Conditional, but is not specifically prohibited, either.

	FR-1	HCVR-1
Land Uses:		
Single family dwelling	Permitted	Permitted
Accessory buildings	Permitted	Permitted
Watershed protection	Permitted	Permitted
Temporary mobile office incidental to construction	Permitted	Permitted
Limited Home Occupation	Permitted	Permitted
Structures used for retail sale of agricultural products	Conditional	Conditional
Bed and Breakfast	Conditional	Conditional
Non-commercial playgrounds	Conditional	Conditional
Parks and picnic areas		Conditional
Expanded Home Occupation	Conditional	
Private landing fields	Conditional	
Full time labor mobile home	Conditional	
Kindergarten/child care facilities/public or private schools	Conditional	
Convalescent Homes	Conditional	
Boarding Kennels	Conditional	
Group Homes	Conditional	
Churches or other places of worship	Conditional	
Model homes for subdivisions	Conditional	
Cell phone towers	Conditional	
Institutional areas	Conditional	
Area Standards:		
Minimum Allowable Lot Size (square feet)	2 net acres	0.2 acres
Minimum Lot Frontage (2-3 acres)/(3-4 acres)/(4-5 acres)	175/210/250	66 feet
Building dimensions (1-story)/(split level)/(Bi-level)/(2-story)	1500/1875/2000/ 2000/2250	800/1000/1200/ 1200/1200
All dwellings shall include a garage of at least 480 square feet	Yes	No
Minimum Front Yard Setback (feet) (Class A/Class B and C)	130/90	40
Minimum Side Yard Setback (feet) /accessory	25/15	15/15
Minimum Rear Yard Setback (feet)/accessory	80/15	50/15

- Article XVI – Adding a new “Historic Center Village Commercial District (HCVC)”

Staff comment: Similar to Article XIX, this district seeks to bring existing non-residential buildings into greater compliance by applying a new zoning district to them. The text notes that this Article is applied to “all commercial lots” within the two Center Village plats. This should be clarified to note exactly which parcels this rezoning includes, since “commercial lots” could be interpreted in several ways. The zoning map indicates that there are four Neighborhood Commercial-zoned (C-2) parcels and one Planned Commercial and Office-zoned (PCD) parcels. For the purposes of this report, staff has prepared a table showing the difference between the Neighborhood Commercial and proposed HCVC districts. Blank areas indicate that the items is not listed as either Permitted or Conditional, but is not specifically prohibited.

	C-2	HCVC
Land Uses:		
Retail stores, office facilities, credit agencies, etc.	Permitted	Permitted
Veterinarians, with conditions	Permitted	
Temporary mobile offices	Permitted	Permitted

Watershed protection	Permitted	
Bed and Breakfast	Permitted	
Apartments over commercial or office uses	Conditional	Conditional
Outside display of products for sale	Conditional	Conditional
Kindergarten or child care facilities	Conditional	Conditional
Drive-thru or drive-in	Conditional	Conditional
Institutional areas		Conditional
Outdoor storage of goods	Conditional	
Area Standards		
Building size	5,000 s.f.	3,000 s.f.
Lot size, width	None	None
Minimum Front Yard Setback (feet) (Class A/Class B and C)	130/90	40
Minimum Side Yard Setback (feet)	¼ the height and depth, or 25	15
Minimum Rear Yard Setback (feet)	30	30
Signage	Within the code	20 s.f. maximum

II. Summary

These zoning changes appear to be a positive for the township, with the potential to bring non-conforming parcels into greater compliance. The township has studied the situation, making measurements of existing buildings as part of their draft process. There are approximately 37 lots that will be affected by the HCVR-1 language. Therefore, the township has submitted notice in the newspaper as required by the ORC. However, the township should be prepared with tables showing the changes, similar to the ones in this staff report.

The township may consider tabling adoption of HCVC (commercial) District until such parcels can be specified and owners can be individually notified.

Staff recommends retaining Expanded Homes Occupations within the HCVR-1 district, as this is a transitioning area and some owners may wish to convert an expanded home occupation into the HCVC designation at a future date.

Staff recommends retaining Group Homes in the HCVR-1 as there is no distinction in the code between the various types of adult residential facilities. The Zoning Commission may wish to review the RPC’s memo detailing recent research on the topic of Adult Care Facilities and Residential Facilities.

III. Staff Recommendation

Staff recommends *Conditional Approval* of amendments to the Harlem Township Zoning Resolution to the DCRPC, the Harlem Township Zoning Commission and Harlem Township Trustees, *subject to:*

1. *Consideration of adopting HCVC separately after the HCVR-1 has been enacted;*
2. *Retaining Expanded Home Occupation in the HCVR-1 district;*
3. *Retaining Group Homes in the HCVR-1 until this issue can be reviewed throughout the resolution.*

Commission / Public Comments

There was no public or Commission comments.

Mr. Gladman made a motion to recommend Conditional Approval of the amendments to the Harlem Twp. Zoning Resolution, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS

09-07 Fiddler's Creek – Concord Twp. – requesting a 2 year extension

Applicant: The Park National Bank

Engineer: Chenevey and Piccin

Preliminary approval: 11/29/07

Previous extension: 11/19/09 – 11/19/10 and 11/18/10 - 11/18/11

Variance approval: 11/18/10

(see Variance report)

I. Staff Comments

The applicant is requesting a 2-year extension of the Fiddler's Creek due to the economic conditions and current single-family housing market.

II. Staff Recommendation

Staff recommends *Approval* of a 1-year extension for **Fiddler's Creek** to the DCRPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Shoaf made a motion to Deny the extension request, seconded by Mr. O'Brien. VOTE: Majority For Denial, 1 Opposed (Mr. Metzler). Motion carried.

VI. OTHER BUSINESS

- **Consideration for Approval of Expenditure: SWCD \$825.00, Health Dept. \$1,300.00**

Mr. Gladman made a motion to Approve the expenditure of \$825 for SWCD and \$1300 for Health Dept. for sketch plan and Preliminary plan fees collected on their behalf. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for Approval: 2012 Budget**

Chairwoman Foust explained that the only changes to the 2012 Budget since the last RPC meeting included:

1. 2% potential salary increase for staff
2. 7.5% estimated increase for dental insurance (new rates to be determined in March 2012)
3. A couple typo corrections

Mr. Shoaf made a motion to Approve the 2012 Budget as presented, seconded by Mr. Gunderman. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for Approval: 2012 RPC meeting schedule**

Mr. Shoaf made a motion to Approve the 2012 Regional Planning Commission schedule. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION *(none)*

VIII. RPC STAFF AND MEMBER NEWS

- **Formation of a Nominating Committee for Executive Committee member nomination**

Chairwoman Foust explained that December 2011 would be Mr. Gladman's last RPC meeting due to his retirement. She asked for two volunteers for the Nominating Committee. Mr. Fowler and Mrs. Jenkins were named. Anyone interested in being on the Executive Committee or nominating someone, please contact one of them.

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

The next meeting of the Delaware County Regional Planning Commission will be Thursday, December 22, 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