



Delaware County Regional Planning Commission

109 North Sandusky Street
P.O. Box 8006, Delaware, Ohio 43015
740-833-2260 fax 740-833-2259
www.dcrpc.org

Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, November 18, 2010 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 28, 2010 RPC Minutes
- Executive Committee Minutes of November 10, 2010
- Statement of Policy

II. VARIANCES

09-07.V Whisper Trace LLC - Fiddler's Creek – Concord Twp. – requesting variance from Sec. 102.03 & 204.04 –additional extension of Preliminary plan approval

III. ZONING MAP/TEXT AMENDMENTS

17-10 ZON Kingston Twp. Zoning Commission – Kingston Twp. Zoning Resolution amendments
 18-10 ZON Orange Twp. Board of Trustees – Orange Twp. Zoning Resolution amendments
 19-10 ZON Harlem Twp. Zoning Commission – text amendments – Articles VII, VIII and XXVIII

IV. SUBDIVISION PROJECTS

	Township	Lots/Acres
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Preliminary (none)

Preliminary/Final (none)

Final (none)

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

09-07	Fiddler's Creek	Concord	29 lots / 42.5 acres
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VI. OTHER BUSINESS

- Consideration for Approval: 2011 DCRPC Budget
- Consideration for Approval of Expenditure: SWCD \$950.00, Health Dept. \$1,500.00
- Consideration for Approval: Transfer of Appropriations: \$700.00 from Serv. & Charges (530) to Materials & Supplies (5201)

VII. POLICY / EDUCATION DISCUSSION

- MORPC – Balanced Growth Planning information

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, Rick Sedlacek, Ric Irvine, Fred Fowler, Ken O’Brien, Steve Burke, Tiffany Jenkins, Tom Hopper, David Andrian, Dave Stites, Holly Foust, Dick Gladman, Eric Fischer, Lloyd Shoaf, Bill Metzler, Mike Dattilo. Alternates: Doug Riedel and James Hatten. Arrived after roll call: Karl Gebhardt. Staff: Scott Sanders and Stephanie Matlack.

▪ **Approval of the October 28, 2010 RPC Minutes**

Mr. Sedlacek made a motion to approve the minutes from the last meeting. Mr. O’Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **November 10, 2010 Executive Committee Minutes**

1. **Call to order**

Chairwoman Foust called the meeting to order at 8:40 a.m. Present: Holly Foust, Dick Gladman, Steve Burke and Lloyd Shoaf. Mr. Ken O’Brien was absent. Staff present: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from October 20, 2010**

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.

3. **New Business**

a. Financial / Activity Reports for October 2010

REGIONAL PLANNING RECEIPTS		September	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$1,845.00
Fees A (Site Review)	(4202)	\$300.00	\$1,500.00
Insp. Fees (Lot Line Transfer)	(4203)	\$200.00	\$2,100.00
Membership Fees	(4204)		\$273,204.84
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$1,703.01	\$10,057.72
Assoc. Membership	(4206)		
General Sales	(4220)		\$132.50
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,100.00	\$2,300.00
Charges for Serv. B (Final. Appl.)	(4231)	\$5,800.00	\$18,361.20
Charges for Serv. C (Ext. Fee)	(4232)		\$1,200.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,621.25
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$1,500.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$1,300.00	\$1,500.00
Soil & Water Fees	(4243)	\$250.00	\$950.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$170.00
Other Reimbursements A			

Other Misc. Revenue (GIS maps)	(4730)	\$90.00	\$619.79
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$11,658.011	\$317,062.30

Balance after receipts	\$166,482.79
Expenditures	- \$ 18,844.42
End of October balance	\$147,638.37

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. Consideration for approval: Transfer of Appropriations: \$700 from Services and Charges (530) to Materials and Supplies (520)

Mr. Gladman made a motion to recommend approval of the transfer of appropriations of \$700.00 from Services and Charges (530) to Materials and Supplies (520). Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- c. Consideration for approval of expenditure:
 - 1.) SWCD - \$950.00
 - 2.) Health Dept. - \$1,500.00

Mr. Gladman made a motion to recommend approval of the expenditures for SWCD of \$950.00 and Health Dept. of \$1,500.00 for fees collected on their behalf. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- d. November RPC Preliminary Agenda
 - 1.) Site Review: Williams / Karnap – Harlem Twp. – 5 lots / 71.494 acres
 - 2.) Variance & Extension requests: Fiddler’s Creek Subdivision – Concord Twp.
 - 3.) No Preliminary or Final applications
- e. Director’s Report
 - 1.) Contract billing to date:

Twp.	Contract amount	Free hours remaining	Billed to date (10/30/10)	Remaining on contract
Berlin	(2010) \$5,000	12.87	\$4,178.02	\$821.98
Kingston	\$8,000.00	16.5	\$6,489.13	\$1,510.87
Orange	\$18,000.00	55.3775	\$9,071.75	\$8,928.25

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

Having no further business, Mr. Shoaf made a motion to adjourn the meeting at 9:30 a.m. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, December 8, 2010 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 Whisper Trace LLC - Fiddler's Creek – Concord Twp. – requesting variance from Sec. 102.03 & 204.04 –additional extension of Preliminary plan approval

I. Request

Whisper Trace, LLC c/o Bill Adams is requesting a variance to allow a 12-month 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. Because the lots are clustered, a communal leaching system with constructed wetlands is planned. The applicant previously committed to sizing pipes appropriately for eventual connection to sewer, should it become available.

II. Facts

1. The Subdivision Regulations requires 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 a Preliminary approval on November 29, 2007 and received a one-year extension on November 19, 2009 to expire November 19, 2010;
4. The applicant seeks an additional one-year extension by variance.
5. The development was not rezoned, but utilizes an approved 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.

Applicant's Response: "The subject of this variance request involves the continuation of a Preliminary Plan approval and as such, the approval of this variance will not be detrimental to the public health, safety and welfare or 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.

Applicant's Response: "The property, which is zoned for a single family subdivision, is being adversely impacted by the current economic and housing recession and general lack of demand for new single family homes. Therefore, the development of the project is not feasible at this time."

- 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.

Applicant's Response: "Not applicable."

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: "Only a one (1) year extension of DCRPC's approval of the Preliminary Plan is being requested. No changes to the Preliminary Plan or the underlying zoning are being pursued by the owner at this time."

"This variance request is being submitted for DCRPC's review and consideration pursuant to Section 102.03, with reference to Section 204.04, of the Subdivision Regulations of Delaware County, Ohio. The Preliminary Plan was originally approved by the DCRPC in November 2007 which approval was further extended in October 2009. The expiration date of the current one (1) year extension is November 18, 2010. Any additional extensions of the Preliminary Plan's approval requires that a variance be approved by DCRPC."

"As requested, the Sketch Plan of Fiddler's Creek is attached to this application."

"The applicable fee of \$300.00 is attached to this application."

Staff comments: *This is Fiddler's Creek's first Variance request for a time extension, which during the current economic conditions, have typically been granted. Staff encourages the Conservation Subdivision concept and supports this variance and extension.*

IV. Staff recommendation

DCRPC staff recommends that based on market and economic conditions, the variance request to extend the Preliminary Plan approval to November 2011 for **Fiddler's Creek** be *Approved*.

Commission / Public Comments

The applicant, Mr. Bill Adams was present to answer any questions from the Commission.

Mr. Sedlacek made a motion to Approve the Variance request for Fiddler's Creek. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

17-10 ZON Kingston Twp. Zoning Commission – Kingston Twp. Zoning Resolution amendment

I. Request

On November 17, 2010, the Kingston Township Zoning Commission initiated a process for an overall amendment to the township's zoning resolution. DCRPC staff has been working with the Commission for more than a year on this amendment. Since that date, the township has received comments from its attorney and those comments have been incorporated into the draft. In addition to updating language to bring it into compliance with any recent changes in the Ohio Revised Code, the amendment includes a number of other

changes, highlighted with the following summary:

Article 6 – Application of Resolution

- Clarified Agricultural Use.
- Clarified township regulatory authority regarding telecommunication towers, small wind projects (wind turbines) and utilities engaged in public transportation.

Article 7 – Farm Residence District

- Clarified religious land use.
- Clarified limited or expanded home occupations.

Article 8 – Planned Residential District

- Established township regulatory authority regarding model homes and signage.
- Established curb and gutter with enclosed stormwater management requirements.
- Clarified major plan amendments to an approved development plan.

Article 16 – Institutional District

- Clarified temporary structures and establish permit requirement.

Article 18 – Recreational District

- Established length of stay and transient usage for campsites within campgrounds.

Article 20 – General Development Standards

- Changed zoning certificate requirement from over 150 to 200 square feet consistent with Delaware County Code Compliance.
- Added language regarding the established township driveway permit procedure.
- Established standards for lighting, model homes, external impacts, commercial parking lots, and landscape requirements for new business or developments.
- Established fencing guidelines.
- Established requirements for sale of personal items on property adjacent to roadways.

Article 21 – Sign and Billboard Regulations

- Established street address sign requirements for new residences or subdivisions.

Article 24 – Zoning Commission

- Established a 5-year term for Alternate members of the Zoning Commission.

Article 25 – Board of Zoning Appeals

- Established a 5-year term for Alternate members of the Board of Zoning Appeals.
- Added removal from office procedure.
- Clarified 3 vote requirement to reverse or modify a Zoning Inspector Order.
- Defined items to be considered when hearing a variance or conditional use request.
- Clarified public hearing transcript requirements for BZA.

Article 26 – Amendments

- Clarified public hearing transcript requirements for Zoning Commission or Trustees.

Changed article numbering from roman numerals to standard numbering and reformatted for ease of page numbering and indexing.

II. Staff Recommendation

DCRPC staff recommends **Approval** of the text amendments to the DCRPC, Kingston Township Zoning Commission, and Kingston Township Trustees.

Commission / Public Comments

There were no comments from the public or Commission.

Mr. Sedlacek made a motion to recommend Approval of the text amendments to the Kingston Township Zoning Resolution. Mr. O'Brien seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Stites). Motion carried.

18-10 ZON Orange Twp. Board of Trustees – Orange Twp. Zoning Resolution amendment

I. Request

On November 4, 2010, the Orange Township Board of Trustees initiated an amendment to the township's Zoning Resolution. These changes are specifically related to the procedure for extensions of time and minor amendments to approved rezoning applications in Planned districts. The current language allows an extension or minor modification by application to the Board of Trustees. Existing language also specifies a list of changes that would NOT be considered to be minor. This list is similar to other township resolutions. The text defines the process, however, as follows (summary):

- Copies of the application shall be submitted to the trustees;
- Trustees shall set a hearing;
- Notice shall be given by the trustees by written mail to owners within 200 feet, signage shall be placed on the subject property, hearing date and time shall be placed on the township website, and the failure of delivery of any notice shall not invalidate the decision of the trustees.
- This amendment is not intended to affect any existing zoning district classification as reflected on the zoning map, or affect any existing planned zoning district.

Staff comment: *These amendments appear to clarify a process already in place and not to create additional significant steps for applicants.*

II. Staff Recommendation

DCRPC staff recommends **Approval** of the text amendments to the DCRPC, Orange Township Zoning Commission, and Orange Township Trustees.

Commission / Public Comments

There were no comments from the public or Commission.

Mr. Shoaf made a motion to recommend Approval of the text amendments to the Orange Township Zoning Resolution. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

19-10 ZON Harlem Twp. Zoning Commission – text amendments – Articles VII, VIII and XXVIII

I. Request

The Harlem Township Zoning Commission has initiated changes to its Zoning Resolution and has set a hearing for December 6, 2010 to consider these changes.

The proposed amendment seeks to add a Limited Home Occupation to its list of Permitted Uses within the Agricultural Residential District (AR-1) and Farm Residential District (FR-1). The amendment also alters the existing home occupation regulations within its list of Conditional Uses and makes them Expanded Home Occupation regulations.

The Limited Home Occupation regulations include a gross floor area maximum of 20% or 400 square feet, appearance as a single-family structure, no non-resident employees, no outside storage, instruction limited to a single student at any one time, no sales on site, a maximum of 5 deliveries per week, and no additional traffic generation.

The Expanded Home Occupation regulations include buildings that are architecturally compatible with residential uses, no more than two non-resident employees, commodity and service allowances (insurance, small repair, seasonal sales items, organized instruction with limitations), allowance for a single sign at 3 square feet, no additional traffic, maximum of 10 deliveries per week, and no outside storage. Additionally, any home-occupation use must clearly be subordinate to the residential nature of the home and limited to 30% of the total floor area.

Staff comments: These regulations are typical of other codes in the county and elsewhere. It is reasonable to allow a certain amount of home occupation activities to take place without a permit, particularly outside of established high-density neighborhoods, which the AR-1 and FR-1 districts suggest. In working with other townships, it has been noted that rates of delivery are difficult to quantify and regulate. It is probably beneficial to have a number in the code, however, in case a standard is needed in response to a complaint. Other issues that have been raised in townships is sign size and number of non-resident employees. There may be pressure to increase the sign size, since 3 s.f. is rather small. Berlin Township recently raised their number of non-resident employees allowed from two to three. This is a local choice.

The amendment also makes minor changes to the “Record” section, allowing the chair of the BZA to use discretion with retaining a Court Reporter and adding language that “all hearing shall be recorded by the Zoning Secretary using an appropriate recording device.”

Staff comments: This issue has been discussed in other zoning reviews as well. The expense of bringing in a stenographer should depend on the individual case and as long as a recording is made this should be sufficient. Kingston Township is making a similar change in the set of amendments discussed in this report. The applicant can supply his/her own stenographer if desired.

II. Staff Recommendation

DCRPC staff recommends **Approval** of the text amendments to the DCRPC, Harlem Township Zoning Commission, and Harlem Township Trustees.

Commission / Public Comments

There were no comments from the public or Commission.

Mr. Sedlacek made a motion to recommend Approval of the text amendments to the Harlem Township Zoning Resolution. Mr. O'Brien seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Andrian). Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS

09-07 Fiddler's Creek – Concord Twp. - 29 lots / 42.5 acres

Applicant: Whisper Trace LLC, Bill Adams

Engineer: Chenevey and Piccin

Preliminary approval: 11/29/07

Previous extension: 11/19/09 – 11/19/10

(see *Variance report*)

I. Staff Comments

The applicant is requesting a 1-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 the 1-year extension for **Fiddler's Creek** to the DCRPC.

Commission / Public Comments

Mr. Gladman made a motion to Approve the 1-year extension for Fiddler's Creek Subdivision. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

- Consideration for Approval: 2011 DCRPC Budget

Mr. Andrian asked if there are any contract work anticipated for 2011. Mr. Sanders stated that the development and contract revenue was estimated very conservatively for next year (\$25,000 for platting fees and \$1,000 for contract work). He said that he was recently contacted by Shawnee Hills who are considering a Comprehensive Plan update.

Mr. Fischer stated that the City of Powell may have some extra IT equipment available for the RPC staff if needed. Mr. Sanders would be in contact.

Mr. Gladman made a motion to Approve the 2011 Budget as presented. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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- Consideration for Approval of Expenditure: SWCD \$950.00, Health Dept. \$1,500.00

These are fees collected on behalf of each department for site review and preliminary fees. These fees are typically paid once per year at the end of the year.

Mr. Andrian made a motion to Approve the Expenditure for SWCD \$950.00 and Health Dept. \$1500.00 for fees collected on their behalf. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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- Consideration for Approval: Transfer of Appropriations: \$700.00 from Serv. & Charges (530) to Materials & Supplies (5201)

Mr. Shoaf made a motion to Approve the Transfer of Appropriations of \$700.00 from Serv. & Charges (530) to Materials & Supplies (5201). Mr. Andrian seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION

- MORPC – Balanced Growth Planning information

MORPC is conducting an open house to explain the Balanced Growth Planning that is currently taking place within the Olentangy Watershed. Preliminary maps will be shown and the overall process will be presented. The open house will take place at the Frank B. Willis Building on Saturday, November 20th from 11:00 a.m. to 1:00 p.m.

VIII. RPC STAFF AND MEMBER NEWS *(none)*

Having no further business, Mr. Shoaf 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, December 16, 2010, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant