



Delaware County Regional Planning Commission

109 North Sandusky Street
P.O. Box 8006, Delaware, Ohio 43015
740-833-2260 www.dcrpc.org
Scott B. Sanders, AICP Executive Director



MINUTES

Thursday, November 30, 2017 at 6:30 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 26, 2017 RPC Minutes
- Executive Committee Minutes of November 22, 2017
- Statement of Policy

II. SUBDIVISION REGULATION AMENDMENTS

III. VARIANCES

- 15-17.V David & Phyllis Grauer - Concord Twp. - requesting reduction of CAD width
- 16-17.V Greg Holland - Brown Twp. - requesting additional lot on a CAD

IV. ZONING MAP/TEXT AMENDMENTS

- 34-17 ZON Genoa Twp. Zoning Commission - zoning code text amendments - Art.'s 4,5A, and 18
- 35-17 ZON Berkshire Twp. Zoning Commission - Comprehensive Plan update
- 36-17 ZON Timothy Rannebarger, Daniel Rannebarger, Sarah Rannebarger - Harlem Twp. - 3.991 acres - AR-1 to FR-1

V. SUBDIVISION PROJECTS

Preliminary

			Township	Lots/Acres
15-17		Grace Haven	Concord	02 lots / 11.181 acres
14-17	W	Hawthorne Valley No. 3, Lot F, Div. #1	Genoa	03 lots / 05.08 acres

Final

10-13.1.B		Glenmead, Section 1, Phase B	Berlin	30 lots / 19.924 acres
20-14.2		Olentangy Falls East, Section 2	Liberty	21 lots / 20.523 acres
03-15.1		Liberty Bluff, Section 1	Liberty	39 lots / 59.232 acres

T=TABLED, W=WITHDRAWN

VI. OTHER BUSINESS

- Consideration for Approval - SWCD fees \$4,500.00, Health Dept. fees \$3,300.00
- Consideration for Approval - By-Laws amendment (expenditure limits)
- Consideration for Approval - 2018 DCRPC Budget
- Consideration for Approval - 2018 Meeting Schedule
- Consideration for Approval - Assigning back up approver for Payroll, sick/vacation RFL
- Consideration for Approval - Merit Compensation
- Consideration for Approval - Transfer of Appropriations

VII. POLICY / EDUCATION DISCUSSION

- Census 2020

VIII. RPC STAFF AND MEMBER NEWS (none)

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

▪ **Roll Call**

Representatives: Jim Nelson, Jeff George, Chet Heid, Susan Kuba, Ric Irvine, Fred Fowler, Barb Lewis, Jeff Benton, Steve Burke, Tom Hopper, Dave Stites, Tracey Mullenhour, Ed Reely, Lee Bodnar, Bill Thurston, Ed Snodgrass, Dan Boysel, Dan Quick, Josh Vidor, Tim Gose, Bonnie Newland, Mike Dattilo, and Doug Price. *Alternates:* Si Kille, Tiffany Jenkins, Bill Piper, and Dave Jackson. *Staff:* Scott Sanders, Da-Wei Liou, Phil Bennetch, and Stephanie Matlack.

▪ **Approval of the October 26, 2017 RPC Minutes**

Mr. George made a motion to Approve the minutes from the October 26th DCRPC meeting, seconded by Mr. Price. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **November 20, 2017 Executive Committee Minutes**

1. Call to order

Chairman Stites called the meeting to order at 8:45 a.m. Present: Dave Stites, Mike Frommer, and Susan Kuba. Absent: Jeff George and Gary Merrell. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from September 20, 2017

Mr. Stites made a motion to Approve the minutes from September 20, 2017. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. Approval of Executive Committee Minutes from October 18, 2017

Mrs. Kuba made a motion to Approve the minutes from October 18, 2017. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

4. New Business

- Financial / Activity Reports for October 2017

REGIONAL PLANNING RECEIPTS		OCTOBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,665.00	\$10,250.00
Fees A (Site Review)	(4202)	\$300.00	\$3,000.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$3,000.00
Membership Fees	(4204)		\$226,355.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$4,524.73	\$8,629.32
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$0.00
Charges for Serv. A (Prel. Appl.)	(4230)		\$78,028.60
Charges for Serv. B (Final. Appl.)	(4231)	\$16,300.00	\$76,338.90
Charges for Serv. C (Ext. Fee)	(4232)		\$1,350.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,500.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$4,800.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$1,875.00
Soil & Water Fees	(4243)	\$125.00	\$3,475.00
			\$12.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			\$229.66
Other Misc. Revenue (GIS maps)	(4730)		\$0.00
Misc. Non-Revenue Receipts	(4733)	\$30.00	\$300.22
Sale of Fixed Assets	(4804)		\$0.00
TOTAL RECEIPTS		\$24,744.73	\$419,943.70

Balance after receipts	\$934,998.85
Expenditures	- \$ 32,193.17
End of October balance (carry forward)	\$902,805.68

Mrs. Kuba made a motion to Approve the Financial report as presented subject to Audit. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Site Review
 - 1.) Cochran CAD – Trenton Twp. - 02 lots / 19 acres
 - 2.) Maple Glen – Berlin Twp. - 14 lots / 20 acres
 - 3.) Marckel CAD – Concord Twp. - 08 lots / 05.36 acres
 - 4.) Concord Estates - Concord Twp. - 15 lots / 34 acres

- November RPC Preliminary Agenda
 - 1.) Rezoning:
 - Genoa Twp. Zoning Commission – zoning code text amendments – Art.’s 4,5A, and 18
 - Berkshire Twp. Zoning Commission – Comprehensive Plan update
 - Timothy Rannebarger, Daniel Rannebarger, Sarah Rannebarger – Harlem Twp. – 3.991 acres – AR-1 to FR-1
 - 2.) Preliminary:
 - Grace Haven - Concord Twp. - 02 lots / 11.181 acres
 - Hawthorne Valley No. 3, Lot F, Div. #1 – Genoa Twp. - 03 lots / 05.08 acres (withdrawn by applicant)
 - 3.) Preliminary/Final: none
 - 4.) Final:
 - Glenmead, Section 1, Phase B – Berlin Twp. - 30 lots / 19.924 acres
 - Olentangy Falls East, Section 2 – Liberty Twp. - 21 lots / 20.523 acres
 - Liberty Bluff, Section 1 – Liberty Twp. - 39 lots / 59.232 acres
 - 5.) Variance / Extension: none
 - David & Phyllis Grauer – Concord Twp. – requesting reduction of CAD width
 - Greg Holland – Brown Twp. – requesting additional lot on a CAD

- Director's Report
 - 1.) Met with other agencies regarding plans for the County-wide website conversion;
 - 2.) Preparing for Liberty Township Comp Plan Open House format next week;
 - 3.) Participated in the DGHD Partnership for a Healthy Delaware County meeting, presented the county Trail Plan at that meeting;
 - Immediately after the Partnership meeting, participated in an Open House for the Trail Plan, took in comments from the public;
 - Later that evening I was a panelist at OWU at the Sagan National Colloquium "Looking Global, Looking Local: a Conversation about Community, Quality of Life, and Health Equity." Led by a professor of OWU's Dept of Health and Human Kinetics, panelists included Heritage Ohio, OWU Chaplaincy, Local Matters (Local Food), Grace Clinics of Ohio;
 - Produced a general brochure of what DCRPC does for event;
 - 4.) 36/37 Corridor Study by NBBJ, attended Commissioner session;
 - 5.) Continued to provide Orange Township group with information;
 - 6.) Phil and I attended the MORPC Sustainability Summit, Da-Wei participated in the Central Ohio GIS Users Group.
 - 7.) Plat update/Sub Regs – this month.
 - 8.) Discussed a process where Soil and Water will present applications for Farmland Preservation Grants to the RPC Tech Review Committee for review and comment. This will happen once per year and will be reported out to the full Commission and then forwarded to the County Commissioners for their consideration of any comments and concerns.

- 2018 Budget – 2nd review

Mr. Sanders stated that he did not receive any comments from Commission members. There were two changes from the previous draft budget including the addition of a paid Intern (\$11,738.00) for two semesters and an increase of \$10,000.00 for the RPC's estimated portion of a license for the countywide tracking software.

Mrs. Kuba made a motion to recommend Approval of the amended 2018 DCRPC Budget as presented. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- 2018 Meeting Schedule

Mr. Frommer made a motion to recommend Approval of the proposed 2018 RPC meeting schedule as presented. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Chairman Stites requested that the staff seek availability of an alternative meeting space for those dates that the BOE conference room is unavailable. Although the County Commissioners' meeting room is convenient, the space is smaller than needed on most occasions.

- Consideration for recommendation of Approval – SWCD \$4,500, Health Dist. \$3,300

Mr. Frommer made a motion to recommend Approval of the transfer of funds to the SWCD in the amount of \$4,500.00 and the Health Department in the amount of \$3,300.00 for monies collected on their behalf for site reviews and preliminary applications. Chairman Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Assigning Backup Approver for Sick/Vacation requests and Payroll based on new payroll software

Mrs. Kuba made a motion to recommend Approval of assigning Mr. Kille, Deputy County Administrator as the backup approver for sick and vacation requests and payroll. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Director Annual Evaluation

Chairman Stites agreed to prepare the Director's evaluation with input from the Committee members.

5. Old Business (none)

6. Other Business (none)

7. Personnel

- Consideration for Approval: Merit Compensation for Scott Sanders

In accordance with the Merit Compensation Policy adopted by the Regional Planning Commission, Mrs. Kuba recommends the payment of \$500 to the Director for work done on contracts in 2017. These contracts included the Berkshire Township Comprehensive Plan and the Liberty Twp. Comprehensive Plan. Mr. Frommer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

8. Adjourn

Having no further business, Mrs. Kuba made a motion to adjourn the meeting at 10:45 a.m. Chairman Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, December 13, 2017 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. SUBDIVISION REGULATION AMENDMENTS

- Consideration for approval of Resolution #01-17 Amendment to the Subdivision Regulations of Delaware County

RESOLUTION NO. 01-17

RESOLUTION ADOPTING AMENDMENTS TO THE SUBDIVISION REGULATIONS OF DELAWARE COUNTY, OHIO PURSUANT TO THE OHIO REVISED CODE SECTIONS 711.10 and 711.133

WHEREAS, The Delaware County Regional Planning Commission (hereinafter the “Commission”) originally adopted Subdivision Regulations of Delaware County, Ohio on March 16, 1967 and subsequently amended those regulations on July 27, 1986, October 24, 1991, April 1, 1992, May 27, 1992, November 22, 1996, July 23, 1998; January 2, 2007; June 20, 2013; October 27, 2016; and

WHEREAS, pursuant Ohio Revised Code Section 711.10 the Commission has authority to adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the county or regional plan, for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light, and air, and for the avoidance of congestion of population; and

WHEREAS, the Commission has determined to amend various sections of the Subdivision Regulations of Delaware County, Ohio, in the form attached hereto; and

WHEREAS, the Commission has determined the amendments are in the best interest of the citizens of Delaware County, Ohio.

NOW THEREFORE, upon introduction and motion of Mr. George, seconded by Mr. Heid, **BE IT RESOLVED BY THE DELAWARE COUNTY REGIONAL PLANNING COMMISSION THAT:**

Section 1. The amended Subdivision Regulations of Delaware County, Ohio, are hereby adopted. A copy of the amended Subdivision Regulations of Delaware County is attached hereto and incorporated herein and made part of this Resolution.

Section 2. Pursuant to Ohio Revised Code Section 711.132, the amended Subdivision Regulations of Delaware County, Ohio shall be effective upon approval and adoption by the Delaware County Commissioners.

Section 3. Upon approval and adoption of the amended Subdivision Regulations of Delaware County, Ohio by the Delaware County Commissioners, the Commission hereby authorizes the Chairperson of the Commission to certify a copy of the same to the Recorder of Delaware County, Ohio.

Section 4. It is found and determined that all formal actions of this Commission concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Commission, and that all deliberations of the Commission and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

Chairman Stites asked if there were any comments from the public. Hearing none, he asked for discussion from the Commission. There was none.

Mr. George made a motion to Approve Resolution #01-17. Mr. Heid seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

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III. VARIANCES

15-17.V David & Phyllis Grauer – Concord Twp. – requesting reduction of CAD width

I. Request

David and Phyllis Grauer are requesting a variance to allow a reduced CAD width in Concord Township.

The proposed subdivision is located on the south side of Cook Road, about 500 feet east of Eversole Run.

II. Facts

- 1) Section 306 (b) of the CAD Standards in the Subdivision Regulations state, “The CAD easement shall be at least 60 feet wide to permit driveway construction, roadside drainage and utility service infrastructure;”

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: "On behalf of our clients David and Phyllis Grauer, we are respectfully requesting a variance from Section 306 Common Access Driveway (CAD) Subdivision, 306.06 CAD Standards and Requirement (b) The CAD easement shall be at least 60 feet wide to permit driveway construction, roadside drainage and utility service infrastructure. We are requesting the width of the CAD easement to be 55 feet, for a distance of 26 feet, to go around an existing barn near the end of the CAD.

The owners would like to save the barn. We believe that the loss of the barn would cause the owners a hardship if the strict letter of the Regulations were carried out. We believe that the granting of this variance will not be detrimental to the public health, safety and welfare and not injurious to other parties."

Staff comments: The 60-foot easement requirement is based on the fact that most flag lots are a 60-foot minimum width along the "flagpole" and that 60 feet would be sufficient should the road ever be platted as public right-of-way. In this case, the barn is in a location that would only impact the rear lot. Allowing this reduction of 5 feet for a length of 26 feet is a minimal variance and would not impede any vehicles from reaching the site.

IV. Staff Recommendation

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 306.06 by David and Phyllis Grauer be *Approved*.

Commission / Public Comments

Mrs. Karen Coffman, Scioto Land Surveying, was present to represent the applicant. She had no comments, therefore was not sworn in.

Mr. Price made a motion to Approve the Variance request by David and Phyllis Grauer based on the findings of fact presented by staff. Mr. Vidor seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

16-17.V Greg Holland – Brown Twp. – requesting additional lot on a CAD

Applicant: Greg Holland

Surveyor: Karen Coffman, Scioto Land Surveying (KC)

Consultant: Rebecca J. Mott, Plank Law Firm, LPA (RM)

I. Request

The applicant is requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations to allow a 4-lot Common Access Driveway subdivision on the west side of N. 3 B's & K Road approximately 4,500' south of SR 521.

II. Facts

1. The applicant seeks to create a four-lot subdivision, utilizing a Common Access Driveway;
2. The site is approximately 29 acres with an existing house and 300 feet of frontage;
3. A CAD would enter the site and travel approximately 600 feet to the west, providing frontage for the four lots;
4. The land is zoned FR-1, which is a 2-acre minimum lot size and there is no provision for flag lots;
5. Del-Co Water is available to the site with an existing 6" line running across the frontage of the site;
6. Relevant sections of the Subdivision Regulations:

“306.02 Number of Lots. The CAD may serve and provide access for up to three (3) lots as shown on the CAD subdivision plat. Two (2) additional lots contiguous to the CAD at the point of access to the public or private road by the CAD and which would meet the current applicable zoning requirements as free-standing lots may, at the discretion of the Commission, be accessed by the CAD.”

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.

(RM) *“The granting of the variance request will not be detrimental to the public health, safety and welfare and will not be injurious to other property. The proposed CAD subdivision would utilize one curb cut and access point on Three B's and K Road, which helps to minimize traffic congestion. In reviewing the properties to the east of Three B's and K Road (right across the street from the Property), at least seven (7) curb cuts and access points were approved for those separate seven (7) lots within a distance of approximately 325 feet along the road right-of-way of Three B's and K Road. One or more CAD subdivisions could have been created on those properties to avoid unnecessary curb cuts on a public road. CAD subdivisions should be supported to avoid situations involving multiple contiguous curb cuts. In addition, Applicant's proposed CAD subdivision provides for low density residential development of one (1) unit per 7.29 acres. The Comprehensive Land Use Plan for Brown Township (“Comprehensive Plan”) recommends low densities in the Farm Residential (FR-1) District at one (1) unit per two (2) acres. Applicant's proposal meets and far exceeds the desired and stated planning goals of Brown Township.”*

2. The conditions, upon which this variance request is based, are unique to the property for which this variance is sought.

(RM) *“Applicant's proposed CAD subdivision provides for four (4) large lots ranging in size from 5.8 acres to 9.2*

acres and consists of single family residential building sites for our client's various family members. The frontage of the Property on the road right-of-way of Three B's and K Road is approximately 300 feet in width. The Property's dimensions, configuration, and road frontage cannot be changed. The best way to create large lots configured to maximize lot size, width, and length for each lot is to create the four (4) lots on a CAD. The four (4) lots are necessary to meet the goals and objectives of our client in the purchase of the Property."

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.

(RM) "If the variance is not granted, then our client will be unable to purchase the Property. This creates a hardship for the property owner. The proposed CAD subdivision not only meets the goals and objectives of our client, as buyer, and the property owner, but conforms to the stated purposes, goals, and objectives of the Comprehensive Plan, see below."

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.

(KC) "We are requesting the number of lots allowed on this CAD to be four, even though the front lot does not have sufficient frontage along the public road under current zoning rules.

The existing 29.17 acre tract is grandfathered in with the existing 300 feet of frontage. Once included in the Common Access Drive Subdivision, the lot would have its frontage along the new CAD, and would comply with the Brown Township Zoning Code. We feel that the granting of this variance request will not be detrimental to the public health, safety and welfare and not injurious to other parties."

(RM) "The Applicant's proposed CAD subdivision not only necessitates a variance from the Subdivision Regulations but also necessitates a variance from a companion development standard found in the Zoning Resolution for no more than three (3) lots on a CAD subdivision. Applicant is only requesting one (1) additional lot over the number of lots required. In addition, Applicant's proposed CAD subdivision configuration meets the stated overall purposes and goals of the Comprehensive Plan. Proposed land uses for the Property include Critical Resource District (at 1 d.u. per 5 acres) and Estate Conservation District (at 1 d.u. per 3 acres). Again, the proposed CAD subdivision provides for one (1) dwelling unit per 7.29 acres. This proposal far exceeds both planning districts that affect the Property. Also, the overall objective of Brown Township in its land planning is to preserve the rural character of Brown Township. This is achieved through the promotion of low densities and retention of a primarily single family residential housing mix, both of which are satisfied by this proposal. Lastly, as previously stated, the proposed CAD subdivision with its plan to use only one CAD for all four (4) lots, implements access management controls to limit access points and to minimize traffic congestion on Three B's and K Road. Overall, the Applicant's proposal conforms to the Comprehensive Plan and meets the spirit and intent of the Subdivision Regulations and Zoning Resolution."

Staff Comment: If this particular layout were proposed in a township that allowed flag lots, the frontage lot could be created without the need for a variance. The resulting number of lots does not exceed the

maximum typically allowed on a CAD (five). Therefore, staff concurs with the request and recommends approval. Staff does not agree with the argument that denial of the variance would create a financial hardship on the current owner, however, since the site could be developed as a standalone lot or a CAD with three lots.

IV. Staff Recommendation

DCRPC staff recommends that based on the Findings of Fact under Criteria for a Variance above, the variance request from Sec. 306.02 by Greg Holland be *Approved*.

Commission / Public Comments

Ms. Rebecca Mott, Plank Law Firm, LPA, 411 E. Town St., FL 2, Columbus, OH 43215, was present to represent the applicant. Ms. Mott was sworn in by Chairman Stites. Ms. Mott stated the Holland-Reynolds family is in contract to purchase the property and intends to develop four (4) single-family residential building sites to be owned by four (4) separate members of the Holland-Reynolds families. She restated her written comments from the variance application as listed in the staff report.

Mr. Price made a motion to Approve the variance request by Greg Holland, based on the findings of fact in the staff report. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Brown Twp.). Motion carried.

IV. ZONING MAP/TEXT AMENDMENTS

34-17 ZON Genoa Twp. Zoning Commission – zoning code text amendments – Art.’s 4,5A, and 18

I. Request

The Genoa Township Zoning Commission initiated changes to its Zoning Resolution on October 30, 2017. The amendments do the following:

- Adds/edits/deletes numerous definitions in Article 4 pertaining to signs;
- Adds Article 5A, Township Planning Standards, incorporating recommendations from Chapter 4 of the 2016 Genoa Township Comprehensive Plan;
- Revises the maximum density provision in Article 9 to reference Article 5A
- Adds/edits/deletes significant portions of Article 18 (Sign Standards) to comply with Reed V. Gilbert

II. Description

Sign code changes: In 2015 the U.S. Supreme Court ruled in a case that challenged the sign code of the Town of Gilbert, Arizona. The town sign code had established rules that were applicable to different categories of signs: campaign signs during election season, temporary event signs, and ideological signs that are allowed at any time. A summary of the case noted that despite the seemingly reasonable balance of allowing all types of signs but limiting them to their relevant time-frame, the Court essentially said that such distinctions are unconstitutional because they are a content-based regulation of free speech.

The case was a complicated one with multiple opinions as to the details. Based on the summary, it is clear that governments still have an array content-neutral regulations to apply to signs (size, location, lighted/unlighted, fixed messages/electronic, public/private, commercial/residential, number of signs per mile of roadway, and some restrictions on sign advertising a one-time event). However, content-based distinctions such as the ones in the Town of Gilbert’s code must survive strict scrutiny to stand.

Genoa Township chose to study the model sign ordinance provided by the Ohio Municipal Attorneys Association as a resource to amend the sign portion of its resolution. The changes are significant. Those related to non-residential uses are the ones in which other communities might be most interested. The code provides a table that bases number of signs, maximum structure size and maximum message area based on three frontages, 100 feet or less, 100-299 feet, and 300 feet or more. There are a number of adjustments allowed based on tract size, width of right-of-way, speed limit, height of building, and others. Staff’s only concern is the complexity of the code and how challenging it might be to administer.

Planning Standards: This amendment adds a new Article (5A) that includes information related to each Planning Sub Area as shown on the Township’s Comprehensive Plan. Each Sub Area is described with a reference to the “acceptable development pattern” in that area and a reference to the continuation of any other uses that currently exist. This is an effort to include density references and other details that differ from one Sub Area to another into a Resolution that only includes a single Planned Residential district with a maximum density, rather than creating different PRDs for each density.

In a related amendment, there is no specific density noted in the Planned Residential District language. Instead, a reference to the details noted in Article 5A.

III. Staff Recommendations

Staff recommends **Conditional Approval** of the zoning code text amendments by Genoa Twp. to the DCRPC, Genoa Twp. Zoning Commission and Genoa Twp. Trustees, *subject to:*

- 1.) *Review and comment by the County Prosecutor or local legal counsel.*

Commission / Public Comments

There were no comments from the public or the Commission.

Mr. Price made a motion to recommend Conditional Approval of the zoning code text amendments by Genoa Twp., subject to staff recommendations. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

35-17 ZON Berkshire Twp. Zoning Commission – Comprehensive Plan update

I. Description

DCRCP staff first worked with Berkshire Township to create a Comprehensive Plan in 2001. That initial plan was updated in 2008, with several background chapters retaining their original language. In 2015, after the Simon-Tanger Outlet Mall had begun development, the Township realized an update was needed, particularly along the 36/37 corridor. This year, staff has worked with staff and the Zoning Commission on a full update

with all new information and formatting.

The changes to the plan are not significant, but do reflect recent changes along the corridor. These changes not only relate to the development of the outlet mall, but also the increasing interest in development at the interchange. This increasing interest is not only from developers but also from the County, as this area is a significant potential tax base for the County and region.

The plan acknowledges recent annexations, as well as mixed-use overlays recently approved by the Township. Because the previous plan included a significant amount of non-residential areas along the 36/37 corridor and there are large areas already zoned in both the Northstar area and east and north of the mall development, there isn't a noticeable increase in proposed non-residential area. Densities between S. Galena and Domigan were increased to a level that would allow comparable development with surrounding areas while preserving areas along the floodplain of Little Walnut Creek. Land in the northeast corner of the Township remains an area where agriculture is planned to be the focus.

II. Staff Recommendations

Staff recommends **Approval** of the Comprehensive Plan update by Berkshire Twp. to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees.

Commission / Public Comments

Mr. Jeff George with Berkshire Twp. thanked Mr. Sanders and staff for their work on the Comprehensive Plan update.

Mr. Price made a motion to recommend Approval of the Berkshire Twp. Comprehensive Plan update. Mr. Irvine seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berkshire Twp.). Motion carried.

36-17 ZON Timothy Rannebarger, Daniel Rannebarger, Sarah Rannebarger – Harlem Twp. –
3.991 acres – AR-1 to FR-1

I. Request

The applicants, Timothy Rannebarger, Daniel Rannebarger and Sarah Rannebarger, are requesting a 3.991-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.

II. Conditions

Location: 14861 Woodtown Rd., Sunbury

Present Zoning: Agricultural (AR-1)

Proposed Zoning: Farm Residential (FR-1)

Present Use(s): One single-family house

Proposed Use(s): Two single-family house lots

Existing Density: 1 du / 5 acres

Proposed Density: 1 du / 2 acres

School District: Big Walnut Local School District

Utilities Available: Well and private on-lot treatment systems

Critical Resources: none

Soils: BeA Bennington Silt Loam 0-2% slope

PwA Pewamo Silty Clay Loam 0-1% slope

III. Introduction

This is a straight rezoning and does not require a development plan. However, a preliminary copy of a lot split survey indicates that this parcel will be split into two lots, 3.991 acres and 6.029 acres.

According to the survey, this parcel has 300 feet of frontage along Woodtown Road. Harlem Township's zoning resolution requires 2 acres exclusive of all easements and rights-of-way, and frontage of 210 feet for 3-4 acres. Flag lots, or lots with less than the required frontage, are allowed on county roads if separated by a lot with full frontage. Frontage should not be an issue for this parcel.

Further subdivision of this lot (unless combined with other land) will be accomplished through the No Plat lot split process, allowing township and county agencies the opportunity to review and approve the proposed lots.

Staff has generally supported rezoning requests from 5 acres to 2 as land is utilized in a more efficient manner. Staff also recommends that the applicant consult with the Delaware General Health District to determine the feasibility of on-site treatment on the site.

IV. Comprehensive Plan

Harlem Township's 2007 Comprehensive Plan indicates this area would be single-family residential at 0.5 units per acre, higher than is proposed.

V. Staff Recommendations

Staff recommends **Approval** of the rezoning request by Timothy Rannebarger, Daniel Rannebarger and Sarah Rannebarger from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees.

Commission / Public Comments

Mr. Joe Clase, Plan 4 Land, was present to answer questions from the Commission.

*Mr. Irvine made a motion to recommend **Approval** of the rezoning request by Timothy Rannebarger, Daniel Rannebarger and Sarah Rannebarger. Mr. Boysel seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Harlem Twp.). Motion carried.*

V. SUBDIVISION PROJECTS

Preliminary

15-17 Grace Haven – Concord Twp. - 02 lots / 11.181 acres

I. Conditions

- Applicant:** David and Phyllis Grauer
- Subdivision Type:** Single Family, CAD
- Location:** south side of Cook Rd., east of Eversole Run
- Current Land Use:** Single family house and accessory building
- Zoned:** Farm Residential (FR-1)
- Zoning Approval:** N/A
- Utilities:** Del-Co water and private on-lot treatment systems
- School District:** Dublin City Schools
- Engineer:** Scioto Land Surveying, Terrain Evolution

II. Staff Comments

Grace Haven is a Common Access Driveway subdivision to allow an existing flag lot to serve an existing house as well as a new house site to the south. The CAD and utility easement will utilize the existing driveway, which runs south from Cook Road along the flag portion of the lot, and will be extended. The lots will utilize on-site waste treatment as there is no sanitary line available at this time. Easements are secured for future service should sewer become available. The two lots are 6.524 acres and 4.616 acres in size.

A technical review was held on November 21, 2017, after which the applicant has addressed all of the required changes.

III. Staff Recommendation

Staff recommends *Preliminary Approval* of **Grace Haven** to the DCRPC.

Commission / Public Comments

Mrs. Karen Coffman, Scioto Land Surveying, was present to represent the applicant.

Mrs. Jenkins made a motion for Preliminary Approval of Grace Haven. Mrs. Kuba seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

14-17 W Hawthorne Valley No. 3, Lot F, Div. #1 – Genoa Twp. - 03 lots / 05.08 acres

Withdrawn by the applicant.

CONSENT AGENDA

Final

10-13.1.B Glenmead, Section 1, Phase B – Berlin Twp. - 30 lots / 19.924 acres

I. Conditions

Applicant: Romanelli & Hughes

Subdivision Type: Single Family Residential

Location: Glenmead Drive, east of Gregory Rd.

Zoned: R-2 with PRD overlay

Preliminary Approval: January 29, 2015 (overall Sections 1 and 2)

Utilities: Del-Co Water, central sanitary sewer

School District: Olentangy

Engineer: CT Consultants

II. Staff Comments

Glenmead is a subdivision that was originally zoned in September of 2007 and received a Preliminary subdivision approval in March of 2014 and approval for a revised layout in January, 2015. Section 1, Phase B includes the continuation of Glenmead Drive heading east and ending in a cul-de-sac. A north-south road, Glenvale Drive, intersects with Glenmead Drive and stubs to the north of this section.

No open space is being platted in this phase. Sidewalks are provided on both sides of streets, and lot sizes are typically 100' wide by 200' deep.

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 Glenmead, Section 1, Phase B to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Glenmead, Section 1, Phase B. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

20-14.2 Olentangy Falls East, Section 2 – Liberty Twp. - 21 lots / 20.523 acres

I. Conditions

Applicant: Rockford Homes

Subdivision Type: Single Family Residential

Location: South of Hyatts Rd, west of US 23

Zoned: PR (Planned Residential)

Preliminary Approval: May 21, 2014

Utilities: Del-Co Water, central sanitary sewer

School District: Olentangy
Engineer: CEC

II. Staff Comments

Olentangy Falls East is a large, 150-lot subdivision on generally rolling land extending east from Olentangy Falls. Section 2 includes the continuation of Briar Drive heading south. An east-west road, Royal Pines Drive, forms a T-intersection with Briar drive, stubs to the east, and ends in a cul-de-sac to the west. A third road, Crayfish Court also intersects with Briar Drive heading west and ending in a stub on the western edge of the site.

One 5.339-acre parcel is being platted as natural green space, which includes a detention basin and two streams. Most roads are curb and gutter, except where they transition to existing open ditch streets in Olentangy Falls to the west. Sidewalks are provided on at least one side of streets, and average lot sizes are 120' wide by 200' deep.

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 **Olentangy Falls East, Section 2** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Olentangy Falls East, Section 2. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

03-15.1 Liberty Bluff, Section 1 – Liberty Twp. - 39 lots / 59.232 acres

I. Conditions

Applicant: Liberty Bluff Development Co.
Subdivision Type: Single Family Residential
Location: West side of SR 315, south of Timber Lake Dr.
Zoned: PRD (Planned Residential)
Preliminary Approval: February 26, 2015
Utilities: Del-Co Water, central sanitary sewer
School District: Olentangy
Engineer: American Structure Point

II. Staff Comments

Liberty Bluff is a subdivision with access to S.R. 315, which received zoning approval from Liberty Township in November, 2014. Section 1 includes a single entry road, Liberty Bluff Drive, which travels west out of the Olentangy River valley. The road continues to the far western end of the subdivision before turning north into a T-intersection with a second east-west road, which stubs to the east and to the west. A third road, Bluffway Drive, extends off Liberty Bluff Drive heading north and ending in a stub.

The lots are accessed with open ditch streets that include a 5-foot wide asphalt path traveling through the site and additional 4-foot sidewalks on other streets. Open space totals 26.543 acres with this Section and is located on the eastern end north and south of the entrance, and in the center of the subdivision. Lots are on average 120' wide by 200' deep.

This is generally an area where soluble bedrock known as karst has been indicated. Several existing and potential sinkholes are located on this site. A note is included on the plat acknowledging this geologic feature and releasing public entities from its liability.

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 **Liberty Bluff, Section 1** to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Liberty Bluff, Section 1. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. OTHER BUSINESS

- Consideration for Approval – SWCD fees \$4,500.00, Health Dept. fees \$3,300.00

Mr. Sanders explained that the money requesting to be transferred are fees collected on behalf of the Health District and the SWCD for site review and preliminary application fees.

Mr. Irvine made a motion to Approve the transfer of \$4,500.00 to SWCD and \$3,300.00 to the Delaware General Health District for fees collected on their behalf. Mr. Heid seconded the motion. *VOTE: Unanimously For, 0 Opposed. Motion carried.*

- Consideration for Approval – By-Laws amendment (expenditure limits)

By-Laws, Article VII, Section 3

- a) **Minor Expenditures** – All expenditures, commitments or contracts for expenditures or disbursements up to ~~\$500.00~~ **\$1,000.00** shall be authorized by the Executive Director or in his/her absence by the Assistant Director. All expenditures, commitments, or contracts for expenditures or disbursements between ~~\$500.01 and \$1,000.00~~ **\$1,000.01 and \$2,500.00** shall be authorized in writing by the Executive Director, or in his/her absence by the Assistant Director, and the Chairperson or Vice-Chairperson of the Executive Committee of the Commission.

b) Major Expenditures – All expenditures, commitments or contracts for expenditures or disbursements in excess of ~~\$1,000.00~~ \$2,500.00 shall be approved by a majority of the Executive Committee and then presented to the Regional Planning Commission for their approval.

Mr. Sanders explained that due to inflation and meeting schedules, the Executive Committee agreed to increase the amount available to be approved by the Executive Director and the Chairman. These are amounts with the current budget. Anything beyond the budget appropriations would continue to require full RPC approval along with amounts over \$2,500.00.

Mrs. Kuba made a motion to amend the Delaware County Regional Planning Commission By-Laws Article VI, Section 3, A and B as described above. Mr. Irvine seconded the motion.

- **Consideration for Approval – 2018 DCRPC Budget including:**
 - 2018 Membership Dues with \$0.30/capita credit
 - 2018 Purchase of refreshments up to \$700.00
 - 2018 Health Insurance Opt Out Allowance
 - Staff salary increases effective 01/01/18

Mr. Sanders stated that the only changes from the budget presented at the October RPC meeting were the addition of an Intern (2 semesters) and \$10,000 added to the license/software line for the new tracking system the County is looking at purchasing. Those changes were added at the Executive Committee meeting on November 22nd and emailed to all the Representatives and Alternates.

Mr. Price made a motion to Approve the DCRPC 2018 Budget including: a 30¢ credit to membership dues, purchase of refreshments up to \$700, Health Insurance Opt out allowance, and staff salary increases of 3%. Mr. Gose seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for Approval – 2018 Meeting Schedule**

Mr. Heid made a motion to Approve the 2018 DCRPC meeting schedule. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for Approval – Assigning back up approver for Payroll, sick/vacation RFL based on new payroll software**

Mr. Sanders explained that the County Auditor has requested that the RPC begin using the new time sheet program to enter time cards instead of the paper copies. RPC and one other department were the only ones not on the new program. This new program requires approval authorities to log into a web based program to approve sick/vacation and payroll. Since the Executive Committee Chairman typically is the one approving the time off request of the Director, the Executive Committee agreed to have a County staff member sign off on the Directors time. They recommended the County Deputy Administrator.

Mr. Price made a motion to Approve assigning the Delaware County Deputy Administrator as back up

approver for requests for leave and payroll. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for Approval – Merit Compensation**

Chairman Stites explained that the Executive Committee recommended a \$500.00 merit compensation bonus for Mr. Sanders for his work on special planning contracts for 2017.

Mr. Irvine made a motion to Approve the \$500.00 merit compensation bonus for Mr. Sanders. Mr. Vidor seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Consideration for Approval – Transfer of Appropriations**

Transfer \$4,231.00 from Services and Charges (5361) to Health Insurance (5101) \$4,051.00, Salaries (5001) \$130.00, Workers Comp. (5102) \$50.00

Due to a change in plan type (single to family) for health insurance and the approval of the merit compensation bonus, a transfer of appropriation is needed. The transfer does not increase the total budget for 2017.

Mrs. Kuba made a motion to Approve the Transfer of Appropriation of \$4,231.00 from Services and Charges (5361) to Health Insurance (5101) \$4,051.00, Salaries (5001) \$130.00, Workers Comp. (5102) \$50.00. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. POLICY / EDUCATION DISCUSSION

- Census 2020: Please note that RPC staff will be coordinating with the Auditor's GIS office and County Engineer's Map Department to provide information to the U.S. Census Bureau during the Local Update of Certified Addresses (LUCA). The Census has been sending regular reminders to municipalities and townships within the County which has caused some confusion. DCRPC will be the main contact for the LUCA, so no response is needed.

In early 2018, RPC staff will send out a request for each community to name a contact for other Census-related activity over the next few years.

VIII. RPC STAFF AND MEMBER NEWS (none)

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

Dave Stites, Chairman

Stephanie Matlack, Exec. Admin. Asst.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, December 21, 2017, 6:30 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.