

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, June 25, 2020 at 6:30 PM
Via Zoom Meeting

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of May 28, 2020 RPC Minutes
- Executive Committee Minutes of June 17, 2020
- Statement of Policy

CONSENT AGENDA (*Final Plats*)

		Township	Lots/Acres
20-19	Marckel CAD	Concord	03 lots / 04.979 acres
11-19	Hyatts Crossing	Liberty	02 lots / 20.351 acres

ZONING MAP/TEXT AMENDMENTS

15-20 ZON	Orange Twp. Zoning Commission - Zoning Resolution text amendments
16-20 ZON	Genoa Twp. Zoning Commission - Zoning Resolution text amendments

SUBDIVISION PROJECTS

		Township	Lots/Acres
<u>Preliminary</u>			
28-19.1	Piatt Preserve, Section 1	Berlin	49 lots / 30.5 acres

ADMINISTRATIVE BUSINESS

- **Call to Order**
 Chairman Stites called the meeting to order at 6:30 p.m.
- **Roll Call**
 Representatives: David Weade, David Loveless, Ric Irvine, Duane Matlack, Barb Lewis, Jeff Benton, Steve Burke, Mike Frommer, Tammy Noble, Jill Love, Joe Shafer, Matt Kurz, Dave Stites, Charles Hurt, Ed Reely, Michelle Boni, Jim Hatten, Ed Snodgrass, Dan Boysel, Herb Ligocki, Mike Dattilo and Bonnie Newland. Alternates: Mike Love.
- **Approval of the May 28, 2020 RPC Minutes**
Mr. Boysel made a motion to Approve the minutes from the last meeting. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- **June 17, 2020 Executive Committee Minutes**

1. Call to order

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

2. Approval of Executive Committee Minutes from May 20, 2020

Mr. Merrell made a motion to Approve the minutes from the May meeting, seconded by Mrs. Kuba. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

- Financial / Activity Reports for May

REGIONAL PLANNING RECEIPTS		MAY	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$6,150.00
Fees A (Site Review)	(4202)	\$600.00	\$3,300.00
Insp. Fees (Lot Line Transfer)	(4203)	\$300.00	\$1,800.00
Membership Fees	(4204)		\$243,247.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$463.14	\$463.14
Assoc. Membership	(4206)		\$0.00
General Sales	(4220)		\$0.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$5,708.00	\$11,475.00
Charges for Serv. B (Final. Appl.)	(4231)	\$8,600.00	\$33,357.70
Charges for Serv. C (Ext. Fee)	(4232)		\$750.00
Charges for Serv. D (Table Fee)	(4233)		\$200.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$1,200.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$600.00	\$1,800.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$100.00	\$1,580.00

Soil & Water Fees	(4243)	\$575.00	\$2,425.00
Commissioner’s fees	(4244)		\$0.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		\$0.00
Other Reimbursements A	(4721)		\$0.00
Other Misc. Revenue (GIS maps)	(4730)	\$94.00	\$109.00
Misc. Non-Revenue Receipts	(4733)		\$0.00
Sale of Fixed Assets	(4804)	\$615.00	\$0.00
TOTAL RECEIPTS		\$17,655.14	\$307,856.84

Balance after receipts	\$1,211,531.08
Expenditures	- \$ 32,570.33
End of May balance (carry forward)	\$1,178,960.75

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

- June RPC Preliminary Agenda

- 1.) SKETCH PLANS

	<u>Township</u>	<u>Lots / Acres</u>
• Hunter’s Run	Berlin	05 lots / 13.95 acres
• 2880 Liberty Road	Delaware	37 lots / 23.2 acres

- 2.) CONSENT AGENDA

• Marckel CAD	Concord	03 lots / 04.979 acres
• Hyatts Crossing	Liberty	02 lots / 20.351 acres

- 3.) ZONING MAP/TEXT AMENDMENTS
 - Orange Twp. Zoning Commission – Zoning code text amendments
 - Genoa Twp. Zoning Commission – Zoning code text amendments

- 4.) SUBDIVISION PROJECTS

	<u>Township</u>	<u>Lots/Acres</u>
<u>Preliminary</u>		
• Piatt Preserve, Section 1	Berlin	49 lots / 30.5 acres

- Determination of June RPC meeting format

The Committee agreed that the June RPC meeting should be held via Zoom Meeting. Continue to follow guidelines of the Dept. of Health.

- Discussion regarding funding request from the Delaware County Finance Authority

Mr. Stites commented that he was expecting more of a partnership between the DCFA and RPC than just providing funding. Miss Boni questioned how much Berlin Twp. was contributing

financially to the 36/37 corridor study. She mentioned that Orange Twp. contributed approximately \$50,000. Mrs. Kuba stated that the RPC role should be more than just financing. Mr. Merrell suggested continuing discussions at the next meeting which would include Mr. Frommer.

- Director's Report
 - 1) **Audit** – State Auditor team has started our biennial audit. They are working remotely and have requested several items for review.
 - 2) **Office** – office is still by appointment. County has a policy update meeting this week.
 - 3) **Staff** – have pulled staff in office as much as possible.
 - 4) **2020 Census** – Delaware County is still doing well at 76% self-response –
 - Sent a message to the Village of Ashley which is running behind in their response. Chad Stover is also in touch and we may arrange a mobile unit at the Library there when the US Census operations say it is safe to do so;
 - Regional office has reopened;
 - Self-Response extended to October 31;
 - Group Quarters extended to September 3;
 - Non-Response follow-up scheduled to end in July will start in August and extend to October.
 - 5) **GIS/Website initiatives** –
 - **Development Activity map** now incorporates ESRI's Community Analyst, final stages of a profile for each jurisdiction.
 - 6) **Harlem Comp Plan** – Jonathan continues to incorporate survey material.
 - 7) **Participated in virtual meetings:**
 - **MORPC Transportation Advisory Committee** – 6/3;
 - **US 23 Branding Announcement e-mail** – 6/8;
 - **Various COVID-19-related meetings** by the County, Health District, and other sources.
 - 8) **Records Retention** – our updated schedule was approved by the state records commission.

4. **Old Business** (none)

5. **Other Business** (none)

6. **Adjourn**

Having no further business, Mr. Merrell made a motion to adjourn the meeting at 9:45 a.m. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, July 22, 2020 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 comment followed by questions from 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.

CONSENT AGENDA (*Final Plats*)

20-19 **Marckel CAD – Concord Twp. - 03 lots / 04.979 acres**

Conditions

Applicant: Eric Marckel

Subdivision Type: Single Family Residential, Common Access Driveway

Location: east end of Brust Rd., east of SR 257

Zoned: Farm Residential (FR-1)

Utilities: Del-Co water and private on-lot treatment systems and central sanitary sewer (northern lot)

School District: Buckeye Valley

Consultant: Plan 4 Land

Staff Comments

This application is for a CAD Subdivision. The subject parcel is proposed to be split into three parcels, with each new lot having access from the proposed CAD. The property, located at the eastern stub of Brust Drive, is an existing lot of 4.979 acres, and was purchased by the applicant in 2007.

The 4.979 acre parcel consists of three lots of 1.810 acres, 1.668 acres (contains the 0.092 acre CAD easement), and 1.501 acres. The CAD itself is located at the eastern terminus of Brust Drive and the three lots all have driveways which split off from the CAD at this location.

The site itself has many critical resources on the property including streams, wooded areas, and slopes exceeding 20%. The layout of the CAD subdivision addresses these well by limiting the number of stream crossings, using appropriately sized culverts where necessary, minimizing the amount of tree removal, and avoiding encroachment into excessive slope areas.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

Staff Recommendation

Staff recommends *Final Approval* of **Marckel CAD** to the DCRPC.

Commission / Public Comments

Mr. Shafer made a motion for Final Approval of Marckel CAD. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

11-19 Hyatts Crossing – Liberty Twp. - 02 lots / 20.351 acres

Conditions

Applicant: Pulte Homes
Subdivision Type: Planned Multi-Family Residential Community
Location: South side of Hyatts Rd., west of Sawmill Parkway
Zoned: Planned Multi Family Residential (PMFR)
Zoning Approval: 01/07/19
Preliminary Approval: 03/28/19
Utilities: Del-Co water and central sanitary sewer
School District: Olentangy
Engineer: Jeff Miller, CESO, Inc.

Staff Comments

Hyatts Crossing is a condominium development that was approved by Liberty Township in January, 2019. The development plan indicates 100 single-family detached units. Because the site will include a public street passing through it, the current parcel will be divided with the plat, dedicating the right-of-way for the road. The entry road is located directly across from the future access to a proposed county salt barn facility. A private road is proposed to access Hyatts Road as part of the condominium development. Detention areas are located at the intersection of Sawmill and Hyatts Crossing Drive.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

Staff Recommendation

Staff recommends *Final Approval* of **Hyatts Crossing** to the DCRPC.

Commission / Public Comments

Mr. Shafer made a motion for Final Approval of Hyatts Crossing. Mr. Loveless seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

ZONING MAP/TEXT AMENDMENTS

15-20 ZON Orange Twp. Zoning Commission – Zoning Resolution text amendments

Request

Orange Township is requesting a review of proposed zoning text amendments to the Orange Township Zoning Resolution. The proposed changes are as follows:

- To Section 12.06(m), 13.06(m), and 14.07(p):
 - *“The outside display of materials, merchandise or products for advertising, merchandising or storage purposes is prohibited, except for materials, merchandise or products that are required by federal, state, or local laws, rules, or regulations.”*

These changes relate to the Neighborhood Office District (C-1), Neighborhood Commercial District (C-2), and Planned Commercial and Office Districts (PC). The current sections relevant to the change read as follows:

“The outside display of materials, merchandise or products for advertising, merchandising or storage purposes is prohibited.”

The proposed change adds an exemption for “materials, merchandise or products” which are required by various jurisdictions rules and laws to be kept outside. As such, staff fully supports amending the zoning text to be compliant with other laws which may supersede this section’s authority.

- To Section 21.05(c):
 - *“All swimming pools, or the property upon which such swimming pools are located, shall be walled or fenced to fully enclose the swimming pool and prevent uncontrolled access to the swimming pool. Said wall or fence shall be not less than five (5) feet in height and may include the wall of a building or other structure, shall be of such construction as to not allow uncontrolled access under or through the wall or fence, and shall be maintained in good condition with all entry or access points having functioning locks. Swimming pools that do not meet the definition of a structure, as defined in this Resolution, are exempt from this requirement.”*

This proposed change relates to the general development standards which govern all districts, in this case, water impoundments. The current section reads as follows:

“All swimming pools, or the property upon which such pools are located, shall be walled or fences to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and shall be maintained in good condition with a gate and lock. Wading pools with a maximum depth of eighteen (18) inches shall be exempt from this requirement.”

The proposed changes to this section include the removal of a reference to whom the methods of controlling access applies (“by individuals from the street or from adjacent properties”), as well as expanded language regarding the extent to which the fence can control access (“under or through the wall or fence”). Additionally, the proposed change includes an exemption for pools which do meet the definition, as opposed to only exempting wading pools.

Staff is in agreement with the proposed changes, but want to make sure that Orange Township is aware of some issues which may arise from the proposed changes:

1. The new language surrounding which pools are exempt would now allow inflatable pools, some of which can be fairly large, without required fencing, as they do not have “a fixed location on the ground or attached to something having a fixed location on the ground.” Under the current language, these pools would require a fence.
2. The reference to functioning locks suggests that the fence’s point of access would need a lock, whether it be combination or key, as opposed to a lock in the sense of a mechanism which prevents uncontrolled access. A latch, or handle would prevent unintentional entering, but would be absent a “lock” in the traditional sense. Staff recommends rephrasing to remove any possible ambiguity.

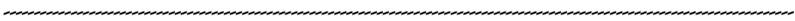
Staff Recommendation

Staff recommends **Conditional Approval** of the amendments to the Orange Township Zoning Resolution request to the DCRPC, Orange Twp. Zoning Commission and Orange Twp. Trustees, *subject to the review of issues raised in the staff report.*

Commission / Public Comments

Miss Boni stated that they would be looking into the swimming pool standards closer at the Zoning Commission.

Mr. Loveless made a motion to recommend Conditional Approval of the amendments to the Orange Twp. Zoning Resolution, subject to staff recommendation. Mr. Shafer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Orange Twp.). Motion carried.



16-20 ZON Genoa Twp. Zoning Commission – Zoning Resolution text amendments

Request

Genoa Township is requesting a review of proposed zoning text amendments to the Genoa Township Zoning Resolution. The proposed changes include new references to agritourism, agriculture, farm markets, etc., as well as the re-organization of zoning text components and improved wording for simplification and clarity. For simplicity, only changes that have comments are listed below:

- 1) Section 113.02 (and elsewhere) states that “The approval or denial of a Final Development Plan or any amendment to a Final Development Plan shall be considered an administrative action.” Staff contends whether this is true, or could be true. A Final Development Plan may only be administrative if approval is only required by the zoning inspector. A requirement for approval by trustee vote may constitute a legislative action. As such, Staff recommends verifying that final development plans and amendments, as stated within the zoning resolution, can be administrative.
- 2) Article 4 (Definitions) – Impervious Surfaces states that gravel and crushed aggregate is excluded. These

items should be included. The Ohio EPA considers these to be impervious surfaces based on the extremely poor ability to percolate rainwater, and the Ohio Administrative Code (OAC) 901:10-3-11(8) defines impervious surfaces as “a constructed hard surface that either prevents or retards the entry of water into the soil...Examples include...driveways...gravel roads.”

- 3) The relationship between Section 604.05 (establishes Accessory Dwellings as a conditional use) vs. 605.05 (prohibits hotels) is an issue that may need further evaluation and/or wording/defining. The permission of accessory dwellings can be intended for a variety of uses such as mother-in-law suites and guest houses. However, these uses can also be vacation-rentals-by-owner (VRBO) or other short-term rentals (Airbnb). By definition of hotels in Article 4, these accessory dwellings may fall under the hotel category. However, the intent to rent these uses out is typically not covered under zoning permit reviews and are also considerably difficult to determine and/or enforce. Staff would recommend adding language which differentiates the two to improve the regulation and enforceability of short-term rentals as they tend to undermine the long and short-term housing markets over time.
- 4) Section 608 includes a requirement of a 2-car garage. (Zoning Commission contemplated removing square footage and garage requirement as too prescriptive.) Staff is in agreement with a comment that this section may be questionable to the public health and safety, but the section is typical of all zoning resolutions. Staff does not believe that the removal of the requirement will have a substantial effect on the properties within the Rural Residential District.
- 5) Section 1706 carried a question over differing regulations for religious uses versus non-religious assembly facilities. Staff supports providing one standard for any use, unless there is a substantial public interest in treating one use differently from another.
- 6) Section 2702 includes a comment about making the pre-application meeting for Planned Residential Districts optional. Staff questions whether making this part optional will help streamline any processes, or whether it will, in effect, limit the Zoning Commission’s ability to regulate effectively due to time constraints once an official application has been filed. Requiring, or strongly encouraging, pre-application meetings typically puts all parties in a more advantageous position.
- 7) Section 2707.05, in regard to divergence request criteria, states that “The waiving of a standard which, if applied, would not advance a public purpose and/or is counterproductive to such cause.” Staff recommends consideration of removing the “public purpose” portion of that criteria for two related reasons. First, all requirements should be, in some part, related to a public purpose. Therefore, all criteria advance public purposes. As such, no divergence should be given unless the applicant has a substantial hardship. Second, if a divergence is given regarding a similar regulation repeatedly, an argument can then be made that the regulation from which the divergence was requested does not serve a common public purpose and is therefore, never applicable.

Staff Recommendation

Staff recommends **Conditional Approval** of the amendments to the Genoa Township Zoning Resolution request to the DCRPC, Genoa Twp. Zoning Commission and Genoa Twp. Trustees, *subject to the review of issues raised in the staff report.*

Commission / Public Comments

Mr. Shafer thanked the RPC staff for the thorough review. The amendments were a culmination of legal corrections and issues staff has recognized.

Mr. Loveless made a motion to recommend Conditional Approval of the Genoa Twp. zoning resolution text amendments subject to staff recommendation. Mr. Reely seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Genoa Twp.). Motion carried.

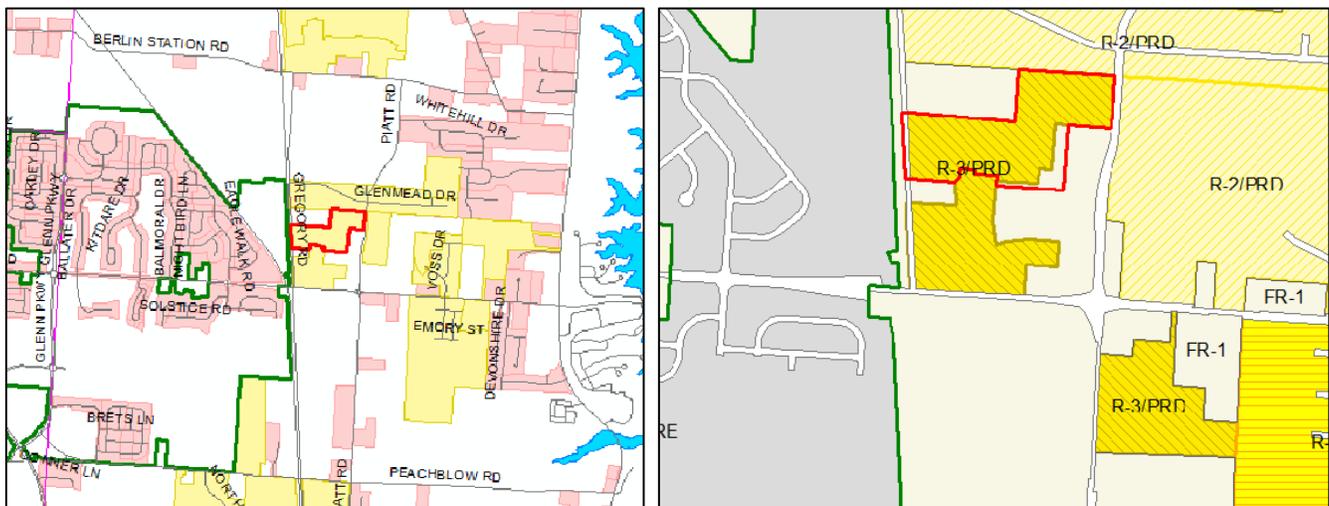
SUBDIVISION PROJECTS

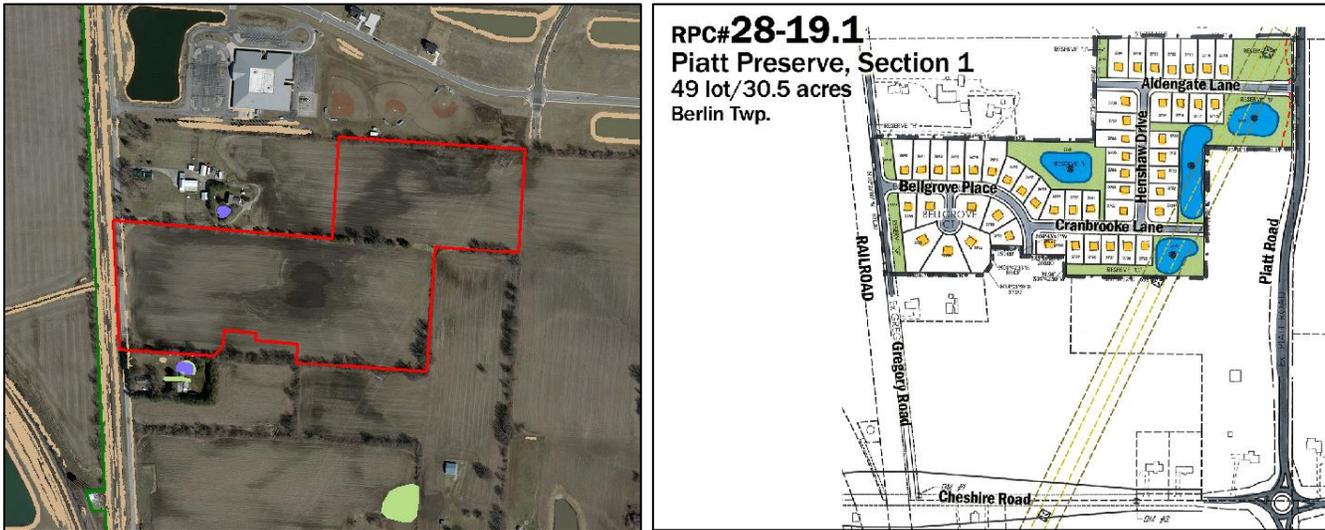
Preliminary

28-19.1 Piatt Preserve, Section 1 – Berlin Twp. - 49 lots / 30.5 acres

Conditions

- Applicant:** Westport Homes
- Subdivision Type:** Planned Residential
- Location:** North of Cheshire Rd., between Gregory and Piatt Rd.
- Current Land Use:** Farm
- Zoned:** R-2, R-3 w/ PRD overlay
- Zoning Approval:** 11/28/16 (west) and 01/23/17 (east)
- Utilities:** Del-Co water and central sanitary sewer
- School District:** Olentangy
- Engineer:** Watcon Engineering





Staff Comments

This application is for Preliminary Plan approval of Section 1 of Piatt Preserve. Piatt Preserve received preliminary approval on November 21, 2019 for 104 single-family lots on 76.4 acres. Post-approval, the applicant needed to break the project into two sections to comply with the County Engineer’s drainage review sequencing. Piatt Preserve Section 2, containing 22 single-family lots, received preliminary approval on April 30, 2020.

Section 1 consists of the northern half of what was referred to during zoning as Westfield Lakes and Westfield Lakes Extension, in the northwest corner of Piatt Road and Cheshire Road. The primary access to this section is through an intersection with Piatt Road which aligns with the entrance to Section 2 on the east side of Piatt Road. Another intersection extends the access south where another roadway runs east/west and connects to Gregory Road on the west end.

The proposed section is identical to the respective section in the overall preliminary and includes 49 single-family lots on 30.5 acres. Reserve areas occupy 8.6 acres and serve to provide buffering of the development from the surrounding roadways, as well as stormwater retention. The resulting net density is about 2.2 units per acre, where the lots themselves average about 0.34 acres.

Sidewalks are included on both sides of the street throughout the development, with a multi-use path included on all portions of the development fronting Piatt Road.

No critical resources are located on the property which may be affected by the development.

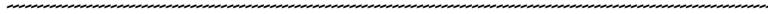
Staff Recommendation

Staff recommends *Preliminary Approval* of Piatt Preserve, Section 1 to the DCRPC.

Commission / Public Comments

Mr. Shawn Lanning and Jim Watkins with Watcon Engineering along with Terry Andrews with Westport Homes were present to answer any questions from the Commission.

Mr. Frommer made a motion for Preliminary Approval of Piatt Preserve, Section 1. Mr. Shafer seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.



Having no further business, Mr. Loveless made a motion to Adjourn the meeting at 6:45 p.m. Mr. Shafer seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, July 30, 2020 at 6:30 PM. Location details to follow.