



Delaware County Regional Planning Commission

109 North Sandusky Street Delaware, Ohio 43015
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www.dcrpc.org

Scott B. Sanders, AICP
Executive Director

MINUTES

Thursday, January 31, 2008 at 7:00 PM
Delaware Hayes Services Building,
140 N. Sandusky Street, Room G 35, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of December 20, 2007 RPC Minutes
- Executive Committee Minutes of January 23, 2008
- Statement of Policy

II. VARIANCES

01-08.V Orange Creek Manor – Berkshire Twp. – requesting 5 lot CAD

III. ZONING MAP/TEXT AMENDMENTS

01-08 ZON W Genoa Twp. Trustees – final development plan approval
 02-08 ZON Genoa Twp. Zoning Commission – text amendments (PRRCD)
 03-08 ZON Berlin Twp. Zoning Commission – text amendments (Articles 10-20)

IV. SUBDIVISION PROJECTS

Preliminary

		Township	Lots/Acres
01-08	Orange Creek Manor	Berkshire	05 lots / 17.00 acres
13-07	Revised Algoma Farms	Liberty	05 lots / 55.98 acres
08-07.1-4	T Sherwood Hills, Sections 1-4	Scioto	75 lots / 269.49 acres

Preliminary/Final (none)

Final

15-98.2	T Westerville Reserve, Phase 2	Genoa	03 lots / 06.39 acres
17-06	The Woods at Wildcat Run	Liberty	15 lots / 23.02 acres

T=TABLED, W=WITHDRAWN

V. EXTENSIONS (none)

VI. OTHER BUSINESS

- Consideration for approval: Refreshments including water/cooler (\$507 annual max.)
- Consideration for approval: Authorization of signatures
- Appointment of two individuals to serve on the Housing Council of the Community Reinvestment Area

VII. POLICY / EDUCATION DISCUSSION (none)

VIII. RPC STAFF AND MEMBER NEWS (none)

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Bill Berry, Rick Sedlacek, Fred Fowler, Jim Ward, Sharon Hough, Tom Hopper, Joe Clase, Holly Foust, Dick Gladman, Kim Cellar, Bill Thurston, Lloyd Shoaf, Tom Brown, Yvonne Clippinger, Tom Zalewski, and Doug Price. *Alternates:* David Leitch, Jim Cogar, Jack Smelker, Doug Riedel, and Dave Stites. *Staff:* Scott Sanders, Paul Deel, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the December 20, 2007 RPC Minutes**

Mrs. Hough made a motion to approve the minutes from the December 20th meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **January 23, 2008 Executive Committee Minutes**

1. Call to order

2nd Vice Chairperson Gladman called the meeting to order at 8:45 a.m. *Present:* Dick Gladman, Lloyd Shoaf, and Jim Ward. *Absent:* Holly Foust and Steve Burke. *Staff present:* Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes

a. December 12, 2007 – ***Mr. Shoaf made a motion to approve the minutes from the December meeting. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

3. Old Business (*none*)

4. New Business

a. Financial / Activity Reports for December 2007

REGIONAL PLANNING RECEIPTS		DECEMBER	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$9,225.00
Fees A (Site Review)	(4202)		\$1,800.00
Insp. Fees (Lot Line Transfer)	(4203)	\$20.00	\$700.00
Membership Fees	(4204)		\$235,269.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$961.58	\$15,307.15
Assoc. Membership	(4206)		\$1,500.00
General Sales	(4220)	\$44.00	\$1,035.90
Charges for Serv. A (Prel. Appl.)	(4230)		\$38,764.46
Charges for Serv. B (Final. Appl.)	(4231)		\$56,976.51
Charges for Serv. C (Ext. Fee)	(4232)		\$2,140.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$2,600.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$900.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	-\$2,390.00	\$0.00
Soil & Water Fees	(4243)	-\$4,300.00	\$0.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		

Other Misc. Revenue (GIS maps)	(4730)	\$5.00	\$1,602.43
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$24,519.96	\$367,820.45

Balance after receipts	\$73,026.00
Expenditures	- \$24,519.96
End of December balance	\$48,506.04

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

- b. January RPC Preliminary Agenda – includes 1 variance, 3 rezoning/text amendments, 3 preliminary and 2 final applications.
- c. By-Laws review introduction – Mr. Sanders presented a copy of the current By-Laws along with proposed amendments related to typographical errors, clarification of agencies, addition of Out of County Associate Memberships (as approved 2/18/04), and formatting changes. Mr. Sanders asked the Committee to review these suggestions and be prepared to discuss the By-Laws at the next Executive Committee meeting.
- d. RPC member orientation review – Mr. Sanders explained that it used to be the practice that new representatives and alternates were given a notebook with information pertaining to the RPC monthly meetings. It was the intension for those notebooks to be passed on to their successor upon their departure. That has not been happening, so he suggested a memo to replace the notebooks with all pertinent information to be updated and mailed to each representative and alternate in January of each year. Since all Executive Committee members were not present he requested that any comments from the Executive Committee be shared before the January RPC meeting.
- e. Signature authorization form – Mrs. Matlack explained that the Auditor’s office needs to have signature authorizations on file for all those permitted to sign various forms. Since Mr. Ward’s office is closest, she suggested he be permitted to sign vouchers and payroll (including sick and vacation requests). The Committee agreed.

Mr. Shoaf made a motion to approve the following signatures:

- Holly Foust – purchase orders, vouchers, payroll**
- Steve Burke – purchase orders, vouchers, payroll**
- Jim Ward – vouchers, payroll**

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

- f. Consideration for recommendation of approval: Refreshments including water/cooler \$507 annual max.)
Mr. Gladman made a motion to recommend approval of the purchase of refreshments including water/cooler for the RPC meetings and office up to the budget \$507 for 2008. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- g. Recommendation of appointment of 2 RPC members to the Community Reinvestment Area housing council at the request of John Barron
Mr. Ward made a motion to recommend appointing Mr. Sanders and the RPC Representative of the jurisdiction that the CRA is located in. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- 5. Other Business (none)
- 6. Personnel (none)

7. Adjourn

Mr. Shoaf made a motion to adjourn the meeting at 9:30 a.m. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next Executive Committee meeting will be Wednesday, February 20, 2008 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

01-08.V Orange Creek Manor – Berkshire Twp. – requesting 5 lot CAD

Applicant: John V. Johnson II

Location: 9333 SR 37, Berkshire Township.

I. Request

The applicant proposes to develop a 5 lot CAD subdivision called “Orange Creek Manor” on 17 acres. A variance is requested from Section 306.01, which allows a maximum 3 lots on a CAD (except that 2 additional lots may be allowed if the additional lots have road frontage and are adjacent to the CAD at its access to the road).

II. Facts

1. The 17 acre site contains an existing residence, which is to remain on 6.1 acres (zoned Agriculture).
2. The remaining 10.9 acres (zone Farm Residential) would be divided into 4 lots of 2.2 acres each plus the Common Access Driveway.
3. The existing driveway is located along the west property line and is proposed to be used as the CAD.
4. This site is surrounded by the Bent Tree Golf Course to the west and north and large acreage residential lots to the east and south.
5. A driveway serving the adjacent property to the east (Joseph Schilder) is located along the applicants’ east property line, approximately 350’ from the proposed 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.

Staff finding: The request would not be a detriment to the public health, safety, and welfare.

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

Staff finding: The location of the existing driveway along the west property line does not allow for a contiguous lot on both sides of the proposed CAD. The existing curb cuts serving this site and the lot to the east are spaced 350' apart. It is unlikely that ODOT would allow the proposed CAD to be moved to the east.

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.

Staff finding: The Bent Tree Golf Course is located to the west of the site, so there is no opportunity for the applicant to acquire additional frontage to meet the criteria for additional lots on a CAD.

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.

Staff finding: The variance would not vary any existing zoning regulation or comprehensive plans.

IV. Staff Recommendation

Staff recommends **Approval** of the variance to allow a fifth lot without public road frontage to access the proposed Orange Creek Manor CAD.

Commission / Public Comments

Mr. Jeff Strung with EMH & T was present to represent the applicant.

Mr. Ward asked if there would be an agreement for the common drive. Mr. Strung explained that there would be a recorded maintenance agreement.

Mr. Cellar asked if the bridge would be upgraded. Mr. Strung stated that it would.

Mr. Ward made a motion to approve the variance request for Orange Creek Manor for a 5 lot Common Access Driveway. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

01-08 ZON W Genoa Twp. Trustees – final development plan approval

****withdrawn by the Township.****

02-08 ZON Genoa Twp. Zoning Commission – text amendments (PRRCD)

I. Introduction

The Zoning Commission has initiated some small changes to the township’s Planned Rural Residential Conservation District code. They are adding references to Section 524 (a section of general development standards that all development must follow) and inclusion of the Township Trustees in the process to accept a Development Plan.

II. Comments

In the Genoa Township code, the PRRCD is a “float the cloud” form of Conservation Subdivision in the Rural Residential district. As such, it does not require a full rezoning, rather the adoption of a Final Development Plan. As with other Planned districts, the township will include a hearing process of the Trustees in its approval process. A simple majority of the Trustees is needed to affirm the Zoning Commission actions, while a unanimous vote is needed to overturn, which is consistent with the O.R.C.

III. DCRPC Staff Recommendation

Staff recommends **Approval** of the text changes to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees.

Commission / Public Comments

Mr. Ward made a motion to recommend approval of the text changes to the Genoa Twp. Zoning Resolution. Mr. Sedlacek seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Clase). Motion carried.



03-08 ZON Berlin Twp. Zoning Commission – text amendments (Articles 10-20)

I. Introduction

The Zoning Commission initiated several changes to the township’s zoning text, to be adopted at its February 12th hearing. Staff has been working with the township to draft these amendments. Changes have already been submitted to the County Prosecutor’s office and recommended changes have been made:

- Change the wording of the Purpose section of the R-4 District more consistent.
- Change the wording of the Termination of Use for Mobile Offices more consistent in several districts.
- Change the lot frontage in the R-4 District to a minimum instead of a scale.
- Clarify language describing how a PRD is used in conjunction (as an overlay) with the R-2, R-3 and R-4 districts.
- Clarify the “outdoor sports” definitions in the PRD and making it essentially “per plan.”
- Clarify the definition of “unbuildable areas.”
- Specify that street trees are to be placed behind the sidewalk.

Staff comment: *Berlin Township is following Orange Twp’s lead in removing street tree requirements. This may be the only area where staff disagreed with the township. Various research shows the benefits (environmental, psychological, safety, and public health) outweigh the negatives (maintenance). Through proper design and tree choice, many of the maintenance issues can be overcome. In the end, it is the township’s choice and the Zoning Commission changed the language to reference trees being moved behind the sidewalk.*

- Clarify the wording in describing the process of rezoning as either a one-step process or a two-step process.

- Clarify the wording on the length of time permits for Temporary Structures are valid.
- Clarify that outdoor storage must be related to the primary business in commercial districts.
- Add an Article XIII – Transitional Planned Unit Development district for multi-family uses.
Staff comment: Previously, condominiums and multi-family uses were included in the permitted uses of Planned Commercial districts and Planned Residential Districts. The township wished to pull them out of the Planned Commercial district into their own district, providing a “transition” between single-family uses and commercial uses. There is still some limited provision for multi-family in the PRD so that a mix of residential uses can be achieved if the developer chooses.
- Remove residential uses from Article XV – Planned Commercial and Office as well as other references and development standards for residential use.
- Add a graphic showing the boundaries of the Old Cheshire Planned Unit Development district (Article XVI).
- Add some existing uses to the Planned Industrial District.
- Correct the formatting in the Floodplain District.
- In general, make numerous references consistent when listed in multiple Articles.

II. DCRPC Staff Recommendation

Staff recommends **Approval** for the proposed text changes in the township’s zoning code to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees.

Commission / Public Comments

Mr. Gladman made a motion to recommend approval of the Berlin Twp. Text amendments. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

01-08 Orange Creek Manor – Berkshire Twp. - 05 lots / 17.00 acres

I. Conditions

Applicant: John V. Johnson II
Subdivision Type: Single Family Residential (CAD)
Location: 9333 SR 37, Berkshire Township.
Current Land Use: Single family residential
Zoned: Farm Residential (FR-1), Agriculture (A-1)
Utilities: Del-Co water and individual on-lot treatment systems
School District: Big Walnut
Critical Resources: Drainage course
Engineer: EMH&T

II. Staff Comments

Orange Creek Manor is a proposed Common Access Driveway (CAD) subdivision of 5 lots out of 17 acres. It is

located on the north side of SR 36/37 approximately 2000' west of Carters Corner Road. The front lot is 6.1 acre and contains an existing residence. The current driveway, located along the west side of the site will be used as the CAD. It will be upgraded to an 18' wide driveway with a paved surface. The back lot is 4.3 acres and will own the CAD easement. The other three proposed lots are each 2.2 acres. This site contains both Farm Residential (2 acre minimum lot size) and Agricultural (5 acre) zoning. A variance is being requested for the addition of the 5th lot on the CAD without having frontage on a public road.

The site contains a creek that runs along the east side then cuts across the middle toward the southwest corner. Bent Tree golf course (zoned Planned Recreational) is located to the north and west. Residential lots (zoned Agricultural and Farm Residential) are located to the south and east along SR 36/37.

A technical review was held on January 22, 2008, after which the applicant has addressed all of the required changes.

III. Staff Recommendations

Staff recommends *Conditional Preliminary Approval* of **Orange Creek Manor** to the RPC, *subject to the CAD variance request being approved.*

Commission / Public Comments

Mr. Jeff Strung from EMH & T was present to represent the applicant.

Mr. Clase made a motion for Preliminary approval of the Orange Creek Manor subdivision. Mr. Riedel seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

13-07 **Revised Algoma Farms –Liberty Twp. - 05 lots / 55.98 acres**

I. Conditions

- Applicant:** Algoma Group
- Subdivision Type:** Single Family Residential (CAD)
- Location:** West side of SR 315, south of Bunty Station Road, Liberty Township.
- Current Land Use:** Single family residential
- Zoned:** Farm Residential (FR-1)
- Utilities:** Del-Co water and individual on-lot treatment
- School District:** Olentangy
- Critical Resources:** Drainage course
- Engineer:** Floyd Browne Group

II. Staff Comments

Algoma Farms was platted as a family subdivision in May 1997. It included 4 lots on 48.59 acres accessing a Common Access Driveway (CAD). The family now seeks to replat the subdivision with an additional 7.385 acres into a 5 lot subdivision. All of the original lot lines are reconfigured to create lots now ranging from 6.8 to 22.2 acres. The acreage being brought into the plat is combined with 60' of the CAD access to create frontage on SR 315, meeting the criteria for additional lots on a CAD. The balance of the CAD acreage will continue to be owned by the large 22.2 acre back lot. A revised CAD maintenance agreement will also be filed.

The subdivision is located on the west side of SR 315 approximately 1,600' south of Bunty Station Road. Surrounding land use is residential on large acreage lots. The Olentangy River is across SR315 to the east.

A technical review was held on October 16, 2007, after which the applicant has addressed all of the required changes.

III. Staff Recommendations

Staff recommends *Preliminary Approval* of **Revised Algoma Farms** to the RPC.

Commission / Public Comments

Mr. Mark Smith with the Floyd Browne Group was present to represent the applicant.

Mr. Gladman made a motion for Preliminary approval of Revised Algoma Farms. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

08-07.1-4 **Sherwood Hills, Sections 1-4 – Scioto Twp. - 75 lots / 269.49 acres**

Applicant: Amity Carter, Ltd.
Engineer: Ryan Badger, ADR and Associates, Ltd.
Tabled: 7/26/07-10/25/07, 10/25/07-1/31/08

I. Staff Comments

The applicant has requested a third 90-day tabling to resolve sanitary treatment issues. This application has been tabled twice previously while the developer worked with the Village of Ostrander for sanitary sewer service. The project has now changed direction and is proposing individual on-lot treatment systems. The Delaware General Health District has indicated to staff that more time is needed to adequately evaluate the feasibility of the proposal.

II. Staff Recommendation

Staff recommends *Approval of the 90-day tabling* for the **Sherwood Hills, Sections 1-4** to the RPC.

Commission / Public Comments

Mr. Ryan Badger of ADR & Associates was present to represent the applicant. He explained that they were working with the Village of Ostrander on obtaining a sewer service letter but had been unsuccessful. The Health Department has requested additional time to review the proposal therefore requiring the applicant to request another tabling.

Mr. Cellar stated that he believes it is the Village of Ostrander's intent to sewer this area via a pending annexation that will bring the sewer across US 36. Mr. Badger explained that the applicant is open to both possibilities for waste treatment.

Mr. Sedlacek made a motion to approve the 90-day table request for Sherwood Hills, Sections 1-4. Mr. Gladman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (*none*)

CONSENT AGENDA

Final

15-98.2 **Westerville Reserve, Phase 2 – Genoa Twp. - 03 lots / 06.39 acres**

Applicant: Romanelli and Hughes Building Company

Engineer: R.D. Zande & Assoc.

I. Staff Comments

The applicant has requested a 30-day tabling to resolve drafting issues on the mylar.

II. Staff Recommendation

Staff recommends *Approval of the 30-day tabling* for **Westerville Reserve, Phase 2**, to the RPC.

Commission / Public Comments

Mr. Gladman made a motion to approve the 30-day table request for Westerville Reserve, Phase 2. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

17-06 **The Woods at Wildcat Run – Liberty Twp. - 15 lots / 23.02 acres**

I. Conditions

Applicant: Wildcat Run LLC.

Subdivision Type: Single-family Residential (LVLD)

Proposed Density: 1 du / 1.53 acres

Location: 7463 Liberty Road, Liberty Township

Existing Land Use(s): vacant

Zoned: Farm Residential (FR-1)

School District: Olentangy Local School District

Utilities Available: Del-Co Water and proposed private on-lot drip systems

Critical Resources: Ravine along northern boundary (100-year floodplain)

Engineer: Hoy Surveying

II. Staff Comments

The Woods at Wildcat Run includes 15 single-family residential lots on 23.02 acres on the east side of Liberty Road approximately 400' south of Home Road. The plan includes a low-volume, low-density (LVLD) cul-de-sac road (Wildcat Run Court) that extends east from Liberty Road into the site. An additional LVLD dead-end road (Martelli Way) extends north off of Wildcat Run Court to provide access to 4 lots. All other lots take access directly off River Run Court. The lots range from 1 acre to 1.8 acres in size. Private drip irrigation systems are being proposed for on-lot sewage treatment since there is currently no county sanitary sewer service available.

Surrounding land uses include Hawbaker Subdivision to the north, Bridlespur Lane to the east, Stillwater Subdivision to the south, and the Liberty Township Park to the west across Liberty Road.

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 Recommendations

Staff recommends *Final Approval* of **The Woods at Wildcat Run** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion for Final approval of The Woods at Wildcat Run. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. EXTENSIONS *(none)*

VII. OTHER BUSINESS

- Consideration for approval: Refreshments including water/cooler (\$507 annual max.)
Mr. Gladman made a motion to approve the 2008 purchases of refreshments including water and cooler expenses as budgeted (\$507 annual max.). Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Consideration for approval: Authorization of signatures
Mr. Shoaf made a motion to approve that Mr. Jim Ward, Executive Committee member, be permitted to sign payroll worksheets including sick and vacation requests along with vouchers. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- Appointment of two individuals to serve on the Housing Council of the Community Reinvestment Area

Mr. Sedlacek made a motion to appoint Mr. Scott Sanders to the CRA board. Mr. Ward seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mrs. Foust made a motion to appoint Mr. Kim Cellar to the CRA board. Mr. Brown seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VIII. POLICY / EDUCATION DISCUSSION *(none)*

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

The next meeting of the Delaware County Regional Planning Commission will be Thursday, February 28, 2008, 7:00 PM at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

Mr. Gladman made a motion to adjourn the meeting at 7:40 p.m. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant