



# Delaware County Regional Planning Commission

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

Scott B. Sanders, AICP  
Executive Director

## **\*MINUTES\***

Thursday, January 31, 2013 at 7:00 PM

Delaware County Commissioners office, 101 N. Sandusky St., Conference Room,  
Delaware, Ohio 43015

### **I. ADMINISTRATIVE BUSINESS**

- Call to order
- Roll Call
- Approval of November 29 and December 20, 2012 RPC Minutes
- Executive Committee Minutes of December 12, 2012 and January 23, 2013
- Statement of Policy

### **II. VARIANCES/EXTENSIONS**

- 06-04.V Homewood Corp./Summerwood Lakes – Berkshire Twp. – variance from 102.03 and 204.04  
 06-04 Summerwood Lakes – Berkshire Twp. – 101 lots/81.01 acres – requesting an extension
- 19-02.2.B.V Alum Crossing, Sec. 2, Ph. B – Orange Twp. – variance from 102.03 and 204.04  
 19-02.2.B Alum Crossing, Sec. 2, Ph. B – Orange Twp. – 25 lots/10.51 acres – requesting an extension

### **III. ZONING MAP/TEXT AMENDMENTS**

- 19-12 ZON Orange Twp. Zoning Comm. – addition of new zoning district – Planned Elderly Residential (PERD)  
 20-12 ZON John Wicks for Old Harbor Estates, Sec. 1, Ph.'s A & B – Berlin Twp. – 26.267 acres from FR-1 to R-3 w/ PRD overlay  
 01-13 ZON Rural Zoning Commission – text amendments to the County Zoning Resolution  
 02-13 ZON Turbo Group LLC – Berlin Twp. – 2.47 acres from NCD to PCD

### **IV. SUBDIVISION PROJECTS**

#### **Preliminary**

		<b>Township</b>	<b>Lots/Acres</b>
02-10	Redtail Estates	Concord	05 lots / 18.5 acres

#### **Preliminary/Final**

11-12	Harvest Wind, Ph. 6, Sec. 1, Lot #5554 Replat	Genoa	01 lot / 0.244 acres
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#### **Final**

28-04.2	Derby Glen Farms, Section 2	Liberty	11 lots / 8.332 acres
07-04.6.1	Olentangy Crossings, Sec. 6, Ph. 1	Liberty/Orange	32 lots / 76.237 acres

**T=TABLED, W=WITHDRAWN**

### **V. OTHER BUSINESS**

- Executive Committee member election
- Consideration for recommendation of Approval: Loveland & Brosius legal retention for 2013

### **VI. POLICY / EDUCATION DISCUSSION**

- Consideration for Approval: Bylaws amendments

### **VII. RPC STAFF AND MEMBER NEWS *(none)***

**I. ADMINISTRATIVE BUSINESS**

- **Call to Order**

Acting Chairman O'Brien called the meeting to order at 7:00 p.m.

- **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Ric Irvine, Fred Fowler, Ken O'Brien, Tom Hopper, David Andrian, Dave Stites, Holly Foust, Tom Farahay, Robert Taylor, Mike Dattilo, and Doug Price. Alternates: Mike Rogich, John Piccin and James Gauldin. Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

- **Approval of the November 29, 2012 RPC Minutes**

*Mrs. Foust made a motion to Approve the minutes from the November 29, 2012 RPC meeting, seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- **Approval of the December 20, 2012 RPC Minutes**

*Mrs. Foust made a motion to Approve the minutes from the December 20, 2012 RPC meeting, seconded by Mr. Sedlacek. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- **December 12, 2012 Executive Committee Minutes**

**1. Call to order**

Chairman Burke called the meeting to order at 8:55 a.m. Present: Steve Burke, Dave Stites, Tiffany Jenkins, Susan Kuba, and Ken O'Brien. Staff: Scott Sanders and Stephanie Matlack

**2. Approval of Executive Committee Minutes from November 21, 2012**

*Mr. O'Brien made a motion to Approve the minutes from the last meeting as presented. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

**3. New Business**

a. Financial / Activity Reports for November 2012

REGIONAL PLANNING RECEIPTS		November	YTD TOTAL
General Fees (Lot Split)	(4201)		\$4,815.00
Fees A (Site Review)	(4202)		\$1,800.00
Insp. Fees (Lot Line Transfer)	(4203)	\$200.00	\$2,700.00
Membership Fees	(4204)		\$292,309.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$657.25
Assoc. Membership	(4206)		
General Sales	(4220)		\$26.20
Charges for Serv. A (Prel. Appl.)	(4230)	\$19,928.40	\$47,785.40
Charges for Serv. B (Final. Appl.)	(4231)	\$5,470.30	\$26,484.20
Charges for Serv. C (Ext. Fee)	(4232)		\$750.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$2,100.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$3,000.00
OTHER DEPT. RECEIPTS			

Health Dept. Fees	(4242)		\$240.00
Soil & Water Fees	(4243)	\$325.00	\$2,550.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		
Other Reimbursements A			\$100.00
Other Misc. Revenue (GIS maps)	(4730)		\$397.00
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$6,772.00</b>	<b>\$386,514.05</b>

<b>Balance after receipts</b>	<b>\$332,654.44</b>
<b>Expenditures</b>	<b>- \$ 28,764.70</b>
<b>End of November balance (carry forward)</b>	<b>\$303,889.74</b>

*After discussion of the financial reports, Mr. Stites made a motion to approve the financial reports as presented. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

b. December RPC Preliminary Agenda

- 1.) Site Review:
  - 2399 Carriage Rd. – Liberty Twp. – 3 lots / 8.179 acres
- 2.) Rezoning:
  - Orange Twp. Zoning Commission – addition of new zoning district – PERD
  - John Wicks for Old Harbor Estates, Sec. 1, Ph.'s A & B – Berlin Twp. – 26.267 acres from FR-1 to R-3 w/ PRD overlay
- 3.) Variance:
  - Homewood Corp. - Summerwood Lakes – Berkshire Twp. – 101 lots / 81 acr
- 4.) Preliminary: None
- 5.) Preliminary/Final:
  - Harvest Wind, Ph. 6, Sec. 1, Lot #5554 Replat
- 6.) Final:
  - Derby Glen Farms, Section 2
- 7.) Extension:
  - Summerwood Lakes – requesting 2 year extension

c. Director's Report

- 1) Sunbury – continuing work on the Comprehensive Plan
- 2) Liberty Twp. – continuing work on Zoning Resolution
- 3) County Zoning – continuing work on text review, received response from Aric at the Prosecutor's office, RZC may initiate amendments on 12/17/12.
- 4) Harlem Twp. – contacted Mr. Sanders for small update to Comp. Plan
- 5) Concord Twp. – contacted Mr. Sanders for small update to Comp. Plan
- 6) Co. Planning Directors Assoc. – attended meeting in Columbus last week, Mr. Sanders to host the summer meeting
- 7) Tourism Bureau – Mr. Sanders to attend the presentation Thursday during the County Commissioners hearing

- d. Discussion of By-Laws – Mr. Sanders presented suggested amendments to the By Laws. (See attached.)

***Mr. O'Brien made a motion to recommend Approval of the amendments as presented to the Commission. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

- e. Discussion of Subdivision Regulation amendments –

***Mr. O'Brien made a motion to recommend Approval of proposed amendments and to initial these changes to the Subdivision Regulations at the 12/20/12 RPC meeting. (See attached.) Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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

Having no further business, at 10:35 a.m. Mrs. Jenkins made a motion to adjourn the meeting, seconded by Mr. Stites. ***VOTE: Unanimously For, 0 Opposed. Motion carried.***

***The next regular Executive Committee meeting will be Wednesday, January 23, 2013 at 8:45 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.***

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- **January 23, 2013 Executive Committee Minutes**

- 1. **Call to order**

Acting Chairman O'Brien called the meeting to order at 8:50 a.m. Present: Dave Stites, Ken O'Brien, and Tiffany Jenkins. Susa Kuba arrived after roll call. Staff: Scott Sanders and Stephanie Matlack.

- 2. **Approval of Executive Committee Minutes from December 12, 2012**

***Mr. Stites made a motion to approve the Executive Committee minutes from December. Mrs. Jenkins seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

- 3. **New Business**

- a. Financial / Activity Reports for December 2012

REGIONAL PLANNING RECEIPTS		December	YTD TOTAL
General Fees (Lot Split)	(4201)	\$615.00	\$5,430.00
Fees A (Site Review)	(4202)	\$300.00	\$2,100.00
Insp. Fees (Lot Line Transfer)	(4203)	\$1,000.00	\$3,700.00
Membership Fees	(4204)		\$292,309.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$657.25
Assoc. Membership	(4206)		
General Sales	(4220)	\$4.00	\$30.20

Charges for Serv. A (Prel. Appl.)	(4230)	\$925.00	\$48,710.40
Charges for Serv. B (Final. Appl.)	(4231)	\$500.00	\$26,984.20
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$900.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$2,400.00
Charges for Serv. F (Planned District Zoning)	(4235)	\$300.00	\$33.00
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)		\$240.00
Soil & Water Fees	(4243)	\$125.00	\$2,675.00
<b>MISCELLANEOUS REVENUE</b>			
Other Reimbursements	(4720)		
Other Reimbursements A			\$100.00
Other Misc. Revenue (GIS maps)	(4730)	\$2.00	\$399.00
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		<b>\$4,221.00</b>	<b>\$387,468.05</b>

<b>Balance after receipts</b>	<b>\$308,110.74</b>
<b>Expenditures</b>	<b>- \$ 19,943.92</b>
<b>End of December balance (carry forward)</b>	<b>\$288,166.82</b>

*After discussion of the financial reports, Mrs. Jenkins made a motion to approve the financial reports as presented. Mr. Stites seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

b. January RPC Preliminary Agenda

- 1.) Site Review: none
- 2.) Rezoning:
  - Orange Twp. Zoning Commission – addition of new zoning district – PERD
  - John Wicks for Old Harbor Estates, Sec. 1, Ph.’s A & B – Berlin Twp. – 26.267 acres from FR-1 to R-3 w/ PRD overlay
  - Rural Zoning Commission – text amendments
  - Turbo Group LLC – Berlin Twp. – 2.47 acres from NCD to PCD
- 3.) Variance:
  - Homewood Corp. - Summerwood Lakes – Berkshire Twp. – 66 lots / 52.6 acres
  - Alum Crossing, Sec. 2, Ph. B. – Orange Twp. – 25 lots / 10.512 acres
- 4.) Preliminary:
  - Redtail Estates
- 5.) Preliminary/Final:
  - Harvest Wind, Ph. 6, Sec. 1, Lot #5554 Replat
- 6.) Final:
  - Derby Glen Farms, Section 2
  - Olentangy Crossings, Section 6, Phase 1
- 7.) Extension:
  - Summerwood Lakes – requesting 2 year extension
  - Alum Crossing, Section 2, Ph. B – requesting 2 year extension

c. Director’s Report

- 1.) Subdivision Regulations - In accordance with the Ohio Revised Code, the townships and newspaper received a 30-business-day notice of the RPC intent to amend the Subdivision Regulations at the February 28, 2013 meeting. A summary document and full amended document were placed on the RPC website and a printed copy is available at the RPC office. The full Commission will receive notice with the monthly agenda mailing later this week.
- 2.) Bylaws Amendments - In accordance with the Bylaws, the Commission will receive notice (5-day minimum notice) of the proposed changes to the Bylaws along with their monthly agenda mailing later this week. Consideration is scheduled for the January 31, 2013 meeting.
- 3.) OEEF Grant Project - On Friday, participated in an all-day workshop and bus tour related to the Ohio Environmental Education Fund project. Event was well-attended and is a major part of the educational intent of the grant.
- 4.) Director’s End-of-Year (2012) Report – January 2013

Financial	
2012 Dues income:	\$299,801
Projected 2012 development and contract income:	\$28,000
Actual 2012 development and contract income:	\$102,286 (\$74,286 over)
Projected expenses:	\$277,407
Actual expenses:	\$266,393 (\$11,014 under)

5.) Contract/Non-contract Work

- Continued working with Liberty Township on a Zoning Code amendment (end in early 2013);
- Began working with Sunbury on a Comprehensive Plan update;
- Prepared GIS maps for DATA Bus for their route changes;
- Prepared new maps for the Convention and Visitors Bureau website;
- Created a new GIS dataset of no-build/no-disturb areas for Genoa Township (presented material to the Board of Trustees);
- Discussed possible Comprehensive Plan update with Concord Township Trustees;
- Scheduled meeting in February to discuss possible Harlem Township Comp Plan update;
- Created new GIS files for the OEEF Olentangy streams project;
- Provided bikeway and sidewalk data for the GoHealthy Delaware County website.

6.) Zoning Reviews

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Zoning Cases</b>	<b>55</b>	<b>58</b>	<b>54</b>	<b>41</b>	<b>25</b>	<b>16</b>	<b>13</b>	<b>8</b>	<b>16</b>	<b>19</b>
<b>Acres Reviewed</b>	<b>1300</b>	<b>3619</b>	<b>1795</b>	<b>1302</b>	<b>508</b>	<b>100</b>	<b>256</b>	<b>96</b>	<b>235</b>	<b>439</b>

7.) Subdivision Activity

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Preliminary Non-Residential	5	8	18	32	17	19	21	1	21	7
<b>Preliminary Residential</b>	<b>1221</b>	<b>1634</b>	<b>1602</b>	<b>996</b>	<b>110</b>	<b>140</b>	<b>43</b>	<b>5</b>	<b>12</b>	<b>264</b>
Final Non-Residential	12	12	3	33	18	26	20	0	1	4
<b>Final Residential</b>	<b>1622</b>	<b>858</b>	<b>928</b>	<b>1007</b>	<b>185</b>	<b>115</b>	<b>56</b>	<b>152</b>	<b>101</b>	<b>142</b>
<b>Total lots reviewed</b>	<b>2860</b>	<b>2512</b>	<b>2551</b>	<b>2068</b>	<b>330</b>	<b>300</b>	<b>140</b>	<b>158</b>	<b>135</b>	<b>417</b>

8.) NPA Splits and Transfers

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Transfers reviewed</b>	<b>69</b>	<b>63</b>	<b>89</b>	<b>46</b>	<b>35</b>	<b>53</b>	<b>21</b>	<b>29</b>	<b>18</b>	<b>32</b>
Transfer acres	104	156	244	180	117	372	84	62	40	80
<b>Splits (new lots)</b>	<b>54</b>	<b>57</b>	<b>65</b>	<b>83</b>	<b>33</b>	<b>22</b>	<b>9</b>	<b>8</b>	<b>11</b>	<b>16</b>
Splits (existing)	16	20	19	21	11	8	7	1	4	10
<b>Total Splits</b>	<b>70</b>	<b>77</b>	<b>84</b>	<b>104</b>	<b>44</b>	<b>30</b>	<b>16</b>	<b>9</b>	<b>15</b>	<b>26</b>

9.) Building Permits in Unincorporated Areas (includes multi-family)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Residential Building Permits (unincorporated)</b>	<b>2180</b>	<b>1903</b>	<b>1311</b>	<b>835</b>	<b>683</b>	<b>444</b>	<b>358</b>	<b>404</b>	<b>472</b>	<b>593</b>
<b>Residential Building Permits (municipalities)</b>	<b>1226</b>	<b>1125</b>	<b>1064</b>	<b>757</b>	<b>656</b>	<b>259</b>	<b>264</b>	<b>519</b>	<b>261</b>	<b>685</b>
<b>Commercial Building Permits (unincorporated)</b>				<b>50</b>	<b>40</b>	<b>43</b>	<b>27</b>	<b>36</b>	<b>16</b>	<b>24</b>

Most of the higher-growth townships saw another increase this year over last year (Concord, Genoa, Liberty, and Orange). For municipalities, Delaware, Galena, Sunbury, Westerville and Columbus all saw significant increases.

10.) Current Active Subdivisions

The following subdivisions are “active” or have active sections remaining to be platted as of January 1, 2013: Alum Crossing, Cheshire Woods, Bower CAD, Derby Glen Farms, Estates at Cheshire, Estates of Glen Oak, Fairways at Blue Church, Glen Oak, Harvest Wind Lot 5554, Hidden Creek, Meadows at Lewis Center, Menards Creekside (Commercial), Nelson Farms, North Star, Olentangy Crossings, Olentangy Falls, Orange Centre Drive Extension (Commercial), Redtail Estates, River Rock Farms, Sage Creek, Sheedy CAD, Sorrento at Highland Lakes, Summerwood Lakes, and Trails End.

11.) Other projects

**ACHIEVE** – This county-wide committee has enabled me to extend the reach of the Commission into an area that makes the connection between health and the built environment. Membership on the team is diverse and my sub-committee assignments include health efforts at the workplace and community facilities such as biketrails, sidewalks, and other land use decisions. I am also working to get the information on an ACHIEVE website with multiple links to resources and partner agencies.

New website is GoHealthyDelaware.org.

**Bikeways and Trails** – continued to update bikeway facilities and provided data for the DHGD website and GoHealthy Delaware County website.

**Land Use Analysis** – Continued to update county-wide data that is usually limited to township and village comprehensive plans. (Demographics, Transportation, Emergency Services, Education, Economic Development Tools). This includes a two-page **Jurisdiction Profile** with tax receipts, land use mix, land values, and comprehensive plan build out numbers. Updating community profiles with 2012 data in early 2013.

**Hosted** two Zoning Inspector roundtables, plan additional meetings for the spring.

**Other involvement**

Continued service on the Delaware Convention and Visitors Bureau (Tourism Bureau);  
Continued as Secretary of the County Planning Directors Association of Ohio;  
Participated in an emergency planning drill in the alternate EOC in Orange Township;  
Continued involvement in the Wellness Collaborative (DGHD);  
Attended State Land Use Conference (Columbus),

- d. Consideration for Approval: Retaining Loveland and Brosius as legal counsel

**Mrs. Jenkins made a motion to recommend Approval of retaining Loveland & Brosius as legal counsel for the Regional Planning Commission. Mrs. Kuba seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.**

**4. Old Business** (*none*)

**5. Other Business**

- a. Sanctuary at the Lakes – Mr. Sanders presented the Committee with a draft revision to the Preliminary plan for Sanctuary at the Lakes. The developer has requested a reduction of fees for the revised Preliminary to only include those impacted by the revisions. Mr. Sanders explained that a bog had been noted on the plan and roadway changes have been made. The Committee advised that the applicant file a variance request with the reduction noted and for Mr. Sanders to recommend which lots should be charged for the revised Preliminary plan fee based on impact.

- 6. Personnel** - The evaluation forms were passed out for the Executive Director review. Mr. Stites will compile comments from all Committee members and present at the February Executive Committee meeting for a recommendation to the Commission at the February 28<sup>th</sup> meeting.

- 7. Adjourn** – Having no further business, the meeting was adjourned at 10:20 a.m.

***The next regular Executive Committee meeting will be Wednesday, February 20, 2013 at 8:45 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.***

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- **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/EXTENSIONS

### 06-04.V Homewood Corp. - Summerwood Lakes – Berkshire Twp. – 101 lots / 81.01 acres – requesting a variance for an additional extension of the Preliminary Plan

**Applicant:** Homewood Corp.

**Engineer:** Floyd Browne Group

**Preliminary approval:** 03/25/04

**Extensions granted:** 03/31/05, 09/29/05, 12/22/11

#### I. Request

Homewood Corp. is requesting a variance to sections 102.03 and 204.04 regarding the expiration and extension of the Preliminary Plan. The applicant is requesting a 2-year extension beyond the time limit allowed in the Subdivision Regulations to complete the platting of a subdivision (five years after the first plat is recorded) in the Summerwood Lakes subdivision in Berkshire Township.

The proposed subdivision is located on the east side of 3 B's and K Road, north of Dustin Road. The subdivision proposes 100 lots on 81 acres.

#### II. Facts

1. The Subdivision Regulations require that a Subdivision be completely platted within five years of the first Section being recorded;
2. Summerwood Lakes received Preliminary approval on March 25, 2004;
3. Section 1 was recorded December 2006, giving the remaining sections until December 2011 to be recorded.
4. The project was given a 1-year extension via variance until December 2012;
5. Quorum was not met at the December, 2012, meeting and the project was extended to January, 2013;
6. The applicant seeks an additional two-year extension for the remainder of the subdivision by variance.

#### 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:** *"Homewood Corporation is asking for a variance to sections 204.04 and 102.03 regarding the expiration and extension of the Preliminary Plan. The Preliminary Plan was approved and the Section 1 Final Plat was recorded on 12/15/2006. According to section 204.04 of the DCRPC code, the Preliminary Plan expires five years after the date of recording Section 1.*

*To date, only Section 1 has been developed and Final Plat recorded. There are fourteen lots available in Section 1 and it is not anticipated to develop future sections for another year. The future sections account for 68 lots and considerable open space. All three sections have been engineered and there is no reason to believe that the development will not ultimately be built according to plan.*

*Due to the declining housing market and general economic conditions, Homewood respectfully requests a variance to section 102.03 to allow for an extension of two years. A significant improvement in sales led to thirteen sales over the past year, however, even with further increases it is not anticipated to be completed with the overall development until 2017.*

*The granting of this variance would not be detrimental to the public health, safety and welfare to other parties. The conditions of which this variance is sought are unique to this property due to the scope and size of the overall project. A considerable hardship would occur to not only the owner of the property, but to existing homeowners who have purchased within the subdivision should the Preliminary Plan expire. The Preliminary Plan will continue to be followed and no other variances are being sought to vary any other provision of the original approval."*

**Staff comments:** *While one section has been recorded, there has been little activity within the subdivision. The land to the north has been developed as an Olentangy middle school and a bus facility, with large lots developed to the south. Based on economic conditions, it is reasonable to extend this subdivision beyond that allowed in the regulations. Staff recommends that the extension be limited to one year and that a future section should provide a pedestrian connection to the school site to the north.*

#### **IV. Staff recommendations**

DCRPC staff recommends that based on market and economic conditions, the variance request from Sec. 102.03 & 204.04 for **Summerwood Lakes** be *Approved*.

DCRPC staff recommends *Conditional Approval* of a 1-year extension for **Summerwood Lakes** to the RPC, *subject to a Variance being granted*.

#### **Commission / Public Comments**

Mr. Jim Lipnos with Homewood Corp. was present. He explained that Phase 1 has been platted with approximately 20 remaining lots. He anticipates the next phase to begin in 2014.

**Mr. Andrian made a motion for Approval of the Variance and a 2-year Extension for Summerwood Lakes. Mr. Farahay seconded the motion. VOTE: Majority against the motion. Motion Failed.**

**Mr. Irvine made a motion for Approval of the Variance and a 1-year Extension for Summerwood Lakes. Mr. Sedlacek seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Andrian), 1 Abstained (Berkshire Twp.). Motion carried.**

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**19-02.2.B Alum Crossing, Section 2, Phase B – Orange Twp. – 25 lots / 10.51 acres – requesting a variance for an additional extension of the Preliminary Plan**

**Applicant:** Rockford Homes

**Engineer:** Sands Decker

**Preliminary approval:** 10/31/02

**Extensions granted:** 10/2003, 04/2004, 04/2005, 01/2011 (via variance), 01/2012 (via variance)

**I. Request**

Rockford Homes, c/o Corey Theuerkauf is requesting a variance to allow a 2-year extension beyond the time limit allowed in the Subdivision Regulations to complete the platting of a subdivision (five years after the first plat is recorded) in the Alum Crossing, Section 2, Phase B subdivision in Orange Township.

The proposed subdivision is located on the west side of South Old State Road, north of Ashcreek Ave. The subdivision proposes 25 lots on 10.512 acres.

**II. Facts**

1. The Subdivision Regulations require that a Subdivision be completely platted within five years of the first Section being recorded;
2. Alum Crossing Sections 1 and 2 received a combined Preliminary approval on October 31, 2002.
3. Section 1 was recorded December 2005, giving the remaining sections until December 2010 to be recorded.
4. The developer amended only Section 2, Phase A in July and recorded that section in November 2010.
5. The applicant was granted a variance for a 1-year extension January 2011 to expire January 2012.
6. The applicant was granted a second variance for a 1-year extension December 2011 to expire January 2013.
7. The applicant seeks an additional two-year extension for the remainder of the subdivision by variance.

**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:*** "Due to current economic trends the lot absorption has not met expectations. We have however, engineered Section 2 Phase B and will be developing part 1 this year. It is our anticipation if house sales increase to develop Phase B, Part 2 in 2014, however it is all contingent on house sales."

**Staff comments:** Last year, Section 2 Phase A was platted, demonstrating that there is progress in this subdivision. Six out of nineteen lots are owned by individuals. The remaining phase is surrounded by development, and the plan should be extended. Staff recommends that the extension be limited to one year.

#### **IV. Staff recommendations**

DCRPC staff recommends that based on market and economic conditions, the variance request from Sec. 102.03 & 204.04 for **Alum Crossing, Section 2, Phase B** be *Approved*.

DCRPC staff recommends *Conditional Approval* of a 1-year extension for **Alum Crossing, Section 2, Phase B** to the RPC, *subject to a Variance being granted*.

#### **Commission/Public Comment**

Mr. Bob Yoakum with Rockford Homes was present. He explained that there are 25 lots undeveloped. They plan to develop those in two phases. The first in the spring and the balance in the spring of 2014.

**Mr. Sedlacek made a motion for Approval of the Variance and a 1-year extension of Alum Crossing, Section 2, Phase B. Mr. Irvine seconded the motion. VOTE: Majority For, 1 Opposed (Mr. Andrian). Motion carried.**

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### **III. ZONING MAP/TEXT AMENDMENTS**

**19-12 ZON Orange Twp. Zoning Comm. – addition of new zoning district – Planned Elderly Residential (PERD)**

#### **I. Introduction**

On November 27, 2012, the Orange Twp. Zoning Commission initiated changes to its zoning resolution to add a new district known as the Planned Elderly Residential District. The district is intended to allow for the development of Independent Living units, Assisted Living Facilities, and Nursing Home Care Facilities either alone or in any combination. The Article uses the same Development Plan Approval process as other planned districts within the township and includes typical Prohibited Uses and administration detail as other similar sections of the code.

#### **II. Issues**

Staff mentions the following comments and questions to consider rather than recommendations.

Density is limited to an overall density of 4 units per gross acre regardless of the use. As has been noted in previous Senior Housing reviews, traffic impacts, school impacts and even sewer usage are typically less in these developments than in single-family developments. The Commission may consider looking at tables of these uses when determining the density, if that wasn't already done. Also, communal eating facilities could impact the sewer usage in a negative way. This may need to be addressed in the language.

Independent Living units require a ground floor living area of not less than 1,000 square feet for single-family units and follow the same square footage requirements of other types of multi-family developments, such as apartments and condominiums. Is this the standard from other Independent Living developments in nearby areas? Staff assumes the industry standard may be a smaller footprint per unit.

Is the Walkway and Street Trees language sufficient to require trees in front of Assisted Living and Nursing Home uses? It seems to be exclusive to the detached Independent Living uses.

The parking table in Section 21.01 e.) adds new language referencing two spaces per dwelling unit for Independent Living (PERD) uses and three spaces in all other residential uses. Existing language includes Nursing Home parking requirements of one space for each two beds plus one for each employee. There is no reference to Assisted Living and the Nursing Home reference does not include the (PERD) specification. Consider adding these references. Also, is the parking requirement for Nursing Homes excessive? Check industry standards.

### **III. Staff Recommendations**

Staff recommends **Conditional Approval** of the text amendment request by the Orange Twp. Zoning Commission to the DCRPC, Orange Twp. Zoning Commission and Orange Township Trustees, *subject to staff comments*.

### **Commission / Public Comments**

*Mr. Andrian made a motion for Conditional Approval of the text amendment request by the Orange Twp. Zoning Commission, subject to staff comments listed under item II above. Mr. Fowler seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

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**20-12 ZON      John Wicks for Old Harbor Estates, Sec. 1, Ph.'s A & B – Berlin Twp. – 26.267 acres from FR-1 to R-3 w/ PRD overlay**

#### **I. Request**

The agent for the owner, John Wicks, is requesting a 26.267-acre rezoning from FR-1 to R-3 with RPD overlay to allow a new single family subdivision called Old Harbor Estates. The rezoning would allow the development of a subdivision of 41 single-family lots with 5.73-acres of open space.

#### **II. Conditions**

**Location:** 4007 and S. Old State Road, Lewis Center

**Present Zoning:** FR-1 (Farm Residential)

**Proposed Zoning:** R-3 with PRD overlay

**Present Use(s):** Two single-family houses

**Proposed Use(s):** 41 lot single family residential subdivision

**Existing Density:** 1 du / acre

**Proposed Density:** 1.56 units per gross acre

**Surrounding Land Uses:** USA Lands (Alum Creek Park) to the north and east, large lots and undeveloped land to the south, South Old State Road to the west with Shadow Creek Subdivision and frontage lots on the west side of the road.

**School District:** Olentangy School District

**Utilities Available:** Del-Co Water and sanitary sewer

**Critical Resources:** stream

**Soils:** AmE Amanda Silt Loam 18-25% slope

LyD2 Lybrand Silt Loam 12-18% slope

GwB Glynwood Silt Loam 2-6% slope

CaC2 Cardington Silt Loam 6-12% slope

BoA Blount Silt Loam 0-2% slope

### **III. Description**

Old Harbor Estates proposes a single access point on South Old State Road with a road to the northeast ending in two cul-de-sacs and a road to the south and east ending in a cul-de-sac. A road is provided toward the south, stubbing to the adjacent undeveloped 10.25 acres. Streets will be public, with sidewalks provided as well as street trees required in the front yards of each lot.

Lots generally have 95 feet of frontage, allowing them to feature side-load garages. Parcel size is in the range of 12,300-16,200 s.f., or between a quarter and a third of an acre. The open space dedication will total approximately 5.73 acres in three areas. One is the southwestern corner, which will include an active play area. The area in the middle of the development will be a passive open space area and will include a detention basin. Additional passive open space is located at the eastern end of the project with additional detention provided in the reserve. Of the 41 home sites, 25 are adjacent to either platted open space or the Alum Creek Park land.

Improvements to South Old State Road include a southbound left turn lane and widening to provide for that feature. A road stub is provided to undeveloped land to the south. DALIS indicates that there are several undeveloped parcels under common ownership totaling 15.35 acres that could accommodate future development.

**Process** – The Berlin Township Zoning Resolution has a somewhat unique approach to Planned Residential District zoning. The Code includes three residential districts (R-2, R-3, and R-4) that allow different lot sizes and densities as well as some minor differences in permitted and conditional uses. This proposal, therefore, includes the amendment of the map to the R-3 district with a PRD overlay. The R-3 district provides a maximum density of one unit per 20,000 square feet, or approximately 1.85 units per net developable acre.

**Comprehensive Plan** – The Berlin Township Comprehensive Plan recommends this area for residential uses at 1.85 dwelling units per net developable acre. Although the net developable calculation is not included in the application, there are no steep slopes or existing floodplains or other natural features. Subtracting 15% for roads would result in approximately 22.34 acres and yield 41.33 lots. The number of lots conforms to both the plan and the zoning code.

**Lot Size** – The R-3 zoning designation appears to allow the smallest lots of the three Multi-Type Residential Districts. There is no lot size regulated by the PRD section of the code – it references the underlying district. The R-3 requires a lot size of 20,000 square feet (.45 acres) where the proposed lots range from 12,300-16,200 square feet. Based on the unusual shape of some lots, there are several that meet or exceed the minimum lot size.

Other subdivisions within this sub-area include smaller lots, including .33-acre lots in Mariner's Watch and Oldefield Estates and .25-acre lots in Piatt Meadows. Whether this was an intentional lot-size reduction that occurred with recent changes to the zoning code or not, this proposal does not conform to this regulation. There is no specific allowance for a divergence from this and none is specifically requested. Some amount of divergence may be warranted, since the 20,000 s.f. lot size exceeds the pattern established in the area, but this will need to be seriously discussed by the Township before this layout can be approved. [The applicant has met with the Berlin Township Zoning Commission which discussed this issue. He has subsequently provided a letter requesting a divergence from the lot size requirement. Staff concurs with the divergence approach.]

**Open Space** – As stated, the total open space acreage is 5.73 acres which is approximately 22% of the gross acreage. The code requires 20% which would be 5.256 acres. The open space exceeds the amount required, is distributed through the development and includes active and passive open space areas, other required elements within the code.

**Divergences** – The applicant is asking for three divergences from the specifications of the code:

- 1.) Requested divergence from the requirement that a 50-foot buffer be provided around the perimeter of the site. The request is that this requirement be reduced to 35-feet along the property line with the US Lands to the north and east. **Staff response** – *this is a reasonable request as this land is a designated park and will not be developed. This area of the park currently includes no park amenities.*
- 2.) Requested divergence from the Net Developable Acreage calculation which would require the actual proposed right-of-way of 18% and instead use a general number of 15%. Some of this difference is caused by the additional right-of-way required along South Old State Road. **Staff response** – *this is also a reasonable request, as discussed under “Open Space” above. The difference is minor.*
- 3.) Requested divergence from the side-yard setback of 12.5 feet and instead define a 25-foot building separation. This will allow the placement of side-load garages on all homes and maximize the building width with a 5’-side yard (*corrected 1/31/13*) setback on the opposite side of each home. **Staff response** – *staff encourages side-load garages and feels this request meets the spirit of the code, which is a building separation of 25 feet. However, it will be important that the Township enforce this as part of the zoning permit process. Once a pattern is determined on a street, all the adjacent lots will have to place their garages on the same side as the first lot.*

**Traffic Impact Analysis** – The application states that even if all the large adjacent parcels were developed with this proposal, the total unit count would be 92. The total trips per day generated by these units would not meet the County’s threshold for any road type above “local” status. A Traffic Impact Study is required when trip ends exceed 100 during the peak hour of the land use or peak hour of the roadway. At build-out, this area could generate 10% of the total (920) at peak hour, or 92 trips. The County Engineer’s office has expressed concerns over this proposal and its impact on South Old State Road and its intersection with Hollenback Road. The Zoning Commission should determine with the County Engineer’s office whether a Traffic Impact Study is needed for this project.

**Utilities** – Utility letters are provided, including a letter from the Sanitary Engineer’s office confirming availability of service, requiring an extension to the existing trunk line through the USA lands to the east of the site.

#### **IV. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by John Wicks for Old Harbor Estates, Section 1, Phases A & B to the DCRPC, Berlin Township Zoning Commission and Berlin Township Trustees, *subject to:*

1. *Specifying the garage/driveway placement for each parcel rather than apply a blanket 25-foot building separation;*
2. *The applicant acknowledging that the lot size issue is a requested divergence;*
3. *The Zoning Commission considering the size of each lot and whether it is adjacent to open space before approving smaller parcels than the size required in the R-3 District;*
4. *That the Zoning Commission review the language within the Planned Residence District and determine whether changes need to be made to allow flexibility in lot size when a PRD overlay is applied to a Multi-Type Residential District.*
5. *Determine whether a traffic study will be required by the County Engineer’s office.*

#### **Commission / Public Comments**

Mr. John Wicks with Real Property Design was present. He stated they would be happy to identify what side of the lot the driveway would be on. They are also stating in the deed restrictions that in no case would the homes be closer than 25’ between one another. They have supplied the Township with a letter for the requested divergence for lot size. The developer has spoken with the County Engineer regarding the traffic study.

Mr. O'Brien asked if he has spoken with the Federal lands to discuss getting an easement to the sewer. Mr. Wicks said he has spoken to them in general terms of the procedure to accomplish it. The Sanitary Engineers office said they would help facilitate the application. He said they do not anticipate not allowing the easement however; the alternative is the access the sewer across Hollenback Road.

Mrs. Foust questioned Divergences #3 to state 5' and not 5 yard setback. Mr. Sanders agreed. [Corrected in staff report.]

Mrs. Foust suggested that staff recommendation #4 should not be a condition for Approval rather a comment from staff. Mr. Sanders agreed.

***Mr. Hopper made a motion to recommend Conditional Approval of the rezoning request by John Wicks for Old Harbor Estates, Section 1, Phases A & B, subject to staff recommendations #1-3 and #5. #4 is a comment to the Zoning Commission. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Berlin Twp.). Motion carried.***

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## **01-13 ZON      Rural Zoning Commission – text amendments to the County Zoning Resolution**

### **I. Request**

The Rural Zoning Commission spent several months in 2012 working with DCRPC staff to revise the County's Zoning Code. On January 7, 2013, the Rural Zoning Commission initiated these amendments. The following is a brief summary of those changes.

- Numerous new and amended Definitions;
- Updated references to the Ohio Revised Code throughout;
- Clarification of Permanently-Sited Manufactured Homes and "Mobile Home Parks;"
- Updated Adult Residential Facilities throughout;
- Updated Board of Developmental Disabilities Residential Facilities where appropriate;
- Updated Telecommunication Tower information where appropriate;
- Deleted Medium Density Residential District because it is unused;
- Planned Residential District procedure changed to a two-step process and added language to allow minor changes to be administrative;
- Added veterinaries with limitations to Neighborhood Commercial;
- Clarifies rezoning procedure in several districts;
- Increased frontage requirements for Agricultural Preservation District (currently unused);
- Updated the Adult Entertainment Regulations to reflect "model" language (not a district);
- Made minor changes in the General Development Standards, including parking, height, structure separation, impoundments, setbacks, satellite dishes, driveway slope;
- Added language regulating Small Wind Farms less than 5 Megawatts;
- Minor changes to the Sign and Billboard Regulations section and sign-related issues throughout;
- Allowed longer time to restore a non-conforming use;
- Minimum structure size requiring a zoning certificate increased from 150 s.f. to 200 s.f. to be consistent with the building code;



- Changed language to allow the County Commissioners to set fees at any time during the year rather than at the “organizational meeting;”
- Added language allowing for up to two alternates to be added to the Commission and BZA;
- Updated the language requiring the concurring vote of three board members;
- Updated the Public Notice language;
- Other general changes in the “administrative” sections of the code to conform with current law and comply with model language.

The Zoning Commission sent the amendments to the County Prosecutor’s staff, which reviewed the text. Recommended changes have been incorporated into the text prior to initiation by the Zoning Commission.

## **II. Staff Recommendations**

Staff recommends **Approval** of the text amendments by the Rural Zoning Commission to the DCRPC, the Rural Zoning Commission and the Delaware County Commissioners.

### **Commission / Public Comments**

*Mr. Sedlacek made a motion to recommend Approval of the text amendments by the Rural Zoning Commission. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. O’Brien). Motion carried.*

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## **02-13 ZON Turbo Group LLC – Berlin Twp. – 2.47 acres from NCD to PCD**

### **I. Request**

The applicant, Commercial One Realtors, on behalf of the owner Turbo Group, LLC, is requesting a 2.47-acre rezoning from Neighborhood Commercial to Planned Commercial so that the entire 7.471-acre area under common ownership can be zoned under a consistent zoning designation.

### **II. Conditions**

**Location:** 6700 State Route 37 East, Sunbury

**Present Zoning:** Neighborhood Commercial District (NCD)

**Proposed Zoning:** Planned Commercial District (PCD)

**Present Use(s):** vacant land, vacant out buildings

**Proposed Use(s):** vacant land

**School District:** Olentangy Local School District

**Utilities Available:** Del-Co Water and private on-lot treatment systems

**Critical Resources:** none

**Soils:** BeB Bennington Silt Loam 2-4% slope

CaB Cardington Silt Loam 2-6% slope

### **III. Issues**

The Turbo Group, is the owner of a 5.001-acre parcel which was formerly the Jerry Greer recreational vehicles sales and display location. In December, 2012, a 2.47-acre portion of the adjacent parcel was transferred to this owner. The resulting acreage remains under two zoning designations, Planned Commercial on the 5-acre piece and Neighborhood Commercial on the 2.47-acre piece. For the purposes of future development, the owners wish to place the land in a single zoning designation.

The applicant and current owner do not have any immediate plans for development of the site. Should that need arise in the future, development will consist of an expansion of the existing building and/or parking and pavement areas. Utility letters and other property descriptions are included, but there is no plan in textual format or in map or image.

**Staff response:** The intent is to do nothing with the additional land at this point. As far as text is concerned, it should be assumed that the current text within the Zoning Resolution would apply, rather than a version of the text as amended by the applicant. However, the application needs to specifically indicate that there are currently no improvements being anticipated so that any future development will require, at minimum, the administrative review of a new Development Plan. This appears to be the intent, but should be specifically stated in the text or otherwise committed to during the deliberations with the Zoning Commission.

**Comprehensive Plan:** The plan designated the land on either side of US 36/SR 37 as commercial and also recognizes the existing zoning of all non-residential areas along the highway. **Staff comment:** The proposed zoning district provides greater flexibility for future development in this area. Also, this change is of benefit to the owners and the township, as the resulting 2.47-acre NCD piece would likely be difficult to develop as a standalone piece and should be brought under the PC designation.

**Road network:** Land to the south (55 acres) of this area was zoned to provide for a condominium development in 2005. A subsequent subdivision identified the need for an east/west public street which was planned, as well as a connection from that street to an area adjacent to this property. Although the subdivision is no longer active, if a similar design is brought forward in the future, the road connection shouldn't impact the Turbo property or have bearing on this rezoning application.

#### **IV. Staff Recommendations**

Staff recommends **Conditional Approval** of the rezoning request by Turbo Group LLC. for 2.47 acres from NCD to PCD, to the DCRPC, the Berlin Township Zoning Commission and the Berlin Township Trustees, *subject to clarifying that the current plan is to make no improvements on this portion of the site.*

#### **Commission / Public Comments**

No one was present to represent the applicant.

***Mr. Stites made a motion for Conditional Approval of the rezoning of 2.47 acres from NCD to PCD by the Turbo Group LLC, subject to staff comments. Mr. Gunderman seconded the motion. VOTE: Majority For, 0 Opposed, 2 Abstained (Berlin Twp. and Mr. O'Brien). Motion carried.***

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#### **IV. SUBDIVISION PROJECTS**

##### **Preliminary**

**02-10 Redtail Estates (f.k.a Redtail Ranch) – Concord Twp. – 05 lots / 18.5 acres**

##### **I. Conditions**

**Applicant:** Jim Pickett

**Subdivision Type:** Single-Family Residential, Common Access Driveway

**Location:** west side of Concord Rd., approximately 600 feet south of Badenoch Dr.

**Current Land Use:** existing home, open field

**Zoned:** Farm Residential (FR-1)  
**Utilities:** Del-Co water, on-site sewage treatment  
**School District:** Dublin Local Schools  
**Engineer:** Terrain Evolution

## II. Staff Comments

Redtail Estates is a 5-lot Common Access Driveway subdivision located on Concord Road, just south of Eli Pinney (Dublin) Elementary School. It is surrounded to the north by platted Badenoch at Concord subdivision and to the west by Tartan Fields. There is an existing home on the western part of the site, which will remain on the fifth lot. The drive is being constructed according to the standards and the developer is choosing to utilize a cul-de-sac rather than the standard T-turnaround.

*A technical review was held on October 19, 2010, after which the applicant has addressed all of the required changes.*

The previous approval expired and the applicant has resubmitted the same plan for a new approval. Plans were reviewed and a second technical review was not warranted.

## III. Staff Recommendation

Staff recommends *Preliminary Approval* of **Redtail Estates** to the DCRPC.

## Commission / Public Comments

Mr. Justin Wollenberg with Terrain Evolution was present to represent the applicant. He explained that they are waiting until spring to do the final course of asphalt.

*Mrs. Foust made a motion for Preliminary Approval of Redtail Estates. Mr. Andrian seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.*

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## Preliminary/Final

11-12                      Harvest Wind, Ph. 6, Sec. 1, Lot #5554 Replat – Genoa Twp. - 01 lot / 0.244 acres

### I. Conditions

**Applicant:** Elane T. Webb Trustee  
**Subdivision Type:** Single Family Residential  
**Location:** East side of Park Bend, south of Center Green Drive  
**Current Land Use:** Vacant  
**Zoned:** Planned Residential District (PRD)  
**Utilities:** Del-Co water and public sanitary sewer  
**School District:** Westerville  
**Engineer:** Michael Wanchick, CT Consultants

### II. Staff Comments

The existing plat for this subdivision includes an easement that was general in nature and cannot be released directly through the County Commissioners. This was discussed and approved at Genoa Township. The mylar has been signed by the Zoning Inspector, County Engineer, Sanitary Engineer, and Del-Co Water.

**III. Staff Recommendation**

Staff recommends *Preliminary and Final Approval* of **Harvest Wind, Ph. 6, Sec. 1, Lot #5554 Replat** to the DCRPC.

**Commission / Public Comments**

Mr. David Denniston with CT Consultants was present.

***Mr. Price made a motion for Preliminary and Final Approval of Harvest Wind, Ph. 6, Sec. 1, Lot #5554 Replat. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**CONSENT AGENDA**

**Final**

**28-04.2 Derby Glen Farms, Section 2 – Liberty Twp. - 11 lots / 8.332 acres**

**I. Conditions**

- Applicant:** Jewett Road Assoc. LLC
- Subdivision Type:** Single Family Residential
- Location:** south side of Jewett Rd., east of Liberty Rd.
- Current Land Use:** vacant
- Zoned:** PR (Planned Residential)
- Utilities:** Del-Co Water, sanitary sewer
- School District:** Olentangy
- Engineer:** Ed Miller, EMH & T

**II. Staff Comments**

This is the second section of Derby Glen Farms and includes the extension of Derby Drive to access 11 new single-family lots. No open space is platted with this section. The road stubs to the south providing access to future sections of Derby Glen Farms.

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 **Derby Glen Farms, Section 2** to the DCRPC.

**Commission / Public Comments**

***Mrs. Foust made a motion for Final Approval of Derby Glen Farms, Section 2. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**07-04.6.1            Olentangy Crossings, Section 6, Phase 1 – Liberty/Orange Twps. – 32 lots/76.237 acres**

**I.            Conditions**

**Applicant:** M/I Homes  
**Subdivision Type:** Single Family Residential  
**Location:** west of Artesian Run, north of Home Road  
**Current Land Use:** vacant  
**Zoned:** Planned Residential (PR) in Liberty Twp. and  
Single Family Planned Residential (SFPRD) in Orange Twp.  
**Utilities:** Del-Co Water, sanitary sewer  
**School District:** Olentangy  
**Engineer:** Michael Wanchick, CT Consultants

**II.            Staff Comments**

Olentangy Crossings, Section 6, Phase 1 is a development of 32 lots, 28 of which are single-family buildable lots. The design consists of the western extension of Olentangy Crossings West terminating in a cul-de-sac. The street is a private street built to public standards with a gate at the eastern end. Lots in the Orange Township portion are approximately 11,900 s.f. and the lots in Liberty Township are a half-acre or larger. Two small open space areas which accommodate drainage structures are location in Orange Township. Preservation Parks owns a 59.451-acre area on the western end of the subdivision which is being platted in accordance with the development plan as Natural Green Space.

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 Crossings, Section 6, Phase 1** to the DCRPC.

**Commission / Public Comments**

***Mrs. Foust made a motion for Final Approval of Olentangy Crossings, Section 6, Phase 1. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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**V.            OTHER BUSINESS**

- Executive Committee member election

Mr. Fowler stated that the Nominating Committee would like to nominate Mr. Jeff George to the Executive Committee. Mr. Farahay seconded the motion. ***VOTE: Unanimously For, 0 Opposed. Motion carried.***

- Consideration for recommendation of Approval: Loveland & Brosius legal retention for 2013

***Mr. Sedlacek made a motion of Approval to retain Loveland & Brosius as legal counsel for the RPC for 2013. Mr. Gauldin seconded the motion. VOTE: Unanimously For, 0 Opposed.***

*Motion carried.*

VI. **POLICY / EDUCATION DISCUSSION**

• **DCRPC Bylaws**

Several items need to be updated in the Bylaws of the Commission. (See attachment.)

**Process** – Article X defines the process for amending the Bylaws. The Executive Committee may approve, then recommend adoption to the full Commission (Article X, Section 1, a.). Notice must be delivered to each member not less than 5 days before said meeting (Article X, Section 1, b.). The information is being presented tonight for possible adoption at the January 31, 2012 meeting. Adoption of the changes will require an affirmative vote of 2/3 of those present (Article X, Section 1, e.).

**Proposed Change: Per Capita Fee** – There are several references to a specific previous per capita fee that has not been in effect for several years. This amendment removes the specific amount and references that such amount shall be determined annually. This fee is currently determined as part of the budget process, which includes two separate reviews by the full Commission. There is no change in the way the per capita is determined.

**Proposed Change: Officers of the Commission** – Currently there is no language that requires Executive Committee members be a member of the Commission as determined by their jurisdiction. This change clarifies that.

**Proposed Change: Officers of the Commission** – The current language leaves the process somewhat vague when reorganizing after an officer is no longer serving. The amendment defines how empty positions shall be filled but also allows for reorganization after vacancies have been filled.

**Proposed Change: Quorum** – Occasionally, the Commission cannot conduct business due to lack of a quorum. Currently the quorum is calculated as a simple majority of all members. In the past, legal opinion has found that members cannot be removed from the Commission nor can they remove themselves. However, a recent legal opinion has found that quorum can be defined as a simple majority of “qualified voting members,” which can be defined as those members who are participating in the funding of the organization as defined in Article III, Section 5.

**Recommendation** – A description of the changes was submitted to the Commission at least five days prior to the meeting as prescribed in Article X of the Bylaws. No comments or questions were received as of this report. Staff recommends approval.

**Mr. Gunderman made a motion for Approval of the amendments to the By-Laws, seconded by Mr. Price. VOTE: Unanimously For, 0 Opposed. Motion carried.**

• **DCRPC Subdivision Regulations**

A public hearing to discuss amendments to the Subdivision Regulations has been scheduled for the beginning of the regular meeting on February 28, 2013. Information was distributed at the December 20th RPC meeting and materials are available on the DCRPC website or at the office.

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

*Having no further business, Mr. Farahay made a motion to adjourn the meeting at 7:50 p.m. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, February 28, 2013, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

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*Ken O'Brien, Acting Chairman*

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*Stephanie Matlack, Executive Administrative Assistant*