



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, April 22, 2010 at 7:00 PM

Frank B. Willis Building, 2079 US 23 North, Conference Room,
Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of March 25, 2010 RPC Minutes
- Executive Committee Minutes of April 14, 2010
- Statement of Policy

II. VARIANCES

19-05.V Ravines at Meadow Ridge – Berlin Twp. – requesting additional extension (Sec. 204.04)

III. ZONING MAP/TEXT AMENDMENTS

IV. SUBDIVISION PROJECTS

Township

Lots/Acres

Preliminary (none)

Preliminary/Final (none)

Final (none)

T=TABLED, W=WITHDRAWN

V. EXTENSIONS

06-08	Stirling Lakes	Trenton	29 lots / 62 acres
19-05	Ravines at Meadow Ridge	Berlin	03 lots / 55.90 acres

VI. OTHER BUSINESS

- Exempt status of Executive Administrative Assistant position
- Office space discussion

VII. POLICY / EDUCATION DISCUSSION

- 2009 Annual Report review
- Planning & Zoning Workshop – May 15th

VIII. RPC STAFF AND MEMBER NEWS

- Executive Committee elected positions

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

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

▪ **Roll Call**

Representatives: Jeff George, Rick Sedlacek, Mike Jones, Fred Fowler, Todd Hanks, Tiffany Jenkins, Sharon Hough, Gary Gunderman, Tom Hopper, Joe Clase, David Andrian, Dave Stites, Holly Foust, Lloyd Shoaf, Tom Brown, Bill Metzler, Mike Datillo, and Doug Price. *Alternates:* Jim Cogar, Pat Blayney, and Tom Farahay. *Arrived after roll call:* Carolyn VanBrimmer (R). *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the March 25, 2010 RPC Minutes**

Mr. Shoaf made a motion to approve the minutes from the March 25, 2010 meeting. Mr. Blayney seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **April 14, 2010 Executive Committee Minutes**

1. **Call to order**

Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Dick Gladman, Steve Burke, Ken O'Brien and Lloyd Shoaf. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from March 17, 2010**

Mr. Gladman made a motion to approve the Executive Committee minutes from March 17, 2010. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. **New Business**

a. Executive Committee position election

Mr. Gladman made a motion to elect Holly Foust as Executive Committee Chairperson. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Mr. Gladman made a motion to elect Steve Burke as Vice-Chairperson, Lloyd Shoaf as 2nd Vice-Chairperson and Dick Gladman as Member-At-Large. Chairwoman Foust seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

b. Financial / Activity Reports for March 2010

REGIONAL PLANNING RECEIPTS		FEBRUARY	YTD TOTAL
General Fees (Lot Split)	(4201)		
Fees A (Site Review)	(4202)		\$300.00
Insp. Fees (Lot Line Transfer)	(4203)	\$100.00	\$800.00
Membership Fees	(4204)	\$3,773.00	\$256,784.84
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$824.38	\$3,533.91
Assoc. Membership	(4206)		
General Sales	(4220)		\$120.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,200.00	\$1,200.00
Charges for Serv. B (Final. Appl.)	(4231)	\$5,361.20	\$12,561.20
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$450.00
Charges for Serv. D (Table Fee)	(4233)		
Charges for Serv. E (Appeal/Var.)	(4234)		
Charges for Serv. F (Planned District Zoning)	(4235)		\$300.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$100.00
Soil & Water Fees	(4243)	\$125.00	\$250.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A			
Other Misc. Revenue (GIS maps)	(4730)	\$17.00	\$47.00
Misc. Non Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$11,550.58	\$276,446.95

Balance after receipts	\$ 286,991.05
Expenditures	- \$ 30,357.78
End of January balance	\$ 256,633.27

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

- c. April RPC Preliminary Agenda – includes 1 variance and 2 extension requests. The Committee questioned the expiration of the development plan approval for The Ravines at Meadow Ridge. They were also concerned with any new storm water requirements from the County Engineer that might affect this subdivision. They understand that 4 extensions and 2 variances have previously been approved.

Mr. O'Brien left the meeting after discussion of the Preliminary agenda for a previous engagement.

- d. Director's Report
 - 1.) Contract billing to date:

Twp.	Contract amount	Free hours remaining	Billed to date (04/07/10)	Remaining on contract
Berlin	(2010) \$5,000	18.63	\$199.133	\$4,800.87
Kingston	\$8,000.00	18	\$4,481.38	\$3,518.62
Orange	\$18,000.00	82.50	\$8,168.71	\$9,831.29

- 2.) Mr. Bill Metzler with the Village of Sunbury has expressed interest in a possible contract for assistance on their Comprehensive Plan update.
- 3.) Participated in a design charrette at Liberty Park hosted by Friends of the Lower Olentangy Watershed for the purpose of making recommendations to improve storm water management there.
- 4.) Participated in the 16-County Emergency Management Exercise on March 18. The exercise included running the Emergency Operations Center (basement of Commissioners' Building) and worked through a shift transition including an update briefing.
- 5.) Continued work with the United Way Impact Team (housing and essential services sub-group) which reviews funding applications and makes site visits.
- 6.) Worked with the Health District's Obesity Committee on the county's obesity plan – mainly involved in the "built environment" aspects of public health.

- 7.) Attended the first meeting of the Balanced Growth Initiative by MORPC. Discussed shared goals and existing available data (including Comprehensive Plans and GIS data).
- 8.) Attended an all-day Healthy Communities/Active Transportation seminar hosted by ODOT, ODNR and the Department of Health in Columbus.
- 9.) Participated in a site visit for the Olentangy School District's Safe Routes to School program. We observed the arrival of students and the traffic/pedestrian flow. ODOT funds the grant program, which includes four schools in the district. End result is a set of recommendations for improvement in the traffic patterns on school property and in surrounding areas.

Chairwoman Foust reminded Mr. Sanders about the Commission's direction to him, that he meet with at least 80% of the membership jurisdictions by the end of 2010. She asked if he had attended any of those meetings yet, and he explained that scheduling had been a challenge to date with the current ongoing contract meetings and for personal reasons but that he planned to initiate meetings soon.

Mr. Gladman left the meeting after the Director's report for a previous engagement.

4. Old Business

- a. Office Space – Mr. Sanders explained that he had sent the space sharing offer expressed by the Executive Committee to Mr. Cannon who responded that he agreed with all the stipulations but that he could not commit to extending the lease. The Executive Committee agreed that the extension of the lease is more important to the Commission than the initially proposed \$300/month rental income, and directed Mr. Sanders to respond to Mr. Cannon. Chairwoman Foust inquired whether Mr. Cannon had made this inquiry and response to our initial offer for rental of office space and the 10-year lease extension on behalf of the Board of Commissioners, or whether he was seeking preliminary information to present to the Board of Commissioners; that was not known at this time. It was acknowledged that the Commission delegated authority to the Executive Committee to negotiate and execute an agreement for the County's use of some of the RPC's office space; and it was agreed that the Executive Committee would be willing to hold a special meeting instead of waiting until their next regular meeting, if Mr. Cannon, on behalf of the Board of Commissioners, would like to negotiate with them and/or finalize an agreement prior to next month's regular meeting.

5. Other Business *(none)*

6. Personnel

- a. Exempt status of employees – Mr. Sanders stated that he received information from the Delaware County Personnel office stating they have determined that the Executive Administrative Assistant position should be classified as exempt per the Fair Labor standards test.

Chairwoman Foust made a motion to classify the Executive Administrative Assistant position as exempt. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

7. Adjourn – Having no further business, ***Mr. Shoaf made a motion to adjourn the meeting at 10:20 a.m. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

The next regular Executive Committee meeting will be Wednesday, May 19, 2010 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.

- **Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted an opportunity to make their formal presentation. The audience will then be granted an opportunity to speak, at which time the chair will allow questions from the members of the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration. The Chairperson may limit repetitive debate.

II. VARIANCES

19-05.V Ravines at Meadow Ridge – Berlin Twp. – requesting additional extension (Sec. 204.04)

I. Request

Ravines at Meadow Ridge is a three-lot subdivision between Africa and South 3 Bs and K Roads. The development plan indicates 44 condominium buildings, each with four units, totaling 176 dwelling units. The plan includes a public street stubbing to the east and a paper right-of-way to undeveloped land to the north. The application is requesting an additional extension.

II. Facts

1. The Subdivision Regulations currently allow an approved Preliminary Plan to be valid for two years.
2. The Regulations allow an expiring Preliminary Plan to request extensions (usually for 6 months) up to a total of one year;
3. Ravines at Meadow Ridge received a Preliminary approval on June 30, 2005 and received 6-month extensions on June 29, 2006, December 21, 2006, June 28, 2007 and December 20, 2007;
4. After the proposal's original approval, the Regulations were changed to increase the approval period from one year to two years and decreased the number of allowances for extensions – this was resolved by allowing an additional year of extensions without the need for a variance.
5. A variance was granted June 26, 2008 to allow the Preliminary Plan to be extended for an additional 1 year;
6. A variance was granted May 28, 2009 to allow the Preliminary Plan to be extended for an additional 1 year;
7. The applicant seeks a third variance for one-year extension, based on unprecedented market conditions.

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.
 - **The request would not be detrimental to the public health, safety and welfare, and not injurious to other surrounding property.**
- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.
 - **The request is based on an economic recession that has slowed new housing starts in Delaware County. While this is not unique to the property, it has essentially halted projects that were in the development process.**
- 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.

- **Not applicable.**

4.) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

- **The zoning development plan is valid through February 11, 2011.**

Staff agrees that this is an unprecedented market, at least when compared to the previous decade. Having received Preliminary Approval in June of 2005 and extending for another year would bring the project's total time period to 6 years. The Subdivision Regulations have established time-periods for the purpose of ensuring that any changes in other regulations (stormwater, zoning, road connectivity) and any surrounding development can be accommodated, if necessary, in a future amendment to the original Preliminary Plan. A number of permits have been approved related to this project and the applicant is likely concerned that allowing the preliminary to "lapse" could impact those approvals. An additional Variance would set a precedent that would suggest that deadlines have no purpose.

It should be noted that expiration of this Preliminary does not impact its current zoning, which is valid until February, 2011.

IV. Staff recommendation

DCRPC staff recommends that the variance request to extend the Preliminary Plan approval until June 2011 for the **Ravines at Meadow Ridge** be denied.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Andrian asked if the applicant were to submit the final plat now would all of the previous approvals still be in affect. Mr. Sanders stated that if they brought in a final plat based on the preliminary, he believes the County Engineer would sign it based on Final engineering. Chairperson Foust questioned whether Final engineering has been approved. Mr. Blayney stated the major issue was the access to the site, which the applicant has worked out with the Army Corps of Engineers. Mr. Blayney said that the County Engineer is currently going through the process of revising the road regulations but does not see any major change that would affect this project.

Chairperson Foust asked Mr. Sedlacek if the Township agreed to construct the proposed road on this plan. Mr. Sedlacek stated that not at this time. It was a future proposal. Mr. Sanders stated the previous report referred to it as a paper right-of-way, which would have to be worked out.

Chairperson Foust read the four criteria for approval of a variance.

Mr. Brown asked if Berlin Township has an automatic revocation (of the development plan approval) in February (2011). How will the applicant's zoning be in jeopardy in February? Mr. Sedlacek stated that in February 2011 their development plan would expire.

Mr. Shoaf made a motion to deny the variance request for Ravines at Meadow Ridge. Mrs. Hough seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Sedlacek, Berlin Twp.). Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

CONSENT AGENDA

Final (none)

V. EXTENSIONS

06-08 Stirling Lakes - Trenton Twp. - 29 lots / 62 acres

Applicant: Webster Building Co.

Engineer: Bryan Lundgren, Hoy Surveying

Preliminary approval: 05/29/08

I. Staff Comments

This project received preliminary approval in May of 2008 which expires in May of 2010. The applicant is requesting a 1-year extension of the Stirling Lakes subdivision due to the current economic conditions. This is the project's first extension.

II. Staff Recommendation

Staff recommends Approval of the 1-year extension for **Stirling Lakes Subdivision** to the DCRPC.

Commission / Public Comments

No one was present to represent the applicant.

Mr. Shoaf made a motion to approve the 1-year extension for Stirling Lakes Subdivision, seconded by Mr. Blayney. VOTE: Unanimously For, 0 Opposed. Motion carried.

19-05 Ravines at Meadow Ridge – Berlin Twp. - 03 lots / 55.90 acres

(see variance report)

Applicant: Village Communities

Engineer: Jennifer Ross, Floyd Browne Group

Preliminary approval: 06/30/05

Previous extensions: 6/29/06 – 12/21/06, 12/21/06 – 06/21/07, 6/28/07 – 12/20/07,
12/20/07 – 06/20/08

Previous variance approvals: 06/26/08 for 1-year extension, 5/28/09 for 1-year extension

I. Staff Comments

The applicant is requesting a 1-year extension of the Ravines at Meadow Ridge Subdivision due to the “unprecedented economic conditions”.

II. Staff Recommendation

Staff recommends denial of the 1-year extension for **Ravines at Meadow Ridge** to the DCRPC.

Commission / Public Comments

Mr. Gunderman made a motion to deny the extension request for Ravines at Meadow Ridge. Mr. Hopper seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. Sedlacek, Berlin Twp.). Motion carried.

VI. OTHER BUSINESS

- **Exempt status of Executive Administrative Assistant position** *(see Exec. Committee minutes page 4)*

Mr. Blayney made a motion to approve the change of status to exempt for the Administrative Assistant position. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- **Office Space** - Mr. Shoaf asked to discuss the issue of office space. Mr. Hanks asked what the Commission was looking for. Chairperson Foust explained that the suggestion was for an automatic 5-year extension at the end of the current 10-year lease with the 5-year extensions that are currently in the lease to continue. This would bring the lease to 2023. Mr. Hanks asked if Mr. Cannon had responded to this request. Chairperson Foust asked if Mr. Cannon has this direction from the Board of Commissioners to come and negotiate with the Executive Committee or is he looking for a deal to bring to the board. Mr. Hanks explained that the discussions are fairly new to him and that he does not have all the details. He explained that the DATA center is growing and needs additional office space. He would be more than happy to take the issue to the Board (of County Commissioners) but would not be able to until Monday. Chairperson Foust stated the offer was to eliminate the initially proposed \$300 per month rent and in return for a 5-year extension. She said that Mr. Cannon is reluctant to even approach the Board with that. Mr. Sanders said Mr. Cannon offered 2 years beyond what we currently have, which would be 5 years from now (to 2015). The Executive Committee asked for 10 years at the end of the current lease but he said no. Then the Committee asked for 5 years and he offered 5 years from today, which is actually only 2 additional years. Mr. Hanks asked what the Commission put into the building renovation. Chairperson Foust estimated about \$250,000.00. (Actual

costs were \$190,288 to Commissioner's, \$11,345 Architect fees, and \$1,095 for additional basement and painting work. These figures do not include furniture expenses or moving costs.) Mr. Blayney asked about changing the extension from 1 to 2 5-year extensions. Mr. Hanks agreed that nothing should be done until after 2013, which is when the current lease is up. Chairperson Foust reminded the Commission that during the 10-year lease the Commissioner's must give the Commission a notice at least 1 year in advance of the end of the lease and during the 5-year terms only a 6-month notice has to be given. Mr. Hanks asked if there is a set-up that the Commissioners have to provide space for the RPC. Chairperson Foust stated yes they did and it was outlined in the DCRPC By-Laws. He asked if it were space that the RPC had to agree to. Mr. Sanders stated that he would hope so, the RPC office was moved several times around the 50 Channing Street location. Chairperson Foust stated the offices were moved three times during her employment and into smaller spaces each time. Mr. Sanders explained that Mr. Cannon was concerned that if the RPC staff grew, then we would kick the DATA center out. Mr. Sanders stated that he believes the Commission may be willing to give some sort of guarantee of a certain amount of shared space. Mr. Hanks said that if everything goes the way he is hoping, the Sheriff is going to build an addition to his facility for administration, which would free up the Wolfe building and maybe the DATA center could move there, or RPC could move down there and DATA center could use 109. He thinks this is just a temporary fix. Mr. Hanks asked for an email outlining the request and he would take it to the Board on Monday. Mr. Brown asked if there was any guarantee for the DATA center to use that space through 2018. Chairperson Foust said she personally feels they could receive the same sort of guarantee that the RPC has in their lease; if business picks up that much and we need you to move, we will give you a 6-month notice. Mr. Hanks asked if the lease could be agreed upon, how soon could the DATA center move in. Chairperson Foust stated the Executive Committee could call a special meeting to sign off on the lease agreement.

VII. POLICY / EDUCATION DISCUSSION

- **2009 Annual Report review** – Mr. Sanders presented the 2009 Annual report. He asked the Commission to review the report and notify him of any errors. The report would soon be available on the website at www.dcrpc.org/DOWNLOADS/annual_reports.htm

Chairperson Foust stated that she felt the report had a lot of good information and had a very professional appearance. She thanked Mr. Sanders for all his hard work on this project.

- **Planning and Zoning Workshop** – the date has been set for the next Planning and Zoning Workshop. It will be Saturday, May 15th at the Frank B. Willis building from 8:30 a.m. – 12:00 p.m. Registrations should be submitted by May 12th.

VIII. RPC STAFF AND MEMBER NEWS

- **Executive Committee elected positions**

2010-2011 *Chairperson: Holly Foust
*2nd Vice-Chair: Lloyd Shoaf

*Vice-Chairperson: Steve Burke
*Member-At-Large: Dick Gladman

Having no further business, Mr. Andrian made a motion to adjourn the meeting at 7:35 p.m. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, May 27, 2010, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant