



# 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\****

**Wednesday, April 27, 2011 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 31, 2011 RPC Minutes
- Executive Committee Minutes of April 20, 2011
- Statement of Policy

### **II. VARIANCES *(none)***

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

- 09-11 ZON Liberty Twp. Zoning Commission – text amendments
- 10-11 ZON Epcon Communities – Genoa Twp. – 7.675 acres from RR to PD-1

### **IV. SUBDIVISION PROJECTS**

<b>Township</b>	<b>Lots/Acres</b>
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Preliminary *(none)*

Preliminary/Final *(none)*

Final *(none)*

**T=TABLED, W=WITHDRAWN**

### **V. EXTENSIONS**

06-09	Orange Centre Drive Extension	Orange	01 lot / 31.13 acres
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### **VI. OTHER BUSINESS**

- Executive Committee member election
- 2010 Annual Report
- 2010 Census information

### **VII. POLICY / EDUCATION DISCUSSION *(none)***

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

**I. ADMINISTRATIVE BUSINESS**

▪ **Call to Order**

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

▪ **Roll Call**

*Representatives:* Jeff George, Rick Sedlacek, Susan Kuba, Ric Irvine, Fred Fowler, Ken O’Brien, Steve Burke, Tiffany Jenkins, Gary Gunderman, Tom Hopper, Joe Clase, Dave Stites, Holly Foust, Hal Clase, Dick Gladman, Bill Thurston, Lloyd Shoaf, Bill Metzler, Bonnie Newland and Mike Dattilo.

*Alternates:* Doug Riedel, Joni Manson, and Earl Lehner. *Arrived after roll call:* Karl Johnson (Alt.). *Staff:* Scott Sanders, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the March 31, 2011 RPC Minutes**

*Mr. Shoaf made a motion to approve the minutes from the March 31<sup>st</sup> meeting. Mr. O’Brien seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

▪ **April 20, 2011 Executive Committee Minutes**

1. **Call to order**

Vice-Chairman Burke called the meeting to order at 8:30 a.m. Present: Steve Burke, Dick Gladman, Lloyd Shoaf and Ken O’Brien. Holly Foust was absent. Staff: Scott Sanders and Stephanie Matlack.

2. **Approval of Executive Committee Minutes from March 23, 2011**

*Mr. Shoaf made a motion to approve the minutes from the last meeting. Mr. Gladman seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Mr. O’Brien). Motion carried.*

3. **New Business**

a. Financial / Activity Reports for March 2011

REGIONAL PLANNING RECEIPTS		March	YTD TOTAL
General Fees (Lot Split)	(4201)		\$820.00
Fees A (Site Review)	(4202)		\$0.00
Insp. Fees (Lot Line Transfer)	(4203)		\$300.00
Membership Fees	(4204)	\$26,871.00	\$233,950.32
Planning Surcharge (Twp. Plan. Assist.)	(4205)		\$678.70
Assoc. Membership	(4206)		
General Sales	(4220)		\$0.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$1,888.00	\$1,888.00
Charges for Serv. B (Final. Appl.)	(4231)	\$688.00	\$688.00
Charges for Serv. C (Ext. Fee)	(4232)	\$150.00	\$150.00
Charges for Serv. D (Table Fee)	(4233)		\$0.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$300.00	\$300.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$1,200.00
<b>OTHER DEPT. RECEIPTS</b>			
Health Dept. Fees	(4242)		\$0.00
Soil & Water Fees	(4243)	\$250.00	\$250.00
<b>MISCELLANEOUS REVENUE</b>			

Other Reimbursements	(4720)		\$124.82
Other Reimbursements A			\$0.00
Other Misc. Revenue (GIS maps)	(4730)	\$167.00	\$410.00
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
<b>TOTAL RECEIPTS</b>		\$30,314.00	\$240,759.84

Balance after receipts **\$302,642.42**  
 Expenditures **- \$ 26,212.02**  
 End of March balance (carry forward) **\$276,430.40**

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

- b. April RPC Preliminary Agenda
  - 1.) Site Review: none for April
  - 2.) Rezoning: 09-11 ZON Liberty Twp. - text amendments, 10-11 ZON Epcon Dev. – Genoa Twp. - 7.675 ac. from RR to PD-1, 11-11 ZON Berlin Twp. Zon. Comm. – text amendment
  - 3.) Variance: none for April
  - 4.) Preliminary: none for April
  - 5.) Extension: Orange Centre Drive Extension- requesting 1 year
- c. Director's Report
  - 1.) Shawnee Hills – continuing work on Comprehensive Plan update
  - 2.) EPA mapping grant – approved and beginning work on improving stream layer mapping
  - 3.) ACHIEVE – participating in this group through the Health Dept., attending paid training in Baltimore, advocate to help prevent chronic illnesses
  - 4.) Membership Dues – still have four Townships that have not paid for their 2011 dues. Sent second notices in March and called this past week. Mr. Sanders will be sending out a follow-up letter, as necessary, this week. [Update: Scioto Township is still unpaid as of today 05/02/11]
- 4. Old Business (none)
- 5. Other Business (none)
- 6. Personnel (none)
- 7. Adjourn –

*Having no further business, Mr. O'Brien made a motion to adjourn the meeting. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next regular Executive Committee meeting will be Wednesday, May 18, 2011 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 (none)

III. ZONING MAP/TEXT AMENDMENTS

09-11 ZON Liberty Twp. Zoning Commission – text amendments

**I. Introduction**

On April 4, 2011, the Liberty Township Board of Trustees initiated amendments to the Zoning Resolution in Article X (Planned Residential District), Article XIV (Planned Commercial District), Article XVII (Planned Industrial District), Article XXVII (Amendments, Zoning Changes).

**II. Description**

The proposed amendments are intended to bring the code into alignment with changes made in 2008 in the Ohio Revised Code regarding amendments to township zoning resolutions. In the existing Liberty Township Zoning Resolution, each Planned district makes a reference to the “unanimous vote” of the Trustees. The resolution also references the unanimous vote in the section on Zoning Amendments. The proposed amendment removes the reference of Trustee votes from the language in each district so that there is a single reference in the Amendments section. This will clear up confusion by describing the zoning procedure in a single location while bringing the code into compliance with the ORC by stating that a majority of Trustees is needed to overturn the decision of the Zoning Commission.

**III. Staff Recommendations**

Staff recommends **Approval** of the text amendments for the Liberty Township Zoning Resolution to the DCRPC, the Liberty Township Zoning Commission and the Liberty Township Trustees.

**Commission / Public Comments**

There were no comments from the public or Commission.

***Mr. Clase made a motion to recommend Approval of the text amendments for the Liberty Township Zoning Resolution. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

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10-11 ZON Epcon Communities – Genoa Twp. – 7.675 acres from RR to PD-1

**I. Request**

The applicant, Epcon Communities, is requesting a 7.675-acre rezoning on land currently zoned Rural Residential to Planned Residential for the development of 35 single-family-style age-restricted condominiums. The development will include a private road which circulates through the property. Two detention basins are located along the entrance at Tussic Street Road. A small gazebo will be built at the edge of one of the basins, along with six parking spaces that will allow access to a small cemetery owned by the township. There is no useable open space or other community facility and the site will be surrounded by a mound with landscaping. A stub is planned to the south as an emergency access road when the extension of Hillegas Farms Drive is completed to Tussic with adjacent development.

Mr. Sanders noted during the meeting that the RPC had reviewed several requests for age-restricted housing over the last year. These developments are needed in every community and are difficult to fairly judge, based

on their lower traffic counts and lower count of school-aged children. However, the density and divergences must be weighed against the need to provide housing for this market.

## **II. Conditions**

**Location:** 6790 Tussic Street Road, Genoa Township

**Present Zoning:** Rural Residential (RR)

**Proposed Zoning:** Planned Residential (PD-1)

**Present Use(s):** single-family residence

**Proposed Use(s):** The Courtyards on Tussic (detached single-family condos)

**Existing Density:** 1 du / 2 acres

**Proposed Density:** 4.56 units / acre

**School District:** Westerville School District

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

**Critical Resources:** none

**Surrounding land uses:** single-family residential

**Soils:** BeA Bennington Silt Loam 0-2% slope

BeB Bennington Silt Loam 2-4% slope

UdB Udorthents

## **III. Issues**

1. The 2009 Genoa Township Comprehensive Plan recommends this site for residential use at a maximum density up to 2.2 units per net developable acre.

**Staff Comment:** The proposal represents a substantial departure from the density recommended in the Comprehensive Plan.

2. Open space: The code requires at least 40% open space throughout the development where the development plan indicates that 42% is provided. The applicant asks for a divergence because the calculation includes the stormwater and aesthetic ponds.

**Staff Comment:** Staff isn't sure a divergence is needed, since detention areas can be used for open space calculation. However, it is difficult to determine whether the 40% is actually being met. Staff is only provided with paper exhibits for most rezonings, but it should be noted that the open space includes a 50' setback from the north and west and a 25' setback from the south, most of which is filled with the landscaping mound. The rest of the open space is detention basins to the east. The noted 42% may include small front lawns between each unit and the street. This allowance does not fulfill the spirit of the open space, since much of it is not useable.

3. Access: The proposed drive is approximately 370 feet from Park Bend Drive to the north. If Hillegas Farms Drive is eventually extended to Tussic Street Road, it will likely be approximately 360 feet south of this drive.

**Staff Comment:** This is a concern, as Tussic Street Road is currently impacted by several individual driveways. This site, along with the parcel to the south, was the subject of a Sketch Plan review in August of 2010. At that time, the conceptual plan indicated a single drive to access the entire area, serving 29 lots and connecting to Hillegas Farms Drive. The County Engineer's office indicated that a Traffic Study would be needed to determine any improvements needed to Tussic. Currently, there is a continuous turn lane but no drop lane for south-bound traffic. The interaction of this condominium drive and the future extension of Hillegas Farms Drive will need to be looked at.

The applicant has supplied a Traffic Access letter that reviews the traffic generation and access locations. The letter states that based on the age-restricted nature of the development, the 35 units are expected to generate fewer than the 100 trips per day required to warrant a traffic impact study. There is some concern that such developments may not always be age-restricted. The zoning commission should ask that the findings of the Traffic Access letter be evaluated by the County Engineer's office.

4. Parking: The PD-1 zoning district does not allow overnight parking on public or private streets.

**Staff Comment:** Although this particular housing product generates fewer cars than the typical single-family development, at this density it is likely that there would be the need for on-street guest parking from time to time. More parking should be provided at a few locations throughout the site.

5. No utility letters are enclosed. The surrounding area is clearly served with all typical utilities and there is sewer service as identified in the Sketch Plan comments by the Sanitary Engineer's office. However, the Zoning Commission should request a letter from the Fire Department with regard to access within the site, as well as building separation issues. (see comment 6 (c) below)

6. Divergences: The applicant is requesting several divergences for this project:

- a.) PD-1 zoning requires a minimum area of 25 acres for the creation of a cohesive planned area.

**Staff Comment:** The site is adjacent to other PD-1 development so this is a reasonable request. However, it contributes to the idea that this is too much development on too little land.

- b.) Maximum density in the zoning resolution is 2.2 units per acre (no reference to net developable acreage). The code will allow up to a maximum of 6 units per net acre, which in this case appears to mean that after open space and other uses are factored out, the remaining area can be developed at a density no greater than 6 units/acre. The proposal is for 4.56 units per acre.

**Staff Comment:** As noted earlier, the Comprehensive Plan is consistent with the PD-1 zoning district in its definition of maximum number of units per acre. This request is twice the allowable density in the Plan and the Zoning Resolution. The density is too high and not consistent with surrounding densities.

- c.) The code requires spacing between buildings of at least eleven (11) feet where the development plan indicates six (6)-foot separation. The development plan shows that at least one side of each building is a solid wall, allowing for a private patio area to the rear of each building.

**Staff Comment:** Structure spacing requirements are common in zoning resolutions for safety and firefighting purposes. Where closer spacing is allowed, there is usually a requirement that the side walls have a higher fire rating or are built as solid walls. There is no specific language in the development plan regarding this issue. The applicant might consider changing the building type, using common-wall duplexes. This, along with lowering the density would allow more spacing between buildings.

- d.) No-build setback of 200 feet is required from the centerline of a major thoroughfare or arterial street to the closest new property line where the development plan states that the first buildings shall be 140 feet from the centerline (there technically is no property line since these are condominiums).

**Staff Comment:** The excessive density is driving this divergence as well. This divergence therefore is unnecessary and not recommended for approval.

#### **IV. Criteria for Approval**

Planned district zoning designations require the following Criteria for Approval:

1. If the proposed development is consistent in all respects with the purpose, intent and general standards of the Genoa Township Zoning Resolution.

**Staff Comment:** As noted in the report, there are numerous divergences requested, signaling the areas where the proposal is not consistent with the standards of the resolution, as well as some of the “rural character” and “useful pattern of open space” statements in the Intent and Purpose section of the PD-1 zoning designation.

2. If the proposed development is in conformity with the Genoa Township Comprehensive Plan.

**Staff Comment:** The residential use generally conforms to the plan, but the density is too high.

3. If the proposed development advances the general welfare of the township and the immediate vicinity.

**Staff Comment:** Perhaps the use does, since the proposal targets a demographic that is a growing population that wishes to remain in (or locate to) the general area. However, there are significant concerns about the density and building separation.

#### **V. Staff Recommendations**

Staff recommends **Denial** of this rezoning case from RR to PD-1 for Epcon Communities to the DCRPC, the Genoa Township Zoning Commission and the Genoa Township Trustees, *based on the numerous divergences requested.*

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

Mr. Joel Rhoades representing EPCON Communities explained that this project would be EPCON's 45<sup>th</sup> development around central Ohio but unique in that the condos would be detached homes. They would be age restricted with 80% 55 or older. They have met with the surrounding neighbors who are all happy with the plan, structure details and projected buffering. There is added parking spaces and gazebo area near the cemetery. EPCON would also grant an easement to the Township for access to the cemetery.

Mr. Gunderman asked if EPCON would consider reducing the number of units due to staff comments. Mr. Rhoades explained that with the current value the land owner is placing on the property it would not be feasible to reduce the number of units. These homes would average \$190,000-\$250,000 per home.

Mr. George asked about the concern with the proximity of the homes to one another and fire protection. Mr. Rhoades explained that one side of the homes have no windows or doors along with a 2 hour fire wall on one side and the back of the units.

Chairwoman Foust asked if the ponds were retention or detention. Mr. Rhoades stated that they would have water in them and have proposed aeration. They would be used for aesthetic purposes as well as storm water detention.

Mr. Sedlacek questioned the parking concern raised by RPC staff. Mr. Rhoades stated that there are 6 spaces provided at the north east corner near the cemetery. There are also 4 spaces per house (2 in the garage and 2 in the driveway), also space between the front garage door and the curb for parking of one car. For this type of development, this is typically adequate.

Chairwoman Foust asked the size of the largest unit. Mr. Rhoades said 2000 sq. ft. If the unit had the bonus suite option it would be 2500 sq. ft. Two bedrooms are standards (three with the bonus suite).

Chairwoman Foust asked the exact distance between buildings taking into consideration any overhangs. Mr. Rhoades stated he estimates 4 feet with a 8”-12” overhang on both sides.

Chairwoman Foust asked if the streets drain to the middle or to the curb? Mr. Rhoades said to the curb.

Chairwoman Foust offered Mr. Clase the opportunity to review Liberty Township’s minutes from discussions they had when EPCON did a similar project. Mr. Rhoades confirmed that Liberty Twp. was very thorough in their discussions.

***Mr. Gunderman made a motion to recommend Denial of the rezoning by EPCON Communities, based on staff comments. Mr. Shoaf seconded the motion. VOTE: Majority for Denial, 1 Opposed to Denial (Mrs. Foust), 1 Abstained (Mr. Clase). Motion carried.***

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#### IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final (none)

#### CONSENT AGENDA

Final (none)

**V. EXTENSIONS**

06-09 Orange Centre Drive Extension – Orange Twp. - 01 lot / 31.13 acres

**Applicant:** JLP Orange LLC

**Contact:** Andrew Chrien, Paragon Consultants

**Preliminary approval:** 04/30/09

**I. Staff Comments**

The applicant is requesting a 12-month extension of the Orange Centre Drive Extension Preliminary approval due to current economic conditions.

**II. Staff Recommendation**

Staff recommends *Approval* of a 12-month extension for **Orange Centre Drive Extension** to the DCRPC.

**Commission / Public Comments**

Mr. Andrew Chrien was present to represent the applicant.

*Mr. Shoaf made a motion to recommend the 12-month extension for Orange Centre Drive Extension. Mr. O'Brien seconded the motion. VOTE: Unanimously For, 0 Opposed, 1 Abstained (Mr. Gladman). Motion carried.*

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**VI. OTHER BUSINESS**

- Executive Committee member election

*Mr. Clase explained that the Nominating Committee would be happy to nominate the prior officers to another year on the Executive Committee. Mr. Gunderman seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*Mr. Clase made a motion to close the nominations. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

*Mr. Clase made a motion to appoint Holly Foust, Dick Gladman, Lloyd Shoaf and Steve Burke to the Executive Committee. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

- 2010 Annual Report – <http://www.dcrpc.org/files/AnnRep2010.pdf>

Mr. Sanders presented the Commission with the 2010 Annual Report. He explained that there were a few copies at the meeting but in order to conserve paper, the agenda listed the location on the RPC's website where it could be downloaded. He explained that this year will mark the RPC's 50<sup>th</sup> year (Oct. 12, 1961 organizational meeting).

- New **2010 Census** information has been added to the DCRPC website, with individual community profiles for each jurisdiction and population figures from 1960-2010.  
<http://www.dcrpc.org/RESOURCES/demographics.htm>

**VII. POLICY / EDUCATION DISCUSSION** *(none)*

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

*Having no further business, 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.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday, May 26, 2011, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.*

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*Holly Foust, Chairperson*

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*Stephanie Matlack, Executive Administrative Assistant*